

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

vs.

DOAH Case No. 09-1873GM

CITY OF MIDWAY,

Respondent.

_____ /

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 Midway's ("City") Comprehensive Plan Amendment adopted by Ordinance No. 2008-02 Section 1, Maps 1.4 and 1.6 depicting Future Land Use Map amendments number 13 and 1, and Future land Use Element Policy 1.1.1.12, on May 29, 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 Nos. 2008-12, 2008-13 and 2008-14 on November 5, 2009, and Ordinance No. 2009-07 on September 2, 2010, ("Remedial Amendments"). On November 17, 2010, the Department

FINAL ORDER NO. DCA11-GM-006

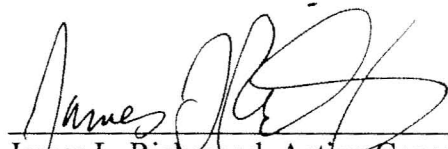
published its Cumulative Notice of Intent finding the Plan Amendment and the Remedial Amendment “in compliance” with Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code. No party filed a challenge to the Remedial Amendments within the 21-day challenge period.

The Department filed with the Division of Administrative Hearings a Notice of Filing Cumulative Notice of Intent and Request to Relinquish Jurisdiction on December 28, 2010. On December 29, 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.



James L. Richmond, Acting 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 5th day of January, 2011.



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

Agatha Muse-Salters
City of Midway
P.O. Box 438
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Hand Delivery:

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