

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2010 _____

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5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER
6 MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO FILE SUIT TO
7 ENFORCE DISTRICT STATUTES AND RULES, AND TO PURSUE ANY APPROPRIATE
8 DAMAGES AND REMEDIES, AND TAKE ALL APPROPRIATE ACTION, INCLUDING THE
9 AUTHORITY TO SETTLE THE MATTER, SUBJECT TO THE APPROVAL OF THE
10 EXECUTIVE DIRECTOR, AGAINST THE LATT MAXCY CORPORATION AND MACK
11 FARMS, INC., AND ANY OTHER APPROPRIATE OR NECESSARY PARTIES, IN
12 OSCEOLA COUNTY CIRCUIT COURT OR OTHER APPROPRIATE FORUM, REGARDING
13 THE PROPERTY LOCATED AT SECTIONS 7, 18, AND 19, TOWNSHIP 31 SOUTH,
14 RANGE 32 EAST; SECTIONS 12 AND 13, TOWNSHIP 31 SOUTH, RANGE 31 EAST,
15 PARCEL CONTROL NUMBERS 183132000000100000, 133131000000200000, and
16 193132000000100000, LAKE WALES, OSCEOLA COUNTY, FLORIDA (“PROPERTY”).

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

20 WHEREAS, the Latt Maxcy Corporation is the owner of the Property that leases it to
21 Mack Farms, Inc. for commercial agricultural purposes. On or about March 5, 2009, the
22 District discovered that works had been constructed and were being operated on the Property
23 without an Environmental Resource Permit. Specifically, District staff observed the
24 construction of drainage ditches, the installation and operation of drainage pumps, land
25 clearing and filling, and excavation, including the dredging and grading of approximately 22.4-
26 acres of wetlands for the agricultural operation. District staff also observed unauthorized
27 discharges of untreated stormwater into off-site wetlands.

28 WHEREAS, since the violations were discovered, the Latt Maxcy Corporation
29 submitted Environmental Resource Permit Application number 090702-10 to the District for
30 authorization to construct and operate the works associated with the agricultural operation.
31 However, the permit application has not yet been completed.

