

1                                   **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

2  
3                                   **RESOLUTION NO. 2012 \_\_\_\_\_**

4  
5           **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA**  
6 **WATER MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO FILE SUIT,**  
7 **PURSUE ANY APPROPRIATE DAMAGES AND REMEDIES, AND TAKE ALL**  
8 **APPROPRIATE ACTION, INCLUDING THE AUTHORITY TO SETTLE THE MATTER,**  
9 **SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR, AGAINST ORTAL,**  
10 **LLC, AND ANY OTHER APPROPRIATE OR NECESSARY PARTIES, IN LEE COUNTY**  
11 **CIRCUIT COURT OR OTHER APPROPRIATE FORUM, REGARDING THE PROPERTY**  
12 **LOCATED IN SECTION 9, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY,**  
13 **FLORIDA (“PROPERTY”).**

14  
15           **WHEREAS,** Sections 373.083(1) and 373.129, Florida Statutes, authorize the  
16 South Florida Water Management District (“District”) to bring suit or take action to resolve  
17 violations of District orders and Chapter 373, Florida Statutes; and

18           **WHEREAS,** on or about November 21, 2011, the Governing Board executed  
19 Consent Agreement Order No. SFWMD 2011-199-CO-ERP (“Consent Order”) with Ortal,  
20 LLC (“Respondent”), to resolve the Respondent’s non-compliance with Environmental  
21 Resource Permit No. 36-05360-P (“Permit”); and

22           **WHEREAS,** the Respondent failed to comply with the corrective actions required by  
23 the Consent Order; and

24           **WHEREAS,** numerous attempts have been made by District staff to persuade the  
25 Respondent to comply with the Consent Order and its Permit; and

26           **WHEREAS,** Respondent has failed to comply with the Consent Order and its  
27 Permit, or to adequately respond to and adequately resolve the violations caused by its  
28 failure to comply with the Consent Order and the Permit, **now therefore**

29  
30           **BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA**  
31 **WATER MANAGEMENT DISTRICT:**

