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 CHARLES ROWAN, ROWAN CONSTRUCTION-PSL, INC. AND ANY OTHER APPROPRIATE OR NECESSARY PARTIES, IN PALM BEACH COUNTY COURT OR OTHER APPROPRIATE FORUM, REGARDING THE PROPERTY LOCATED IN SECTION 14, TOWNSHIP 45, RANGE 41, PALM BEACH COUNTY FLORIDA, KNOWN AS THE "ROWAN PROPERTY."

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

WHEREAS, on or about June 10, 2003, respondents obtained Environmental Resource Permit (ERP) #50-05962-P to authorize operation of a mining project;

WHEREAS, The property referenced in the permit is located within the Water Preserve Area Basin as defined in Chapter 40E-41.323;

WHEREAS, The ERP contained specific conditions limiting the depth that could be mined and the area within which mining would be confined;

WHEREAS, On or about June 12, 2008, the ERP granted to the respondent expired;

WHEREAS, On June 27, 2008, District staff observed continued dredging occurring on site without a District permit, as well as significant violations stemming from departure from the conditions of the original ERP;

WHEREAS, On August 28, 2008, District staff transmitted a Notice of Violation to the respondent including a demand for the respondent to cease and desist all activities onsite;

WHEREAS, District staff made subsequent visits to the property on September 22, September 26, 2008, and January 20, 2009 and observed further dredging and excavation taking place onsite;

WHEREAS, District staff has had numerous telephone conversations and meetings with the respondents advising them of the need to cease and desist all operations onsite, to conform to the conditions of the original permit, and to reach settlement on the outstanding violations;

WHEREAS, Charles Rowan and Rowan Construction-PSL, Inc. have failed to conform to the conditions of ERP #50-05962-P, have continued to operate without a permit and have failed to adequately respond to and resolve the situation caused by their 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 Charles Rowan, Rowan Construction-PSL, Inc., and any other appropriate or necessary parties, in the Palm Beach County Court or the appropriate forum, regarding the property located in Section 14, Township 45, Range 41, Palm Beach 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