

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

DEPARTMENT OF COMMUNITY  
AFFAIRS,

Petitioner,

and

RAY ROBERTS, ERIC TITCOMB,  
ROBERT WEINTRAUB, AND  
JULIE FERREIRA,

Intervenors,

vs.

Case No. 10-10520GM

NASSAU COUNTY,

Respondent,

and

TERRAPOINTE, LLC,

Intervenor.

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**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 Nassau County Comprehensive Plan Amendment 10-2ER, adopted by Ordinance 2010-11 on October 18, 2010, is “in compliance” with the Community Planning Act, Ch. 163, Part II, Florida Statutes.

**FINAL ORDER NO. DCA 11-GM-151**

The Department, the County, and Terrapointe LLC entered into a Stipulated Settlement Agreement which required the County to adopt certain remedial amendments for the 10-2ER amendment. The County adopted the remedial amendments on May 23, 2011, by Ordinance 2011-04, and after review of the amendment the Department posted its Remedial Cumulative Notice to find the amendments in compliance on the DCA website.

The issues raised in this case have been fully resolved. No additional remedial actions are required for the 10-2ER amendment to be in compliance. Intervenors Ray Roberts, Eric Titcomb, Robert Weintraub, and Julie Ferreira have dismissed their petition challenging the 10-2ER amendment. By Order in this case jurisdiction was relinquished to the Department by the Administrative Law Judge, and the DOAH file was closed.

ORDER

WHEREFORE, it is ORDERED that the Nassau County 10-2ER Plan Amendment adopted by Ordinance 2010-11 on October 18, 2010, as modified by the remedial amendment adopted by Ordinance 2011-04 on May 23, 2011, is “in compliance” with the Community Planning Act, Ch. 163, Part II, Florida Statutes.

DONE AND ORDERED this day in Tallahassee, Florida.

  
William A. Buzzett, Secretary  
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 by U.S. Mail to each of the persons listed below on this 28<sup>th</sup> day of

July, 2011.



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

**By U.S. Mail**

The Honorable David M. Maloney  
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Division of Administrative Hearings  
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**By Electronic Mail**

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