

**BEFORE THE STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION**

MBCDC: VILLA MARIA, LLC,

Petitioner,

vs.

FHFC No. 2006-025UC  
Application No. 2006-033C

FLORIDA HOUSING FINANCE  
CORPORATION,

Respondent.

\_\_\_\_\_ /

**PETITION FOR REVIEW**

Pursuant to Section 120.569 and .57, Florida Statutes (F.S.) and Rule 67-48.005, Florida Administrative Code (F.A.C.), Petitioner, MBCDC: VILLA MARIA, LLC ("Villa Maria"), requests an administrative hearing to challenge FLORIDA HOUSING FINANCE CORPORATION's ("FHFC") scoring of Villa Maria's 2006 Universal Application ("Application"). In support of this Petition, Villa Maria provides as follows:

1. Villa Maria is a Florida for-profit limited liability company with its address at 945 Pennsylvania Avenue, Miami, FL 33139. Villa Maria is in the business of providing affordable rental housing units.
2. FHFC is the state agency delegated the authority and responsibility for administering and awarding the Housing Credit ("HC") program in the State of Florida pursuant to Chapter 420, F.S., and Rule 67-48, F.A.C.
3. The HC program is a federally funded program which awards project owners a dollar-for-dollar reduction in income tax liability in exchange for the acquisition and substantial rehabilitation or new construction of low and very low income rental housing

units. FHFC is the designated housing credit agency for the allocation of tax credits in the State of Florida.

4. The award of HC funds is made through a competitive process in which project owners apply using the Universal Application.

5. The 2006 Universal Application requests information of each applicant regarding the proposed project. FHFC has adopted the Universal Application by reference in Rule 67-48.002, F.A.C.

6. On February 1, 2006, all applicants, including Villa Maria, submitted applications to FHFC for review. Villa Maria submitted its application in an attempt to obtain funding to assist in the construction of a 70-unit high rise affordable housing apartment complex in Miami, Dade County, Florida, named Villa Maria Apartments.

7. On March 1, 2006, FHFC completed its preliminary review and scoring of Villa Maria's application. At that time Villa Maria was awarded a preliminary score of 64 points out of a possible 66 points and 6¼ out of 7½ proximity points. However, FHFC concluded that Villa Maria failed to meet threshold for various reasons. (See Attachment A.)

8. Subsequent to the release of FHFC's preliminary scores, each applicant, pursuant to Rule 67-48-004(4), F.A.C. was allowed to submit to FHFC Notices of Possible Scoring Errors ("NOPSE"). The purpose was to point out errors in FHFC's scoring of applications. Several NOPSE's were filed which challenged the scoring of Villa Maria's application.

9. In response to the NOPSE's and FHFC's preliminary review, applicants were allowed 15 days to submit revised documentation to correct any errors in their

applications pursuant to Rule 67-48-004(6), F.A.C ("cure"). All revised documentation was due to FHFC by April 10, 2006. Villa Maria submitted numerous "cures" in an attempt to gain maximum points possible. Specifically, Villa Maria submitted additional information which addressed (a) the issues raised by FHFC in its preliminary scoring, and (b) the issues raised by NOPSE's which had been submitted regarding its application.

10. Subsequent to the submittal of the cure information pursuant to Rule 67-48.004(7), F.A.C., each applicant was allowed the opportunity to provide a Notice of Alleged Deficiency in Scoring ("NOAD") with respect to the revised documentation submitted by other applicants. Several NOAD's were filed challenging Villa Maria's cures.

11. On May 4, 2006, FHFC finalized its review of the additional documentation and NOAD's, and issued Final Scores. The Notice of Final Scores was received by Villa Maria on May 5, 2006. Villa Maria's final score was 66 out of a possible 66 points. However, FHFC concluded that Villa Maria for a limited reason failed to meet threshold. Additionally, FHFC retracted its earlier award of tie breaker proximity points, now awarding Villa Maria 0 out of a possible 7½ proximity tie-breaker points. Based on the alleged failure to meet threshold and lack of tie-breaker points, Villa Maria will not be eligible to receive HC funds. (See Attachment B.)

