

1 **WHEREAS**, WILCO originally submitted its ERP Application on August 15, 2006
2 (Application No. 060815-16). However, the District never received any responses to its
3 Requests for Additional Information with the last one sent to WILCO dated on July 18,
4 2007;

5 **WHEREAS**, consequently, a Notice of Non-Compliance with the Consent Order
6 was hand delivered to Jerry Wilson on February 5, 2008 and several Notices of Non-
7 Compliance with the Consent Order were issued, via registered mail, to WILCO, the last
8 which was finally claimed on March 13, 2008. All subsequent communication attempts
9 by the District staff went unanswered;

10 **WHEREAS**, WILCO has failed to comply with the terms of said Consent
11 Agreement and Consent Order by its failure to: (1) obtain the required ERP and WOD
12 permits; (2) pay, in full, the ordered penalties and costs; and (3) comply with the ordered
13 Environmental Restoration Plan;

14
15 **NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BOARD OF THE**
16 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT:**

17
18 **Section 1** The Governing Board of the South Florida Water Management
19 District hereby authorizes District Staff to file suit, pursue any appropriate damages or
20 remedies, and take all appropriate action, including the authority to settle the matter,
21 subject to the approval of the Executive Director, against Wilco Land Development, Inc.,
22 Brian Wilson, Jerry Wilson and any other appropriate or necessary parties, in the Palm
23 Beach County Circuit Court or other appropriate forum, for violations of Chapter 373 of
24 the Florida Statutes and Chapters 40E-4 and 40-E-40 of the Florida Administrative
25 Code for violation of the District's Consent Order No. SFWMD 2007 005 CO ERP, and
26
27
28
29

1 any other violations of District rules, on the Highlands Country Estates property located
2 in Section 23, Township 39 South, Range 28 East, Highlands County, Florida.

3
4 **Section 2** This resolution shall take effect immediately upon adoption.

5
6 **PASSED** and **ADOPTED** this ___ day of April, 2009.

7
8 Approved as to form: SOUTH FLORIDA WATER MANAGEMENT
9 DISTRICT, BY ITS GOVERNING BOARD

10 BY: _____
11 Office of Counsel

By: _____
Chairperson

12
13
14 ATTEST:
15
16
17 _____
18 District Clerk