

RESOLUTION
NUMBER 2017 -

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA AUTHORIZING AND DIRECTING THE ACQUISITION OF A PERMANENT NON-EXCLUSIVE EASEMENT INTEREST BY ANY LEGAL MEANS, FOR THE PERIODIC REPAIR AND MAINTENANCE OF THE BRIDGE, SIDEWALK, ROADWAY AND/OR UTILITY IMPROVEMENTS IN CONNECTION WITH THE EDGEWATER DRIVE BRIDGE REPAIR (014074) PROJECT.

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 Edgewater Drive Bridge Repair (014074) 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, in order to move forward with this project, it is necessary for Charlotte County to acquire an additional permanent non-exclusive easement interest; and

WHEREAS, Charlotte County has located its area of repair and maintenance and has caused a sketch and description to be prepared for the Edgewater Drive Bridge Repair (014074) Project that identifies the area needed for the project known to be reasonably necessary for the stated public purpose; and

WHEREAS, Sections 127.01 and 127.02, Florida Statutes, allows the County's Board of County Commissioners ("Board") to authorize by resolution the acquisition of an interest in real property by condemnation proceedings for any County purpose; and

WHEREAS, Chapters 73 and 74, Florida Statutes, set forth the procedure whereby Charlotte County may exercise the power of eminent domain; and

WHEREAS, a permanent non-exclusive easement interest for periodic repair and maintenance is needed on Parcel EWBR-03 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. That it is necessary, serves a County and public purpose, and is in the best interest of the County that a permanent non-exclusive easement interest for periodic repair and maintenance is needed on Parcel EWBR-03 described in **Exhibit "A"**, be acquired by Charlotte County for the Project.

2. That 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. That the Real Estate Services Senior Division 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 County's legal services;
- c. authorized to request funds from the Clerk of Court and conclude closing transactions;
- d. required to maintain current records with all associated documentation on each parcel and transaction.

4. That for any parcel and/or easement interest 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 Charlotte 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 of County Commissioners of Charlotte County, Florida.

PASSED AND DULY adopted this ____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

ATTEST:
Barbara T. Scott, 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