12. Villa Maria's position in the ranking and its ability to be awarded funding is dependent on not only its own score, but on those of the other applicant as well. The ability to finance the proposed project will be jeopardized if HC funding is not obtained. Accordingly Villa Maria's substantial interests are affected by this proceeding. In the instant proceeding Villa Maria challenges FHFC's threshold determination regarding urban in-fill development and the scoring of Villa Maria's tie breaker measurement points.

GENERAL DEVELOPMENT INFORMATION  
URBAN IN-FILL DEVELOPMENT

13. The Universal Application at Part III, Subsection A, requires an Applicant to provide general information about the proposed development. At Part III, Subsection (A)(2)(c), the Universal Application requires the applicant to indicate whether the proposed development qualifies as an Urban In-Fill Development. A proposed project in an urban in-fill area is given a higher priority when funding decisions are made.

14. To obtain credit for the Urban In-Fill Development priority, the Universal Application requires an Applicant to provide a properly executed Local Government Verification of Qualification as Urban In-Fill Development. ("Verification Form") (See Attachment C.)

15. The Verification Form asks a local government official to verify that the proposed development is an urban in-fill development and meets three listed criteria.

16. In response to this Universal Application requirement, Villa Maria submitted an executed Verification Form. (See Attachment D.) After conducting its preliminary review, FHFC in its Scoring Summary dated March 1, 2006, found that Villa Maria was not entitled to maximum points and failed threshold for the following reasons:

The Local Government Verification of Qualification as Urban In-Fill Development form provided in the Application is not signed by one of the stated acceptable signatories, therefore the proposed Development does not qualify as an Urban In-Fill Development.

17. In response to FHFC's initial review and the specific reasons provided in the Scoring Summary, Villa Maria submitted numerous cures including a revised Verification Form. (See Attachment E.)

18. On May 4, 2006, FHFC issued its Final Scoring Summary which reflected FHFC's consideration of all cure materials and any NOAD's filed to challenge those cure materials. While Villa Maria addressed all of the initial concerns, FHFC in its Scoring Summary determined that Villa Maria failed to obtain maximum points and threshold for the following reasons:

As a cure for Item 1C, the Applicant submitted a new Local Government Verification of Qualification as Urban In-Fill Development form signed by the appropriate party. However, the form submitted in the cure is from the 2005 Universal Application cycle. As stated in Item No. 6 of the Threshold Requirements, page 68 of the 2006 Universal Application Instructions, "The Application cannot be submitted on exhibit forms or pages contained in the Application Package that are from a previous Application cycle . . .

19. FHFC's conclusion as to this issue is erroneous for several reasons. Initially, as a policy matter, FHFC's Board of Directors has taken the position that the decision to grant funds through this competitive process should not be based on insignificant scoring issues. Instead, FHFC desires that the application be scored and ranked based on the substance of the application. Here, Villa Maria is being penalized for, at best, an insignificant error which in no way affects the validity of the application or specifically the substantive information requested by the Universal Application and the Verification Form.

20. While FHFC pays particular attention to the date on the bottom of the Verification Form submitted with Villa Maria's cure (i.e., UA1016 Rev. 05), it chose to ignore the substance of the information provided by the Verification Form. The Verification Form from the 2005 Universal Application Cycle is identical to the

Verification Form used in the 2006 Universal Application Cycle and requests the same information.

21. While FHFC cites to the Universal Application Threshold Item No. 6, that particular provision was designed to prevent an applicant from using information obtained during last year's application cycle in this year's application cycle. For example, if Villa Maria was able to obtain the Verification Form in question in 2005 but unable to obtain the same Verification Form for purposes of the 2006 Universal Application Cycle, the cited application requirement would prohibit Villa Maria from submitting the Form executed in 2005 for purposes of the 2006 Universal cycle application. That has not happened in the instant case. Rather, Villa Maria has submitted a Verification Form properly executed on March 13, 2006, which verifies the status of the proposed project as urban in-fill.

22. Additionally, this cited application requirement would be applicable to the extent the 2005 form had been revised to require new or different information from its 2006 counterpart. In the instant case, the forms are identical and ask for the exact same information. Because the same information is being requested, as a policy matter FHFC should not and does not penalize applicants. Indeed, Villa Maria inadvertently submitted other forms from the 2005 Universal Application with its cures. (See Attachment F.) In scoring those other forms, FHFC was not concerned with the date at the bottom of the form but the substance of the information provided. The same result for consistency purposes should occur here.

