

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

**DAVID L. MAASSEN,**

**Petitioner,**

**vs.**

**DOT Case No. 21-011**

**DEPARTMENT OF TRANSPORTATION,**

**Respondent.**

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**FINAL ORDER**

The Department issued a Notice of Intent to Modify Driveway Connection (Notice) to John and Kathryn Maassen, the listed property owners, on March 1, 2021. The Notice proposed that the existing 100-foot wide State Road 70 (Oak Street) driveway connection to the Maassen property leased to the DeSoto Sign company would be closed pursuant to the Department's design efforts to improve safety and operations as part of the State Road 70 Roadway Improvement and Reconstruction Project. On March 25, 2021, Petitioner, David L. Maassen (Maassen), on behalf of the deceased property owners as the surviving heir, and who is responsible for the commercial property leased to DeSoto Sign, filed a timely Request for Administrative Hearing with the Department challenging the Notice.

On May 11, 2021, this case was referred to the Division of Administrative Hearings, and a hearing by Zoom Conference was conducted before the assigned Administrative Law Judge (ALJ), Lynne A. Quimby-Pennock, on July 16, 2021. The ALJ entered a Recommended Order (Order) on September 28, 2021, finding that the Department proved by a preponderance of the evidence that the closure of Petitioner's driveway connection to State Road 70 will improve safety and the operational characteristics on the roadway, and will provide Petitioner with reasonable access

through the indirect connection on Baldwin Avenue. The Order also recommended that the Department enter a final order approving the closure of the property's 100-foot driveway as part of the State Road 70 project. A copy of the Recommended Order is attached. None of the parties filed exceptions to the Recommended Order.

**FINDINGS OF FACT**

The Findings of Fact set forth in paragraphs 1-42 of the Recommended Order are supported by competent, substantial evidence and the Department adopts the Findings of Fact set forth in paragraphs 1-42 of the Recommended Order and incorporates them by reference.

**CONCLUSIONS OF LAW**

The Conclusions of Law set forth in paragraphs 43-57 of the Recommended Order are supported by law and the Department adopts the Conclusions of Law set forth in paragraphs 43-57 of the Recommended Order and incorporates them by reference.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Department approves the proposed closure of the Maassens' property's 100-foot driveway connection to SR 70 and finds the closure will improve safety and operational characteristics on SR 70, and will provide Petitioner with reasonable access to SR 70 through the indirect connection on Baldwin Avenue.

**DONE AND ORDERED** this 27<sup>th</sup> day of October, 2021.

  
**KEVIN J. THIBAUT, P.E.**  
Secretary  
Department of Transportation  
605 Suwannee Street  
Hayden Burns Building  
Tallahassee, Florida 32399-0458

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**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, MS-58, TALLAHASSEE, FLORIDA 32399-0458, WITHIN 30 DAYS OF RENDITION OF THIS ORDER.**

Copies to:

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***Florida Department of Transportation***

**RON DESANTIS  
GOVERNOR**

605 Suwannee Street  
Tallahassee, FL 32399-0450

**KEVIN J. THIBAUT, P.E.  
SECRETARY**

**DELEGATION OF AUTHORITY**

I, Kevin J. Thibault, P.E., Secretary of the Florida Department of Transportation, delegate to Torey Alston as the Chief of Staff and Courtney Drummond, P.E. as the Assistant Secretary for Engineering and Operations, and Stacy Miller, P.E., as the Assistant Secretary for Finance and Administration, the authority and responsibility to take action on my behalf at anytime during my absence from the Department headquarters in Tallahassee. I also rescind any prior delegations to the contrary.



Kevin J. Thibault, P.E., Secretary  
Florida Department of Transportation

4.23.2020

Date