

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

FILED

2008 JUN 17 P 1:49

RE: Rulemaking to Amend the Boundary
of the Capital Region Community
Development District.

DIVISION OF
ADMINISTRATIVE
HEARINGS
FLWAC Case No. CDD 07-004
DOAH Case No. 07-1414

FINAL ORDER OF DISMISSAL

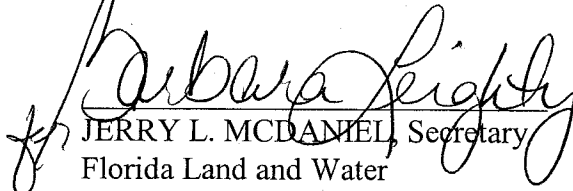
This cause came on for consideration by the Secretary of the Florida Land and Water Adjudicatory Commission ("Commission") through a letter filed on May 27, 2008, and attached Resolution 2008-07, filed on behalf of the Petitioner, Capital Region Community Development District, withdrawing its Petition to Contract the Capital Region Community Development District. A copy of Petitioner's letter of withdrawal and Resolution 2008-07 is attached and incorporated as Exhibit A. In light of such withdrawal the Commission is divested of further jurisdiction to proceed. See Orange County v. Debra, Inc., 451 So. 2d 868 (Fla. 1st DCA 1983)

IT IS ORDERED that the instant cause is hereby DISMISSED.

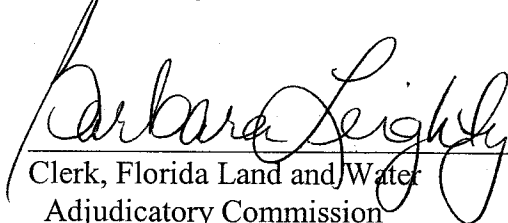
NOTICE OF RIGHTS

Any party to this Order has the right to seek Judicial review of the Final Order pursuant to section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. Notice of Appeal must be filed within 30 days of the day this Order is filed with the Clerk of the Commission.

DONE AND ORDERED this 15th day of June, 2008


for JERRY L. MCDANIEL, Secretary
Florida Land and Water
Adjudicatory Commission

15th FILED with the Clerk of the Florida Land and Water Adjudicatory Commission this
15th day of June, 2008.


Clerk, Florida Land and Water
Adjudicatory Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered to the following persons by United States mail or hand delivery this 15th day of June, 2008.

Honorable Charlie Crist
Governor
The Capitol
Tallahassee, Florida 32399

Honorable Alex Sink
Chief Financial Officer
The Capitol
Tallahassee, Florida 32399

Honorable Bill McCollum
Attorney General
The Capitol
Tallahassee, Florida 32399

Honorable Charles H. Bronson
Commissioner of Agriculture
The Capitol
Tallahassee, Florida 32399

Gerald B. Curington, Esquire
Governor's Legal Office
Room 209, The Capitol
Tallahassee, Florida 32399-0001

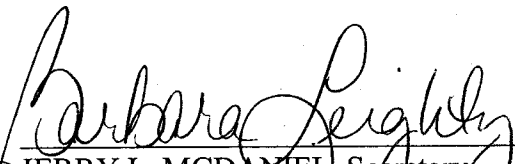
Brian A. Crumbaker, Esquire
Joseph A. Brown, Esquire
Hopping Green & Sams
Post Office Box 6526
Tallahassee, Florida 32301

Mr. Ray Eubanks, Administrator
Plan Processing Team
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Mr. Charles D. Blume, Executive Director
Apalachee Regional Planning Council
20776 Central Avenue East
Suite 1
Blountstown, Florida 32424

Honorable Donald R. Alexander
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

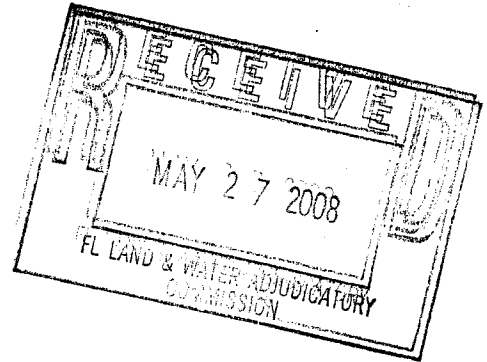
Florida Administrative Law Reports
Post Office Box 385
Gainesville, Florida 32602


for JERRY L. MCDANIEL, Secretary
Florida Land and Water Adjudicatory
Commission

Hopping Green & Sams

Attorneys and Counselors

May 27, 2008



Via Hand Delivery

Ms. Barbara Leighty
Florida Land and Water Adjudicatory Commission
1801 The Capitol
Tallahassee, Florida 32399-0001

Re: Capital Region Community Development District FLWAC Case No.
CDD-07-004

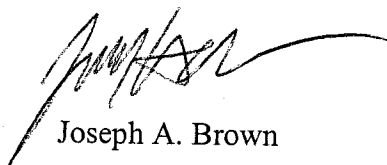
Dear Ms. Leighty:

