SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2009 _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO FILE SUIT FOR DECLARATORY JUDGMENT, 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 WILLIAM I. DONNER AND OTHER APPROPRIATE OR NECESSARY PARTIES, IN THE 15TH JUDICIAL CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, on December 1, 2009 the District issued its Staff Report on Permit Application Number 070619-12 recommending a denial of an Environmental Resource Permit to bulkhead and fill in 2.03 acres of a 2.58 acre parcel of privately owned submerged land located in Lake Worth Lagoon and construction and operation of a surface water management system to serve 2.03 acres of a multi-family residential development known as Palm Beach Townhomes without prejudice to the applicant's right to file a modified proposal through a new application;

WHEREAS, the District is an interested party that is in doubt about its rights to consider said application arising under the Florida Constitution, Florida Statutes, Laws of Florida, and the Florida Administrative Code;

WHEREAS, the District seeks to obtain a declaration of its rights, status, or other equitable or legal relations thereunder to proceed with consideration of said application;

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 for declaratory judgment, 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 William I. Donner and any other appropriate or necessary parties, in the Palm Beach County Circuit Court or other appropriate forum.

<u>Section 2</u> This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this _____ day of December 2009.

Approved as to form:

BY: _____

Office of Counsel

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By: _____

Chairperson

ATTEST:

_____

District Clerk