

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

MARGARET H. CARR AND
FAYE L. WILLIAMS,

Petitioners,

v.

Case No. 22-3420GM
Agency Case No.: 22-03ESR

CITY OF GAINESVILLE, FLORIDA,
a Florida municipal corporation,

Respondent.

_____ /

**RESPONDENT CITY OF GAINESVILLE'S
MOTION FOR EXPEDITIOUS RESOLUTION**

Respondent CITY OF GAINESVILLE, FLORIDA (“City”), by and through its undersigned counsel, hereby requests an expeditious resolution of this case and, as grounds therefor, states as follows:

1. On November 8, 2022, Petitioners filed a Petition for Formal Administrative Hearing pursuant to Sections 163.3184, 120.569, and 120.57, Florida Statutes.
2. The subject of Petitioners’ challenge is whether the City of Gainesville Comprehensive Plan Amendment No. 22-03ESR, Ordinance No. 211357, adopted by the City Commission of the City of Gainesville on October 17, 2022, is “in compliance” as that term is defined in Section 163.3184(1)(b), Florida Statutes.
3. Pursuant to Section 163.3184(5)(c), Florida Statutes, an Administrative Law Judge shall hold a hearing in the affected local jurisdiction on whether the plan amendment is in compliance and, in challenges filed by an affected person such as the instant case, the

Administrative Law Judge shall find the plan amendment in compliance if the local government's determination of compliance is fairly debatable.

4. Pursuant to Section 163.3184(7), Florida Statutes, at any time after the instant matter has been forwarded to the Division of Administrative Hearings, the Respondent CITY OF GAINESVILLE, FLORIDA, as the local government proposing the plan amendment may demand expeditious resolution by serving written notice on all parties to the proceeding and the Administrative Law Judge. Upon receipt of such notice, the Administrative Law Judge shall set the matter for final hearing no more than 30 days after receipt of the notice. Once a final hearing has been set, no continuance in the hearing, and no additional time for post-hearing submittals, may be granted without the written agreement of the parties absent a finding by the Administrative Law Judge of extraordinary circumstances. Absent a showing of extraordinary circumstances, the Administrative Law Judge shall then issue a recommended order within 30 days after filing of the hearing transcript, unless the parties agree in writing to a longer time.

5. Accordingly, Respondent CITY OF GAINESVILLE, FLORIDA, moves for an expeditious resolution of this case pursuant to Section 163.3184(7), Florida Statutes, and requests to hold a hearing on any date between December 14-16, 2022.

WHEREFORE, Respondent CITY OF GAINESVILLE, FLORIDA, moves for entry of an order to proceed in accordance with the process for expeditious resolution provided in Section 163.3184(7), Florida Statutes.

RESPECTFULLY SUBMITTED this 14th day of November 2022.

/s/ Sean M. McDermott

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COUNSEL FOR RESPONDENT
CITY OF GAINESVILLE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 14th day of November 2022, a true and correct copy of the foregoing was electronically filed with the Clerk of the Division of Administrative Hearings and furnished by electronic mail to:

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/s/ Sean M. McDermott

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