

**FLORIDA HOUSING FINANCE CORPORATION**  
**Board Meeting**  
April 30, 2010  
Consent Items



**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

*Consent*

**I. AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

**A. Request Approval to Exchange Amenities for Charlotte Crossing (2009-023CT)**

<b>Development Name: Charlotte Crossing (“Development”)</b>	<b>Location: Charlotte County</b>
<b>Developer/Principal: Charlotte Crossing Development, L.L.C. (“Developer”)</b>	<b>Set-Aside: 11% @ 40% AMI &amp; 89% @ 60% AMI</b>
<b>Number of Units: 82</b>	<b>Tax Credit Assistance Program: \$3,025,443</b>
<b>Type: Garden Style</b>	<b>Housing Credit Allocation: \$1,275,000</b>
<b>Demographics: Elderly</b>	<b>MMRB: N/A</b>

**1. Background/Present Situation**

- a) On January 22, 2010, the Board approved a credit underwriting report with a positive recommendation for a 2009 Tax Credit Assistance Program loan in the amount of \$3,025,443 and an annual Housing Credit Allocation of \$1,275,000.
- b) On March 10, 2010, staff received a letter from the Developer requesting the exchange of air conditioning with a SEER rating of 15 for gas hydronic combo unit HVAC and the exchange of all windows single-pane with shading coefficient of .67 or better for double-pane glass on all windows ([Exhibit A](#)). The proposed changes are of equal point value to the amenities originally chosen.
- c) On March 18, 2010, staff received a review from the credit underwriter with a positive recommendation for the exchange of amenities ([Exhibit B](#)).

**2. Recommendation**

Approve the request to exchange the amenities and direct staff to proceed with loan closing activities.

**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

*Consent*

**B. Request Approval of Credit Underwriting Update letter for St. Giles Manor (2009-039X)**

<b>Development Name: St. Giles Manor ("Development")</b>	<b>Location: Pinellas County</b>
<b>Developer/Principal: BREC Development, Inc. ("Developer")</b>	<b>Set-Aside: 10% @ 35% AMI &amp; 90% @ 60%</b>
<b>Number of Units: 106</b>	<b>Tax Credit Exchange Amount: \$12,838,965</b>
<b>Type: Mid Rise</b>	<b>MMRB: N/A</b>
<b>Demographics: Elderly</b>	

**1. Background/Present Situation**

- a) On December 4, 2009, the Board approved a credit underwriting report with a positive recommendation for a 2009 Tax Credit Exchange Program award in the amount of \$12,838,965, which is equivalent to an annual housing credit allocation of \$1,510,466, and directed staff to proceed with loan closing activities.
- b) On March 17, 2010, staff received a credit underwriting update letter recommending that the previously approved credit underwriting report be amended to reflect that BREC and William B. Welden will be released from the Guaranty of Recourse Obligations and Environmental Indemnity upon the latter of construction completion or receipt of a HAP contract reflecting rental rates consistent with the pro-forma rental assumptions utilized in the credit underwriting report ([Exhibit C](#)). Staff has reviewed this report and finds that the development meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-04.

**2. Recommendation**

Approve the credit underwriting update letter and direct staff to proceed with modifying loan documents.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

Consent

C. Request Approval of Credit Underwriting Update Letter for Vista Mar (2009-060CTX)

Development Name: Vista Mar (“Development”)	Location: Miami-Dade County
Developer/Principal: Pinnacle Housing Group, LLC (“Developer”)	Set-Aside: 10% @ 33% AMI & 90% @ 60% AMI
Number of Units: 110	Tax Credit Assistance Program: \$3,000,000
Type: High Rise	Tax Credit Exchange Amount: \$21,768,500
Demographics: Family	MMRB: N/A

1. Background/Present Situation

- a) On January 22, 2010, the Board approved a credit underwriting report with a positive recommendation for a 2009 Tax Credit Assistance Program loan in the amount of \$3,000,000, and a 2009 Tax Credit Exchange Program award in the amount of \$21,768,500, which is equivalent to an annual housing credit allocation of \$2,561,000, and directed staff to proceed with loan closing activities.
- b) On April 7, 2010, staff received a credit underwriting update letter addressing changes to the financing structure of the previously approved credit underwriting report ([Exhibit D](#)). Staff has reviewed this report and finds that the development meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-04.

2. Recommendation

Approve the credit underwriting update letter and direct staff to proceed with loan closing activities.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

Consent

D. Request Approval of Credit Underwriting Update Letter for Pine Berry Senior Apartments (2009-036CT)

Development Name: Pine Berry Senior Apartments (“Development”)	Location: Pinellas County
Developer/Principal: RLI Beneficial Development 8 LLC (“Developer”)	Set-Aside: 10% @ 33% AMI & 90% @ 60% AMI
Number of Units: 85	Tax Credit Assistance Program: \$5,590,341
Type: Mid-Rise w/elevator	Housing Credit Allocation: \$1,554,802
Demographics: Elderly	MMRB: N/A

1. Background/Present Situation

- a) On February 26, 2010, the Board approved a credit underwriting report with a positive recommendation for a 2009 Tax Credit Assistance Program loan in the amount of \$5,590,341, and an annual Housing Credit Allocation of \$1,554,802, and directed staff to proceed with loan closing activities.
- b) On April 8, 2010, staff received a credit underwriting update letter addressing a change to the term of the TCAP loan and reduction of the required Operating Deficit Reserve that exceeds the three month requirement recommended by the credit underwriter ([Exhibit E](#)). Staff has reviewed this report and finds that the development meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-03.

2. Recommendation

Approve the credit underwriting update letter and direct staff to proceed with modifying loan documents.

**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

*Consent*

**E. Request Approval of Credit Underwriting Update Letter for Labre Place (2009-063CTX)**

<b>Development Name: Labre Place (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: St. David Development, LLC (“Developer”)</b>	<b>Set-Aside: 15% @ 33% AMI and 85% @ 60% AMI</b>
<b>Number of Units: 90</b>	<b>SAIL: \$4,000,000</b>
<b>Type: High Rise</b>	<b>Tax Credit Exchange Amount: \$19,188,358</b>
<b>Demographics: Homeless</b>	<b>MMRB: N/A</b>

**1. Background/Present Situation**

- a) On February 26, 2010, the Board approved a credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$4,000,000, and a 2009 Tax Credit Exchange Program award in the amount of \$19,188,358, and directed staff to proceed with loan closing activities.
- b) On April 13, 2010, staff received a credit underwriting update letter amending the previously approved credit underwriting report to reflect a transfer of the limited partnership interest from Lloyd Boggio to Labre Investment Trust, LLC and CDG Labre Place Investor, LLC ([Exhibit F](#)). Staff has reviewed this report and finds that the development meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-04.

**2. Recommendation**

Approve the credit underwriting update letter and direct staff to proceed with loan closing activities.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

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F. Request Approval of Credit Underwriting Update Letter for Orchid Grove (2009-061CTX)

Development Name: Orchid Grove (“Development”)	Location: Miami-Dade County
Developer/Principal: Pinnacle Housing Group, L.L.C. and Rural Neighborhoods, Inc. (“Developer”)	Set-Aside: 20% @ 33% AMI, 20% @ 40% AMI & 60% @ 60% AMI
Number of Units: 80	Tax Credit Assistance Program: \$3,546,467
Type: Garden Style	Tax Credit Exchange Amount: \$12,674,248
Demographics: Farmworker/Commercial Fishing Worker	MMRB: N/A

1. **Background/Present Situation**

- a) On January 22, 2010, the Board approved a positive recommendation for a 2009 Tax Credit Assistance Program loan in the amount of \$3,546,467, and a 2009 Tax Credit Exchange Program award in the amount of \$12,674,248, which is equivalent to an annual housing credit allocation of \$1,491,088, and directed staff to proceed with loan closing activities.
- b) On April 15, 2010, staff received a credit underwriting update letter addressing a change to the term of the TCAP loan from the previously approved credit underwriting report ([Exhibit G](#)). Staff has reviewed this report and finds that the development meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-03.

2. **Recommendation**

Approve the credit underwriting update letter and direct staff to proceed with loan closing activities.

**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

*Consent*

**G. Request Approval of Credit Underwriting Update Letter for Cypress Cove Apartments (2009-047CTX)**

<b>Development Name: Cypress Cove Apartments (“Development”)</b>	<b>Location: Polk County</b>
<b>Developer/Principal: Pinnacle Housing Group, LLC &amp; Rural Neighborhoods, Inc. (“Co-Developer”)</b>	<b>Set-Aside: 40% @ 40% AMI &amp; 60% @ 60% AMI</b>
<b>Number of Units: 80</b>	<b>Tax Credit Assistance Program: \$3,805,167</b>
<b>Type: Garden Style</b>	<b>Tax Credit Exchange Amount: \$10,242,500</b>
<b>Demographics: Farmworker</b>	<b>MMRB: N/A</b>

**1. Background/Present Situation**

- a) On January 22, 2010, the Board approved a credit underwriting report with a positive recommendation for a 2009 Tax Credit Assistance Program loan in the amount of \$3,805,167, and a 2009 Tax Credit Exchange Program award in the amount of \$10,242,500, which is equivalent to an annual housing credit allocation of \$1,205,000, and directed staff to proceed with loan closing activities.
- b) On April 15, 2010, staff received a credit underwriting update letter addressing a change to the term of the TCAP loan from the previously approved credit underwriting report ([Exhibit H](#)). Staff has reviewed this report and finds that the development meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-03.

