

# **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

## **RESOLUTION NO. 2008- \_\_\_\_\_**

**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 PALM CREEK DEVELOPERS, LLC, AND ANY OTHER APPROPRIATE OR NECESSARY PARTIES, IN PALM BEACH COUNTY CIRCUIT COURT OR OTHER APPROPRIATE FORUM, REGARDING THE PROPERTY LOCATED IN SECTION 27, TOWNSHIP 37 SOUTH, RANGE 35 EAST, OKEECHOBEE COUNTY, FLORIDA, PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, on December 22, 2006, the Governing Board of the South Florida Water Management District executed a Consent Agreement with Palm Creek Developers, LLC, Order No. SFWMD 2006-190 CO-ERP;

**WHEREAS**, on January 22, 2007, in accordance with the terms of that Consent Agreement, the payment for penalties and costs were due, but had not been paid;

**WHEREAS**, on March 22, 2007, Form 0881 Construction Completion Certification was received for the Permit #47-00455-P/App #970418-15 Palm Creek Subdivision as required by the Consent Agreement, as well as the certification Form 0881 for the associated Permit #47-00532-P/App #980204-7 Palm Creek;

**WHEREAS**, on April 24, 2007, staff sent a Deficiency Letter regarding the Palm Creek Subdivision Certification submitted and, additionally, a Deficiency Letter was sent out on the Palm Creek Certification on April 14, 2007;

**WHEREAS**, on June 21, 2007, Construction Certification was required by the Consent Agreement to be complete; however, with no reply to the Deficiency Letter, therefore the

certification remaining incomplete, a Notice of Non-Compliance with the Consent Agreement was sent to the Respondent;

**WHEREAS**, on June 28, 2007, a faxed reply to the Non-Compliance Letter was received from Rob Wilson, Managing Partner, stating that payment would be provided shortly; on July 2, 2007, the Okeechobee Service Center received the original letter;

**WHEREAS**, on August 3, 2007, a check was submitted by Palm Creek Developers, LLC for total amount due for penalties and costs;

**WHEREAS**, since payments were made, several attempts to contact and receive replies to the Deficiency Letter have been made with no avail;

**WHEREAS**, on February 6, 2008, District staff again made efforts to resolve these matters with Palm Creek Developers LLC, and were informed by the engineer of record for certification that no further progress was going to be made on the recertification;

**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 Palm Creek Developers, LLC, and any other appropriate or necessary parties, in the Palm Beach County Circuit Court or the appropriate forum, regarding the property located in Section 27, Township 37 South, Range 35 East, Okeechobee County.

**Section 2.** Copies of the following are attached hereto and made a part hereof: (1) Order No. SFWMD 2006-190 CO-ERP with February 14, 2007, cover letter; (2) April 24, 2007, Deficiency Letter and April 13, 2007, Deficiency Letter; (3) June 7, 2007, Non-

Compliance with Consent Agreement Letter; (4) July 2, 2007, reply to Non-Compliance Letter; and (5) Florida Division of Corporations Printout.

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

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,  
BY ITS GOVERNING BOARD

By: \_\_\_\_\_  
Chair Person

ATTEST:

\_\_\_\_\_  
District Clerk

Approved as to form:

By: \_\_\_\_\_  
Office of Counsel