23. The Universal Application requested information concerning whether the Villa Maria Apartment complex is Urban In-Fill Development. Villa Maria in its initial

application, as well as in its cure materials, submitted a Local Government Verification of Qualification As Urban In-Fill Development, which verifies that the proposed development is Urban In-Fill Development. The fact that the form does not have a 2006 date at the bottom does not change this fact and accordingly Villa Maria has met threshold and should receive maximum points as an Urban In-Fill Development.

#### TIE-BREAKER MEASUREMENT POINTS

24. The Universal Application requests information regarding various tie-breaker proximity points. In essence, the Universal Application allows applicants to earn up to 7½ points based upon the distance between proposed projects and specified services, including grocery stores, pharmacies, and schools. To qualify for these proximity points, an Applicant must hire a Florida licensed surveyor to determine and certify at Exhibit 25 the latitude and longitude coordinates for the project site and for the services selected by the Applicant.

25. In its original Application, Villa Maria provided a Surveyor Certification form which provided for the location of a tie-breaker proximity point on its development site as well as a point for several services, including a bus stop, grocery store, and medical facility. (See Attachment G.)

26. In response to Villa Maria's tie-breaker information, FHFC in its preliminary Scoring Summary awarded 6.25 tie-breaker points based on the distance between the development site and the listed services. FHFC failed to award maximum points for the medical facility because of the following:

The Applicant failed to truncate the coordinates provided on the Surveyor Certification Form for this service as required on page 17 of the Universal Application Instructions.

27. In an attempt to obtain maximum tie-breaker points, Villa Maria in its cure materials submitted a revised Certification and sketch truncating the figures as directed by the Scoring Summary and providing the new coordinates for a medical facility that was closer to the proposed development.

28. In response to this cure, FHFC in its final Scoring Summary failed to award any tie-breaker proximity points to Villa Maria based on the following:

The Applicant attempted to Cure Item 3P by providing a new Medical Facility with a revised Surveyor Certification Form and sketch. **The new Form also contains revised latitude and longitude coordinates for the Tie-Breaker Measurement Point as well as all services. The new coordinates are invalid and cannot be recognized by the mapping software utilized by FHFC scorers.** There is also a vertical black line that blocks out a portion of the Tie-Breaker Measurement coordinates making it impossible to determine the Longitude seconds.

29. FHFC's conclusion regarding Villa Maria's proximity points is erroneous. Initially, contrary to the reason provided by FHFC, Villa Maria did not revise the "latitude and longitude coordinates" for its Tie-Breaker Measurement Point but only changed the location of its medical facility. In other words, the tie-breaker point on its development site did not change from the point designated in its initial submittal. (See Attachment H.) This fact is further made clear by the brief explanation submitted with Villa Maria's cure which provides "the applicant has replaced the medical facility with another medical facility and corrected the Certification. (See Attachment I.) This action was specifically taken to address FHFC's scoring summary which concerned the applicant's failure to truncate the coordinates for the medical facility.

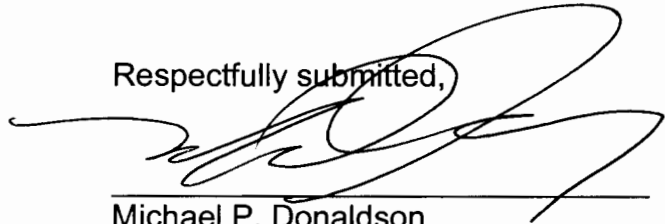
30. More importantly, the Certificate submitted as a cure is in fact legible with tie-breaker coordinates being latitude 25.0 degrees 48.0 minutes 16.6 seconds and the



longitude 80.0 degrees, 0.07 minutes 31.4 seconds. (See Attachment J.) As indicated previously, these coordinates were the same as those provided in the original Certification and FHFC did not indicate at that time that they were invalid. While the longitude coordinate minutes changed from 07 to .07, this is from a professional surveying perspective the same coordinates. (See Attachment H.) FHFC cannot now reject Villa Maria for an issue that should have been raised earlier. To do so would mean that FHFC by not raising this invalidity issue has eliminated Villa Maria's ability to cure. Accordingly, Villa Maria has provided advance information and is entitled to 7½ tie-breaker proximity points.

