

1 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**
2 **RESOLUTION NO. 2010 _____**

3
4 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA**
5 **WATER MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO FILE SUIT**
6 **TO ENFORCE DISTRICT STATUTES AND RULES, AND TO PURSUE ANY**
7 **APPROPRIATE DAMAGES AND REMEDIES, AND TAKE ALL APPROPRIATE**
8 **ACTION, INCLUDING THE AUTHORITY TO SETTLE THE MATTER, SUBJECT TO THE**
9 **APPROVAL OF THE EXECUTIVE DIRECTOR, AGAINST FINCA VIGIA, LLC, AND ANY**
10 **OTHER APPROPRIATE OR NECESSARY PARTIES, IN HENDRY COUNTY CIRCUIT**
11 **COURT OR OTHER APPROPRIATE FORUM, REGARDING THE PROPERTY**
12 **LOCATED AT 15511 CR 846, SECTIONS 12 &13, TOWNSHIP 47 SOUTH, AND RANGE**
13 **31 EAST, CLEWISTON, HENDRY COUNTY, FLORIDA 34142 (“PROPERTY”).**

14
15 **WHEREAS**, Sections 373.083(1) and 373.129, Florida Statutes, authorizes the
16 South Florida Water Management District to bring suit;

17 **WHEREAS**, on June 8, 2005, the District issued a permit transfer of surface water
18 management general permit number 26-00116-S to Finca Vigia, LLC, for the construction
19 and operation of a surface water management system serving 1,294 acres of agricultural
20 lands discharging into perimeter ditches. Respondent is the permittee and operating entity.

21 **WHEREAS**, since the permit was transferred, the Respondent has filled in both
22 wetland and upland areas preserved under the permit, and has removed berms that
23 surrounded the permitted reservoirs on the Property, which constituted a portion of the
24 surface water management system.

25 **WHEREAS**, at present, Respondent has not come into compliance with its permit,
26 and has not obtained authorization to fill in wetlands on its Property, and has otherwise
27 failed to adequately respond to and resolve the situation caused by its actions, **now**
28 **therefore**

29
30 **BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA**
31 **WATER MANAGEMENT DISTRICT:**

