

R E S O L U T I O N
NUMBER 2025-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA AUTHORIZING AND DIRECTING THE ACQUISITION OF PARCEL HVR-108, HVR-701, AND HVR-802 BY ANY LEGAL MEANS, FOR THE CONSTRUCTION OF ROADWAY AND/OR ROADWAY IMPROVEMENTS IN CONNECTION TO THE HARBORVIEW ROAD WIDENING PROJECT AND TO INCLUDE LANDS NECESSARY FOR ASSOCIATED STORMWATER TREATMENT FACILITIES.

RECITALS

WHEREAS, the improvement of vehicular traffic conditions on roads in Charlotte County, Florida ("County") is a matter of great importance to the County and its citizens; and

WHEREAS, the improvement of Harborview Road in the Harborview Road Widening Project ("Project") is a matter of public safety, particularly in and around the developed residential areas within the Project area, and is a matter of great importance to the County and its citizens; and

WHEREAS, to construct this Project, it is necessary for the County to acquire additional right-of-way and easement interests; and

WHEREAS, the County has located its area of construction and has caused a conceptual right-of-way map to be prepared for the Project, that identifies those areas needed for the Project known to be reasonably necessary for the stated public purpose; and

WHEREAS, Section 127.02, Florida Statutes, allows the County's Board of County Commissioners ("Board") to authorize by resolution the acquisition of interests in real property by condemnation proceedings for any County purpose; and

WHEREAS, Chapters 73 and 74, Florida Statutes, set forth the procedure whereby the County may exercise the power of eminent domain; and

WHEREAS, the fee simple interest in Parcel HVR-108, a temporary construction easement in Parcel HVR-701, and a perpetual easement in Parcel HVR-802 identified in **Exhibit "A"**, attached hereto and by reference made a part hereof, is required for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. That it is necessary, serves a County and public purpose, and is in the best interest of the County that Parcels HVR-108, HVR-701, and HVR-802 described in **Exhibit "A"**, be acquired by the County for the Project.

2. That the temporary construction easement identified as Parcel HVR-701 will be bound by the Consolidated Term Sheet for Temporary Construction Easements Necessary for the Construction of Road Widening Improvements to Harborview Road described in **Exhibit "B"**, attached hereto, incorporated by reference, and made a part hereof.

3. That the perpetual easement identified as Parcel HVR-802 will be bound by the Consolidated Term Sheet for Perpetual Easements Necessary for the Construction of Road Widening Improvements to Harborview Road described in **Exhibit "C"**, attached hereto, incorporated by reference, and made a part hereof.

4. That before deciding to exercise its discretion to acquire the above referenced property, the Board has weighed and considered:

- a. the possibility of any alternative route/design;
- b. the cost associated with the Project;

- c. environmental factors; and
- d. planning and safety considerations.

5. That the Real Estate Services Manager, or his designee, or the County Attorney, or her designee, are:

- a. authorized to negotiate for the acquisition of any such parcels or easements by any legal means;
- b. authorized to pay for title work, appraisal services, usual and customary closing costs, and the County's legal services;
- c. authorized to request funds from the Clerk of Court and conclude closing transactions; and
- d. required to maintain current records with all associated documentation on each parcel and transaction.

6. That for any parcel for which an agreement cannot be reached between the parties, the County Attorney, or her designee, is authorized and directed to institute a suit in the name of the County in the exercise of its power of eminent domain for the acquisition of such necessary estates in said parcel of land including, but not limited to, easements and fee simple interest, and is further authorized and directed to do all things necessary to prosecute such suit to final judgment as authorized by F.S. 73, 74, 127.01, 337.27 and 337.274. Further, the County Attorney, or her designee, is authorized to sign and file a Declaration of Taking so that the County may utilize the procedures of Chapter 74, Florida Statutes, and is further authorized to accomplish the acquisition in accordance with the terms, limitations and conditions established by the Board.