WHEREFORE, based on the foregoing, Villa Maria respectfully requests, to the extent the facts are undisputed, the entry of a recommended order which concludes that threshold has been met and awarding 7½ tie-breaker proximity points.

Respectfully submitted,



Michael P. Donaldson  
FL Bar No. 0802761  
CARLTON FIELDS, P.A.  
P.O. Drawer 190  
215 S. Monroe St., Suite 500  
Tallahassee, FL 32302  
Telephone: (850) 224-1585  
Facsimile: (850) 222-0398

Counsel for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed by Hand Delivery with the Agency Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301; and copies furnished by Hand Delivery to Stephen P. Auger, Deputy Development Officer in the Multi-Family and Development Programs, and Wellington H. Meffert, II, Esq., Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301, this <sup>26<sup>th</sup></sup> day of May, 2006.



MICHAEL P. DONALDSON

## 2006 MMRB, SAIL & HC Scoring Summary

As of: 03/01/2006

Development Name: Villa Maria Apartments

File # 2006-033C

As Of:	Total Points	Met Threshold?	Proximity Tie-Breaker Points	Corporation Funding per Set-Aside Unit	SAIL Request Amount as Percentage of Development Cost	Is SAIL Request Amount Equal to or Greater than 10% of Total Development Cost?
03 - 01 - 2006	64	N	6.25	\$86,999.98	%	N
Preliminary	64	N	6.25	\$86,999.98	%	N
NOPSE	0	N	0		0	
Final	0	N	0		0	
Final-Ranking	0	N	0		0	

**Scores:**

Item #	Part	Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
Optional Features & Amenities									
1S	III	B	2.a.	New Construction	9	9	0	0	0
1S	III	B	2.b.	Rehabilitation/Substantial Rehabilitation	9	0	0	0	0
2S	III	B	2.c.	All Developments Except SRO	12	10	0	0	0
2S	III	B	2.d.	SRO Developments	12	0	0	0	0
3S	III	B	2.e.	Energy Conservation Features	9	9	0	0	0
Set-Aside Commitments									
4S	III	E	1.b.(2)(a)	ELI Set-Aside Commitment	5	5	0	0	0
5S	III	E	1.b.(2)(b)	Total Set-Aside Commitment	3	3	0	0	0
6S	III	E	3	Affordability Period	5	5	0	0	0
Resident Programs									
7S	III	F	1	Programs for Non-Elderly & Non-Homeless	6	0	0	0	0
7S	III	F	2	Programs for Homeless (SRO & Non-SRO)	6	0	0	0	0
7S	III	F	3	Programs for Elderly	6	6	0	0	0
8S	III	F	4	Programs for All Applicants	8	8	0	0	0
Local Government Support									
9S	IV		a.	Contributions	5	5	0	0	0
10S	IV		b.	Incentives	4	4	0	0	0

## 2006 MMRB, SAIL & HC Scoring Summary

As of: 03/01/2006

File # 2006-033C Development Name: Villa Maria Apartments

**Reason(s) Scores Not Maxed:**

Item #	Reason(s)	Created As Result	Rescinded as Result
2S	The Applicant failed to identify the type of outside recreation facility. Therefore, 2 points were not awarded for this amenity.	Preliminary	

