

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY AFFAIRS,

Petitioner,

v.

Case No. 10-0045GM

CITY OF POLK CITY,

Respondent,

and

POLK CITY ASSOCIATES, LLC,
and COLE'S PROPERTY, LLC,

Intervenors.

FINAL ORDER

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Closing File and relinquishing jurisdiction 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 Polk City (City) Comprehensive Plan Amendment 08-1, adopted by Ordinance No. 1206 on March 19, 2008, is "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act, Ch. 163, Part II, Florida Statutes (the "Act").

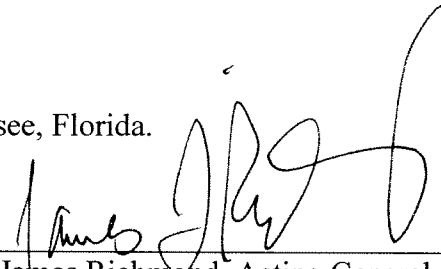
The parties to this proceeding entered into a Stipulated Settlement Agreement, the City adopted a Remedial Amendment, the Department published a Cumulative Notice of Intent to find the Remedial Amendment in compliance, and no challenges to the Cumulative Notice of

Intent were timely filed. The Department filed a Notice of Voluntary Dismissal, and the ALJ then issued his Order Closing File.

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 Richmond, Acting General Counsel
DEPARTMENT OF COMMUNITY AFFAIRS

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.

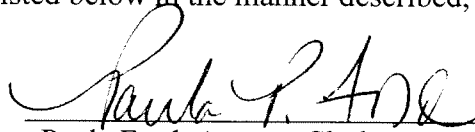
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED 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 12th day of January, 2011.



Paula Ford, Agency Clerk
DEPARTMENT OF COMMUNITY AFFAIRS
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

By U.S. Mail and electronic mail:

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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

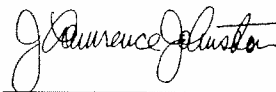
DEPARTMENT OF COMMUNITY)
AFFAIRS,)
)
Petitioner,)
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vs.) Case Nos. 10-0045GM
) 10-2797DRI
CITY OF POLK CITY,)
)
Respondent,)
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)
POLK CITY ASSOCIATES, LLC, AND)
COLE'S PROPERTY, LLC,)
)
Intervenors.)
_____)

ORDER CLOSING FILES

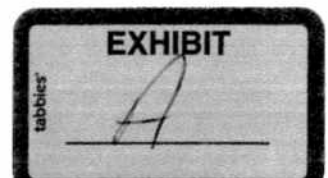
This cause having come before the undersigned on the Notice of Voluntary Dismissal, filed January 10, 2011, and the undersigned being fully advised, it is, therefore,

ORDERED that the files of the Division of Administrative Hearings in the above-captioned matter are hereby closed.

DONE AND ORDERED this 11th day of January, 2011, in Tallahassee, Leon County, Florida.



J. LAWRENCE JOHNSTON
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us



Filed with the Clerk of the
Division of Administrative Hearings
this 11th day of January, 2011.

COPIES FURNISHED:

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