(SIGNATURE PAGE FOLLOWS)

PASSED AND DULY adopted this 14th day of October, 2025.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Joseph M. Tiseo, Chairman

ATTEST:

Roger D. Eaton, Clerk of the Circuit
Court and Ex-Officio Clerk to the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR25-0933

Attachments:

- Exhibit A** – Legal Descriptions of Parcel HVR-108, HVR-701, and HVR-802
- Exhibit B** – Consolidated Term Sheet for Temporary Construction Easements
- Exhibit C** – Consolidated Term Sheet for Perpetual Easements

PARCEL HVR-108 – Partial Fee Take - Road Right-of-Way

LEGAL DESCRIPTION

That portion of the northwest 1/4 of Section 30, Township 40 South, Range 23 East, Charlotte County, Florida.

Being described as follows:

Commence at the southwest corner of the northwest 1/4 of said Section 30; thence along the west line of said Section 30, South 00°09'22" West a distance of 7.77 feet to the survey baseline of County Road 776 (Harborview Road) and to the beginning of a curve having a radius of 2,864.79 feet; thence along said survey baseline the arc of said curve to the right a distance of 210.98 feet through a central angle of 04°13'11" with a chord bearing North 88°49'28" East and a chord distance of 210.93 feet to the end of said curve; thence continue along said survey baseline South 89°03'57" East a distance of 446.57 feet; thence North 00°13'44" East a distance of 40.00 feet to the north existing right of way line of said County Road 776 (per Section 01560-2601) for a POINT OF BEGINNING; thence North 00°13'44" East a distance of 42.42 feet; thence North 89°54'11" East a distance of 53.73 feet; thence South 89°38'06" East a distance of 26.37 feet; thence North 17°00'16" West a distance of 10.48 feet; thence North 13°02'33" West a distance of 50.27 feet to the beginning of a curve having a radius of 115.00 feet; thence along the arc of said curve to the right a distance of 88.39 feet through a central angle of 44°02'25" with a chord bearing North 08°58'40" East and a chord distance of 86.23 feet to the end of said curve; thence North 32°17'38" East a distance of 54.05 feet; thence North 28°56'27" East a distance of 45.59 feet; thence North 24°34'10" East a distance of 49.03 feet; thence South 89°35'10" East a distance of 61.31 feet; thence South 00°24'50" West a distance of 66.67 feet; thence South 89°03'57" East a distance of 4.94 feet; thence South 00°05'51" East a distance of 213.97 feet; thence South 89°51'41" East a distance of 33.15 feet; thence South 00°24'50" West a distance of 39.52 feet to said north existing right of way line; thence along said north existing right of way line North 89°03'57" West a distance of 249.66 feet to the POINT OF BEGINNING.

Containing 1.025 acres

PARCEL HVR-701A – Temporary Construction Easement

LEGAL DESCRIPTION

That portion of the northwest 1/4 of Section 30, Township 40 South, Range 23 East, Charlotte County, Florida.

Being described as follows:

Commence at the southwest corner of the northwest 1/4 of said Section 30; thence along the west line of said Section 30, South 00°09'22" West a distance of 7.77 feet to the survey baseline of County Road 776 (Harborview Road) and to the beginning of a curve having a radius of 2,864.79 feet; thence along said survey baseline the arc of said curve to the right a distance of 210.98 feet through a central angle of 04°13'11" with a chord bearing North 88°49'28" East and a chord distance of 210.93 feet to the end of said curve; thence continue along said survey baseline South 89°03'57" East a distance of 507.99 feet; thence North 00°56'03" East a distance of 83.47 feet for a POINT OF BEGINNING; thence North 13°06'13" West a distance of 31.31 feet; thence North 67°15'14" East a distance of 16.72 feet; thence South 13°02'33" East a distance of 27.77 feet; thence South 17°00'16" East a distance of 10.48 feet; thence North 89°38'06" West a distance of 17.65 feet to the POINT OF BEGINNING.

Containing 575 square feet

AND

PARCEL HVR-802 – Perpetual Easement

LEGAL DESCRIPTION

That portion of the northwest 1/4 of Section 30, Township 40 South, Range 23 East, Charlotte County, Florida.

