

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

VILLAGE OF ROYAL PALM BEACH,
FLORIDA and PALM BEACH COUNTY,
FLORIDA,

Petitioners,

v.

CITY OF WEST PALM BEACH and
DEPARTMENT OF COMMUNITY AFFAIRS,

Respondents.

_____ /

FILED
2010 JUN -4 A 11:22
DIVISION OF
ADMINISTRATIVE
HEARINGS
DOAH CASE NO 09-1605GM
09-1606GM

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 West Palm Beach (City) Comprehensive Plan Amendment 09-R1, adopted by Ordinance No. 4179-08 on December 14, 2009, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

On March 5, 2009 the Department issued its Notice of Intent to find the City's Comprehensive Plan Amendment 08-2ER adopted by

FINAL ORDER NO. DCA10-GM-115

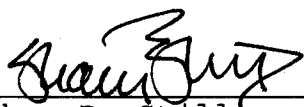
Ordinance No. 4179-08 "in compliance." Petitioners Village of Royal Palm Beach County and Palm Beach County challenged the 08-2ER amendment by filing Petitions for Hearing on March 24, 2009 and March 26, 2009, respectively.

All parties to this proceeding entered into a Stipulated Settlement Agreement which required the City to adopt certain amendments. The City adopted the amendments and the Department subsequently published its Notice of Intent to find the amendments "in compliance" with Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code.

No affected person, as defined by Section 163.3184(1)(a), Florida Statutes, filed a petition challenging the Notice, and the time for doing so has expired.

ORDER

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



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.

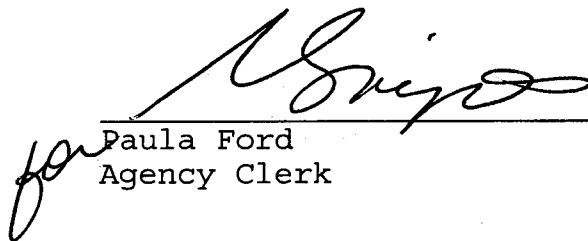
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 as indicated to each of the persons listed below on this 3rd day of June, 2010.



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Agency Clerk

By U.S. Mail

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By Interoffice Mail

The Honorable Donald R. Alexander
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