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Community drops suit over impact fee  
Staff Report

DELAND -- An adults-only community has dropped its lawsuit challenging Volusia County's school impact fee.

Shea Victoria Gardens LLC filed the lawsuit last month against Volusia County, the School Board and Florida Attorney General Bill McCollum. The case was closed Oct. 15 based on a motion from the firm's lawyer for a voluntary dismissal.

The lawsuit sought a refund of \$515,604 based partly on a 2000 Florida Supreme Court decision that banned imposing school impact fees on the Aberdeen manufactured home community in Ormond Beach because no one younger than 55 was allowed to live there.

Shea Victoria Gardens said in the lawsuit it intends to build up to 1,070 homes but there would be no impact on the need for new schools because only adults will be allowed to live in the community and there will be no facilities or services available for children.

The firm's attorney could not be reached for comment on the reason for the dismissal and whether his client plans any other legal action.

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