

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Sheryl G. Wood, General Counsel

**DATE:** July 9, 2007

**SUBJECT: Action Required**  
Authorization to file suit—  
Alfonso Hildago and all other appropriate parties

### **Background**

This matter involves unauthorized encroachments on the District's C-4 right of way located in Miami/Dade County, S5/T54/R45, 46 East ("Property").

The District has a long-standing easement approximately 90 feet wide along the C-4 Canal in the City of Sweetwater. Property owner, Alfonso Hidalgo, constructed a pre-cast concrete fence in the back of his property at 10210 SW 7<sup>th</sup> Terrace, Miami, Florida, without permission or right of way occupancy permit from the District. The concrete fence is approximately 10 feet from the top of bank of the C-4 and obstructs the proposed gravity wall that is to be constructed for flood control and water storage which is part of the C-4 Canal Flood Mitigation Project and the Memorandum of Understanding between the City of Sweetwater and the District. Mr. Hidalgo was sent two violation letters. A civil penalty in the amount of \$1,100 was assessed on April 16, 2007. This letter also advised him that failure to comply would result in the file being turned over to the District's Office of Counsel and the civil penalty would double to \$2,200. To date there has been no response from Mr. Hidalgo.

### **How this helps meet the District's 10 year Strategic Plan**

This action will enforce the provisions of the District's statutes and rules. This effort directly supports the operation and maintenance of the District's canal, as well as flood protection and the District's water supply mission.

### **Funding Source**

Budgeted ad valorem funds will be used.

### **This Board item impacts what areas of the District, both resource areas and geography?**

The subject property is located in Miami-Dade County and impacts Operation Management and Land Resources of the District.

### **What concerns could this Board item raise?**

The encroaching wall/structure also obstructs the proposed gravity wall to be constructed for flood control and water storage which is part of the C-4 Canal

Flood Mitigation Project and the Memorandum of Understanding between the City of Sweetwater and the District. If this matter is not resolved, unpermitted works will encroach on the District's land that will impede proper operations and maintenance of the canal as well as any possible emergency operation and maintenance which could impact flood protection and proper operation of the canal conveyance capacity.

**Why should the Governing Board approve this item?**

The Governing Board should approve this item to enforce the District's statutes and rules, and to take appropriate action against all responsible parties.