SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2010 _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO FILE SUIT TO ENFORCE DISTRICT STATUTES, RULES, AND ORDER, AND TO 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 HIGHLAND PROPERTIES OF LEE AND COLLIER, LIMITED, AND ANY OTHER APPROPRIATE OR NECESSARY PARTIES, IN COLLIER COUNTY CIRCUIT COURT OR OTHER APPROPRIATE FORUM, REGARDING THE PROPERTY LOCATED AT 7450 DAVIS BOULEVARD, PARCEL ID NUMBERS 00407360000, 00408400008, 00408160005, 00406720007, AND 00408440000, NAPLES, COLLIER COUNTY, FLORIDA ("PROPERTY").

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

WHEREAS, on March 21, 2006, the District executed Consent Agreement Order No. SFWMD 2006-033 CO ERP with Highland Properties of Lee and Collier, Limited, to resolve violations involving the unpermitted clearing of wetland vegetation and the construction of an above-grade road in wetlands on the Property. The Consent Agreement required the Respondent to obtain an environmental resource permit within 360 days of the effective date of the Consent Agreement, or it had to restore the Property to pre-construction conditions.

WHEREAS, since the Consent Agreement was executed, Respondent submitted Environmental Resource Permit Application No. 070405-4 on April 5, 2007, to the District for authorization to construct a surface water management system for a proposed 87 acre mixed use development and also to obtain authorization to accept surface water runoff from a portion of Santa Barbara Boulevard. Since the application was submitted, the District has sent the Respondent approximately 8 requests for additional information.

WHEREAS, at present, Respondent has not yet obtained an environmental resource permit from the District, has not obtained authorization to fill in wetlands on its Property, and has otherwise failed to adequately respond to and resolve the situation caused by its 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 Highland Properties of Lee and Collier, Limited, and any other appropriate or necessary parties, in the Collier County Circuit Court or other appropriate forum, regarding the property located at 7450 Davis Boulevard, Parcel ID Nos. 00407360000, 00408400008, 00408160005, 00406720007, and 00408440000, Naples, Collier County, Florida 34109 ("Property").

Section 2 This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this ____ day of _____ 2010.

Approved as to form:

BY: _____

Office of Counsel

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By: _____

Chairperson

ATTEST:

_____

District Clerk