**Threshold(s) Failed:**

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1T	V	D		Equity Commitment	The Equity Commitment does not state that "the commitment does not expire before December 31, 2006" as required by page 66 of the 2006 Universal Application Instructions. Therefore, the Equity Commitment was not scored firm, and was not counted as a source of financing.	Preliminary	
2T	V	D		City of Miami Beach Loan (Ex.57)	The commitment does not state that it "does not expire before December 31, 2006" as required by page 63 of the 2006 Universal Application Instructions. Therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	
3T	V	D		OCEC Loan (Ex. 59)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the terms of the loan as required by pages 63 and 64 of the 2006 Universal Application Instructions. Therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	
4T	V	D		OCEC Loan (Ex. 60)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the terms of the loan as required by pages 63 and 64 of the 2006 Universal Application Instructions. Therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	
5T	V	D		OCEC Loan (Ex. 61)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the terms of the loan as required by pages 63 and 64 of the 2006 Universal Application Instructions. Therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	
6T	V	B		Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$11,041,428.	Preliminary	
7T	V	B		Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$11,041,428.	Preliminary	
8T	II	B	1.c.	Developer Experience	The Applicant failed to include the Name of the Developer or principal of Developer on the Developer or principal of Developer Prior Experience Chart.	Preliminary	
9T	II	B	2.b.	Management Agent Experience	The Applicant failed to include the Name of the Management Agent or principal of Management Agent on the Management Agent or principal of Management Agent Prior Experience Chart.	Preliminary	
10T	V	D		OCEC Loan (Ex. 59)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the proper signatory authority required by the form. Therefore, the commitment was not scored firm and not counted as a source of	Preliminary	

## 2006 MMRB, SAIL & HC Scoring Summary

As of: 03/01/2006

Development Name: Villa Maria Apartments

File # 2006-033C

**Threshold(s) Failed:**

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
11T	V	D		OCED Loan (Ex. 59)	financing. The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the name or date of approval for the Local Government entity providing the loan. Page 52 of the Universal Application Instructions requires that "Applicants must obtain a Local Government contribution ...by providing the property completed and executed Local Government verification of Contribution Form". The Local Government Verification of Contribution Loan form submitted was not properly completed therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	
12T	V	D		OCED Loan (Ex. 59)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the government point of contact. Page 52 of the Universal Application Instructions requires that "Applicants must obtain a Local Government contribution ...by providing the property completed and executed Local Government verification of Contribution Form". The Local Government Verification of Contribution Loan form submitted was not properly completed therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	
13T	V	D		OCED Loan (Ex. 60)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the proper signatory authority required by the form. Therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	
14T	V	D		OCED Loan (Ex. 60)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the name or date of approval for the Local Government entity providing the loan. Page 52 of the Universal Application Instructions requires that "Applicants must obtain a Local Government contribution ...by providing the property completed and executed Local Government verification of Contribution Form". The Local Government Verification of Contribution Loan form submitted was not properly completed therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	
15T	V	D		OCED Loan (Ex. 60)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the government point of contact. Page 52 of the Universal Application Instructions requires that "Applicants must obtain a Local Government contribution ...by providing the property completed and executed Local Government verification of Contribution Form". The Local Government Verification of Contribution Loan form submitted was not properly completed therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	
16T	V	D		OCED Loan (Ex. 61)	The Local Government Verification of Contribution Loan form submitted by the	Preliminary	

## 2006 MMRB, SAIL & HC Scoring Summary

As of: 05/04/2006

File # 2006-033C

Development Name: Villa Maria Apartments

**Threshold(s) Failed:**

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
17T	V	D		OCED Loan (Ex. 61)	<p>Applicant does not contain the proper signatory authority required by the form. Therefore, the commitment was not scored firm and not counted as a source of financing.</p> <p>The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the name or date of approval for the Local Government entity providing the loan. Page 52 of the Universal Application Instructions requires that "Applicants must obtain a Local Government contribution ...by providing the properly completed and executed Local Government verification of Contribution Form". The Local Government Verification of Contribution Loan form submitted was not properly completed therefore, the commitment was not scored firm and not counted as a source of financing.</p>	Preliminary	Final
18T	V	D		OCED Loan (Ex. 61)	<p>The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the government point of contact. Page 52 of the Universal Application Instructions requires that "Applicants must obtain a Local Government contribution ...by providing the properly completed and executed Local Government verification of Contribution Form". The Local Government Verification of Contribution Loan form submitted was not properly completed therefore, the commitment was not scored firm and not counted as a source of financing.</p>	Preliminary	Final
19T	V	D		City of Miami Beach Loan (Ex. 57)	<p>The Local Government Verification of Contribution Form (Exhibit 57) cannot be considered a source of financing because the terms of the loan indicate that there is a 15 year Restrictive Covenant on the property. No documentation was provided demonstrating the terms of the Restrictive Covenant. Therefore, the loan cannot be considered firm.</p>	Preliminary	Final
20T	II	B	1	Developer Certification	<p>The Applicant listed the Developer as "Miami Beach Community Development Corporation" at Part II.B.1.a and on Exhibits 7.9,11,12 and 54. On the Florida Department of State - Division of Corporations website, the corporation is listed as "Miami Beach Community Development Corporation, Inc.". Also, on the Articles of Amendment of the Articles of Incorporation provided at Exhibit 8, the corporation is listed as "Miami Beach Community Development Corporation, Inc." Because of this inconsistency in the name of the Developer, the Developer or Principal of Developer Certification form cannot be accepted.</p>	NOPSE	Final
21T	V	B		Deferred Developer Fee	<p>The Applicant provided a Commitment to Defer Developer Fee form (Exhibit 54) from Miami Beach Community Development Corporation. This entity is not listed on the Florida Department of State Division of Corporations website. Therefore, the deferred developer fee commitment was not scored firm and not counted as a source of financing.</p>	NOPSE	Final