Enclosed, please find a copy of Resolution 2008-07 passed by the Board of Supervisors of the Capital Region Community Development District ("District") on May 8, 2008, withdrawing the Petition to Contract the District submitted in the above matter ("Petition"), and directing staff of the District to effectuate such withdrawal. In accordance with Resolution 2008-07, please accept this letter as a formal request on behalf of the District to withdraw said Petition and terminate all associated proceedings before the Florida Land and Water Adjudicatory Commission ("Commission"). Withdrawal of the Petition by the District divests the Commission of jurisdiction to proceed and effectively terminates all proceedings in this matter. See Orange County v. Debra, Inc., 451 So.2d 868 (Fla. 1st DCA 1983) (holding withdrawal of petition submitted pursuant to Chapter 190 deprives the Commission of jurisdiction to proceed).

Thank you for your assistance in this matter and please let me know if any further action is required on the District's behalf to close this matter.

Very truly yours,

HOPPING GREEN & SAMS, P.A.



Joseph A. Brown

Enclosure

Exhibit A

RESOLUTION NO. 2008-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CAPITAL REGION COMMUNITY DEVELOPMENT DISTRICT DIRECTING THE CHAIRMAN AND DISTRICT STAFF TO TAKE ALL ACTIONS NECESSARY TO WITHDRAW THE PETITION FILED WITH THE FLORIDA LAND AND WATER ADJUDICATORY COMMISSION REQUESTING THE PASSAGE OF A RULE AMENDING THE DISTRICT'S BOUNDARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Capital Region Community Development District ("District") is a local unit of special-purpose government established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, Florida Statutes ("Uniform Act"), Chapter 42CC-1, Florida Administrative Code ("Rule"); and

WHEREAS, pursuant to a request received from The St. Joe Company, the primary landowner and developer of lands within the District ("Landowner"), the Board of Supervisors of the District adopted Resolution 2006-05 on February 2, 2006, directing the Chairman and District staff to file two (2) petitions to amend the boundary of the District; and

WHEREAS, the first petition filed with the Florida Land and Water Adjudicatory Commission ("FLWAC") sought to amend the District's boundary to incorporate 45.94 acres of land – lands constituting Unit 23 – and was approved with an effective date of November 1, 2006; and

WHEREAS, the second petition filed with FLWAC, which is the subject of this resolution, sought to amend the District's boundary to remove approximately 1,081 acres of land principally owned by the Landowner and the State of Florida; and

WHEREAS, pursuant to Section 190.046(1)(e), Florida Statutes, written consent of all landowners whose land is to be removed from the District is required; and

WHEREAS, the District has received correspondence from the Landowner, attached hereto as **Exhibit A** and incorporated herein by reference, withdrawing its consent to the removal of its lands from the District; and

WHEREAS, because the District is unable to proceed with the petition to amend the District's boundary without the Landowner's consent, the District desires to withdraw the petition and authorize the Chairman and District staff to take any actions necessary to affect such withdrawal.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE CAPITAL REGION COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The recitals as stated above are true and correct and by this reference are incorporated into and form a material part of this Resolution.

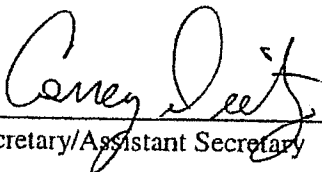
SECTION 2. The Board hereby withdraws its petition to contract the District's boundary and directs the Chairman and District staff to proceed in an expeditious manner to file this Resolution, along with any related material, with the Florida Land and Water Adjudicatory Commission.

SECTION 3. This Resolution shall become effective upon its passage.

PASSED AND ADOPTED this 8th day of May, 2008.

Attest:

**Capital Region
Community Development District**


Secretary/Assistant Secretary

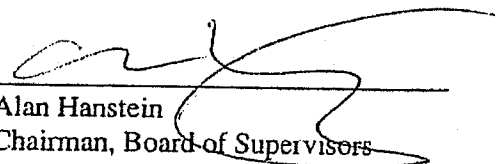

Alan Hanstein
Chairman, Board of Supervisors

Exhibit A: Correspondence of The St. Joe Company

EXHIBIT A



April 23, 2008

VIA HAND DELIVERY

Mr. Brian A. Crumbaker
Hopping Green & Sams, P.A.
123 South Calhoun Street
Tallahassee, Florida 32301

Re: Petition to Contract the Boundary of the Capital Region Community Development District

Dear Brian:

Please accept this letter as formal notice that The St. Joe Company is withdrawing its consent to the contraction of the Capital Region Community Development District. Please advise the Florida Land and Water Adjudicatory Commission and the Capital Region Community Development District Board of Supervisors of this action.

Thank you for your assistance in this matter and please contact me if there are questions regarding our withdrawal of consent.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Wier", with a large, sweeping flourish extending to the left.

Bill Wier
Vice President and General Manager