Being described as follows:

Commence at the southwest corner of the northwest 1/4 of said Section 30; thence along the west line of said Section 30, South 00°09'22" West a distance of 7.77 feet to the survey baseline of County Road 776 (Harborview Road) and to the beginning of a curve having a radius of 2,864.79 feet; thence along said survey baseline the arc of said curve to the right a distance of 210.98 feet through a central angle of 04°13'11" with a chord bearing North 88°49'28" East and a chord distance of 210.93 feet to the end of said curve; thence continue along said survey baseline South 89°03'57" East a distance of 662.24 feet; thence North 00°56'03" East a distance of 79.06 feet for a POINT OF BEGINNING; thence North 00°05'51" West a distance of 67.25 feet; thence South 86°57'43" East a distance of 33.78 feet; thence South 00°24'50" West a distance of 65.54 feet; thence North 89°51'41" West a distance of 33.15 feet to the POINT OF BEGINNING.

Containing 2,220 square feet

**CONSOLIDATED TERM SHEET
FOR TEMPORARY CONSTRUCTION EASEMENTS
NECESSARY FOR THE CONSTRUCTION OF ROAD WIDENING IMPROVEMENTS
TO HARBORVIEW ROAD**

The scope and intended use of the temporary construction easements for the Harborview Road Widening Project are as follows:

1. The Temporary Construction Easement interests and rights to be acquired by the Board are exclusive temporary construction easements, over, above, across, through and under the owners' property as set forth in the Resolution of Necessity for the purpose of re-grading the slope of the remainder adjacent properties to harmonize the grade and tie down slopes with the elevation of the proposed road improvements as shown in the Project Construction Plans, which temporary easement rights shall extend to the Board's agents, employees, representatives, licensees, invitees or such other persons or entities as the Board deems necessary. Such construction activities, more particularly set forth in the Project Construction Plans also include, but are not limited to, providing vehicular, equipment and pedestrian access to the area of excavation and removing vegetation, structures or fences on the temporary construction easement property as well as:

a. During construction activity, the Board and its agents shall have the right to construct, relocate, maintain and replace fencing on the temporary construction easement property.

b. During construction activity, the Board and its agents shall not unreasonably restrict ingress or egress of the owners' property abutting the temporary construction easement property and shall provide reasonable ingress and egress across the temporary construction property for the use of the owner.

c. After completion of the construction activity, the Board and its agents will remove all construction equipment and unused materials and will grade the temporary construction easement property and other areas, if any, that were disturbed by the construction operations. Subject to the Board's and its agents' rights hereunder and to the extent not inconsistent with therewith, the Board will restore the surface of all disturbed areas of the temporary construction easement property to original contour and condition, as near as is reasonably practical.

d. The Temporary Construction Easement is a temporary, exclusive easement. The start date of the temporary construction easement shall begin and commence on the date of deposit into the Court Registry pursuant to Section 74.061 Fla. Stat. (effective date). The duration shall cease and terminate, and all rights, title and interest hereby acquired shall revert to the owner(s) or their successors and assigns upon the later date of: (i) ten (10) years from the effective date or (ii) the recording of a certificate of completion of construction of the Harborview Road Widening Project by the Board or its agents.

2. The owner(s) retain the right and may continue to use the temporary construction easements for any lawful purposes that do not directly interfere with the construction activities for the Harborview Road Widening Project.

**CONSOLIDATED TERM SHEET FOR PERPETUAL EASEMENTS FOR
DRAINAGE AND UNDERGROUND UTILITIES FOR THE CONSTRUCTION,
REPAIR AND MAINTENANCE OF ROAD IMPROVEMENTS NECESSARY
FOR THE CONSTRUCTION OF ROAD WIDENING IMPROVEMENTS TO
HARBORVIEW ROAD**

The scope and intended use of the perpetual easements are for drainage and underground utility easements for the Harborview Road Widening Project are as follows:

1. The perpetual easement interests to be acquired by the Board are permanent and perpetual, exclusive easements, over, above, across, through and under the owners' property as set forth in the Resolution of Necessity and incorporated herein which easement rights shall extend to the Board's agents, employees, representatives, licensees, invitees of the County's Project Contractor, as well as the following:

