

RESOLUTION NO. 2026-01

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
SAN CARLOS ESTATES WATER CONTROL DISTRICT
("DISTRICT") TO CONSIDER ADOPTION OF A PROPOSED
WATER CONTROL PLAN AMENDMENT; PROVIDING FOR
SCRIVENER'S ERRORS, SEVERABILITY, RESCISSION,
CONSTRUCTION AND AN EFFECTIVE DATE.**

WHEREAS, pursuant to Chapter 298 Florida Statutes, the Judicial Decree by the Circuit Court of the Twelfth Judicial Circuit in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, and other applicable provisions of law, the San Carlos Estates Water Control District ("District") is responsible for operating a system of perimeter canals, dikes, roadside swales, roadbeds, basins and outfall canals in the District's right of ways and real property to provide drainage, roadbeds, stormwater flow control, and other reclamation of the lands located within the District's geographical boundary; and

WHEREAS, the District has previously adopted a Water Control Plan and Amendments to the Water Control Plan for the District pursuant to the requirements of Chapter 298, Florida Statutes; and

WHEREAS, the District's improvements of the District's water control system, road beds, and right of ways were generally constructed more than twenty (20) years ago; and

WHEREAS, the District's improvements that are a part of the District's water control system, roadbeds, and right of ways have deteriorated due to their age and usage; and

WHEREAS, the District engineer has proposed significant amendments to the District's Water Control Plan to provide for the repair and construction of the District's improvements that are a part of the District's water control system, roadbeds, and right of ways; and

WHEREAS, the repairs and construction of the District's improvements that are a part of the District's water control system, roadbeds, and right of ways described in the current Amendment of the Water Control Plan proposed by the District's engineer will benefit the landowners of the District; and

WHEREAS, the Board of Supervisors desires to adopt an Amendment of the Water Control Plan.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of the San Carlos Estates Water Control District that:

SECTION 1. AUTHORITY

This Resolution is adopted pursuant to the provisions of Florida law, especially Chapter 298, Florida Statutes, and the District's enabling judicial decree entered by the Circuit Court of

the Twelfth Judicial Circuit in and for Lee County, Florida, in Case No. 69-105, dated April 3, 1969, and other applicable provisions of law and judicial decrees.

SECTION 2. INCORPORATION OF RECITALS

The recitals set forth above are true and correct and form a part of this Resolution.

SECTION 3. BOARD OF SUPERVISORS TO CONSIDER ADOPTION OF WATER CONTROL PLAN AMENDMENT

- A. Pursuant to Chapter 298, Florida Statutes, especially Section 298.301, Florida Statutes, the Board of Supervisors hereby adopts this Resolution to initiate the process of considering the adoption of a proposed Amendment of the District's Water Control Plan, the initial draft of which has been prepared by the District's engineer.
- B. The District Secretary is hereby directed to file this Resolution.
- C. The Board of Supervisors shall give notice of an initial public hearing on the proposed Water Control Plan Amendment as required by Section 298.301, Florida Statutes.
- D. The Board of Supervisors shall give notice of a final hearing on the approval of the finalized proposed Water Control Plan Amendment and engineer's report pursuant to Section 298.301, Florida Statutes.
- E. The District engineer and the District attorney are directed to prepare the appropriate Notice of Public Hearing for the initial hearing and the Notice of Public Hearing for the final hearing, together with the engineer's report and the proposed Water Control Plan Amendment that is being considered.
- F. The initial public hearing to consider the approval of the proposed Amendment of the Water Control Plan is hereby scheduled for September 21, 2026, at 6:00 p.m., at the Gulf Shore Church located at 25300 Bernwood Drive, Bonita Springs, Florida 34135, before the Board of Supervisors of the District.

SECTION 4. SCRIVENER'S ERRORS

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the President (Chair) of the Board of Supervisors without need of a public meeting or Board decision making action, by the President (Chair) of the Board of Supervisors filing a corrected or re-codified copy of same with the District's secretary.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause or other provision of this Resolution is held unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall be deemed a separate provision and eliminated from this Resolution and shall not affect the remainder of this Resolution.

SECTION 6. RESCISSION.

The Board of Supervisors hereby rescinds all prior resolutions and other official action of the Board of Supervisors to the extent of any conflict with any part of this Resolution.

SECTION 7. CONSTRUCTION AND EFFECTIVE DATE

This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon its adoption.

THE FOREGOING RESOLUTION WAS OFFERED BY SUPERVISOR BRADFORD WHO MOVED THE RESOLUTION'S ADOPTION. THE MOTION WAS SECONDED BY SUPERVISOR FINAZZO, AND UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:

<u>NAME</u>	<u>YES</u>	<u>NO</u>
Jim Bradford	<u>X</u>	___
Jennifer Finazzo	<u>X</u>	___
James Gilchrist	<u>X</u>	___

Duly passed and adopted on this 15TH day of June, 2026.

**BOARD OF SUPERVISORS OF THE
SAN CARLOS ESTATES WATER CONTROL DISTRICT**

By: Jennifer Finazzo
Jennifer Finazzo, Vice Chair of the Board of Supervisors

ATTEST:

By: Shanelle Cruz
Print name: Shanelle Cruz, Secretary/Treasurer

This Resolution was filed with the Secretary of the District on July 31, 2026