

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY AFFAIRS,

Petitioner,

and

INDIAN RIVER COUNTY,

Intervenor,

vs.

Case No. 09-4154GM

CITY OF FELLSMERE,

Respondent,

and

FELLSMERE JOINT VENTURE, LLP,
BERNARD A. EGAN GROVES, INC.,
and FELLSMERE ESTATES, LLC,

Intervenors.

_____ /

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 Fellsmere's ("City") Comprehensive Plan Amendments, adopted by Ordinance Numbers 08-14 and 08-15 on May 21, 2009 ("Amendments"), are "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes ("Act").

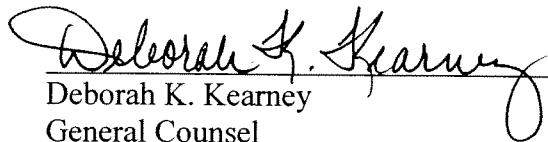
The parties entered into a Compliance Agreement which required the City to adopt a remedial amendment. The City adopted the remedial amendment, via Ordinance Number 2010-07, on October 7, 2010 ("Remedial Amendment"). On December 22, 2010, the Department published a Cumulative Notice of Intent finding the Amendments, as remediated, in compliance.

The Department subsequently filed with the Division of Administrative Hearings a Motion to Close File and Relinquish Jurisdiction. On January 19, 2011, 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.


Deborah K. Kearney
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.

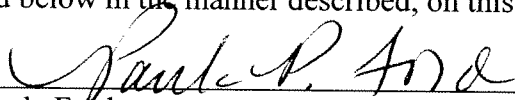
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 18th day of April, 2011.



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

FINAL ORDER NO. DCA11GM-014

U. S. Mail:

J. Lawrence Johnston
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

Warren Dill, Esquire
City Attorney
21 South Cypress Street
Fellsmere, Florida 32948

Karen Brodeen, Esquire
Fowler White Boggs and Banker
101 North Monroe Street
Suite 1090
Tallahassee, Florida 32301

Alan Polackwich, Esquire
1801 27th Street
Vero Beach, Florida 32960

Hand Delivery:

L. Mary Thomas, Esquire
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399