SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2011 _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO FILE SUIT, PURSUE ANY APPROPRIATE DAMAGES AND REMEDIES, AND TAKE ALL APPROPRIATE ACTION, INCLUDING THE AUTHORITY TO SETTLE THE MATTER, SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR, AGAINST PAUL H. FREEMAN, AS TRUSTEE, AND ANY OTHER APPROPRIATE OR NECESSARY PARTIES, IN MARTIN COUNTY CIRCUIT COURT OR OTHER APPROPRIATE FORUM, REGARDING THE PROPERTY LOCATED IN SECTIONS 23-26, TOWNSHIP 38 SOUTH, RANGE 40 EAST, PALM CITY, MARTIN COUNTY, FLORIDA ("PROPERTY").

WHEREAS, Sections 373.083(1) and 373.129, Florida Statutes, authorize the South Florida Water Management District to bring suit;

WHEREAS, Paul H. Freeman converted previously-permitted agricultural land on approximately 94 acres to 12 single family lots, is currently operating a surface water management system that includes the excavation of a lake and installation of swales, and constructed roads, without first obtaining a modification to the existing surface water management permit number 43-00075-S ("Permit").

WHEREAS, Mr. Freeman began subdividing and selling single-family lots on the Property, which he owned through a land trust. To date, Mr. Freeman has sold 12 single family lots to 12 different owners. These single family lots are discharging into the unpermitted surface water management system.

WHEREAS, Mr. Freeman and the 12 single-family lot owners have failed to obtain an Environmental Resource Permit and to adequately respond to and resolve the situation caused by their actions, **now therefore**

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1 The Governing Board of the South Florida Water Management District hereby authorizes District Staff to file suit, pursue any appropriate damages or remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Paul H. Freeman, Trustee, and any other appropriate or necessary parties, in the Martin County Circuit Court or the appropriate forum, regarding the property located in Sections 23-26, Township 38 South, Range 40 East, Palm City, Martin County, Florida.

Section 2 This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this __ day of _____, 2011.

Approved as to form:

BY: _____

Office of Counsel

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By: _____

Chairperson

ATTEST:

_____

District Clerk