

FILED
11 APR 15 9:11:32

FINAL ORDER NO. LW-11-005

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

RE: Rulemaking to Establish the
Bexley Community
Development District.

FLWAC Case No. CDD-07-011

FINAL ORDER OF DISMISSAL WITHOUT PREJUDICE TO REFILE

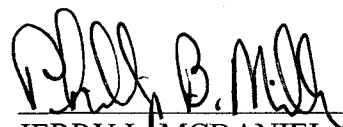
This cause came before the Secretary of the Florida Land and Water Adjudicatory Commission upon the "Notice of Withdrawal of Petition Without Prejudice to Refile" filed by the Petitioner NNP-Bexley, Ltd., on April 7, 2011. A copy of the "Notice of Withdrawal of Petition Without Prejudice to Refile" is attached and incorporated as "Exhibit A."

IT IS ORDERED that the proceeding is dismissed without prejudice.

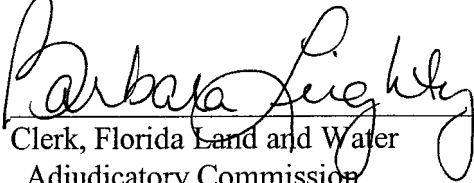
NOTICE OF RIGHTS

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 13th day of April, 2011.

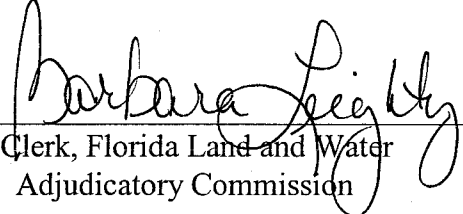

For JERRY L. MCDANIEL, Secretary
Florida Land and Water
Adjudicatory Commission

13 FILED with the Clerk of the Florida Land and Water Adjudicatory Commission this
day of April, 2011.


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 this 13th day of April, 2011.


Clerk, Florida Land and Water
Adjudicatory Commission

Honorable Rick Scott
Governor
The Capitol
Tallahassee, Florida 32399

Honorable Jeff Atwater
Chief Financial Officer
The Capitol
Tallahassee, Florida 32399

Honorable Pam Bondi
Attorney General
The Capitol
Tallahassee, Florida 32399

Honorable Adam Putnam
Commissioner of Agriculture
The Capitol
Tallahassee, Florida 32399

Carly A. Hermanson, Esquire
Governor's Legal Office
Room 209, The Capitol
Tallahassee, Florida 32399-0001

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Fowler White Boggs P.A.
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Tampa, Florida 33601

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Plan Processing Team
Division of Community Planning
Department of Community Affairs
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Tallahassee, Florida 32399-2100

John McKay
Rizzetta & Company, Inc.
3434 Colwell Avenue
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Tampa, Florida 33614

Honorable Donald R. Alexander
Administrative Law Judge
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Manny L. Pumariega, Executive Director
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard
Suite 100
Pinellas Park, Florida 33782

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

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

IN RE: PETITION TO ESTABLISH THE
BEXLEY COMMUNITY DEVELOPMENT
DISTRICT

FLAWAC Case No. CDD-07-011

NOTICE OF WITHDRAWAL OF PETITION WITHOUT PREJUDICE TO REFILE

COMES NOW, Petitioner NNP-BEXLEY, Ltd., a Florida limited partnership (“Petitioner”), by and through its undersigned counsel, and files this Notice of Withdrawal of Petition without Prejudice to Refile. In support hereof, Petitioner states the following:

1. On June 29, 2007, Petitioner submitted to the Florida Land and Water Adjudicatory Commission (the “Commission”) a Petition to Establish the BEXLEY COMMUNITY DEVELOPMENT DISTRICT I (the “Petition”).

2. On November 9, 2007, a public hearing on the Petition was held before Administrative Law Judge Donald R. Alexander.

3. On December 3, 2007, Petitioner filed its Proposed Report of Findings and Conclusions with Judge Alexander.

4. On December 18, 2007, Judge Alexander filed his Administrative Law Judge’s Report to the Florida Land and Water Adjudicatory Commission which concluded that “the Petition appears to meet all statutory requirements, and there appears to be no reason not to grant the Petition to Establish the Bexley Community Development District I as requested by Petitioner.”

5. On September 6, 2008, Petitioner filed a Motion to Hold Petition in Abeyance, due to changes in market conditions.

6. The Commission granted consecutive Orders of Abeyance, continuing the abeyance of the Petition through December 31, 2010.

7. Market conditions continue to affect Petitioner's efforts to proceed with the final hearing on the Petition.

8. Petitioner hereby files this Notice of Withdrawal of the Petition.

WHEREFORE, Petitioner respectfully requests that an Order of Withdrawal of Petition without Prejudice to Refile a Petition at a later date be entered by the Commission.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the above and foregoing has been furnished via U.S. Mail to: Secretary Jerry McDaniel, Florida Land and Water Adjudicatory Commission, The Capitol, Suite 1601, Tallahassee, FL 32399-0001; Ms. Barbara Leighty, Office of the Governor, 2105 The Capitol, Tallahassee, FL 32399-0001 and via Electronic Mail; Shaw Stiller, Esq., Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100 this 7th day of April, 2011.



Erin McCormick, Esq.
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Attorneys for Petitioner

Leighty, Barbara

From: Clark, Linda [Linda.Clark@fowlerwhite.com]
Sent: Thursday, April 07, 2011 3:54 PM
To: Leighty, Barbara
Cc: McCormick, Erin
Subject: Bexley Community Development District/Notice of Withdrawal
Attachments: Bexley Notice of Withdrawal.pdf

Importance: High

Ms. Leighty:

Erin requested that I send you the above referenced Notice for filing. Erin will be calling you this afternoon and the original will be coming overnight via FedEx.

Should you have any questions, please do not hesitate to call.



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If you desire a formal opinion on a particular tax matter for the purpose of avoiding the imposition of any penalties, we will discuss the additional Treasury requirements that must be met and whether it is possible to meet those requirements under the circumstances, as well as the anticipated time and additional fees involved.

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