



Legislation Text

File #: 19-2987, **Version:** 1

ITEM: RESOLUTION NO. R2019-29 (DECLARING AN IMMEDIATE THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC DUE TO THE CONDITION OF CERTAIN ROADWAYS WITHIN THE JURISDICTIONAL BOUNDARIES OF PINE TREE WATER CONTROL DISTRICT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON DECLARING THAT THE PRESENT CONDITION OF CERTAIN ROADWAYS WITHIN THE SERVICE BOUNDARIES OF THE PINE TREE WATER CONTROL DISTRICT REQUIRES IMMEDIATE COURT ACTION TO COMMAND PINE TREE TO COMPLY WITH ITS MINISTERIAL DUTY TO IMPLEMENT THE WORKS OF ITS WATER CONTROL PLAN, INCLUDING THE MAINTENANCE OF CERTAIN ROADWAYS, IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC; AND PROVIDING AN EFFECTIVE DATE.

REQUEST: Approval of Resolution No. R2019-29 declaring an immediate threat to the health, safety and welfare of the public due to the condition of certain roadways within the jurisdictional boundaries of Pine Tree Water Control District.

EXPLANATION: Wellington and Pine Tree Water Control District ("Pine Tree") are local governmental entities governed by Chapter 164, Florida Statute.

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.

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

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.

The attached resolution makes the requisite finding necessary to dispense with the pre-suit mediation requirements of Chapter 164 and requires a three-fourths majority vote (i.e. 4 out of 5 votes in the affirmative).

BUDGET AMENDMENT REQUIRED: NO

PUBLIC HEARING: NO

QUASI-JUDICIAL:

FIRST READING:

SECOND READING:

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: NO

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Approval of Resolution No. R2019-29 declaring an immediate threat to the health, safety and welfare of the public due to the condition of certain roadways within the jurisdictional boundaries of Pine Tree Water Control District.