

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
Haydon Burns Building
605 Suwannee Street
Tallahassee, Florida

FILED

2012 JAN -6 A 11: 25

DIVISION OF
ADMINISTRATIVE
HEARINGS

**KYRIAKOU REVOCABLE TRUST
AGREEMENT,**

Petitioner,

vs.

**DOT CASE NO.: 10-023
DOAH CASE NO.: 11-04463**

**STATE OF FLORIDA, DEPARTMENT
OF TRANSPORTATION,**

Respondent.

FINAL ORDER

On February 5, 2010, the Respondent, Department of Transportation (Department), notified Petitioner, Kyriakou Revocable Trust Agreement (Kyriakou), that as part of the US 19 Continuous Right Turn Lane Project in Pasco County, Florida, the Department intended to close one of the driveway connections between Kyriakou's property and U.S. Highway 19 (US 19). Kyriakou's property is located at 1733 U.S. Highway 19, in Holiday, Pasco County, Florida.

By letter dated February 26, 2010, Kyriakou objected to the proposed closure and requested an administrative hearing. On September 1, 2011, the Department referred the request to the Division of Administrative Hearings for assignment of an Administrative Law Judge (ALJ) and a formal hearing.

The matter proceeded to hearing on October 18, 2011, before William F. Quattlebaum, a duly appointed ALJ. Appearances on behalf of the parties were as follows:

For Petitioner: Soterios Kyriakou, pro se
Kyriakou Revocable Trust Agreement
1010 Peninsula Avenue
Tarpon Springs, Florida 34689

For Respondent: Kathleen P. Toolan, Esquire
Department of Transportation
Haydon Burns Building, Mail Station 58
605 Suwannee Street
Tallahassee, Florida 32399

At the hearing, Kyriakou presented the testimony of one witness. The Department presented the testimony of five witnesses and had Exhibits 1 through 4, 6, 7, and 12 through 14 admitted into evidence.

A transcript of the proceedings was filed on October 31, 2011, and the Department filed a Proposed Recommended Order on November 10, 2011. The ALJ entered his Recommended Order on November 30, 2011, wherein he recommended the Department enter a final order approving the closure of the northernmost driveway connection located at 1733 U.S. Highway 19, in Holiday, Pasco County, Florida. No exceptions were filed.

STATEMENT OF THE ISSUE

The issue as presented by the ALJ in his Recommended Order:

Whether the Department of Transportation (Department) proposal to close a driveway connection between a state highway and property owned by the Kyriakou Revocable Trust Agreement (Petitioner) should be approved.

FINDINGS OF FACT

After review of the record in its entirety, it is determined that the Administrative Law Judge's Findings of Fact in paragraphs 1 through 25 of the Recommended Order are supported by competent, substantial evidence and are adopted and incorporated as if fully set forth herein.

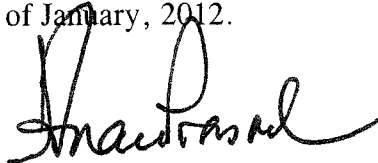
CONCLUSIONS OF LAW

1. The Department has jurisdiction over the subject matter of and the parties to this proceeding pursuant to Chapters 120 and 335, Florida Statutes.
2. The Conclusions of Law in paragraphs 26 through 32 of the Recommended Order are fully supported in law, and are adopted and incorporated as if fully set forth herein.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is **ORDERED** that the closure of the northernmost driveway connection located at 1733 U.S. Highway 19, Holiday, Pasco County, Florida, is approved.

DONE AND ORDERED this 3rd day of January, 2012.



Ananth Prasad, P.E.
Secretary
Department of Transportation
605 Suwannee Street
Haydon Burns Building
Tallahassee, Florida 32399-0458

FILED D.O.T. CLERK
2012 JAN -5 AM 11:07

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(d), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, HAYDON BURNS BUILDING, 605 SUWANNEE STREET, M.S. 58, TALLAHASSEE, FLORIDA 32399-0458, WITHIN 30 DAYS OF RENDITION OF THIS ORDER.

Copies furnished to:

Kathleen P. Toolan, Esquire
Assistant General Counsel
Department of Transportation
Haydon Burns Building
605 Suwannee Street, M.S. 58
Tallahassee, Florida 32399

William F. Quattlebaum
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Soterios Kyriakou, pro se
Kyriakou Revocable Trust Agreement
1010 Peninsula Avenue
Tarpon Springs, Florida 34689

Amy Neidringhaus, P.E.
District 7 Project Manager
Department of Transportation
11201 N. Malcom McKinley Drive
Tampa, Florida 33612-6403