

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

2009 JUL -6 A 10:58
DIVISION OF ADMINISTRATIVE HEARINGS
FILED

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

vs.

Case No. 08-4951GM

MARION COUNTY,

Respondent,

and

DANA KOTYLAK; SOUTEAST CONSULTING SERVICES, INC.; MARIO T. ZACCO; KARON ZACCO; A/P, LLC; PAUL A. LOUISE AND KAREN A. SKINNER, TRUSTEES; H. RANDOLPH KLEIN AND SUSAN P. KLEIN, TRUSTEE; BRADFORD FARMS PHASE 3-5, LLC; BRADFORD 159 PZ, LLC; TW & P INVESTMENTS, LLC; KIRK BOONE, TRUSTEE; and 484 PARTNERS, LLC.

Intervenors.

_____ /


PARTIAL FINAL ORDER

Petitioner Department of Community Affairs (Department or DCA) filed a petition for hearing on October 6, 2008, with the Division of Administrative Hearings (DOAH) pursuant to Section 163.3184(10), Florida Statutes. This petition alleged that certain comprehensive plan amendments adopted by Marion County Ordinance Number 08-25 on July 23, 2008, were not in compliance, and requested that an administrative law judge be assigned to this matter. Included in Marion County Ordinance Number 08-25 was Amendment 08-L21.

Intervenor 484 Partners, LLC, the owner as to the parcel of real property covered by Amendment 08-L21, and the Department have entered into a Stipulated Settlement Agreement (Agreement) partially settling the case and resolving all disputed issues related to Amendment 08-L21. On May 4, 2009, pursuant to the Agreement, the Department published an Amended Notice of Intent finding Amendment 08-L21 as adopted by Ordinance 08-25 "in compliance." A copy of the Amended Notice of Intent is appended hereto as Exhibit A. The Amended Notice of Intent eliminates the compliance issues for Amendment 08-L21. Accordingly, the Department filed a Motion to Relinquish Jurisdiction of Matters Pertaining to Amendment 08-L21 to the Department of Community Affairs (Motion) on June 9, 2009. The Administrative Law Judge issued an Order granting the Motion on June 23, 2009, relinquishing jurisdiction for Amendment 08-L21 to the Department. A copy of the Order is appended hereto as Exhibit B.

ORDERED that Amendment 08-L21 is "in compliance," this proceeding is partially dismissed, and the Agency Clerk is hereby authorized and directed to close the file in this proceeding for Amendment 08-L21.

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.

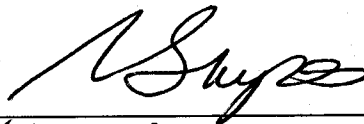
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 matter described, on this 2nd day of July, 2009.


for Paula Ford
Agency Clerk

Honorable J. Lawrence Johnston
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

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Final Order No. DCA09-GM-256

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