**2. Recommendation**

Approve the credit underwriting update letter and direct staff to proceed with modifying loan documents.



**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

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**H. Request Approval of Credit Underwriting Update Letter for Magnolia Landing (2009-055X)**

<b>Development Name: Magnolia Landing (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: The Gate House Group, LLC (“Developer”)</b>	<b>Set-Aside: 10% @ 33% AMI &amp; 90% @ 60% AMI</b>
<b>Number of Units: 150</b>	<b>Tax Credit Exchange Amount: \$20,931,250</b>
<b>Type: Townhouse</b>	<b>MMRB: N/A</b>
<b>Demographics: Family</b>	

**1. Background/Present Situation**

- a) On January 22, 2010, the Board approved a credit underwriting report with a positive recommendation for a 2009 Tax Credit Exchange Program award in the amount of \$20,931,250, which is equivalent to an annual housing credit allocation of \$2,462,500, and directed staff to proceed with loan closing activities.
- b) On April 16, 2010, staff received a recommendation from the credit underwriter to replace the Second Mortgage Loan from the members of the Developer with a Miami-Dade County Surtax Loan ([Exhibit I](#)). Staff has reviewed this recommendation and finds that the development meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-04.

**2. Recommendation**

Approve the credit underwriting update letter and direct staff to proceed with loan closing activities.

**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

*Consent*

**I. Request Approval of Credit Underwriting Update Letter for Notre Dame Apartments (2009-025CT)**

<b>Development Name: Notre Dame Apartments (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: BHG Notre Dame Development, L.L.C. (“Developer”)</b>	<b>Set-Aside: 10% @ 33% AMI &amp; 90% @ 60% AMI</b>
<b>Number of Units: 64</b>	<b>Tax Credit Assistance Program: \$4,800,000</b>
<b>Type: High Rise</b>	<b>Housing Credit Allocation: \$1,808,133</b>
<b>Demographics: Family</b>	<b>MMRB: N/A</b>

**1. Background/Present Situation**

- a) On January 22, 2010 the Board approved a credit underwriting report with a positive recommendation for a 2009 Tax Credit Assistance Program loan in the amount of \$4,800,000, and an annual Housing Credit Allocation of \$1,808,133, and directed staff to proceed with loan closing activities.
- b) On April 16, 2010, staff received a recommendation from the credit underwriter to add additional sources of funds for the construction and permanent financing. Staff has reviewed this recommendation and finds that the development meets all of the requirements of Rule Chapter 67-48, F.A.C. and RFP 2009-03.

**2. Recommendation**

Approve the final credit underwriting update letter and direct staff to proceed with loan closing activities.

**AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

*Consent*

**J. Request Approval of Credit Underwriting Report for Village Carver II (2009-064X)**

<b>Development Name: Village Carver II (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: BHG Carver Developer, L.L.C. (“Developer”)</b>	<b>Set-Aside: 20% @ 33% AMI &amp; 80% @ 60%</b>
<b>Number of Units: 100</b>	<b>Supplemental: \$765,000</b>
<b>Type: High Rise</b>	<b>Tax Credit Exchange Amount: \$21,768,500</b>
<b>Demographics: Elderly</b>	<b>MMRB: N/A</b>

**1. Background/Present Situation**

- a) On August 20, 2009, the Board approved the award list of the Request for Proposals (RFP) 2009-04 and directed staff to proceed with all necessary credit underwriting activities.
- b) On August 21, 2009, staff issued a preliminary commitment letter and an invitation to enter credit underwriting for Tax Credit Exchange Program funds. Additionally, this development has a Supplemental loan.
- c) On April 22, 2010, staff received a credit underwriting report with a positive recommendation for a Supplemental loan in the amount of \$765,000 and a 2009 Tax Credit Exchange Program award in the amount of \$21,768,500, which is equivalent to an annual housing credit allocation of \$2,561,000 ([Exhibit K](#)). Staff has reviewed this report and finds that the development meets all of the requirements of Rule Chapter 67-48, F.A.C and RFP 2009-04.

**2. Recommendation**

Approve the final credit underwriting report and direct staff to proceed with issuance of a firm loan commitment and loan closing activities.

## DEMONSTRATION LOANS

### *Consent*

## II. DEMONSTRATION LOANS

- A. Request Approval of the Credit Underwriting Report for Children’s Home Society-Treasure Coast (CHS-Treasure Coast), a non-profit division of Children’s Home Society of Florida, Inc. (RFP 2006/01-01YAFC)

<b>DEVELOPMENT NAME (“Development”):</b>	<b>CHS – Treasure Coast</b>
<b>DEVELOPER/PRINCIPAL (“Developer”):</b>	<b>Children’s Home Society – Treasure Coast Division (CHS – Treasure Coast), a not-for-profit organization</b>
<b>NUMBER OF UNITS:</b>	<b>9</b>
<b>LOCATION (County):</b>	<b>Indian River County</b>
<b>TYPE:</b>	<b>Rental</b>
<b>SET ASIDE:</b>	<b>Youth Aging out of Foster Care</b>
<b>DEMONSTRATION LOAN AMOUNT:</b>	<b>\$750,000</b>
<b>ADDITIONAL COMMENTS: There are 9 units total. 8 units will be used for youth aging out of foster care and the ninth unit will be used to house a live-in case manager.</b>	

### 1. Background

- a) On January 6, 2006, Florida Housing Finance Corporation issued a Request for Proposals (RFP) for the development and/or rehabilitation of transitional housing for youths aging out of foster care (RFP 2006-01).
- b) On March 16, 2006, the Developer submitted a response and on June 9, 2006, the Board approved funding not to exceed \$750,000. This approval was subject to a positive recommendation from the Credit Underwriter.

### 2. Present Situation

On April 15, 2010, staff received a credit underwriting report for the proposed development with a positive recommendation for a loan of \$750,000 subject to conditions contained in the report that must be met by the Developer prior to closing on this loan.

### 3. Recommendation

Approve the Credit Underwriter’s recommendation ([Exhibit A](#)) to approve a loan in the amount of \$750,000 to CHS – Treasure Coast subject to conditions outlined in the Credit Underwriting Report and authorize staff to issue a firm loan commitment and proceed with loan closing activities.

## HOME RENTAL

### *Consent*

### III. HOME RENTAL

#### A. Request Approval to Extend HOME Loan Closing for Steven E. Chaykin Apartments (HOME RFP 2006-02-03)

<b>Development Name: Steven E. Chaykin Apartments fka 321-327 Michigan Avenue (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: The Housing Authority of the City of Miami Beach (“Developer”)</b>	<b>Set-Aside: 20% @ 30% AMI /80% @ 60% AMI 30 HOME Units</b>
<b>Number of Units: 30</b>	<b>Allocated Amount: \$2,762,100</b>
<b>Type: New Construction</b>	<b>Demographics: Elderly with Disabilities</b>

#### 1. Background/Present Situation

- a) On June 22, 2006, 321-327 Michigan Avenue was issued a preliminary commitment letter and an invitation to enter credit underwriting for a HOME loan in an amount up to \$2,762,100 for this 30-unit elderly with disabilities Development located in Miami-Dade County.
- b) On January 8, 2010, staff received a letter from the Developer requesting to change the name of the Development to the Steven E. Chaykin Apartments. Staff requested the credit underwriter to address the name change in the final credit underwriting report.
- c) On February 26, 2010, the Board approved a final credit underwriting report with a positive recommendation for a HOME loan in the amount of \$2,762,100 and directed staff to proceed with loan closing activities.
- d) On March 3, 2010, staff issued a firm commitment letter for a HOME loan in the amount of \$2,762,100. Pursuant to Rule Chapter 67-48, F.A.C. the loan must close within 60 days of issuance of the firm commitment letter. The deadline for the loan to close is May 3, 2010.
- e) On March 24, 2010, staff received a letter ([Exhibit A](#)) from the Borrower requesting an extension to close the HOME loan. The credit underwriting report requires a simultaneous closing with Miami-Dade County for the balance of the Development’s funding. The County advised the Borrower that, due to scheduling procedures for the approval of the required closing documents, the loan will not be able to close by May 3, 2010. Staff has reviewed the extension request and finds that the Development meets all of the requirements of Rule Chapter 67-48, F.A.C.

#### 2. Recommendation

Approve the request for a 60 day extension to close the HOME loan.

