

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

and

CEMEX CONSTRUCTION MATERIALS
FLORIDA, LLC, CONSERVANCY OF
SOUTHWEST FLORIDA, INC., ESTERO
COUNCIL OF COMMUNITY LEADERS,
INC., NICK BATOS, FLORIDA
WILDLIFE FEDERATION, COLLIER
COUNTY AUDUBON SOCIETY, OLD
CORKSCREW PLANTATION LLC,
OLD CORKSCREW PLANTATION V,
LLC, OLD CORKSCREW PLANTATION,
INC., and TROYER BROTHERS
FLORIDA, INC.,

Intervenors,

vs.

DOAH Case No. 10-2988GM

LEE COUNTY,

Respondent,

and

ALICO LAND DEVELOPMENT, INC.,

Intervenor.

NOTICE OF FILING COMPLIANCE AGREEMENT,
AND REQUEST FOR STAY OF PROCEEDINGS

Petitioner Department of Community Affairs, pursuant to
Section 163.3184(16)(b), Florida Statutes, hereby submits this

Notice of Filing Compliance Agreement, and Request for Stay of Proceedings.

Notice of Filing Compliance Agreement

1. Petitioner Department, Respondent Lee County (County), and Intervenors Florida Wildlife Federation, Collier County Audubon Society, Conservancy of Southwest Florida, Inc., Estero Council of Community Leaders, Inc., Nick Batos, Old Corkscrew Golf Club, LLC / formerly Old Corkscrew Plantation, Inc., and Alico Land Development, Inc., have, pursuant to Section 163.3184(16), Florida Statutes, entered into a Stipulated Settlement Agreement (Agreement) regarding all disputed issues among those parties. Intervenors Cemex Construction Materials Florida, LLC, Old Corkscrew Plantation LLC, Old Corkscrew Plantation V, LLC, and Troyer Brothers Florida, Inc., did not enter into the settlement agreement. The Department hereby gives notice of filing a true and correct copy of the Agreement, which is attached hereto as Exhibit A.

Request for Stay of Proceedings

2. The Agreement is being filed pursuant to Section 163.3184(16)(b), Florida Statutes, which provides as follows:

Upon filing by the state land planning agency of a compliance agreement executed by the agency and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan

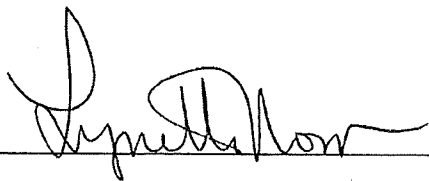
amendment covered by the compliance agreement shall be stayed.

3. The Department respectfully requests this proceeding be stayed pursuant to this statutory provision.

4. The Agreement provides that a remedial amendment will be adopted by the City within 60 days. Section 164.3184(8), Florida Statutes provides the Department 30 days to review the remedial amendment and publish its cumulative Notice of Intent, and affected persons 21 days to challenge the finding of the Notice of Intent.

WHEREFORE, the Department respectfully requests that this Notice be accepted; that this Request be granted; that this matter be stayed; and that such other relief be granted consistent with this Notice and Request as is just and fair.

Respectfully submitted on this 29th day of October, 2010.



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