

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-110 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-110 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-110 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, County Attorney
LR25-0229

Attachments:

Exhibit A – Legal Description of Parcel HVR-110

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PARCEL HVR-110 – FULL FEE TAKE – Retention Pond

LEGAL DESCRIPTION:

A parcel of land lying in the Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 30, Township 40 South, Range 23 East, Charlotte County, Florida and also being a portion of that property as described in Official Records Book 459 page 556, of the Public Records of Charlotte County, Florida. Said parcel more particularly described as follows:

Commence at the Northeast corner of Southwest 1/4 of the Northwest 1/4 of said Section 30; thence run Westerly along the North line of Manor Oaks Subdivision as recorded in Plat Book 7 page 13, of the Public Records of Charlotte County, Florida 328.95 feet to the West line of said Manor Oaks; thence run Southerly along the said West line of Manor Oaks 1,165.00 feet to the Southwest corner of said Manor Oaks; thence continue Southerly along an extension of the said West line of Manor Oaks 192.35 feet to the Northerly right of way of Harborview Road; thence run South 89° 04' 48" East along said right of way 50.00 feet to the Point of Beginning; thence continue South 89° 04' 48" East along said right of way 74.88 feet to the P.C. of a curve to the left having a radius of 532.16 feet and a central angle of 07° 58' 06" ; thence run along said curve 74.01 feet to a point; thence departing from said right of way run North 00° 29' 17" East 179.87 feet; thence run North 86° 44' 42" West 150.37 feet to a point; thence run South 00° 00' 43" West 190.31 feet to the Point of Beginning.

AND

That portion of Lot 14, of the map or plat entitled "Manor Oaks", as recorded in Plat Book 7 page 13, of the Public Records of Charlotte County, Florida and said portion of Lot 14 being more particularly described as follows:

Commencing at the Southwesterly corner of the said Lot 14, and said corner also being the Southwesterly corner of the said Manor Oaks, thence North 88° 25' 38" East along the Southerly line of the said Lot 14, a distance of 50.02 feet to the Point of Beginning, thence continuing North 88° 25' 38" East, along the said Southerly line of the said Lot 14, a distance of 113.98 feet to the Southeasterly corner of the said Lot 14, thence North, along the common line between the said Lot 14 and Lot 13, a distance of 19.05 feet to a point on the agreed common property line from which the Northerly common corner between the said Lot 14 and Lot 13 bears North 42.84 feet distance therefrom, thence North 86° 24' 24" West, along the said agreed common property line, a distance of 114.16 feet to a point from which the westerly line of the said Lot 14 bears North 86° 24' 24" West, 50.10 feet distance therefrom, thence South, parallel to the westerly line of the said Lot 14 and 50.00 feet distance therefrom, a distance of 29.34 feet to the Point of Beginning.

AND

That portion of Lot 13, of the Map or plat entitled "Manor Oaks", as recorded in Plat Book 7 page 13, of the Public Records of Charlotte County, Florida and said portion of Lot 13 being more particularly described as follows:

Commencing at the Southeasterly corner of the said Lot 13, and said corner also being the Southeasterly corner of the said Manor Oaks, thence South 88° 25' 38" West, along the Southerly line of the said Lot 13, a distance of 128.99 feet to the Point of Beginning, thence, continuing South 88° 25' 38" West, a distance of 36.07 feet to the Southwesterly corner of the said Lot 13, thence North, along the common line between the said Lot 13 and Lot 14, a distance of 19.05 feet to a point from which the Northerly

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common corner between the said Lot 13 and Lot 14, bears North 42.84 feet distance therefrom, thence South 86°24' 24" East, along an agreed common property line a distance of 36.13 feet, thence South, parallel to the Westerly line of the said Manor Oaks and 200.00 feet distance therefrom, a distance of 15.80 feet to the Point of Beginning.

Containing 26,616 square feet

Property Account No: 402330156025