## HOME RENTAL

### *Consent*

#### B. Request Approval to Extend HOME Loan Closing for North Central Heights II (2008-057H)

<b>Development Name: North Central Heights II (“Development”)</b>	<b>Location: Highlands County</b>
<b>Developer/Principal: Affordable Housing Solutions for Florida, Inc. (Principal)</b>	<b>Set-Aside: 20% @ 50% AMI /80% @ 60% AMI 32 HOME Units</b>
<b>Number of Units: 32</b>	<b>Allocated Amount: \$4,108,672</b>
<b>Type: Single Family /New Construction</b>	
<b>Demographics: Family</b>	

#### 1. Background/Present Situation

- a) On November 9, 2009, staff received a letter from the Developer requesting an extension of 10 months to close the HOME loan. Rule Chapter 67-48(4)(c), states the HOME loan must close within 14 months of issuance of the preliminary commitment.
- b) On February 26, 2010, the Board approved a final credit underwriting report with a positive recommendation for a HOME loan in the amount of \$4,108,672 and directed staff to proceed with loan closing activities.
- c) On March 3, 2010, staff issued a firm commitment letter for a HOME loan in the amount of \$4,108,672. Pursuant to Rule Chapter 67-48, F.A.C. the loan must close within 60 days of issuance of the firm commitment letter. The deadline for the loan to close is May 7, 2010.
- d) On April 16, 2010, staff received a letter ([Exhibit B](#)) from the Borrower requesting an extension to close the HOME loan. The additional sixty (60) days is needed to complete the environmental review and public comment period required by the USDA.

#### 2. Recommendation

Approve the request to close the HOME loan for an additional 60 days to July 6, 2010, subject to the payment of the extension fee pursuant to Rule Chapter 67-48.0072(26) F.A.C.

## HOUSING CREDITS

### *Consent*

#### IV. HOUSING CREDITS

##### A. Request Approval to Exchange Amenities for Heritage Villas

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Heritage Villas APPLICATION # 2007-511C</b>
<b>DEVELOPER/PRINCIPAL (“Developer”):</b>	<b>Sanford L. Seligman</b>
<b>APPLICANT: (“Owner”)</b>	<b>Indian River RDA, LP</b>
<b>NUMBER OF UNITS:</b>	<b>116</b>
<b>LOCATION (“County”):</b>	<b>Indian River</b>
<b>TYPE:</b>	<b>Acquisition/Rehabilitation</b>
<b>SET ASIDE:</b>	<b>100% @ 60% AMI</b>
<b>ALLOCATED AMOUNT:</b>	<b>\$460,862.00</b>

##### 1. Background/Present Situation

- a) Heritage Villas is a Non-Competitive Housing Credit, Acquisition/Rehabilitation Development providing 116 set-aside units in Indian River County, Florida. Florida Housing issued an allocation of \$460,862.00 in housing credits in June of 2009.
- b) Florida Housing received a request from the Owner on January 5, 2007 to change the amenities in the Extended Use Agreement ([Exhibit A](#)). The Applicant requests the following exchanges:

“Car Care Area” (1 pt.) exchanged for “Exercise Room” (1 pt.)
- c) The proposed changes are of equal point value to the amenities originally chosen in the application.

##### 2. Recommendation

Approve the requested changes reflected above and direct staff to amend the Extended Use Agreement to reflect the changes.

## HOUSING CREDITS

### *Consent*

**B. Request Approval of Supplemental Loan Closing Extension for Everett Stewart Sr. Village (2009-040X/2007 Supplemental)**

<b>Development Name: Everett Stewart Sr. Village (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: Carlisle Group IV Development, LLC (“Developer”)</b>	<b>Set-Aside: 20% @ 33% AMI and 80% @ 60% AMI</b>
<b>Number of Units: 96</b>	<b>Supplemental: \$765,000</b>
<b>Type: High Rise</b>	<b>Tax Credit Exchange Amount: \$21,768,500</b>
<b>Demographics: Family</b>	<b>MMRB: N/A</b>

**1. Background/Present Situation**

- a) On March 17, 2010, the Board approved a credit underwriting report with a positive recommendation for a Supplemental loan in the amount of \$765,000 and a 2009 Tax Credit Exchange Program award in the amount of \$21,768,500, which is equivalent to an annual housing credit allocation of \$2,561,000 and directed staff to proceed with loan closing activities.
- b) On March 18, 2010, staff issued a firm commitment letter for the Supplemental loan with a closing deadline of May 17, 2010.
- c) On March 30, 2010, staff received a letter from the Developer requesting a 3month closing extension to the Supplemental loan until August 17, 2010, due to problems associated with the permitting process ([Exhibit B](#)). However, due to deadlines associated with the Tax Credit Exchange Program, staff recommends the Supplemental closing deadline be extended until July 30, 2010.

**2. Recommendation**

Approve the request to extend the Supplemental loan closing deadline until July 30, 2010.



**LEGAL**

*Consent*

**V. LEGAL**

**A. In Re: Villa Aurora, LLLP – FHFC Case No. 2010-005VW**

<b>Development Name: (“Development”):</b>	<b>Villa Aurora Application No. 2005-020CS/2007-004CS</b>
<b>Developer/Principal: (“Developer”):</b>	<b>Carrfour Supporting Housing, Inc.</b>
<b>Number of Units: 76</b>	<b>Location: Miami-Dade County</b>
<b>Type: High Rise</b>	<b>Set Asides: 21% at or below 30% AMI 79% at or below 60% AMI</b>
<b>Demographics: Homeless</b>	<b>HC: \$2338500 SAIL: \$3000000</b>

**1. Background/Present Situation**

- a) During the 2005 Universal Cycle, Villa Aurora, LLLP (“Petitioner”) applied for and was subsequently awarded (in 2007) an allocation of housing credits and SAIL funding to help finance the construction of Villa Aurora (the “Development”), a 76-unit rental development, located in Miami-Dade County, Florida, to serve homeless and low-income individuals.
- b) On March 1, 2010, Florida Housing received from Petitioner a “Petition for Variance from or Waiver from Universal Application Instruction Part III.F.2. (2005 Cycle and 2007 Cycle).” A copy of the petition (the “Petition”) is attached as [Exhibit A](#).
- c) The Universal Application Instructions are adopted by reference in Rule 67-48.004(1), F.A.C., and, as such, are themselves rules.
- d) Part III.F.2. of the Universal Application Instructions, for both the 2005 and 2007 Universal Application Cycles, states, in relevant part:

Qualified Resident Programs for Homeless Developments – SRO and Non-SRO (Maximum 6 Points)

\*\*\*

All Applicants selecting and qualifying for the Homeless Demographic Commitment ... must provide, at no cost to the resident, a Case Manager (at least one for every 25 residents) whose activities are aimed at assessing resident needs...

## LEGAL

### *Consent*

- e) Petitioner's Development, which is now complete and serves homeless and low-income individuals in the East Little Havana section of Miami, is subject to a LURA and ELIHA, both of which include the requirement (consistent with the above cited instructions) that there be provided "...at no cost to the resident, a Case Manager (at least one for every 25 residents) whose activities are aimed at assessing resident needs...".<sup>1</sup>

- f) In 2009, Part III.F.2. of the Universal Application Instructions, was amended to read:

Qualified Resident Programs for Homeless Developments – SRO and Non-SRO (Maximum 6 Points)

\*\*\*

All Applicants selecting and qualifying for the Homeless Demographic Commitment ... must provide, at no cost to the resident, a Case Manager (at least one for every 25 Homeless or formerly Homeless resident families) whose activities are aimed at assessing resident needs... (Emphasis added)

- g) The change made in 2009 to Part III.F.2. of the Universal Application Instructions was in recognition that the requirement for a Case Manager applies to the Homeless residents in the development, as opposed to all residents regardless of whether such residents are Homeless or not.
- h) Petitioner is requesting that the change made in 2009 to the requirement for provision of a Case Manager from one for every 25 residents to one for every 25 Homeless resident families be applied to its Development.
- i) On March 12, 2010, the Notice of Petition was published in the Florida Administrative Weekly in Volume 36, Number 10. To date, Florida Housing has received no comments concerning the Petition.
- j) Section 120.542(2), Florida Statutes provides in pertinent part:

Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

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<sup>1</sup> A consequence of granting the waiver requested by the Petitioner will be the need to amend this provision in the LURA and the ELIHA in order for those documents to be consistent with the waiver. Petitioner included in its Petition a request for such amendments.

## LEGAL

### *Consent*

- k) The requirement for a Case Manger applies to Homeless or formerly Homeless resident families. To require Petitioner to provide a Case Manager for all residents, regardless of whether such families are Homeless or not, would violate principles of fairness. Granting Petitioner's requested waiver will do nothing more than place Petitioner's Development on equal footing with homeless developments which will be developed under the 2009 Universal Application Instructions. Under these circumstances, principles of fairness will be advanced by requiring Petitioner to provide one Case Manager for every 25 Homeless or formerly Homeless resident families as provided in the 2009 Universal Application Instructions.

### 2. Recommendation

- a) Staff recommends the Board **GRANT** Petitioner's request for a waiver to the extent that Petitioner's Development be required to provide at least one Case Manager for every 25 Homeless or formerly Homeless resident families as provided in Part III.F.2. of the 2009 Universal Application Instructions.
- b) Staff further recommends that the LURA and the ELIHA affecting the Development be amended to the extent necessary to make the requirement pertaining to a case manager as set forth in those documents consistent with the grant of the waiver.