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As of: 05/04/2006

File # 2006-033C

Development Name: Villa Maria Apartments

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Final-Ranking	0	N	0		0	

**Scores:**

Item #	Part Section	Subsection	Description	Available Points	Preliminary	NOPSE	Final	Final Ranking
<b>Optional Features &amp; Amenities</b>								
1S	III	B	2.a.	9	9	9	9	0
1S	III	B	2.b.	9	0	0	0	0
2S	III	B	2.c.	12	10	10	12	0
2S	III	B	2.d.	12	0	0	0	0
3S	III	B	2.e.	9	9	9	9	0
<b>Set-Aside Commitments</b>								
4S	III	E	1.b.(2)(a)	5	5	5	5	0
5S	III	E	1.b.(2)(b)	3	3	3	3	0
6S	III	E	3	5	5	5	5	0
<b>Resident Programs</b>								
7S	III	F	1	6	0	0	0	0
7S	III	F	2	6	0	0	0	0
7S	III	F	3	6	6	6	6	0
8S	III	F	4	8	8	8	8	0
<b>Local Government Support</b>								
9S	IV	a.	Contributions	5	5	5	5	0
10S	IV	b.	Incentives	4	4	4	4	0

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2T	V	D	City of Miami Beach Loan (Ex.57)	The commitment does not state that it "does not expire before December 31, 2006" as required by page 63 of the 2006 Universal Application Instructions. Therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	Final
3T	V	D	OCED Loan (Ex. 59)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the terms of the loan as required by pages 63 and 64 of the 2006 Universal Application Instructions. Therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	Final
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6T	V	B	Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$11,041,428.	Preliminary	NOPSE
7T	V	B	Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$11,041,428.	Preliminary	NOPSE
8T	II	B	1.c. Developer Experience	The Applicant failed to include the Name of the Developer or principal of Developer on the Developer or principal of Developer Prior Experience Chart.	Preliminary	Final
9T	II	B	2.b. Management Agent Experience	The Applicant failed to include the Name of the Management Agent or principal of Management Agent on the Management Agent or principal of Management Agent Prior Experience Chart.	Preliminary	Final
10T	V	D	OCED Loan (Ex. 59)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the proper signatory authority required by the form. Therefore, the commitment was not scored firm and not counted as a source of	Preliminary	Final



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13T	V	D		OCED Loan (Ex. 60)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the proper signatory authority required by the form. Therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	Final
14T	V	D		OCED Loan (Ex. 60)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the name or date of approval for the Local Government entity providing the loan. Page 52 of the Universal Application Instructions requires that "Applicants must obtain a Local Government contribution ...by providing the properly completed and executed Local Government verification of Contribution Form". The Local Government Verification of Contribution Loan form submitted was not properly completed therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	Final
15T	V	D		OCED Loan (Ex. 60)	The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the government point of contact. Page 52 of the Universal Application Instructions requires that "Applicants must obtain a Local Government contribution ...by providing the properly completed and executed Local Government verification of Contribution Form". The Local Government Verification of Contribution Loan form submitted was not properly completed therefore, the commitment was not scored firm and not counted as a source of financing.	Preliminary	Final
16T	V	D		OCED Loan (Ex. 61)	The Local Government Verification of Contribution Loan form submitted by the	Preliminary	Final

