

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
IN AND FOR MONROE COUNTY, FLORIDA
CIVIL DIVISION**

Monroe County, Florida, a Political
Subdivision of the State of Florida

Case No. 12-CA-521-K

Plaintiff,

v.

The State of Florida, and the,
Taxpayers, Property Owners, and Citizens of
MONROE COUNTY, FLORIDA, including non-residents
owning property or subject to taxation therein,
and all others having or claiming any right, title
or interest in property to be affected by the
Loan herein described, or to be affected thereby

Defendant

MOTION TO INTERVENE

COMES NOW, Walter P. Drabinski, at 20844 4th Ave., West, Cudjoe Key,
Florida, 33042, a homeowner and resident of Monroe County (hereinafter
“**Intervenor**”), pursuant to Florida Rule of Civil Procedure 1.230, thereby moves to
intervene in the instant proceeding filed by Plaintiff, Monroe County, Florida, a
political subdivision of the State of Florida (Plaintiff”), against defendant, the State
of Florida and the taxpayers of, property Owners, and Citizens of Monroe county,
Florida, including non-residents owning property or subject to taxation therein, and all
others having or claiming any right, title or interest in property to be affected by the
Loan herein described, or to be affected thereby (“**Defendant**”), and is support thereof

3. Defendant, MONROE COUNTY, is a political subdivision of the State of Florida.

4. Defendant, CLERK,

JURISDICTION AND VENUE

5. This is an action for injunctive relief under the Florida Rules of Civil Procedure and Chapter 86 Florida Statutes.

6. Venue is in Monroe County, in that the cause of action has accrued in Monroe County, and the CRSA is located in Monroe County.

7. The amount in controversy is in excess of Fifteen Thousand and 00/100 dollars (\$15,000.00), exclusive of interest and costs.

8. This Court has jurisdiction to hear this case and venue is appropriate in this Court.

GENERAL ALLEGATIONS

9. In 2000, MONROE COUNTY adopted a "Monroe County Sanitary Wastewater Plan" for the purpose of designing a central wastewater collection system and treatment facility for incorporated and unincorporated areas of Monroe County, Florida, including, but not limited to, the CRSA. Relevant portions of the June 2000, "Monroe County Sanitary Wastewater Plan" are attached as Exhibit "A."

10. On July 15, 2003, MONROE COUNTY adopted Ordinance No. 027-2003

25. Against the terms of the Sequence Requirements, construction that was originally scheduled for 2014 is now being expedited for the fall of 2013 (with Basin C being only around 50% completed).
26. On September 10, 2013 the contractor Giannetti construction, began unloading materials in Cudjoe Gardens and work is now currently underway - four months ahead of schedule.
27. DRABINSKI has sought relief in the Bond Validation hearing on September 10, 2013. At the conclusion of that hearing, this Court indicated that written summaries are due 30 days after the transcripts are ready, after which this Court will make a decision.
28. Given the advanced pace of the construction, FKAA is intentionally attempting to complete Basin D making any decision by the Court in the Bond Validation, and in this action, moot.
29. Undeniably, FKAA and MONROE COUNTY are attempting to install grinder pumps and an associated low pressure system in parts Cudjoe Gardens (and other areas of the CRWS) using a fabricated and flawed analysis and on a schedule that is not in compliance with the Giannetti "Sequence of Work."
30. Provision 22 of the September 20, 2006 ILA- "Public Access" - states that MONROE COUNTY and FKAA shall allow and permit reasonable access to, and inspection of, all documents, papers, letters or other materials in its possession, etc. Further it states that the County shall have the right to