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, 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 MARTINGALE ESTATES, LLC, AND ANY OTHER APPROPRIATE OR NECESSARY PARTIES, IN MARTIN COUNTY CIRCUIT COURT OR OTHER APPROPRIATE FORUM, REGARDING THE PROPERTY LOCATED AT SECTION 19, TOWNSHIP 38 SOUTH, RANGE 40E, AND SECTION 24, TOWNSHIP 38 SOUTH, RANGE 39 EAST, PARCEL ID NUMBER 19-38-40-000-000-00012-2, MARTIN COUNTY, FLORIDA (PROPERTY).

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

WHEREAS, on April 28, 2008, the District issued environmental resource standard general permit number 43-01784-P, application numbers 040617-3 and 061201-23 ("Permit"), to Martingale Estates, LLC, for modification of a surface water management system and the mitigation plan serving a 166.32-acre residential development and revision of the project work schedule.

WHEREAS, Martingale Estates, LLC, failed to comply with its Permit by its failure to: 1) submit a certification of construction completion for the project; 2) complete the purchase of 0.2 credits from Bluefield Ranch Mitigation Bank; 3) provide documentation of the installation of three equalizer culverts; 4) maintain the wetland and upland preserve areas; and 5) submit monitoring reports for preserve wetlands and uplands.

WHEREAS, at present, Martingale Estates, LLC, has failed to comply with its Permit, and to adequately respond to and resolve the situation caused by his actions, **now therefore**

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

Section 1 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 Martingale Estates, LLC, and any other appropriate or necessary parties, in the Martin County Circuit Court or the appropriate forum, regarding the property located at Section 19, Township 38 South, Range 40 East and Section 24, Township 38 South, Range 39 East, Parcel ID Number 19-38-40-000-000-00012-2, Martin County, Florida.

Section 2 This resolution shall take effect immediately upon adoption.

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

Approved as to form:

BY: _____

Office of Counsel

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By: _____

Chairperson

ATTEST:

_____

District Clerk