

R E S O L U T I O N
N U M B E R 2025-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA AUTHORIZING AND DIRECTING THE ACQUISITION OF CERTAIN REAL PROPERTY AND/OR EASEMENT INTEREST IN PARCEL 402103101001 BY ANY LEGAL MEANS, FOR THE CONSTRUCTION OF THE HILLSBOROUGH BOULEVARD/CRANBERRY BOULEVARD INTERSECTION IMPROVEMENTS PROJECT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR FINDINGS AND PUBLIC NECESSITY; PROVIDING FOR TERMS FOR TEMPORARY CONSTRUCTION EASEMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

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

WHEREAS, the improvement of the Hillsborough Boulevard/Cranberry Boulevard Intersection Improvements Project (the "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, as more particularly described in **Exhibits "A" and "B"** attached hereto and incorporated herein; and

WHEREAS, on or about March 24, 2020, the Board and the City of North Port, Florida (the "City"), entered into an Interlocal Agreement Between the City of North Port,

Florida and Charlotte County for design, engineering, and permitting of the Project, together with amendments, under which the City undertook design and permitting and the parties agreed to share costs; and

WHEREAS, the City located the area of construction and prepared a conceptual right-of-way map and related design documents that identify the property interests reasonably necessary for the stated public purpose, and the County has reviewed and concurs that such interests are the minimum interests necessary to complete the Project; and

WHEREAS, Section 127.02, Florida Statutes, allows the Board to authorize by resolution the acquisition of interests in real property by condemnation proceedings for County public purposes; 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 Board desires to acquire certain easement interests required in furtherance of the Project and has determined that those interests are for a valid public purpose; and

WHEREAS, the Board further desires to define the scope and intended use of the temporary construction easements required for the Project; and

WHEREAS, Florida Statutes Chapters 73 and 74 and Florida Statute Section 127.02, authorize Charlotte County to exercise the power of eminent domain as provided by law for the condemnation of private property for public use, and to acquire title to such interests in real property as is necessary to the exercise and accomplishment of the stated public purposes in the foregoing Resolution; and

WHEREAS, certain easement interests in the parcel identified in **Exhibit "A"**, attached hereto and by reference made a part hereof, are required for the Project.

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

1. That acquisition of an easement interest in Parcel 402103101001 described as **Exhibit "A"**, attached hereto, incorporated by reference, and made a part hereof, is necessary, serves a County and public purpose, and is in the best interest of the County to allow for construction and completion of the Project.

2. The temporary construction easement identified as Parcel 402103101001 will be bound by the Consolidated Term Sheet for Temporary Construction Easements Necessary for the Construction of the Hillsborough Boulevard Cranberry Boulevard Intersection Improvements described in **Exhibit "B"**, which is attached hereto, incorporated by reference, and made a part hereof.

3. 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. 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 Chapters 73, and 74, and §§ 127.01, 337.27 and 337.274, Florida Statutes. 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 25th day of November, 2025.

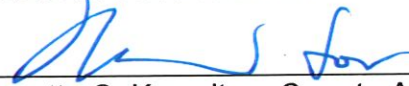
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

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
LR25-1107

Attachments:

Exhibit A – Legal Descriptions of Parcel 402103101001

Exhibit B – Consolidated Term Sheet for Temporary Construction Easements

Exhibit "A"

10' TEMPORARY EASEMENT

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 21 EAST, CHARLOTTE COUNTY, FLORIDA, LYING WITHIN THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE SOUTH 89° 46' 23" EAST ALONG THE NORTH LINE OF NORTHWEST QUARTER OF SAID SECTION, A DISTANCE OF 506.06 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH CRANBERRY BOULEVARD PER PLAT BOOK 11, PAGE 30, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID WEST RIGHT OF WAY SOUTH 38° 22' 35" WEST A DISTANCE OF 158.88 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 41 PER FDOT SECTION MAP 17010-2505; THENCE ALONG SAID NORTH RIGHT OF WAY NORTH 51° 38' 49" WEST A DISTANCE OF 10.00 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE NORTH 38° 22' 35" EAST A DISTANCE OF 151.03 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 3; THENCE ALONG NORTH LINE OF SECTION 3 SOUTH 89° 46' 23" EAST A DISTANCE OF 12.72 FEET TO THE POINT OF BEGINNING.

