SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2010 _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO FILE SUIT TO ENFORCE DISTRICT STATUTES, ORDERS, AND RULES AND TO 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 IMAGES AT PEMBROKE POINTE HOMEOWNERS ASSOCIATION, INC., AND ANY OTHER APPROPRIATE OR NECESSARY PARTIES, IN THE BROWARD COUNTY CIRCUIT COURT OR OTHER APPROPRIATE FORUM, REGARDING THE UNAUTHORIZED USE OF WATER OCCURRING AT PROPERTY LOCATED IN SECTION 18, TOWNSHIP 51, RANGE 41, IN PEMBROKE PINES, BROWARD COUNTY, FLORIDA.

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

WHEREAS, the District issued a Notice of Violation/Consent Agreement (NOV/CA) in December 2008 and a revised NOV/CA in May 2009 to Images at Pembroke Pointe, Homeowners Association, Inc. ("Images") for water use without a permit;

WHEREAS, Images submitted Application No. 090521-9 to obtain a water use permit for landscape irrigation purposes;

WHEREAS, Images failed to respond to the District's Request for Additional Information;

WHEREAS, on June 10, 2010, District staff presented its recommendation to the Governing Board that Application No. 090521-9 be denied for lack of completeness; and,

WHEREAS, Images failed to obtain a water use permit and has not complied with the terms of the Consent Agreement, **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 to enforce District statutes, orders, and rules and to 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 Images at Pembroke Pointe Homeowners Association, Inc., and any other appropriate or necessary parties in the 17th Judicial Circuit Court in and for Broward County or other appropriate forum.

Section 2 This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this ____ day of June 2010.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
By its Governing Board

By: _____
Chairperson

Approved as to form:

By: _____
Office of Counsel

ATTEST:

By: _____
District Clerk