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**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY, FLORIDA  
CIVIL DIVISION**

CITY OF BONITA SPRINGS, FLORIDA, a Florida )  
municipal corporation, )

Plaintiff, )

v. )

WCI COMMUNITIES, LLC, a Delaware limited )  
liability company, as successor-in-interest for Pelican )  
Landing Golf Resort Ventures Limited Partnership, a )  
dissolved Delaware limited partnership, and WCI )  
COMMUNITIES, INC., a Delaware corporation, )

Defendants. )

CASE NO.: 16-CA-004027

**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS  
PLAINTIFF'S AMENDED COMPLAINT AND DISMISSING ACTION**

THIS CASE was heard by the Court on March 31, 2017, on Defendants' Motion to Dismiss Amended Complaint filed on January 27, 2017. The Court has reviewed the pleadings filed and heard arguments of counsel. It is therefore:

**ORDERED AND ADJUDGED** that this Court grants Defendants' Motion to Dismiss Amended Complaint as follows:

1. The Amended Complaint is dismissed, with prejudice, because it was not timely filed within the 30-day limitation's period set forth in Section 171.081, *Florida Statutes*.
2. This Court further finds the City has failed to plead a cause of action for declaratory relief because the City fails to state a matter in controversy between the City and the Defendants. But for the foregoing statute of limitations issue, dismissal of the Amended Complaint would have been without prejudice and with leave to amend.

3. Accordingly, this action is hereby dismissed.

**DONE AND ORDERED** at Fort Myers, Florida, on this 12<sup>th</sup> day of April 2017.



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Honorable Elizabeth V. Krier  
Circuit Court Judge

Conformed Copies to:



4/13/17

Hala Sandridge, Esquire  
David A. Theriaque, Esquire