

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

WILLIAM GRANT and GADSDEN GOLF
AND COUNTRY CLUB, INC.,

Petitioners,

vs.

DOAH Case No.: 06-2779GM

DEPARTMENT OF COMMUNITY AFFAIRS,
and GADSDEN COUNTY,

Respondents,

TALQUIN SPRINGS GENERAL
PARTNERSHIP, MORTHAM
GOVERNMENTAL CONSULTANTS, LLC,
C.R. SHAW III, and REBECCA SHAW; THE
HIGHLANDS AT LAKE TALQUIN, LLC; EAGLE'S
LANDING OF QUINCY, LLC; G&A LLOYD, LLC;
and THE SUBER FAMILY TRUST,

Intervenors.

2010 MAR - 8 P 1:52
DIVISION OF
ADMINISTRATIVE
HEARINGS
FILED

FINAL ORDER

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Closing File following the Notice of Dismissal filed by Petitioners. A copy of the Order is attached as Exhibit A.

BACKGROUND

This is a proceeding to determine whether the Gadsden County Comprehensive Plan Amendment 06-1, adopted by Ordinance No. 2006-013, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act"). The Department of Community Affairs ("Department") initially published a Notice of Intent finding the plan amendment not "in compliance." William Grant and Gadsden Golf and County Club, Inc. filed a petition to

intervene on behalf of the Department, and the case was assigned DOAH Case No. 06-2779GM.

On August 4, 2008, the Department, Gadsden County ("County") and Intervenor executed a Stipulated Settlement Agreement. Pursuant to the Agreement, the County adopted remedial amendments on October 7, 2008, by Ordinance Nos. 08-026, 08-027, 08-028, and 08-030. On October 21, 2008, the County adopted Ordinance No. 08-029, the remaining remedial amendment required by the Stipulated Settlement Agreement. The Department published a Cumulative Notice of Intent to find these remedial amendments "in compliance" on December 4, 2008. William Grant and Gadsden Golf and Country Club did not enter into the Stipulated Settlement Agreement and filed a Petition challenging the remedial amendment adopted by Ordinance 08-029. No challenge was raised regarding the other remedial amendments, and a Final Order was issued finding the amendments adopted by Ordinance Nos. 08-026, 08-027, 08-028, 08-030, "in compliance" on March 11, 2009.

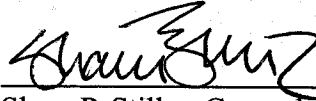
The parties executed a Stipulated Settlement Agreement ("Agreement") regarding Ordinance No. 08-029 and filed the Agreement with DOAH on December 2, 2009. Following the filing of the Agreement, Petitioners dismissed the Petition on January 28, 2010. Consequently, the DOAH case file for DOAH Case No. 06-2779GM has been closed and jurisdiction has been relinquished to the Department for entry of a final order of dismissal.

ORDER

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED, Gadsden County Comprehensive Plan Amendment 06-1, adopted by

Ordinance No. 08-029, is "in compliance," and the Agency Clerk is directed to close the file.

DONE AND ORDERED in Tallahassee, Florida.



Shaw P. Stiller, General Counsel
DEPARTMENT OF COMMUNITY AFFAIRS
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF RIGHTS

EACH PARTY IS HEREBY ADVISED OF ITS RIGHT TO SEEK JUDICIAL REVIEW OF THIS FINAL ORDER PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(b)(1)(c) AND 9.110.

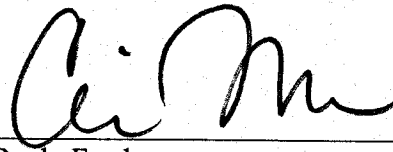
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

YOU WAIVE YOUR RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH THE AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

MEDIATION UNDER SECTION 120.573, FLA. STAT., IS NOT AVAILABLE WITH RESPECT TO THE ISSUES RESOLVED BY THIS ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below in the manner described, on this ~~February~~ ^{4th} day of ~~February~~ ^{March}, 2010.


for Paula Ford
Agency Clerk

U. S. Mail:

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