

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY  
AFFAIRS,

Petitioner,

vs.

DOAH Case No. 09-0565GM

CITY OF POLK CITY,

Respondent.

2010 JUL 21 P 12:44  
FILED  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

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 to this Final Order as Exhibit A.

BACKGROUND

This is a proceeding to determine whether the City of Polk City's ("City") Comprehensive Plan Amendment adopted by Ordinance No. 1244 on November 12, 2008 ("Plan Amendment"), is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

The parties entered into a Stipulated Settlement Agreement which required the City to adopt certain remedial amendments. The City adopted the remedial amendments by Ordinance No. 1262 on April 13, 2010 ("Remedial Amendment"). On June 10, 2010, the Department published its Cumulative Notice of Intent finding the Plan Amendment and the Remedial Amendment "in compliance" with Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida

**FINAL ORDER NO. DCA10-GM-123**

Administrative Code. No party filed a challenge to the Remedial Amendment adopted by Ordinance No. 1262 within the 21-day challenge period.

The Department filed with the Division of Administrative Hearings a Notice of Filing Cumulative Notice of Intent and Request to Relinquish Jurisdiction on June 18, 2010. On June 18, 2010, the Administrative Law Judge issued his Order Closing File. No Exceptions to the Administrative Law Judge's Order were filed.

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  
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.

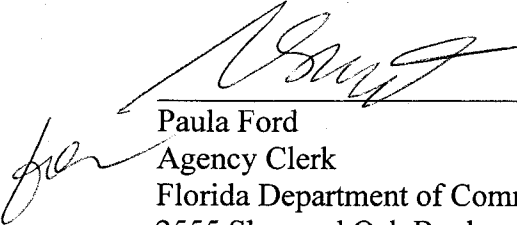
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 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 20th day of July, 2010.

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

**U. S. Mail:**

The Honorable Bram D. E. Canter  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

Jeffery Sullivan, Esq.  
Stidham and Stidham, P.A.  
150 East Davidson Street  
Bartow, Florida 33831

**Hand Delivery:**

Matthew Davis, Esquire  
Assistant General Counsel  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, Florida 32399