

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-106 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-106 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 Parcel HVR-106 described in **Exhibit "A"**, be acquired by the County for the Project.

2. 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.

3. 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.

4. 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 Description of Parcel HVR-106

EXHIBIT "A"

PARCEL HVR-106 – Partial Fee Take - Road Right-of-Way

LEGAL DESCRIPTION:

Those portions of Lots 1 thru 5, Block 1 and that portion of a 20' strip of land south and adjacent to said Lots 1 thru 5, Revised Plat of Bay View, a subdivision lying in Section 30, Township 40 South, Range 23 East, as per plat thereof recorded in Official Records Plat Book 2, Page 36, Public Records of Charlotte County, Florida.

Being described as follows:

Commence at the southwest corner of the northwest 1/4 of said Section 30, said corner also being the northwest corner of the southwest 1/4 of said Section 30; thence along the west line of said southwest 1/4, 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 47.80 feet; thence North 00°07'31" East a distance of 80.00 feet to a point on the west line of said Lot 1 and to the intersection of the east existing right of way line of Cortez Drive (per said plat) and the north existing right of way line of said County Road 776 (per Section 01560-2601) for a POINT OF BEGINNING; thence South 55°51'57" East a distance of 38.78 feet; thence South 89°03'57" East a distance of 194.60 feet; thence North 41°12'31" East a distance of 28.07 feet; thence North 00°05'49" West a distance of 42.08 feet; thence North 89°54'11" East a distance of 3.95 feet to the east line of said Lot 5 and the west existing right of way line of De Leon Drive (per said plat); thence along said east line and said west existing right of way line South 00°13'44" West a distance of 82.33 feet to said north existing right of way line of County Road 776; thence along said north existing right of way line North 89°03'57" West a distance of 222.17 feet; thence continue along said north existing right of way line North 33°19'05" West a distance of 48.39 feet to the POINT OF BEGINNING.

Containing 4,915 square feet

Property Account No: 402330155011