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WHEREAS, Wellington and Pine Tree Water Control District (“Pine Tree”) are local governmental entities governed by Chapter 164, Florida Statutes; and

WHEREAS, Pine Tree is required by law to implement the works called for under its adopted Water Control Plan, including maintenance of its internal water control structures, roadway easements, swales and certain roadways within the Rustic Ranches community, all of which are an integral part of such works; and

WHEREAS, Pine Tree ceased maintaining certain roadways in the Rustic Ranches community on or about February 14, 2019; and

WHEREAS, the certain roadways have since degraded to a degree that they pose a risk to the health, safety and welfare of the landowners within Pine Tree, including the Village of Wellington, and to the public at large; and

WHEREAS, Florida Statute section 164.1041 requires local government entities, such as Wellington and Pine Tree, to engage in pre-suit efforts to resolve their disputes unless immediate court action is required to protect the health, safety and welfare of the public;

NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S COUNCIL THAT:

SECTION 1. The foregoing recitals are hereby affirmed and ratified.

SECTION 2. The Wellington Council hereby finds that the current condition of certain roadways within the jurisdictional boundaries of the Pine Tree require immediate court action to command Pine Tree to comply with its ministerial duty to implement the works of its water control plan in order to protect the health, safety and welfare of the public.

SECTION 3. The Wellington Council hereby dispenses with the pre-suit requirements of Chapter 164 of the Florida Statutes and authorizes the Village Attorney to file an appropriate complaint in the Circuit Court for Palm Beach County to compel Pine Tree to maintain the following roadways pursuant to its adopted Water Control Plan: Rustic Road, Cotton Tail Drive, Hollow Tree Lane, Deer Path Lane, Norris Road and Skipiks Way.

SECTION 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

WELLINGTON

By: Chevelle D. Nubin, Village Clerk

By: _____
Anne Gerwig, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Laurie Cohen, Village Attorney