**LEGAL**

*Consent*

**B. In Re: North Central Heights, LLC – FHFC Case No. 2010-021VW**

<b>Development Name: (“Development”):</b>	<b>North Central Heights Application No. 2007-041H</b>
<b>Developer/Principal: (“Developer”):</b>	<b>JR Beneficial Holdings 7 LLC</b>
<b>Number of Units: 40</b>	<b>Location: Highlands County</b>
<b>Type: Single Family Rental</b>	<b>Set Asides: 100% HOME</b>
<b>Demographics: Family</b>	<b>HOME: \$5,340,560.00</b>

**1. Background**

- a) During the 2007 Universal Cycle, North Central Heights, LLC (“Petitioner”) applied for and was subsequently awarded funding from the Home Investment Partnership (“HOME”) Rental Program to help finance the construction of North Central Heights (the “Development”), a (40) unit, single-family rental development, located in Highlands County, Florida.
- b) On March 30, 2010, Florida Housing received from Petitioner a “Petition for Waiver of Rule 67-48.0072(4)(c), Florida Administrative Code (2007).” A copy of the Petition for Waiver (the “Petition”) is attached as [Exhibit B](#).
- c) Rule 67-48.0072(4)(c), F.A.C, (2007) states in pertinent part:

(4) If the credit underwriting invitation is accepted:

\*\*\*

(c) For SAIL and HOME Applicants and Applicants eligible for a supplemental loan, the loan(s) must close within 14 months of the issuance of the preliminary commitment. Applicants may request one (1) extension for up to 10 months. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The written request will then be submitted to the Corporation’s Board for consideration. The Board shall consider the facts and circumstances of each Applicant’s request and any credit underwriting report, if available, prior to determining whether to grant the requested extension. The Corporation shall charge a non-refundable extension fee of 1 percent of each loan amount if the Board approves the request to extend the commitment beyond the initial 14 month period. In the event the loan does not close within 24 months of the issuance of the preliminary commitment, the preliminary commitment or firm commitment, as applicable, will be deemed void and the funds will be de-obligated.

## LEGAL

### *Consent*

- d) By Amended Petition filed on December 14, 2009, Petitioner petitioned Florida Housing for a waiver of Rule 67-48.0072(4)(c), Florida Administrative Code (2007), and an extension of the time period within which to close the HOME Loan. By Order dated January 22, 2010, the Board granted the waiver and extended the time period in which the HOME Loan must close to May 7, 2010, which is the current deadline for closing.
- e) Since the entry of this Order, Petitioner has secured signed FHLB AHP Agreements with FHLB Atlanta and Sun Trust for Phase I and II of the Development. In addition, a Preliminary Funding Commitment from Bonneville Mortgage for the USDA RDS 538 Loan is in place. However, since the loan is guaranteed by USDA there is a due diligence component which requires an environmental review and public comment period.
- f) On March 17, 2010, the USDA issued its "Findings of No Significant Environmental Impact" (FONSI) for the Development. Notice of the FONSI was published in area newspapers on March 22 through 24, 2010, and the public has a 15-day period in which to file comments or objections. The last day for the public to provide comments or objections regarding the Development is Thursday, April 8, 2010.
- g) Florida Housing has PLP loans outstanding on both phases of the Development.
- h) While Petitioner is hopeful that at the conclusion of the public comment period it will be able to close in time to meet the current May 7, 2010 deadline, Petitioner requests a 60 day extension of the closing date so as to avoid the application of the rule which would result in the de-obligation of the HOME funds if the loan does not close by that date due to issues that might arise during or as a result of the public comment period.
- i) Petitioner requests a waiver of the Rule requiring it to close the HOME Loan within twenty-four months of the issuance of the preliminary commitment, and that it be granted a further extension of the time period within which the HOME Loan must close to July 6, 2010.
- j) On April 9, 2010, the Notice of Petition was published in the Florida Administrative Weekly in Volume 36, Number 14. To date, Florida Housing has received no comments concerning the Petition.
- k) Section 120.542(2), Florida Statutes provides in pertinent part:

Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness.

## LEGAL

### *Consent*

- 1) Strict application of the Rule in this circumstance will create a substantial hardship for the Petitioner who will suffer significant economic loss if the HOME funds are deobligated. Petitioner has continued to work diligently to secure the other sources necessary to finance the Development and the events in question now (i.e., issues that might arise during, or as a result of, the public comments period) are outside Petitioner's control. Under these circumstances, strict application of the Rule would also violate principles of fairness. In addition, granting the requested waiver will serve the underlying purpose of the statute that the Rule implements which, in part, is to encourage the development of affordable rental housing.

### 2. **Recommendation**

Staff recommends the Board **GRANT** Petitioner's request for a waiver of Rule 67-48.0072(4)(c), F.A.C., to extend the time period within which the HOME loan must close for an additional 60 days to July 6, 2010.

## MULTIFAMILY BONDS

### *Consent*

#### VI. MULTIFAMILY BONDS

##### A. Request Approval to Allocate \$393,136,277 in Tax-Exempt, Private Activity Bond Allocation to the Developments

###### 1. Background

At the January 23, 2009 meeting, the Board authorized the MMRB Program to conduct a supplemental application cycle.

###### 2. Present Situation

- a) The Developments are 2009 Supplemental MMRB Applications (the “Applications”), attached as [Exhibit A](#) to acquire and rehabilitate or construct new affordable developments in the Counties.
- b) The rules governing the 2009 Supplemental MMRB Application cycle require an application to achieve a perfect score of seventy (70) points in order to be funded. However, the rules further state: “If there is private activity bond allocation remaining after all eligible Applications are funded, then this allocation will be applied to the Corporation’s single-family bond program or otherwise used as directed by the Board.”
- c) The Applications for these Developments are only requesting MMRB and 4% non-competitive HC. These requests do not require any other Florida Housing funding. Staff believes that the public policy purpose served by obtaining these Developments as affordable for thirty (30) years far outweighs any failure to achieve a perfect score on the Applications.

###### 3. Recommendation

Approve the request to allocate \$393,136,277 in tax exempt, private activity bonds to the Developments, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel and the appropriate Florida Housing staff.

## MULTIFAMILY BONDS

### *Consent*

#### B. Request Approval to Amend the Permanent MMRB Loan Amount for La Vista Oaks

<b>DEVELOPMENT NAME (“Development”):</b>	<b>La Vista Oaks f/k/a St James Place</b>
<b>DEVELOPER/PRINCIPAL (“Applicant”):</b>	<b>SP St James GP Inc./Bank of America, N.A./Southport Financial Services, Inc./Innovative Community Concepts, LLC/J. David Page</b>
<b>NUMBER OF UNITS:</b>	<b>126</b>
<b>LOCATION (“County”):</b>	<b>Hillsborough</b>
<b>TYPE (Rental, Homeownership):</b>	<b>Rental/Family (MMRB, SAIL and HC)</b>
<b>SET ASIDE:</b>	<b>10% @ 33% (MMRB) 75% @ 60% (MMRB) 10% @ 33% (SAIL &amp; HC) 90% @ 60% (SAIL &amp; HC)</b>
<b>ALLOCATED AMOUNT:</b>	<b>\$8,580,000 of Tax-Exempt Bonds and \$6,105,000 SAIL</b>

#### 1. Background

- a) On May 8, 2008, Florida Housing financed the acquisition and rehabilitation of the Development with Tax-Exempt Bonds in the amount of \$8,580,000 and SAIL loan of \$6,105,000.
- b) The original Credit Underwriting Report and Loan Agreement anticipated a permanent loan of \$4,067,000. The La Vista Oaks loan balance has been reduced by \$4,044,005, leaving a remaining balance of \$4,535,995 (\$468,995 less than contemplated in the original Credit Underwriting Report).

#### 2. Present Situation

- a) In November 2009, the developer, Southport Financial Services requested that Florida Housing approve the increased MMRB permanent loan in the amount of \$4,535,995 (or such lesser amount as remain outstanding at the time of reissuance for tax purposes). The Bondholder, the Bank of America (“BOA”) has also agreed to extend the stabilization of the Development until May 15, 2010 and increase the Bond interest rate to 5.88%, with an all-in loan rate of 6.28%.
- b) The Credit Underwriter has determined that an increase in the permanent loan amount to \$4,535,995 and corresponding increase in the interest rate will have no material impact to the development feasibility.
- c) A Final Credit Underwriting Recommendation Letter dated April 16, 2010 is attached as [Exhibit B](#).



