

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-137 AND HVR-803 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-137 and a perpetual easement in Parcel HVR-803 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-137 and HVR-803 described in **Exhibit "A"**, be acquired by the County for the Project.

2. That the perpetual easement identified as Parcel HVR-803 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 "B"**, attached hereto, incorporated by reference, and made a part hereof.

3. 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.

4. 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.

5. 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.

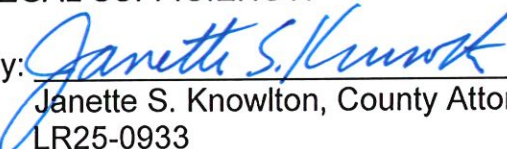
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

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, County Attorney
LR25-0933

Attachments:

Exhibit A – Legal Descriptions of Parcel HVR-137 and HVR-803

Exhibit B – Consolidated Term Sheet for Perpetual Easements

PARCEL HVR-137 – Partial Fee Take – Right of Way

LEGAL DESCRIPTION

That portion of the northeast 1/4 of Section 30, Township 40 South, Range 23 East, and that portion of an unimproved road, William Curry's Addition to Hickory Bluff, a subdivision lying in Section 30, Township 40 South, Range 23 East, as per plat thereof recorded in Official Records Plat Book 1, Page 21, Public Records of Charlotte County, Florida.

Being described as follows:

Commence at the northwest corner of the northeast 1/4 of said Section 30; thence along the west line of said northeast 1/4, South 00°16'54" West a distance of 1,687.54 feet to the survey baseline of County Road 776 (Harborview Road); thence along said survey baseline North 52°57'50" East a distance of 837.71 feet; thence South 00°44'12" West a distance of 50.60 feet to the south existing right of way line of said County Road 776 (per Section 01560-2601) for a POINT OF BEGINNING; thence along said south existing right of way line North 52°57'50" East a distance of 536.27 feet to the beginning of a curve having a radius of 1,105.92 feet; thence continue along said south existing right of way line the arc of said curve to the right a distance of 92.71 feet through a central angle of 04°48'12" with a chord bearing North 55°21'56" East and a chord distance of 92.68 feet to the end of said curve; thence South 22°20'31" East a distance of 41.17 feet to the beginning of a curve having a radius of 1,270.02 feet; thence along the arc of said curve to the left a distance of 7.55 feet through a central angle of 00°20'26" with a chord bearing South 59°03'54" West and a chord distance of 7.55 feet to the end of said curve; thence North 31°06'19" West a distance of 20.89 feet to the beginning of a curve having a radius of 1,290.91 feet; thence along the arc of said curve to the left a distance of 138.88 feet through a central angle of 06°09'50" with a chord bearing South 55°48'46" West and a chord distance of 138.81 feet to the end of said curve; thence South 52°44'48" West a distance of 502.91 feet; thence North 00°44'12" East a distance of 21.68 feet to said south existing right of way line; thence along said south existing right of way line North 52°57'50" East a distance of 15.18 feet to the POINT OF BEGINNING.

Containing 10,825 square feet.

PARCEL HVR-803 – Perpetual Easement

LEGAL DESCRIPTION

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

Being described as follows:

Commence at the northwest corner of the northeast 1/4 of said Section 30; thence along the west line of said northeast 1/4, South 00°16'54" West a distance of 1,687.54 feet to the survey baseline of County Road 776 (Harborview Road); thence along said survey baseline North 52°57'50" East a distance of 838.54 feet; thence South 37°02'10" East a distance of 56.91 feet for a POINT OF BEGINNING; thence North 52°44'48" East a distance of 88.34 feet; thence South 10°25'07" West a distance of 11.09 feet; thence South 12°19'08" East a distance of 50.88 feet; thence South 77°40'52" West a distance of 59.42 feet; thence North 12°19'08" West a distance of 16.43 feet; thence North 77°54'22" West a distance of 18.01 feet to the POINT OF BEGINNING.

Containing 2,833 square feet.

**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.