

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-119 AND HVR-707 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-119 and a temporary construction easement in Parcel HVR-707 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. It is necessary, serves a County and public purpose, and is in the best interest of the County that Parcels HVR-119 and HVR-707 described in **Exhibit "A"**, be acquired by the County for the Project.

2. The temporary construction easement identified as Parcel HVR-707 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. 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 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 22nd day of April, 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
LR25-0229

Attachments:

Exhibit A – Legal Descriptions of Parcel HVR-119 and HVR-707

Exhibit B – Consolidated Term Sheet for Temporary Construction Easements

EXHIBIT "A"

PARCEL HVR-119 – Partial Fee Take – Right of Way

LEGAL DESCRIPTION:

That portion of Simmons Addition to Charlotte Harbor (vacated per Official Records Book 565, Page 68, Public Records of Charlotte County, Florida), a subdivision lying in Section 30, Township 40 South, Range 23 East, as per plat thereof recorded in Official Records Plat Book 1, Page 2, Public Records of Charlotte County, Florida.

Being described as follows:

Commence at the northeast corner of the northwest 1/4 of said Section 30; thence along the east line of said northwest 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 South 52°57'50" West a distance of 577.98 feet; thence North 00°16'40" East a distance of 50.29 feet to the north existing right of way line of said County Road 776 (per Section 01560-2601) and to a point on the west line of said Simmons Addition to Charlotte Harbor for a POINT OF BEGINNING; thence along said west line continue North 00°16'40" East a distance of 25.20 feet; thence North 52°44'48" East a distance of 157.39 feet; thence South 19°43'50" East a distance of 21.62 feet to said north existing right of way line; thence along said north existing right of way line South 52°57'50" West a distance of 166.24 feet to the POINT OF BEGINNING.

Containing 3,288 square feet

AND

PARCEL HVR-707 – Temporary Construction Easement

That portion of Simmons Addition to Charlotte Harbor (vacated per Official Records Book 565, Page 68, Public Records of Charlotte County, Florida), a subdivision lying in Section 30, Township 40 South, Range 23 East, as per plat thereof recorded in Official Records Plat Book 1, Page 2, Public Records of Charlotte County, Florida.

Being described as follows:

Commence at the northeast corner of the northwest 1/4 of said Section 30; thence along the east line of said northwest 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 South 52°57'50" West a distance of 412.97 feet; thence North 37°02'10" West a distance of 60.49 feet for a POINT OF BEGINNING; thence North 37°15'12" West a distance of 12.74 feet; thence North 52°44'48" East a distance of 30.13 feet; thence South 37°15'12" East a distance of 12.74 feet; thence South 52°44'48" West a distance of 30.13 feet to the POINT OF BEGINNING.

Containing 384 square feet

Property Account Nos: 402330182006

**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.