

IN THE EIGHTH JUDICIAL CIRCUIT COURT
IN AND FOR LEVY COUNTY, FLORIDA

TOWN OF YANKEETOWN,

Petitioner,

v.

Case No.: 38-2011-CA-000638

LEVY COUNTY,

Respondent.

In Re: King Road Mine
Special Exception No. SE 3-10
TARMAC AMERICA, LLC,
Applicant/Respondent.

FILED
2011 AUG 10 P 2:09
DANNY J SHIPP
CLERK OF DISTRICT COURT
LEVY COUNTY FLORIDA

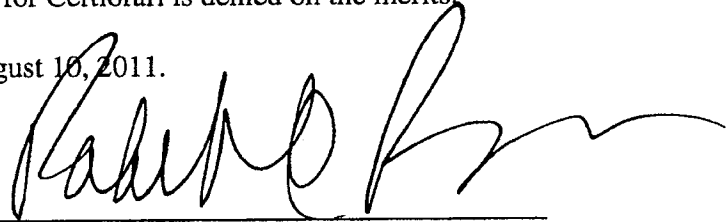
ORDER DENYING PETITION FOR WRIT OF CERTIORARI

This cause came before the Court upon the Town of Yankeetown's ("Yankeetown") Petition for Writ of Certiorari filed June 3, 2011, pursuant to Rule 1.630 Florida Rules of Civil Procedure and Rules 9.100(b), (c) and 9.190(b)(3) Florida Rules of Appellate Procedure. Yankeetown seeks review of Levy County's Board of County Commissioners' ("County") May 3, 2011 Order approving Special Exception Application SE 3-10 submitted by Tarmac America LLC ("Applicant") for its proposed major mining operation. Yankeetown argues that County's decision to grant Applicant's special exception departed from the essential requirements of law because Applicant has not obtained all federal permits before filing its application for special exception as required by Levy County Code § 50-719(II)(c)(10). Yankeetown further argues that approval of the special exception violates Levy County Code §50-719(II)(c)(4) and §50-186 because the subject mining operation is located in an area designated as "Environmentally Sensitive Lands (ESL)."

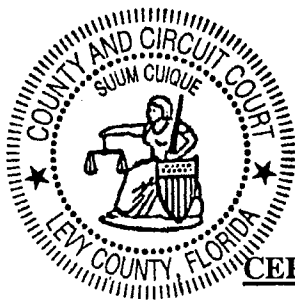
The Court entered an Amended Order to Show Cause and Setting Hearing for Oral Argument on 21 June 2011. That hearing was continued to August 8, 2011. All parties were present with counsel and presented their arguments regarding the merits of the Petition for Certiorari. After reviewing the Petition, the memorandums and case law submitted by the parties, the documents in the case file and considering the arguments of counsel, the Court finds that the Petition for Certiorari should be denied on the merits.

Accordingly, it is adjudged that Petition for Certiorari is denied on the merits.

Ordered in Levy County, Florida on August 10, 2011.



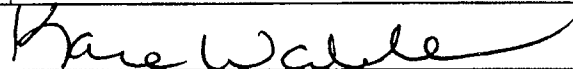
Robert E. Roundtree, Jr., CIRCUIT JUDGE



CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed on 10 August, 2011 to:

<p>Ralf G. Brookes Attorney for Petitioner 1217 E. Cape Coral Parkway #107 Cape Coral, FL 33904</p>	<p>Anne Bast Brown Attorney for Respondent Levy County Attorney Levy County Board of County Commissioners 380 S. Court St. Bronson, FL 32621</p>
<p>Frank Matthews, Esq. Attorney for Applicant Hopping Green & Sams P.A. PO Box 6526 Tallahassee, FL 32314-6526</p>	<p>Brian Bolves, Esq. Bricklemeyer, Smolker and Bolves, P.A. 500 E. Kennedy Blvd., Ste. 200 Tampa, FL 33602</p>



Karen Wable, Judicial Assistant