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M E M O R A N D U M

DATE: June 4, 2024

TO: Mayor Pachota and City Council Members

CC: Ed Lavalley, City Manager
Roger Clark, Planning and Zoning Director

FROM: Kelly M. Fernandez, City Attorney

SUBJECT: Special Magistrate for Border Road Investments, LLC, et al. FLUEDRA Petition

On May 9, 2024, the City received a petition for relief under the Florida Land Use and Environmental Dispute Resolution Act (“the Act”) from Border Road Investments, LLC and Vistera Associates, LLC (collectively “the Petitioners”) related to City Council's denial of the GCCF PUD amendment. The Act requires the selection of a special magistrate mutually agreed upon by the City and the Petitioners. The role of the special magistrate is to first attempt to mediate the conflict to determine whether some modification of the Petitioners’ proposed use of the property or adjustment in the development order may be reached. If no resolution is reached, the special magistrate is then required to hold a hearing and submit a written recommendation to the City Council.

Counsel for the Petitioners and I have selected Mark Bentley, Esq. of Johnson Pope in Tampa to serve as the special magistrate. Attached is his engagement letter for review and approval. The Act requires the associated cost to be split between the City and Petitioners.

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