## MULTIFAMILY BONDS

### *Consent*

#### 3. **Recommendation**

That the Board approve the recommendation of the Credit Underwriter outlined in the Final Credit Underwriting Recommendation Letter dated April 16, 2010, recommending that the MMRB permanent loan amount be increased to \$4,535,995 (or such lesser amount as remain outstanding at the time of reissuance for tax purposes) from \$4,067,000. That the interest rate on the Bonds be increased to 5.88%, with an all-in loan rate of 6.28%, as well as amending the necessary loan and Bond documents to maintain the tax-exempt status of the Bonds, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

## MULTIFAMILY BONDS

### *Consent*

#### C. Request Approval of a Subordinate Loan From Hillsborough County for Fairview Cove II Apartments

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Fairview Cove II Apartments</b>
<b>DEVELOPER/PRINCIPAL (“Applicant”):</b>	<b>Fairview Cove II Ltd./Fairview Cove II Managers, LLC/Alan H. Ginsburg Tenth Amended and Restated Revocable Trust UA dated March 3, 2008/ Alan H. Ginsburg</b>
<b>NUMBER OF UNITS:</b>	<b>65</b>
<b>LOCATION (“County”):</b>	<b>Hillsborough</b>
<b>TYPE (Rental, Homeownership):</b>	<b>Rental/Family (MMRB &amp; HC)</b>
<b>SET ASIDE:</b>	<b>70% @ 60% (MMRB) 100% @ 60% (HC)</b>
<b>ALLOCATED AMOUNT:</b>	<b>\$6,400,000 of Tax-Exempt Bonds</b>

#### 1. Background

On December 18, 2008, Florida Housing financed the construction of the Development with Tax-Exempt Bonds in the amount of \$6,400,000.

#### 2. Present Situation

- a) The Developer in a letter dated March 10, 2010, attached as [Exhibit C](#), requests that Florida Housing consent to a subordinate loan from Hillsborough County in the amount of \$500,000. Additionally, the Developer requests consent to the execution and recording of documents as may be required in connection with the County loan.
- b) The Credit Underwriter has reviewed the request and by letter dated April 16, 2010, attached as [Exhibit D](#), recommends that Florida Housing approve the request.

#### 3. Recommendation

That the Board approve a subordinate loan to the Development from Hillsborough County and to the execution and recording of documents as may be required by the County, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

## MULTIFAMILY BONDS

### *Consent*

#### D. Request Approval to Replace the Development Member of Addison Place Apartments

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Addison Place Apartments</b>
<b>DEVELOPER/PRINCIPAL (“Applicant”):</b>	<b>Addison Place LLC/Nantahalla Addison LLC/SunAmerica Housing Fund 1177</b>
<b>NUMBER OF UNITS:</b>	<b>160</b>
<b>LOCATION (“County”):</b>	<b>Okaloosa</b>
<b>TYPE (Rental, Homeownership):</b>	<b>Rental/Family (MMRB &amp; HC)</b>
<b>SET ASIDE:</b>	<b>85% @ 60% MMRB 100% @ 60% HC</b>
<b>ALLOCATED AMOUNT:</b>	<b>\$6,260,000 of Tax-Exempt Bonds and \$1,570,000 of Taxable Bonds</b>

#### 1. Background

On February 18, 2004, Florida Housing financed the construction of the Development with Tax-Exempt Bonds in the amount of \$8,580,000 and Taxable Bonds in the amount of \$1,570,000.

#### 2. Present Situation

- a) The Developer, in a letter dated January 20, 2010, attached as [Exhibit E](#), requests that Florida Housing approve the replacement of the development member Nantahalla Addison LLC with MBS GP 176 LLC.
- b) The Credit Underwriter has reviewed the request and by letter dated March 10, 2010, attached as [Exhibit F](#) recommends that Florida Housing approve the request.

#### 3. Recommendation

That the Board approve the replacement of the Development Member for the Development, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel, and the appropriate Florida Housing staff.

## MULTIFAMILY BONDS

### *Consent*

#### E. Request Approval for an Assumption of LURA Obligations of Center Court Apartments

<b>Development Name: Center Court Apartments (“Development”)</b>	<b>Location: Miami-Dade</b>
<b>Developer/Principal: Yale-Steam Associates Limited Partnership/Yale-Steam Corporation/Michael Minkoff (“Developer”, “Principal”, or “Owner”)</b>	<b>Set-Aside: 40% @ 60% AMI (MMRB)</b>
<b>Funding Sources: MMRB</b>	<b>Amounts: \$18,475,000 Tax-Exempt Bonds</b>
<b>Number of Units: 589</b>	<b>Type: Rental/Elderly</b>

#### 1. Background

In 1996, Florida Housing financed the acquisition and rehabilitation of the Development with \$18,475,000 in Tax-Exempt Bonds (the “Bonds”), designated as 1996 Series I. Subsequently, in December, 2005 the bonds were redeemed.

#### 2. Present Situation

- a) The Borrower’s Counsel, in a letter dated March 8, 2010, attached as [Exhibit G](#), requests approval to purchase the Development and assume the obligations of the LURA.
- b) The Credit Underwriter has reviewed the Borrower’s request and by letter dated April 14, 2010, attached as [Exhibit H](#) recommends that Florida Housing approve the request.

#### 3. Recommendation

That the Board approve the Assumption of LURA Obligations of the Development, subject to further approvals and verifications by the Credit Underwriter, Bond Counsel, Special Counsel and the appropriate Florida Housing staff.

## PREDEVELOPMENT LOAN PROGRAM (PLP)

### Consent

#### VII. PREDEVELOPMENT LOAN PROGRAM (PLP)

- A. Request Approval of PLP Loan Budget Amendment for Ability Mayfair, LLC., a Florida Limited Liability Company and Not-for-Profit Entity, for Mayfair Village Apartments (PLP 07-159)

DEVELOPMENT NAME (“Development”):	Mayfair Village Apartments
APPLICANT/DEVELOPER (“Developer”):	Ability Mayfair, LLC., a Florida limited liability company and not-for-profit entity
CO-DEVELOPER:	Grove House of Jacksonville, Inc., DBA Ability Housing of NE Florida, Inc., a not-for-profit entity
NUMBER OF UNITS:	83
LOCATION (“County”):	Duval County
TYPE:	Rental, Homeless
SET ASIDE:	60% @ or below 60% AMI
PLP LOAN AMOUNT:	\$424,475

1. **Background**

On March 13, 2009, Florida Housing’s Board approved the Development Plan and budget submitted by the Technical Assistance Provider (TAP) recommending a loan of \$424,475 for PLP eligible expenses.

2. **Present Situation**

- a) The Developer has requested the current PLP loan budget be amended for a new line item for property taxes on the proposed site. The additional expenses is due to an unforeseen delay of the 2009 Universal Cycle, the challenge filed against the Development’s Application for 2009 Housing Credits and HOME funds, and other increased required predevelopment soft costs ([Exhibit A](#)). The Developer has been awarded funding for the 2009 Universal Cycle.
- b) The Technical Assistance Provider (TAP) has submitted and recommended the budget amendments for PLP eligible activities to include increased contingency for other unanticipated predevelopment costs and a new line item for property taxes, which is an eligible expense ([Exhibit B](#)). The Developer originally anticipated that the property taxes would be paid from the awarded construction financing on the proposed vacant development site. Staff has reviewed and approved the budget amendments with the determination that all budget items are PLP eligible. The PLP loan amount of \$424,475 will not change.

## **PREDEVELOPMENT LOAN PROGRAM (PLP)**

### *Consent*

#### **3. Recommendation**

Approve the PLP Loan budget amendment requested by Ability Mayfair, LLC., a Florida limited liability company and not-for-profit entity, for Mayfair Village Apartments, for eligible predevelopment expenses as recommended by the TAP.

## PREDEVELOPMENT LOAN PROGRAM (PLP)

### *Consent*

**B. Request Approval of Increase in PLP Loan Amount for Towers of Jacksonville, Inc., a Not-for-Profit Entity, for Towers of Jacksonville (PLP 07-168)**

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Towers of Jacksonville</b>
<b>APPLICANT/DEVELOPER (“Developer”):</b>	<b>Towers of Jacksonville, Inc., a not-for-profit entity</b>
<b>CO-DEVELOPER:</b>	<b>N/A</b>
<b>NUMBER OF UNITS:</b>	<b>194</b>
<b>LOCATION (“County”):</b>	<b>Duval County</b>
<b>TYPE:</b>	<b>Rental, Elderly</b>
<b>SET ASIDE:</b>	<b>60% @ or below 60% AMI</b>
<b>PLP LOAN AMOUNT:</b>	<b>Approved for \$300,000, Increase to \$450,000</b>
<b>ADDITIONAL COMMENTS: The Development is the rehabilitation and preservation of an existing affordable property for the elderly.</b>	

**1. Background**

- a) On March 13, 2009, Florida Housing’s Board approved the Development Plan and budget submitted by the Technical Assistance Provider (TAP) recommending a loan of \$300,000 for PLP eligible expenses.
- b) On December 31, 2009, the Developer closed on the PLP Loan. To date, the Developer has drawn \$262,236 for eligible predevelopment expenses.

