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RESLUTION NO. PT 2004-06-28
AMENDMENT TO RESOLUTION NO. PT2024-06-11 (2)

AN AMENDMENT TO RESOLUTION NO. PT2024-06-11 (2) BY THE BOARD OF SUPERVISORS OF THE PINE TREE WATER CONTROL DISTRICT TO MAKE CRYSTAL CLEAR, THE INTENT TO GRANT AUTHORITY TO KERRY HITT, PRESIDENT OF THE BOARD OF DIRECTORS OF THE PINE TREE WATER CONTROL BOARD TO SIGN ANY NECESSARY INTER LOCAL AGREEMENT, INTENDED TO RESOLVE ONGOING LITIGATION BETWEEN THE CITY OF WELLINGTON AND PTWCD.

WHEREAS, there has been ongoing litigation between The Pine Tree Water Control District (PTWCD) and the City of Wellington (COW) that has resulted in a summary judgment in favor of the COW.

WHEREAS, there was litigation between PTWCD concerning the maintenance of the dirt roads in Rustic Ranches that resulted in a writ of mandamus in which PTWCD was ordered to maintain those dirt roads

WHEREAS, PTWCD is not a municipality and is not authorized to receive gas tax monies for road maintenance

WHEREAS, The COW is a municipality and is authorized to receive gas tax monies for road maintenance.

WHEREAS, PTWCD and The COW are desirous to resolve differences and work together to maintain the dirt roads of Rustic Ranches.

WHEREAS, The COW is permitted to work with PTWCD through an Inter Local Agreement to use gas tax monies for road maintenance, which will rightfully benefit the residents of Rustic Ranches.

WHEREAS, in order to work together going forward there must be a resolution to satisfy the terms of the lawsuit.

WHEREAS, the lawsuit can be satisfied by paying the full sum of the summary judgement and the attorney fees of the COW and wherein PTWCD will not exercise the option of appeal.

WHEREAS, Kerry Hitt, the President of the PTWCD Board and Jim Barnes the City Manager of The COW have been working to resolve the ongoing dispute between PTWCD and the COW.

WHEREAS, the board of directors have discussed the necessary steps to resolve the lawsuit and the differences between PTWCD and The COW with the landowners at the 06/11/2024 landowners meeting.

WHEREAS, the landowners and the Board of Directors of PTWCD unanimously agreed that it would be in the best interest of Rustic Ranches to waive the option to appeal the summary judgement and move forward.

52 **WHEREAS**, Kerry Hitt is the President of the Board of Directors of PTWCD.
53

54 **WHEREAS**, resolution No. PT 2024-06-11 (2) presented to and passed by the Pine Tree
55 Water Control District (PTWCD) on June 11, 2024, and could not be interpreted as being
56 "Crystal Clear" by the COW

57 attorney as to the intent of granting authorization to Kerry Hitt to sign an
58 Inter Local Agreement (ILC) on behalf of the Board of Directors of PTWCD and the residents of
59 Rustic Ranches to completely resolve
60 litigation between PTWCD and COW in order to move forward with an ILC
61 to maintain the dirt roads of Rustic Ranches using gas tax to offset the costs of such
62 maintenance.
63

64 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PINE**
65 **TREE WATER CONTROL DISTRICT, FLORIDA THAT:**
66

67 **SECTION 1.** The foregoing recitals are hereby affirmed and ratified as being true and
68 correct.
69

70 **SECTION 2.** The Board of Directors of PTWCD voted unanimously, to grant the
71 authority to Kerry Hitt President of the Board of Directors of PTWCD to take any and all steps
72 needed to resolve the summary judgment of \$80,424.15 plus attorney fees owed to the COW to
73 resolve all differences and satisfy all judgments in favor of and all debts owed to the COW so
74 that the COW and PTWCD can move forward to work together to maintain the dirt roads in
75 Rustic Ranches.
76

77 **SECTION 3.** (Amendment) *The Board of Directors of PTWCD, in addition to granting*
78 *Kerry Hitt President of the Board of Directors of PTWCD to take any and all steps needed to*
79 *resolve the summary judgment of \$80,424.15 plus attorney fees owed to the COW to resolve all*
80 *differences and satisfy all judgments in favor of and all debts owed to the COW so that the*
81 *COW and PTWCD can move forward have a legal working relationship to maintain the dirt*
82 *roads in the Rustic Ranches community in the COW. The Board of Directors of PTWCD, also*
83 *grant the authority to Kerry Hitt to sign the ILA which will enable the COW to maintain a working*
84 *with relationship PTWCD to maintain the dirt roads in Rustic Ranches and offset the cost of*
85 *doing so with gas tax monies.*
86

87 **Section 4.** This Resolution shall take effect immediately upon adoption.
88

89 **PASSED AND ADOPTED** this 28th day of June, 2024
90

91 **Attest:**
92

93 **PINE TREE WATER CONTROL DISTRICT**
94

95 By: Charles Brown
96 Charles Brown, Board Member

95 By: Kerry Hitt
96 Kerry Hitt Chairman

97 By: Ruben Ferrazzano
98 Ruben Ferrazzano, Board Member

97 By: Jon Derrevere
98 Jon Derrevere, District Attorney
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100
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102