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, 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 BRIAN BLOCKER, AND ANY OTHER APPROPRIATE OR NECESSARY PARTIES, IN COLLIER COUNTY CIRCUIT COURT OR OTHER APPROPRIATE FORUM, REGARDING THE PROPERTY LOCATED IN SECTION 34, TOWNSHIP 46 EAST, RANGE 28 NORTH, COLLIER COUNTY, FLORIDA.

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

WHEREAS, on or about June 3, 2009, District staff observed wetland impacts from over excavation of an approximately 1200 feet long existing drainage ditch leading to Lake Trafford and placing the fill in wetlands on Mr. Blocker's property without an Environmental Resource Permit;

WHEREAS, after negotiations Mr. Blocker and the District entered into a consent agreement on November 13, 2009, wherein Mr. Blocker agreed to submit an Environmental Resource Permit within 180 days to address the work, or else restore the site to pre-construction conditions within 270 days, and pay $16,875 in costs and penalties;

WHEREAS, Respondent has paid for the costs and penalties, but has failed to obtain an Environmental Resource Permit, has failed to restore the site to pre-construction conditions, and has fail to adequately respond and resolve the situation caused by his actions, **now therefore**

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

<u>Section 1</u> 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 Brian Blocker, and any other appropriate or necessary parties, in the Collier County Circuit Court or the appropriate forum, regarding the property located in Section 34, Township 46 East, Range 28 North, Collier County, Florida.

<u>Section 2</u> 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