**2. Present Situation**

- a) The Towers of Jacksonville, Inc., (Developer) is requesting a loan increase from the current Board approved PLP loan of \$300,000 up to \$500,000. The original approved PLP loan covered architectural, engineering and legal costs. The Developer originally planned to pursue local housing finance agency bonds but later determined that Florida Housing program funding was more feasible for the Development ([Exhibit C](#)). The Developer applied for and has received an allocation of \$15 million under FHFC’s New Issue Bond Program in the 2009 Supplemental Cycle Application. The Developer also applied for \$5 million in HOME funds under RFP 2009-06 but did not meet threshold for funding.
- b) The Technical Assistance Provider (TAP) has submitted a revised Development Plan and recommended the requested loan increase from \$300,000 up to \$500,000 for PLP eligible activities ([Exhibit D](#)).
- c) The requested PLP loan increase of \$200,000 is being requested to cover the required financing fees of approximately \$150,000 that are due for the bond allocation and \$50,000 in anticipation of the HOME funds. Since the Developer will not be awarded HOME funds, staff has reduced this request for additional PLP funding to \$150,000.

## **PREDEVELOPMENT LOAN PROGRAM (PLP)**

### *Consent*

#### **3. Recommendation**

Approve the PLP Loan increase from \$300,000 to \$450,000 for Towers of Jacksonville, for the increased eligible predevelopment expenses as recommended by the TAP and limited to \$450,000 as reduced by staff. In addition, the increase is contingent upon closing on FHFC's NIBP bond allocation. Also, allow staff to issue an updated Commitment Letter and commence with loan amendment activities.



**PREDEVELOPMENT LOAN PROGRAM (PLP)**

*Consent*

**C. Request Approval of PLP Loan for FCCC-Butler Cove, LTD, a not-for-profit entity, for Butler Cove Apartments (2009-021P-07)**

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Butler Cove Apartments</b>
<b>APPLICANT/DEVELOPER (“Developer”):</b>	<b>FCCC-Butler Cove, LTD, a not-for-profit entity</b>
<b>CO-DEVELOPER:</b>	<b>N/A</b>
<b>NUMBER OF UNITS:</b>	<b>120</b>
<b>LOCATION (“County”):</b>	<b>Duval County</b>
<b>TYPE:</b>	<b>Rental, Elderly</b>
<b>SET ASIDE:</b>	<b>60% @ or below 60% AMI</b>
<b>PLP LOAN AMOUNT:</b>	<b>\$500,000</b>

**1. Background**

- a) On November 6, 2009, Florida Housing received a PLP Application from the Applicant for Butler Cove Apartments. The Development will be located in Duval County.
- b) On December 1, 2009, Florida Housing issued an Invitation to Participate in the PLP to FCCC-Butler Cove, LTD, a not-for-profit organization.

**2. Present Situation**

The Technical Assistance Provider (TAP) has submitted a Development Plan and recommended a loan amount of \$500,000 for PLP eligible activities ([Exhibit E](#)). Staff has reviewed the Development Plan and determined that all budget items are PLP eligible.

**3. Recommendation**

Approve the PLP Loan in the amount of \$500,000 to FCCC-Butler Cove, LTD, a not-for-profit entity, for Butler Cove Apartments, for eligible predevelopment expenses as recommended by the TAP, and allow staff to issue the Commitment Letter and commence with loan closing proceedings.

**PREDEVELOPMENT LOAN PROGRAM (PLP)**

*Consent*

**D. Request Approval of PLP Loan for Catholic Charities Housing, Inc., a Not-for-Profit Entity, for Pinellas Hope III (2009-024P-09)**

<b>DEVELOPMENT NAME (“Development”):</b>	<b>Pinellas Hope III</b>
<b>APPLICANT/DEVELOPER (“Developer”):</b>	<b>Catholic Charities Housing, Inc., a not-for-profit entity</b>
<b>CO-DEVELOPER:</b>	<b>N/A</b>
<b>NUMBER OF UNITS:</b>	<b>76</b>
<b>LOCATION (“County”):</b>	<b>Pinellas County</b>
<b>TYPE:</b>	<b>Rental, Homeless</b>
<b>SET ASIDE:</b>	<b>20% @ or below 50% AMI</b>
<b>PLP LOAN AMOUNT:</b>	<b>\$231,000</b>
<b>ADDITIONAL COMMENTS: This Development is the third phase of Pinellas Hope. The three phases allow for the transition from temporary to permanent housing for residents. Phase II has been awarded SAIL funding under RFP 2008-01.</b>	

**1. Background**

- a) On December 31, 2009, Florida Housing received a PLP Application from the Applicant for Pinellas Hope III. The Development will be located in Pinellas County.
- b) On January 26, 2010, Florida Housing issued an Invitation to Participate in the PLP to Catholic Charities Housing, Inc., a not-for-profit organization.

**2. Present Situation**

The Technical Assistance Provider (TAP) has submitted a Development Plan and recommended a loan amount of \$231,000 for PLP eligible activities ([Exhibit E](#)). Staff has reviewed the Development Plan and determined that all budget items are PLP eligible.

**3. Recommendation**

Approve the PLP Loan in the amount of \$231,000 to Catholic Charities Housing, Inc., a not-for-profit entity, for Pinellas Hope III, for eligible predevelopment expenses as recommended by the TAP, and allow staff to issue the Commitment Letter and commence with loan closing proceedings.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

VIII. STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

A. Request Approval of Credit Underwriting Update Letter for Hunt Club Apartments, Cycle XIX (2007-026S/2008-524C)

<b>Development Name: Hunt Club Apartments (“Development”)</b>	<b>Location: Hillsborough County</b>
<b>Developer/Principal: The Richman Group of Florida, Inc. (“Developer”)</b>	<b>Set-Aside: 5% @ 33% AMI and 95% @ 60% AMI</b>
<b>Number of Units: 96</b>	<b>Allocated Amount: \$5,000,000</b>
<b>Type: Garden Style</b>	<b>Housing Credit Equity: \$5,442,446</b>
<b>Demographics: Family</b>	<b>MMRB: \$8,000,000 (local)</b>

1. Background/Present Situation

- a) On October 20, 2008, a SAIL loan in the amount of \$5,000,000 closed for this 96-unit family development in Hillsborough County. The final credit underwriting report contemplated that if the final approved development budget is more than \$16,338,858, the first mortgage loan can be increased by a like amount assuming confirmation that minimum Debt Service Coverage and Loan-to-Value ratios are maintained.
- b) On March 30, 2010, staff received a letter from the Borrower requesting an increase to the first mortgage as originally contemplated in the final credit underwriting report ([Exhibit A](#)).
- c) On March 31, 2010, staff received a credit underwriting update letter reflecting a current development budget of \$16,922,820, which is \$583,962 greater than reflected in the final credit underwriting report. Based upon the increase in the development budget and a \$400,000 reduction to the State Housing Initiatives Partnership Program loan from the local government, the underwriter recommends a \$754,000 increase to the first mortgage, which is \$170,038 greater than the cost increase to the development budget ([Exhibit B](#)). Staff has reviewed this report and finds that the development meets all of the requirements of Rule Chapter 67-48, F.A.C.

2. Recommendation

Approve the credit underwriting update letter and direct staff to proceed with modification of loan closing documents.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

B. Request Approval of Credit Underwriting Report for Marbella Cove, Cycle XX (2008-256S)

Development Name: Marbella Cove ("Development")	Location: Orange County
Developer/Principal: Atlantic Housing Partners, L.L.L.P. ("Developer")	Set-Aside: 5% @ 33% AMI and 82% @ 60% AMI
Number of Units: 104	Allocated Amount: \$4,500,000
Type: Garden Style	Housing Credit Equity: \$657,875
Demographics: Family	MMRB: \$9,500,000 (local)

1. Background/Present Situation

- a) On October 23, 2009, the Board approved this development for a SAIL loan in the amount of \$4,500,000 and directed staff to proceed with the issuance of an invitation into credit underwriting.
- b) On November 23, 2009, staff issued a preliminary commitment letter and invitation to enter credit underwriting for a SAIL loan in an amount up to \$4,500,000 for this 104-unit family development located in Orange County.
- c) On April 16, 2010, staff received a credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$4,500,000 ([Exhibit C](#)). Staff has reviewed this report and finds the development meets all of the requirements of Rule Chapter 67-48, F.A.C.

2. Recommendation

Approve the final credit underwriting report and direct staff to proceed with issuance of a firm loan commitment and loan closing activities.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

C. Request Approval to Exchange Amenity for Sea Grape Apartments (2006-077CS)

Development Name: Sea Grape Apartments (“Development”)	Location: Monroe County
Developer/Principal: Sea Grape Development, LLC (“Developer”)	Set-Aside: 21% @ 30% AMI, 19% @ 45% AMI and 60% @ 60% AMI
Number of Units: 56	Allocated Amount: \$1,854,549
Type: Mid-Rise with elevator	Total Housing Credit Equity: \$12,196,280
Demographics: Family	MMRB: N/A

1. Background/Present Situation

- a) On December 18, 2008, a SAIL loan in the amount of \$1,854,549 closed for this 56-unit family development in Monroe County.
- b) On March 20, 2010, staff received a letter from the Developer requesting the exchange of outdoor recreation facility – volleyball court for outdoor recreation facility - domino court ([Exhibit D](#)). The proposed change is of equal point value.
- c) On April 6, 2010, staff received a review from the credit underwriter with a positive recommendation for the amenity exchange ([Exhibit E](#)).

