

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2008- _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AUTHORIZING THE FILING OF SUIT, INCLUDING THE FILING OF CROSS CLAIMS, AS MAY BE NECESSARY TO EFFECTIVELY DEFEND THE DISTRICT FROM ALLEGATIONS INVOLVING A DEFECTIVE PORTION OF A CONSERVATION EASEMENT WHICH APPEARS TO BE SUBJECT TO A PRE-EXISTING ACCESS EASEMENT, IN A MULTI-COUNT QUIET TITLE ACTION ENTITLED IMPERIAL GOLF ESTATES HOMEOWNERS ASSOCIATION, INC. AND MARSILEA VILLAS, LLC vs. SOUTH FLORIDA WATER MANAGEMENT DISTRICT, PULTE HOME CORPORATION, MILANO RECREATION ASSOCIATION, INC., DELASOL HOMEOWNERS ASSOCIATION, INC., RACEBROOK, INC. AND CENTEX HOMES, FILED IN THE 20TH CIRCUIT COURT FOR COLLIER COUNTY, FLORIDA, CASE NO. 07-3906-CA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 373.083(1) and 373.129, Florida Statutes, authorize the South Florida Water Management District to bring and/or maintain legal actions or lawsuits; and,

WHEREAS, the District may need to bring suit, including cross claims, against the Parties which may have responsibility for providing the District with an alleged defective portion of a Conservation Easement, previously obtained as part of the District's regulatory program, but which appears to be subject to a pre-existing access easement; and,

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AS FOLLOWS:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes a legal officer of the District to file suit, including the filing of cross claims, as may be necessary to effectively defend the District from allegations involving a defective portion of a conservation easement which appears to be subject to a pre-existing access easement, in a multi-count Quiet Title Action styled Imperial Golf Estates Homeowners Association, Inc. and Marsilea Villas, LLC vs. South Florida Water Management District, Pulte Home Corporation, Milano Recreation Association, Inc., Delasol Homeowners

Association, Inc., Racebrook, Inc. and Centex Homes, filed in the 20th Circuit Court for Collier County, Florida, Case No. 07-3906-CA.

Section 2. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this _____ day of _____, 2008.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY IT'S GOVERNING BOARD

By: _____

Chair

Attest:

Clerk

Approved as to form:

By: _____

Office of Counsel