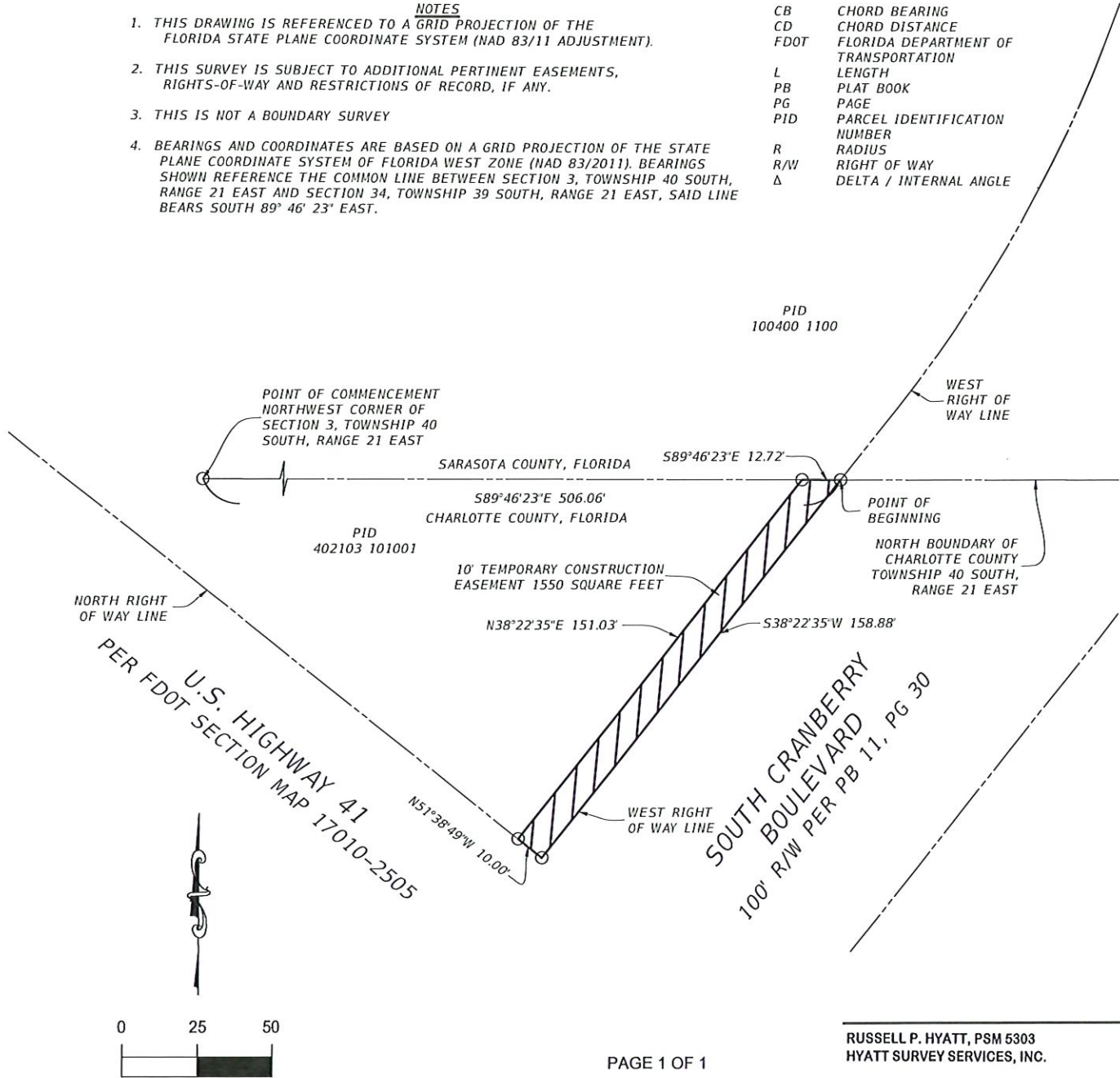
CONTAINING 1550 SQUARE FEET OR 0.03558 ACRES MORE OR LESS.

NOTES

1. THIS DRAWING IS REFERENCED TO A GRID PROJECTION OF THE FLORIDA STATE PLANE COORDINATE SYSTEM (NAD 83/11 ADJUSTMENT).
2. THIS SURVEY IS SUBJECT TO ADDITIONAL PERTINENT EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.
3. THIS IS NOT A BOUNDARY SURVEY
4. BEARINGS AND COORDINATES ARE BASED ON A GRID PROJECTION OF THE STATE PLANE COORDINATE SYSTEM OF FLORIDA WEST ZONE (NAD 83/2011). BEARINGS SHOWN REFERENCE THE COMMON LINE BETWEEN SECTION 3, TOWNSHIP 40 SOUTH, RANGE 21 EAST AND SECTION 34, TOWNSHIP 39 SOUTH, RANGE 21 EAST, SAID LINE BEARS SOUTH 89° 46' 23" EAST.

LEGEND

CB	CHORD BEARING
CD	CHORD DISTANCE
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
L	LENGTH
PB	PLAT BOOK
PG	PAGE
PID	PARCEL IDENTIFICATION NUMBER
R	RADIUS
R/W	RIGHT OF WAY
Δ	DELTA / INTERNAL ANGLE



PAGE 1 OF 1

RUSSELL P. HYATT, PSM 5303
HYATT SURVEY SERVICES, INC.

Hyatt Survey Services, Inc.

Geographic Data Specialists LB No. 7203
2012 Lena Road Bradenton, Florida 34211

Phone: (941) 748-4693

TEMPORARY CONSTRUCTION EASEMENT

PID 402103 101001

CHARLOTTE COUNTY, FLORIDA

SECTION 3 TOWNSHIP 40 S RANGE 21 E

DRAWN: DR

DATE: 03/2023

SCALE: 1" = 50'

CHARLOTTE COUNTY, FLORIDA

CHECKED: RH

PROJECT NUMBER: 22-2724

**CONSOLIDATED TERM SHEET
FOR TEMPORARY CONSTRUCTION EASEMENTS
NECESSARY FOR THE CONSTRUCTION OF ROAD WIDENING
IMPROVEMENTS TO HILLSBOROUGH BOULEVARD/CRANBERRY
BOULEVARD**

The scope and intended use of the temporary construction easements for the Hillsborough Boulevard/Cranberry Boulevard Intersection Improvements 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 sod, a portion of the sidewalk, and a bench, if disturbed, 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 Hillsborough Boulevard/Cranberry Boulevard Intersection Improvements 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 Hillsborough Boulevard/Cranberry Boulevard Intersection Improvements Project.

PASSED AND DULY adopted at Charlotte County, Florida, this ____ day of _____, 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