2. Recommendation

Approve the request to exchange the amenity and direct staff to proceed with amending the Land Use Restriction Agreement.

**STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)**

*Consent*

**D. Request Approval of Loan Closing Extension for Labre Place (2006-074CS/2009-063CTX)**

<b>Development Name: Labre Place ("Development")</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: St. David Development, LLC ("Developer")</b>	<b>Set-Aside: 15% @ 33% AMI and 85% @ 60% AMI</b>
<b>Number of Units: 90</b>	<b>SAIL: \$4,000,000</b>
<b>Type: High Rise</b>	<b>Tax Credit Exchange Amount: \$19,188,358</b>
<b>Demographics: Homeless</b>	<b>MMRB: N/A</b>

**1. Background/Present Situation**

- a) On September 18, 2009, the Board approved a loan closing extension for the SAIL loan until March 31, 2010, to allow the Borrower time to complete the American Recovery and Reinvestment ACT RFP process.
- b) On February 26, 2010, the Board approved a credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$4,000,000, and a 2009 Tax Credit Exchange Program award in the amount of \$19,188,358, and directed staff to proceed with loan closing activities.
- c) On March 5, 2010 staff received a letter from the Developer requesting an extension of the SAIL closing deadline until June 1, 2010, in order to allow time for all financing sources to close ([Exhibit F](#)).

**2. Recommendation**

Approve the SAIL closing deadline until June 1, 2010, and direct staff to proceed with loan closing activities.

STATE APARTMENT INCENTIVE LOAN PROGRAM (SAIL)

Consent

E. Request Approval of Credit Underwriting Report for Independence Village Project, Cycle XX (RFP 2008-01-05)

<b>Development Name: Independence Village Project (“Development”)</b>	<b>Location: Bay County</b>
<b>Developer/Principal: Coral Sky Development, Inc. and Big Bend Community Based Care, Inc. (“Developer”)</b>	<b>Set-Aside: 33% @ 35% AMI and 67% @ 60% AMI</b>
<b>Number of Units: 24</b>	<b>Allocated Amount: \$1,691,745</b>
<b>Type: High Rise</b>	<b>Housing Credit Equity: N/A</b>
<b>Demographics: Homeless</b>	<b>MMRB: N/A</b>

1. Background/Present Situation

- a) On April 11, 2008, Florida Housing Finance Corporation issued a request for proposal (RFP) for the development and substantial rehabilitation of housing for special needs populations.
- b) On August 8, 2008, the Board approved the final scores and ranking and directed staff to proceed with all necessary credit underwriting activities.
- c) On August 29, 2008, staff issued a preliminary commitment letter and invitation to enter credit underwriting for a SAIL loan in an amount up to \$1,691,744 for this 24-unit homeless development located in Bay County.
- d) On April 15, 2010, staff received a credit underwriting report with a positive recommendation for a SAIL loan in the amount of \$1,691,745 ([Exhibit G](#)). Staff has reviewed this report and finds the development meets all of the requirements of RFP 2008-01 and Rule Chapter 67-48, F.A.C.

2. Recommendation

Approve the final credit underwriting report and direct staff to proceed with issuance of a firm loan commitment and loan closing activities.

## SPECIAL ASSETS

### *Consent*

#### IX. SPECIAL ASSETS

- A. Request Approval of the Extension of the SAIL Loan for Ellenton Housing Associates, Ltd., a Florida Limited Partnership for Oaks at Ellenton (96S-028/94L-077)

<b>Development Name: Oaks at Ellenton (“Development”)</b>	<b>Location: Manatee County</b>
<b>Developer/Principal: Ellenton Housing Associates, Ltd./Cornerstone Group (“Developer”)</b>	<b>Set-Aside: SAIL &amp; HC 20% @ 40% &amp; 80% @ 60% AMI LURA: 50 years; EUA: 50 years</b>
<b>Number of Units: 168</b>	<b>Allocated Amount: SAIL - \$1,020,000</b>
<b>Demographics: Farmworker/Family</b>	<b>Housing Credits: \$982,449</b>

1. **Background**

During the 1995-1996 SAIL Cycle VIII, Florida Housing awarded a \$1,020,000 construction/permanent loan to Ellenton Housing Associates, Ltd., a Florida Limited Partnership (“Borrower”), for the development of a 168-unit development in Manatee County. The SAIL loan closed on October 25, 1995 and will mature on May 31, 2010. The Development also received a 1994 allocation of low-income housing tax credits of \$982,449. The Development was placed in service on December 26, 1996.

2. **Present Situation**

The Borrower has requested approval to extend the SAIL loan, at its current terms, to May 31, 2011. The Borrower has applied for refinancing which will pay off the SAIL loan. This additional time is needed to allow them to complete refinancing the development.

3. **Recommendation**

Approve the extension of the SAIL loan, at its current terms, to May 31, 2011, and extend the LURA for an equal amount of time, and direct staff to proceed with loan modification activities.



## SPECIAL ASSETS

### *Consent*

**B. Request Approval of the Extension of the SAIL Loan for Homestead Apartments Associates II, Ltd., a Florida Limited Partnership, for Riverwalk II Apartments (92S-019/92L-052)**

<b>Development Name: Riverwalk II</b> <b>(“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: Homestead Apartments Associates II, Ltd./Related Companies</b> <b>(“Developer”)</b>	<b>Set-Aside: SAIL 20% @ 50% AMI Farmworker, 80% @ 60% AMI Family; HC 100% @ 60% AMI LURA: 50 years; EUA: 50 years</b>
<b>Number of Units: 112</b>	<b>Allocated Amount: SAIL - \$770,000</b>
<b>Demographics: Farmworker/Family</b>	<b>Housing Credits: \$451,372</b>

**1. Background**

During the 1991-1992 SAIL Cycle IV, Florida Housing awarded a \$770,000 construction/permanent loan to Homestead Apartments Associates II, Ltd., a Florida Limited Partnership (“Borrower”), for the development of a 112-unit development in Miami-Dade County. The SAIL loan closed on October 8, 1992 and will mature on June 30, 2010. The Development also received a 1992 allocation of low-income housing tax credits of \$451,372. The Development was placed in service in September of 1993. The Board has previously approved extensions for the loan through June 30, 2010.

**2. Present Situation**

The Borrower has requested approval to extend the SAIL loan, at its current terms, to June 30, 2011. The Borrower has submitted an application to refinance and rehabilitate the property using FHFC issued bonds and HOME exchange funds. This additional time is needed to allow them to refinance the development.

**3. Recommendation**

Approve the extension of the SAIL loan, at its current terms, to June 30, 2011, and extend the LURA for an equal amount of time, and direct staff to proceed with loan modification activities.

## SPECIAL ASSETS

### *Consent*

C. **Request Approval of Change to Loan Workout Terms for Lakeview Housing Limited Partnership, a Florida Limited Partnership for Lakeview Apartments SAIL loan (91S-033)**

<b>Development Name: Lakeview (“Development”)</b>	<b>Location: Miami-Dade County</b>
<b>Developer/Principal: Lakeview Housing Limited Partnership/ULGM, Inc. (“Developer”)</b>	<b>Set-Aside: 100% @ 60% AMI LURA: 50 years; EUA: 30 years</b>
<b>Number of Units: 40</b>	<b>Allocated Amount: SAIL - \$1,551,248</b>
<b>Demographics: Family</b>	<b>Housing Credits: \$240,208</b>

1. **Background**

- a) During the 1991 SAIL Cycle III, Florida Housing awarded a \$1,551,248 construction/permanent loan to Lakeview Housing Limited Partnership, a Florida Limited Partnership (“Borrower”), for the development of a 40-unit development in Miami-Dade County. The SAIL loan closed on February 25, 1992. The Development also received a 1990 allocation of low-income housing tax credits of \$240,208. The Development was placed in service in December of 1992. At the January 2007 Board meeting the Borrower’s request for a one year extension of the SAIL loan to February 25, 2008 was approved. The Borrower was unable to refinance the Development and the loan matured on February 25, 2008.
- b) At the March 3, 2009 FHFC Board meeting the Borrower’s request to restructure the loan was approved. The restructured loan terms included converting the loan to a one percent amortizing loan upon payment of the outstanding accrued interest on the loan of approximately \$790,000. The borrower had secured a \$922,374 loan from Miami-Dade County for the payment of the accrued interest on the loan as part of the restructure of the loan. The remaining funds approximately \$132,374 would be used for roof repair and deferred maintenance.

2. **Present Situation**

- a) As of 12/1/09 the Director of Housing and Community Development for Miami-Dade County has informed the Borrower of the new guidelines under which the loan will be made. The new guidelines only allow for \$460,000 of the money to be used for refinancing of the existing debt. As of February 1, 2010 the total interest outstanding on the SAIL loan that would have to be paid is \$837,774.
- b) In a letter dated February 8, 2010 the Borrower has requested that the balance of interest not paid by the Miami-Dade County loan be deferred until the maturity date of the loan. The remaining interest balance of \$377,774 would have to be deferred until maturity. The terms of the credit-underwriting report for the restructured loan will stay the same. Remaining funds will be used for more extensive repairs to the property.

