

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

WITHAM AIRPORT ACTION MAJORITY,
INC.,

Petitioner,

v.

DOAH Case No.: 09-1390GM

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 to this Final Order as Exhibit A.

BACKGROUND

This is a proceeding to determine whether Martin County's ("County") Comprehensive Plan Amendment adopted by Ordinance No. 814 on December 9, 2008 ("Amendment"), is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes ("Act").

On March 10, 2009, Witham Airport Action Majority, Inc. ("Petitioner") filed a Petition for Formal Administrative Hearing ("Petition") challenging the Department's Notice of Intent finding the Amendment in compliance. Subsequently, the Department forwarded the Petition to the Division of Administrative Hearings.

FILED
2009 DEC -4 A 10:36
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER NO. DCA09-GM-378

On October 22, 2009, the Petitioner filed a motion for Voluntary Dismissal with the Division of Administrative Hearings, and on October 23, 2009, the Administrative Law Judge issued his Order Closing File.

Given that the Petitioner has filed a motion for Voluntary Dismissal, there are no pending issues in this proceeding.

ORDER

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED, the comprehensive plan amendment adopted by Martin County Ordinance No. 814 is determined to be in compliance, 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.

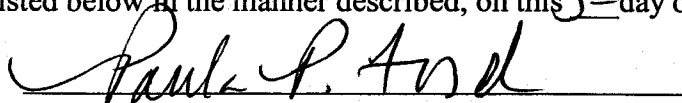
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 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 3rd day of December, 2009.



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

U. S. Mail:

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Administrative Law Judge
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