

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

FILED  
2010 MAR 24 A 9 54  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

GATEWAY SOUTHEAST PROPERTIES, INC.,

Petitioner,

v.

TOWN OF MEDLEY and THE  
DEPARTMENT OF COMMUNITY AFFAIRS,

DOAH Case No. 09-2579GM

Respondents,

and

WASTE MANAGEMENT, INC. OF FLORIDA,

Respondent/Intervenor.

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**FINAL ORDER**

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Closing File following the Notice of Voluntary Dismissal filed by the Petitioner. A copy of the Order is attached as Exhibit A.

**BACKGROUND**

On February 17, 2009, Respondent Town of Medley adopted an amendment to its comprehensive plan by Ordinance No. C-319 (Amendment). The Department reviewed the Amendment and determined that it met the criteria for compliance set forth in Section 163.3184(1)(b), Florida Statutes. A Notice of Intent to find the Amendment "in compliance" was published in the River Cities Gazette on April 9, 2009. Gateway Southeast Properties then instituted this administrative proceeding against the Town of Medley and the Department pursuant to Section 163.3184(10), Florida Statutes, to find

the creation of a Solid Waste Management Facilities Overlay District inconsistent and “not in compliance” with the adopted State Comprehensive Plan and a declaration that all actions taken in reliance upon the Amendment void.

On March 19, 2010, Petitioner Gateway Southeast Properties voluntarily dismissed the Petition with prejudice. Consequently, the DOAH case file for DOAH Case No. 09-2579GM has been closed and jurisdiction has been relinquished to the Department for entry of a final order of dismissal.

ORDER

WHEREFORE, it is ORDERED that the above-captioned proceeding is DISMISSED WITH PREJUDICE, the Town of Medley’s Comprehensive Plan Amendment, adopted by Ordinance No. C-319, is “in compliance,” and the Agency Clerk is directed to close the file.

DONE AND ORDERED in Tallahassee, Florida.



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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.

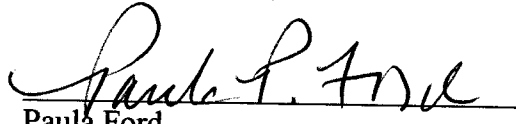
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below in the manner described, on this 23<sup>rd</sup> day of March, 2010.

  
Paula Ford  
Agency Clerk

U. S. Mail:

The Honorable D.R. Alexander  
Administrative Law Judge  
Division of Administrative Hearings  
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