

1 addressing the impacts of the fill, or else restore the impacted wetland by implementing an
2 approved re-grading and planting plan by June 1, 2008;

3 **WHEREAS**, on March 26, 2007, payment was made in the amount of \$13,700 to
4 address the civil penalties and costs due under the consent agreement;

5 **WHEREAS**, on April 26, 2007, Crosswinds at Buckingham Gardens, LLC,
6 submitted an application for an environmental resource permit to develop the property as a
7 225 unit residential development and therefore address the existing wetland filling at the
8 site;

9 **WHEREAS**, the applicant has been sent requests for additional information
10 concerning the application four times, the last request being sent on June 19, 2007, with
11 no response sent to the District since the last request;

12 **WHEREAS**, the impacted wetlands have not been restored either under either an
13 approved environmental resource permit or an approved restoration plan, and

14 **WHEREAS**, on August 27, 2008, a pre-litigation letter was sent to Crosswinds at
15 Buckingham Gardens, LLC, for failure to meet the terms of the consent agreement, and no
16 response has been received, **now therefore**

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

19 **Section 1** The Governing Board of the South Florida Water Management District
20 hereby authorizes District Staff to file suit, pursue any appropriate damages or remedies,
21 and take all appropriate action, including the authority to settle the matter, subject to the
22 approval of the Executive Director, against Crosswinds at Buckingham Gardens, LLC, and
23 any other appropriate or necessary parties, in the Lee County Circuit Court or other
24 appropriate forum, for violations of Chapter 373 of the Florida Statutes and Chapter 40E-4
25 of the Florida Administrative Code for not complying with a consent agreement and for
26 unauthorized filling of wetlands on the property referenced property located in Section 28,
27 Township 43 South, Range 26 East, Lee County.

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Section 2 This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this ___ day of _____, 2009.

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

BY: _____
Office of Counsel

By: _____
Chairperson

ATTEST:

District Clerk