IN THE CIRCUIT COURT OF THE
FIFTH JUDICIAL CIRCUIT IN AND
FOR MARION COUNTY, FLORIDA
CASE NO.: 10-1960-CA-B

In re: CITY OF DUNNELLON, FLORIDA,
RAINBOW RIVER RANCH, LLC and
CONSERVATION LAND GROUP, LLC.
_____/

ORDER ON MOTIONS TO INTERVENE

THIS CAUSE came before the Court on separate Motions for Leave to Intervene filed by Petitioning Intervenors, STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS ("DEPARTMENT"), FREDERICK JOHNSTON and other individuals (hereinafter "JOHNSTON, et al.") and RAINBOW RIVER CONSERVATION, INC. (collectively "Intervenors"). This Court granted the Motions for Leave to Intervene of the DEPARTMENT and JOHNSTON, et al. on October 14, 2010. Petitioners' then Responded to the Pending Motions to Intervene on October 25, 2010. Thereafter, on November 4, 2010, proposed Intervenor RAINBOW RIVER CONSERVATION, INC. and Intervenor JOHNSTON, et al. filed a Reply and Memorandum of Law in Support of their Motions to Intervene. Similarly, the DEPARTMENT, separately, filed a Reply to Responses in Opposition to the Motions to Intervene, on November 5, 2010. Petitioner, CITY OF DUNNELLON, then filed a Response to the Pending Motions to Intervene on November 8, 2010. Finally, RAINBOW RIVER CONSERVATION, INC. and JOHNSTON, et al., filed a Notice of Supplemental Authority with the Court on November 10, 2010.

The Court, having considered said Motions to Intervene, reviewed the court file, and being otherwise duly advised in the premises, finds as follows:

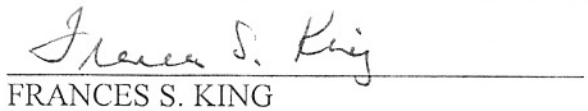
The real property in question falls within an area encompassed by the Dunnellon Comprehensive Plan. As such, any amendments to the comprehensive plan must be submitted to the Florida Department of Community Affairs to ensure compliance with the comprehensive plan. *See* FLA. STAT. § 163.3194. As such, the Florida Department of Community Affairs should be permitted to intervene in the above-captioned matter.

Similarly, JOHNSTON, et al. and RAINBOW RIVER CONSERVATION, INC. also should be permitted to intervene as they both have interests that will be affected by the outcome of this action. *See* FLA. STAT. 163.3215(2)-(3); *Save the Homosassa River Alliance, Inc. v. Citrus County, Florida*, 2 So.3d 329 (Fla. 5th DCA 2008) *rehearing denied. See e.g.* FLA. STAT. § 163.3184 (defining who is an "affected person" in the process for adopting a comprehensive plan or comprehensive plan amendment). Therefore,

IT IS ADJUDGED that:

1. STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, FREDERICK JOHNSTON and others and RAINBOW RIVER CONSERVATION, INC., may intervene in this action.
2.

ORDERED on this 23rd day of December, 2010 at Ocala, Marion County, Florida.



FRANCES S. KING
Circuit Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing bas been provided by U.S. Mail this 27th day of December, 2010, to the following:

Kenneth G. Oertel, Esq.
Jeffrey Brown, Esq.
P.O. Box 1110
Tallahassee, FL 32302-1110

Marsha Segal-George, Esq.
28 W. Central Blvd.
Suite 400
Orlando, FL 32801

Shaw P. Stiller, Esq.
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

Ralf Brooks, Esq.
1217 E. Cape Coral Parkway
Suite 107
Cape Coral, FL 33904

Barbara E. Stein
Judicial Assistant