

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

ROBERT J. KEANE,
Petitioner,

vs.

DOAH Case No. 09-1777GM

CITY OF CAPE CORAL and
DEPARTMENT OF COMMUNITY
AFFAIRS,

Respondents,
_____ /

2009 JUL 22 A 10:11
DIVISION OF
ADMINISTRATIVE
HEARINGS
FILED

FINAL ORDER

This cause is before the Department of Community Affairs on an Order Closing File, a copy of which is appended hereto as Exhibit A.

On March 16, 2009, the Department published its Notice of Intent to find Cape Coral's 09-1 amendment to its comprehensive plan, adopted by Ordinance 13-08, "in compliance" as that term is defined by Section 163.3184(1)(b), Florida Statutes.

On April 7, 2009, pursuant to Section 163.3184(9), Florida Statutes, the Department forwarded Robert J. Keane's Petition for Administrative Hearing to the Division of Administrative Hearings. The case was assigned DOAH case number 09-1777GM.


By filing a Notice to Withdraw on July 17, 2009, Petitioner requested that his petition for hearing be withdrawn. There are no other Petitioners in this case, and, therefore, no disputed

issues remain to be resolved. The Florida Supreme Court held that "[a] case is 'moot' when it presents no actual controversy or when the issues have ceased to exist." Godwin v. State, 593 So. 2d 211, 212 (Fla. 1991). A moot case generally will be dismissed. Id.

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 this day 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)©) 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 by U.S. Mail to each of the persons listed below on this 21 day of July, 2008.

for 

Paula Ford
Agency Clerk

By U.S. Mail

The Honorable Donald R. Alexander
Administrative Law Judge
Division of Administrative Hearings
The Desoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Dr. Robert J. Keane
1616 102 SW Cape Cape Coral Parkway
#254
Cape Coral, Florida 33914

Mark E. Lupe, Esquire
Assistant City Attorney
City of Cape Coral
Post Office Box 150027
Cape Coral, Florida 33915-0027

By Hand Delivery

Lynette Norr
Department of Community Affairs
2555 Shumard Oak Boulevard
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