

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

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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA AUTHORIZING AND DIRECTING THE ACQUISITION OF PARCEL HVR-136A AND HVR-136B 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-136A and HVR-136B 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-136A and HVR-136B 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 22<sup>nd</sup> 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, County Attorney  
LR25-0229

Attachments:  
Exhibit A – Legal Descriptions of Parcel HVR-136A and HVR-136B

## EXHIBIT "A"

### **PARCEL HVR-136A – Partial Fee Take – Right of Way**

#### **LEGAL DESCRIPTION:**

Those portions of Lots 4, 5, 6, 9, 10 and 11, Block 4, 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 465.59 feet; thence South 37°02'10" East a distance of 40.00 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 266.46 feet; thence continue along said south existing right of way line South 46°38'58" East a distance of 19.06 feet; thence South 52°44'48" West a distance of 300.81 feet to said south existing right of way line; thence along said south existing right or way line North 20°22'06" East a distance of 36.99 feet to the POINT OF BEGINNING.

Containing 5,483 square feet.

### **PARCEL HVR-136B – Partial Fee Take – Right of Way**

#### **LEGAL DESCRIPTION:**

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 792.93 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 29.60 feet; thence South 00°44'12" West a distance of 23.57 feet; thence South 52°44'48" West a distance of 29.69 feet; thence North 00°44'12" East a distance of 23.71 feet to the POINT OF BEGINNING.

Containing 553 square feet.

Property Account Nos: 402330251004