

**FINAL ORDER NO. DCA09-GM-266**

**STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS**

ACORN AT WILLOUGHBY, LLC,

Petitioner,

v.

**DOAH Case No. 08-4930GM**

MARTIN COUNTY and DEPARTMENT  
OF COMMUNITY AFFAIRS,

Respondents.

\_\_\_\_\_ /

**FINAL ORDER**

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Closing File in this proceeding. A copy of the Order is attached hereto as Exhibit A.

**BACKGROUND**

This is a proceeding to determine whether Martin County's Comprehensive Plan Amendment ("Amendment") adopted by Ordinance No. 802, on August 5, 2008, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes. The Department reviewed the Amendment and issued a Notice and Statement of Intent to find it not in compliance. Pursuant to Section 163.3184(10), Florida Statutes, the Department instituted an administrative proceeding against the County. Acorn at Willoughby, LLC, was granted leave to intervene.

The County and the Department of Community Affairs entered into a Stipulated Settlement Agreement which required the County to adopt a remedial amendment ("Remedial

**FINAL ORDER NO. DCA09-GM-266**

Amendment"). The County adopted the Remedial Amendment and, on June 29, 2009, the Department subsequently published its Cumulative Notice of Intent to find the Amendment and the Remedial Amendment "in compliance". Acorn at Willoughby, LLC, did not join in the Settlement Agreement and, pursuant to Section 163.3184(16), Florida Statutes, was realigned as the Petitioner in this proceeding. Acorn at Willoughby, LLC, subsequently concurred with the Department's determination that the Amendment, as remediated, is in compliance.

A Motion to Relinquish Jurisdiction was filed with the Division of Administrative Hearings, and on July 17, 2009, the Administrative Law Judge issued his Order Closing File.

**ORDER**

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED, and the Agency Clerk is directed to close the file.

DONE AND ORDERED in Tallahassee, Florida.



Shaw P. Stiller  
General Counsel

**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

**FINAL ORDER NO. DCA09-GM-266**

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.

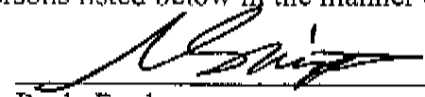
MEDIATION UNDER SECTION 120.573, FLA. STAT., IS NOT AVAILABLE WITH RESPECT TO THE ISSUES RESOLVED BY THIS ORDER.

## FINAL ORDER NO. DCA09-GM-266

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below in the manner described, on this 18<sup>th</sup> day of July, 2009.

*JFH*

*fo*   
\_\_\_\_\_  
Paula Ford  
Agency Clerk  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**U. S. Mail:**

John S. Yudin, Esquire  
Attorney for Intervenor  
Guy Yudin & Foster, LLP  
55 E. Ocean Boulevard  
Stuart, Florida 34994

David Acton, Esquire  
Martin County Attorney  
2401 SE Monterey Road  
Stuart, Florida 34996

**Hand Delivery:**

Richard E. Shine, Esquire  
L. Mary Thomas, Esquire  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

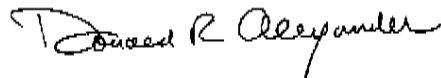
ACORN AT WILLOUGHBY, LLC,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 08-4930GM
	)	
DEPARTMENT OF COMMUNITY AFFAIRS	)	
and MARTIN COUNTY,	)	
	)	
Respondents.	)	
_____	)	

ORDER CLOSING FILE

This cause having come before the undersigned on Respondent Martin County's Unopposed Motion to Relinquish Jurisdiction, and the undersigned being fully advised, it is, therefore,

ORDERED that the file of the Division of Administrative Hearings in the above-captioned matter is hereby closed. Jurisdiction is hereby relinquished to the Department of Community Affairs.

DONE AND ORDERED this 17th day of July, 2009, in Tallahassee, Leon County, Florida.




---

DONALD R. ALEXANDER  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the Division of Administrative Hearings this 17th day of July, 2009.

