

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

DEPARTMENT OF COMMUNITY  
AFFAIRS,

Petitioner,

v.

Case No. 10-9857GM

CITY OF CAPE CORAL,

Respondent.

\_\_\_\_\_ /

**FINAL ORDER**

An Administrative Law Judge of the Division of Administrative Hearings has entered an Order Relinquishing Jurisdiction and 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 Cape Coral (City) Comprehensive Plan Amendment 10-1, adopted by Ordinance No. 21-10 on August 17, 2010, is "in compliance" with the Community Planning Act, Ch. 163, Part II, Florida Statutes (as amended by Chapter 2011-139, Laws of Florida) (the "Act").

The parties entered into a Stipulated Settlement Agreement which required the City to adopt a certain remedial amendment. The City adopted Remedial Amendment 11-R1 by Ordinance No. 14-11 on May 16, 2011, and the Remedial Amendment was not challenged by a timely petition.

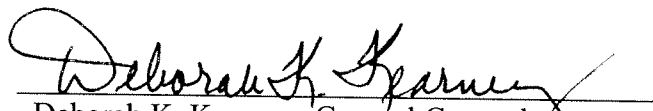
The Department subsequently filed a Motion for Order Relinquishing Jurisdiction. The Administrative Law Judge issued his Order Relinquishing Jurisdiction and Closing File (copy attached hereto as Exhibit A), and relinquished jurisdiction to the Department.

ORDER

WHEREFORE, it is ORDERED that:

- A. The City of Cape Coral Comprehensive Plan Amendment 10-1, adopted by Ordinance No. 21-10 on August 17, 2010, as modified by Remedial Amendment 11-R1, adopted by Ordinance No. 14-11 on May 16, 2011, is determined to be in compliance with the Act, and
- B. The above-captioned proceeding is DISMISSED.

DONE AND ORDERED in Tallahassee, Florida.

  
Deborah K. Kearney, 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.

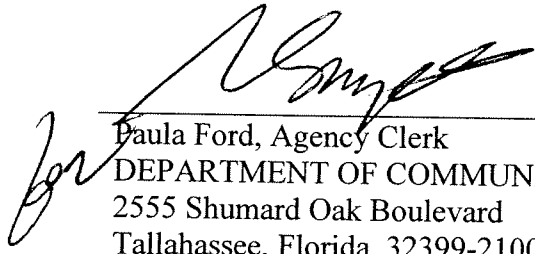
TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED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

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

**By Filing with DOAH:**

The Honorable D. R. Alexander  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-1550

**By Electronic Mail:**

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