- a. The Board shall have the perpetual right, privilege and easement for and to construct, install, operate, maintain, replace, inspect, patrol, test, repair, remove and upgrade storm water drainage and storm water retention facilities, including the installation of yard drains below ground, and ancillary equipment for the purpose of facilitating the movement and retention of storm water over, above, across, through and under the easement property as more particularly described in the Harborview Road Widening Segment I, from Melborne Street to Coconut Street, Project Construction Plans, ("Project Construction Plans").
- b. The Board shall have the right of ingress to and egress from the easement property by means of adjacent public or private roadways, easements or rights-of-way owned or held or lawfully available to the Board and its agents, including any other property over which the Board has access rights.
- c. The Board shall have the right to excavate and refill ditches and trenches for the location of the storm water retention and drainage facilities and further, the right to remove fences, bushes, trees, undergrowth, structures and any other obstructions interfering with the location, construction, operation, maintenance, repair, upgrade and replacement of the foregoing storm water facilities as more particularly described in the Project Construction Plans.
- d. The Board shall have the right, but not the obligation, from time to time, to re-clear the easement property by cutting and removing from there, trees, brush and other obstructions that may, in the reasonable judgment of the Board or its agents, that would injure, endanger or interfere with the use of the easement property. Periodic maintenance of the infrastructure improvements will be on an as needed basis.
- e. The Board shall not unreasonably restrict ingress and egress to the owners' property abutting the easement property and shall provide reasonable ingress

and egress across the easement property for the use of the owners. Notwithstanding the foregoing the Board and its agents shall be permitted to restrict ingress or egress to the property abutting the easement property for safety purposes in the reasonable discretion of the Board's agents during construction activities.

- f. After completion of construction activities, the Board and its agents will remove all construction equipment and unused materials. Any re-landscaping by the fee owner must meet all current county rules and regulations in effect at that time.

2. The perpetual utility easement interest to be acquired by the Board are permanent and perpetual, exclusive easements, over, above, across, through and under the owners' property as set forth in the Resolutions of Necessity adopted by the Board and incorporated herein which permanent utility easement rights shall extend to the Board's agents, employees, representatives, licensees, invitees or such other persons or entities as the Board deems necessary:

- a. The Board shall have the perpetual right, privilege and easement for and to construct, install, operate, maintain, replace, inspect, control, test, repair, remove and upgrade, potable water and reuse lines and gravity sanitary sewer line, including an above ground backflow preventer, which shall be used to distribute and move potable water, sanitary sewer, and reuse water through and under the easement property.
- b. The Board shall have the right of ingress to and egress from the easement property by means of adjacent public or private roadways, easements or rights of way owned or held of lawfully available to the Board and its agents, including any other property over which the Board has access rights.
- c. The Board shall have the right to excavate and refill ditches and trenches for the location of potable water, sanitary sewer and reuse facilities and further the right to remove fences, bushes, trees, undergrowth, structures and any other obstructions interfering with the location, construction, operation, maintenance, repair, upgrade and replacement of the foregoing water and sewer facilities as more particularly described in the Project Construction Plans.
- d. The Board shall have the right, but not the obligation, from time to time, to re-clear the easement property by cutting and removing from there, trees, brush and other obstructions that may, in the reasonable judgment of the Board or its agents, that would injure, endanger or interfere with the use of the easement property. Periodic maintenance will be minimal and on an as needed basis.

- e. The Board shall not unreasonably restrict ingress and egress to the owners' property abutting the easement property and shall provide reasonable ingress and egress across the easement property for the use of the owners. Notwithstanding the foregoing the Board and its agents shall be permitted to restrict ingress or egress to the property abutting the easement property for safety purposes in the reasonable discretion of the Board's agents during construction activities.
 - f. After completion of construction activities, the Board and its agents will remove all construction equipment and unused materials. Any re-landscaping by the fee owner must meet all current county rules and regulations in effect at that time.
3. The owner(s) retain the right and may continue to use the perpetual easements for any lawful purposes that do not directly interfere with the perpetual easements herein.