## SPECIAL ASSETS

### *Consent*

3. **Recommendation**

Approve the change to the restructure of the SAIL loan to allow the portion of accrued interest not paid by the Miami-Dade County loan to be deferred until maturity of the restructured loan and direct staff to proceed with loan document modification.

## SPECIAL ASSETS

### *Consent*

**D. Request Approval of Change to Loan Workout Terms for Rio Towers Ltd., a Florida Limited Partnership for Rio Towers SAIL loan (SAIL 91S-029)**

<b>Development Name: Rio Towers (“Development”)</b>	<b>Location: Miami-Dade</b>
<b>Developer/Principal: East Little Havana CDC (“Developer”)</b>	<b>Set-Aside: SAIL 100% @ 60% AMI, 51 Years; HC 100% @ 60% AMI, 30 Years</b>
<b>Number of Units: 82</b>	<b>Allocated Amount: SAIL \$800,000 Housing Credit \$413,746</b>
<b>Demographics: Elderly &amp; Family</b>	

**1. Background**

- a) During the 1990 Cycle, Florida Housing awarded an \$800,000 SAIL loan to Rio Towers, Ltd.; a Florida limited partnership, (Borrower) for the development of an 82-unit apartment complex in Miami-Dade County, Florida. The SAIL loan closed on November 20, 1991. The Development also received a Housing Credit allocation of \$413,746. At the June 2006 FHFC Board meeting the SAIL loan was approved for a one year extension and the loan was extended to July 23, 2007. The Borrower has been unable to refinance the Development and the SAIL loan matured on the extended date.
- b) At the August 2008 FHFC Board meeting the Borrower’s request to renegotiate the terms of the loan was approved. The terms of the restructured loan included renewal of the principal at 1% interest for thirty years, with monthly amortization of principal and interest. The Borrower agreed to pay all outstanding deferred interest not forgiven by Rule at the time of closing of the renegotiated loan and to extend the LURA’s affordability period for 15 additional years beyond the current 51 years. The borrower had \$180,000 in cash and the remaining amount needed to pay the outstanding interest was to come from a refinance of the first mortgage held by Citibank.

**2. Present Situation**

- a) The Borrower states they are only able to pay \$180,000 of the accrued interest because the Citibank refinancing did not occur and due to current financial conditions the borrower is unable to secure other financing. As of 2/1/10 \$366,515 of interest would be due leaving an unpaid balance of \$186,515. The terms of the credit-underwriting report for the restructured loan will stay the same.
- b) In a letter dated February 7, 2010 the Borrower has requested that the balance of accrued interest that the Borrower is unable to pay be deferred until the maturity date of the loan.

## SPECIAL ASSETS

### *Consent*

3. **Recommendation**

Approve the change to the restructure of the SAIL loan to allow the portion of accrued interest not paid by the Borrower at the time of closing to be deferred until maturity of the restructured loan and direct staff to proceed with loan document modifications.

## SPECIAL ASSETS

### *Consent*

**E. Request Approval to Refinance the First Mortgage for Sunrise Pointe Partners, Ltd., a Florida Limited Partnership for Sunrise Pointe Apartments (2000-098S/2001-516C)**

<b>Development Name: Sunrise Pointe Apartments (“Development”)</b>	<b>Location: Volusia County</b>
<b>Developer/Principal: CED/Sunrise Pointe Partners, Ltd. (“Borrower”)</b>	<b>Set-Aside: SAIL: 99.3269% @ 60%; HC: 100% @ 60% AMI LURA: 50 years; EUA 30 years</b>
<b>Number of Units: 208</b>	<b>Allocated Amount: SAIL: \$2,000,000; HC \$720,218</b>
<b>Demographics: Family</b>	<b>CU/Servicer: Seltzer Management Group</b>

**1. Background**

During the 2000 funding cycle, Florida Housing awarded a \$2,000,000 SAIL loan to Sunrise Pointe Partners Ltd., a Florida Limited Partnership (“Borrower”), for the development of a 208-unit apartment complex in Volusia County, Florida. The SAIL loan closed on August 23, 2002 and will mature on February 1, 2033. The Development also received a 2001 allocation of low-income housing tax credits of \$720,218.

**2. Present Situation**

- a) By correspondence dated March, 30, 2010, the Borrower requests consent from the Board to refinance the existing first mortgage and subordinate the SAIL loan to the new first mortgage.
- b) On April 14, 2010, staff received a credit underwriting report ([Exhibit A](#)) from Seltzer Management Group recommending approval for the new financing and subordination of the SAIL loan to the new first mortgage.

**3. Recommendation**

Approve the refinancing of the first mortgage and subordination of the SAIL loan to the new first mortgage subject to the conditions outlined in the credit underwriter’s report and verification of the required SAIL pay down amount per Rule 67-48 all subject to further approvals and verifications by the credit underwriter, counsel and appropriate Florida Housing staff, and direct staff to proceed with loan document modification activities.

## SPECIAL ASSETS

### *Consent*

**F. Request Approval to Refinance the First Mortgage for Lakewood Shores Partners, Ltd., a Florida Limited Partnership for Lakewood Shores Apartments (1999-066S/2001-514C)**

<b>Development Name: Lakewood Shores Apartments (“Development”)</b>	<b>Location: Hillsborough County</b>
<b>Developer/Principal: CED/Lakewood Shores Partners, Ltd. (“Borrower”)</b>	<b>Set-Aside: SAIL &amp; HC: 100% @ 60% AMI LURA: 50 years; EUA 30 years</b>
<b>Number of Units: 184</b>	<b>Allocated Amount: SAIL: \$1,900,000; HC \$500,041</b>
<b>Demographics: Family</b>	<b>CU/Service: Seltzer Management Group</b>

**1. Background**

During the 1999 funding cycle, Florida Housing awarded a \$1,900,000 SAIL loan to Lakewood Shores Partners Ltd., a Florida Limited Partnership (“Borrower”), for the development of a 184-unit apartment complex in Hillsborough County, Florida. The SAIL loan closed on August 10, 2000 and will mature on June 1, 2016. The Development also received a 2001 allocation of low-income housing tax credits of \$500,041.

**2. Present Situation**

- a) By correspondence dated March, 30, 2010, the Borrower requests consent from the Board to refinance the existing first mortgage and subordinate the SAIL loan to the new first mortgage.
- b) On April 14, 2010, staff received a credit underwriting report ([Exhibit B](#)) from Seltzer Management Group recommending approval for the new financing and subordination of the SAIL loan to the new first mortgage.

**3. Recommendation**

Approve the refinancing of the first mortgage and subordination of the SAIL loan to the new first mortgage subject to the conditions outlined in the credit underwriter’s report and verification of the required SAIL pay down amount per Rule 67-48 all subject to further approvals and verifications by the credit underwriter, counsel and appropriate Florida Housing staff, and direct staff to proceed with loan document modification activities.

## SPECIAL ASSETS

### *Consent*

#### G. Request Affirmation for Partial Sale of South Springs (PLP 98-026)

<b>Development Name: South Springs (“Development”)</b>	<b>Location: Gadsden County</b>
<b>Developer/Principal: North Florida Development Corp. (“Developer”)</b>	<b>Set-Aside: 100% @ 60% AMI, 15 Years</b>
<b>Number of Units: 92.26 acres vacant land</b>	<b>Allocated Amount: PLP \$410,573.21</b>
<b>Demographics: Elderly</b>	<b>Servicer: Florida Housing</b>

#### 1. Background

- a) South Springs (“the Development”) d/b/a North Florida Educational Development Company (“Borrower”) was intended to be an affordable 80 unit development built on 92.26 acres of land located in Gadsden County, Florida that was financed with \$410,573.21 from the Predevelopment Loan Program (PLP).
- b) On June 20, 2003 the Board granted a one-year extension of the loan term for completion of predevelopment activities and for pursuit of construction financing. The PLP loan matured on May 19, 2004, and since then Florida Housing has been working diligently with the Borrower in its efforts to secure financing to build affordable housing on said land.
- c) To preserve our rights to enforce our lien and avoid the statute of limitations, we proceeded with a foreclosure action on May 1, 2009. On June 24, 2009, FHFC filed a motion for final summary judgment for foreclosure and taxation of costs. On January 12, 2010, FHFC was the successful bidder at the foreclosure sale.

#### 2. Present Situation

Staff has received an offer from a potential purchaser for 20 acres of the plot. However, the purchaser intends to initiate legal proceedings to challenge the comp plan amendment that can potentially affect the zoning requirements for the land. FHFC staff is willing to sell the purchaser the 20 acres at a price equal to the per acre tax assessed value on the condition that he does not pursue any legal action in relation to the remaining 72 acres.

#### 3. Recommendation

Affirm the potential sale of the designated 20 acres of property from the 92.26 acre site, and direct staff to proceed with negotiations to finalize the sale subject to the condition that the purchaser agrees not to pursue any action toward undoing the land use map change for the remaining 72 acres.