## 2006 MMRB, SAIL & HC Scoring Summary

As of: 05/04/2006

File # 2006-033C

Development Name: Villa Maria Apartments

### Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
17T	V	D		OCED Loan (Ex. 61)	<p>Applicant does not contain the proper signatory authority required by the form. Therefore, the commitment was not scored firm and not counted as a source of financing.</p> <p>The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the name or date of approval for the Local Government entity providing the loan. Page 52 of the Universal Application Instructions requires that "Applicants must obtain a Local Government contribution ...by providing the properly completed and executed Local Government verification of Contribution Form". The Local Government Verification of Contribution Loan form submitted was not properly completed therefore, the commitment was not scored firm and not counted as a source of financing.</p>	Preliminary	Final
18T	V	D		OCED Loan (Ex. 61)	<p>The Local Government Verification of Contribution Loan form submitted by the Applicant does not contain the government point of contact. Page 52 of the Universal Application Instructions requires that "Applicants must obtain a Local Government contribution ...by providing the properly completed and executed Local Government verification of Contribution Form". The Local Government Verification of Contribution Loan form submitted was not properly completed therefore, the commitment was not scored firm and not counted as a source of financing.</p>	Preliminary	Final
19T	V	D		City of Miami Beach Loan (Ex. 57)	<p>The Local Government Verification of Contribution Form (Exhibit 57) cannot be considered a source of financing because the terms of the loan indicate that there is a 15 year Restrictive Covenant on the property. No documentation was provided demonstrating the terms of the Restrictive Covenant. Therefore, the loan cannot be considered firm.</p>	Preliminary	Final
20T	II	B	1	Developer Certification	<p>The Applicant listed the Developer as "Miami Beach Community Development Corporation" at Part II.B.1.a and on Exhibits 7.9,11,12 and 54. On the Florida Department of State - Division of Corporations website, the corporation is listed as "Miami Beach Community Development Corporation, Inc.". Also, on the Articles of Amendment of the Articles of Incorporation provided at Exhibit 8, the corporation is listed as "Miami Beach Community Development Corporation, Inc." Because of this inconsistency in the name of the Developer, the Developer or Principal of Developer Certification form cannot be accepted.</p>	NOPSE	Final
21T	V	B		Deferred Developer Fee	<p>The Applicant provided a Commitment to Defer Developer Fee form (Exhibit 54) from Miami Beach Community Development Corporation. This entity is not listed on the Florida Department of State Division of Corporations website. Therefore, the deferred developer fee commitment was not scored firm and not counted as a source of financing.</p>	NOPSE	Final

## 2006 MMRB, SAIL & HC Scoring Summary

As of: 05/04/2006

File # 2006-033C

Development Name: Villa Maria Apartments

### Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
22T	V	B		Construction Financing Shortfall	The Applicant has a construction financing shortfall of \$12,551,256.	NOPSE	Final
23T	V	B		Permanent Financing Shortfall	The Applicant has a permanent financing shortfall of \$12,551,256.	NOPSE	Final
24T	III	A	2.c.	Urban In-Fill Development	As a cure for Item 1C, the Applicant submitted a new Local Government Verification of Qualification as Urban In-Fill Development form signed by the appropriate party. However, the form submitted in the cure is from the 2005 Universal Application cycle. As stated in Item No. 6 of the Threshold Requirements, page 68 of the 2006 Universal Application Instructions, "The Application cannot be submitted on exhibit forms or pages contained in the Application Package that are from a previous Application cycle..."	Final	

### Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Available	Preliminary	NOPSE	Final	Final Ranking
1P	III	A	10.a.(2)(a)	Grocery Store	1.25	1.25	1.25	0	0
2P	III	A	10.a.(2)(b)	Public School	1.25	0	0	0	0
3P	III	A	10.a.(2)(c)	Medical Facility	1.25	0	0	0	0
4P	III	A	10.a.(2)(d)	Pharmacy	1.25	0	0	0	0
5P	III	A	10.a.(2)(e)	Public Bus Stop or Metro-Rail Stop	1.25	1.25	1.25	0	0
6P	III	A	10.b.	Proximity to Developments on FHFC Development Proximity List	3.75	3.75	3.75	0	0

### Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
1P	As part of its cure for Item 3P, the Applicant provided a revised Surveyor Certification form and sketch. The new form also contains revised latitude and longitude coordinates for the Tie-Breaker Measurement Point as well as all services. The new coordinates are invalid and cannot be recognized by the mapping software utilized by FHFC scorers. There is also a vertical black line that blocks out a portion of the Tie-Breaker Measurement coordinates making it impossible to determine the Longitude seconds.	Final	
3P	The Applicant failed to truncate the coordinates provided on the Surveyor Certification Form for this service as required on page 17 of the Universal Application Instructions.	Preliminary	Final
3P	The Applicant attempted to Cure Item 3P by providing a new Medical Facility with a revised Surveyor Certification Form and sketch. The new Form also contains revised latitude and longitude coordinates for the Tie-Breaker Measurement Point as well as all services. The new coordinates are invalid and cannot be recognized by the mapping software utilized by FHFC scorers. There is also a vertical black line that blocks out a portion of the Tie-Breaker Measurement coordinates making it impossible to determine the Longitude seconds.	Final	

## 2006 MMRB, SAIL & HC Scoring Summary

As of: 05/04/2006

File # 2006-033C Development Name: Villa Mania Apartments

### Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result of	Rescinded as Result of
5P	As part of its cure for Item 3P, the Applicant provided a revised Surveyor Certification form and sketch. The new form also contains revised latitude and longitude coordinates for the Tie-Breaker Measurement Point as well as all services. The new coordinates are invalid and cannot be recognized by the mapping software utilized by FHFC scorers. There is also a vertical black line that blocks out a portion of the Tie-Breaker Measurement coordinates making it impossible to determine the Longitude seconds.	Final	
6P	The Applicant attempted to Cure Item 3P by providing a new Medical Facility with a revised Surveyor Certification Form and sketch. The new Form also contains revised latitude and longitude coordinates for the Tie-Breaker Measurement Point as well as all services. The new coordinates are invalid and cannot be recognized by the mapping software utilized by FHFC scorers. There is also a vertical black line that blocks out a portion of the Tie-Breaker Measurement coordinates making it impossible to determine the Longitude seconds.	Final	
6P	The Applicant attempted to qualify for automatic 3.75 Proximity Points by supplying a new Local Government Verification of Qualification as Urban In-Fill Development form signed by the appropriate party. However, the form submitted in the cure is from the 2005 Universal Application cycle. As stated on page 68 of the 2006 Universal Application Instructions, "The Application cannot be submitted on exhibit forms or pages contained in the Application Package that are from a previous Application cycle..."	Final	

### Additional Application Comments:

Item #	Part/Section/Subsection	Description	Reason(s)	Created As Result of	Rescinded as Result of
1C	III A 2.c.	Urban In-Fill Development	The Local Government Verification of Qualification as Urban In-Fill Development form provided in the Application is not signed by one of the stated acceptable signatories, therefore the proposed Development does not qualify as an Urban In-Fill Development.	Preliminary	Final
2C	III A 10.b	Proximity to Developments on 2006 FHFC Development Proximity List	Because the Development does not qualify as an Urban In-Fill Development, the Application is not eligible for automatic Proximity points. However, since there are no existing Developments within 2.5 miles of the proposed site, the Applicant still received full points.	Preliminary	Final
3C		Corporation Funding Per Set-Aside Unit	Because the Development does not qualify as an Urban In-Fill Development, the Corporation Funding Per Set-Aside Unit has been recalculated from \$54,809.99 to \$86,999.98.	Preliminary	
4C	III A 2.c.	Urban In-Fill Development	As a cure for Item 1C, the Applicant submitted a new Local Government Verification of Qualification as Urban In-Fill Development form signed by the appropriate party. However, the form submitted in the cure is from the 2005 Universal Application cycle. As stated in Item No. 6 of the Threshold Requirements, page 68 of the 2006 Universal Application Instructions, "The Application cannot be submitted on exhibit forms or pages contained in the Application Package that are from a previous Application cycle..."	Final	

**LOCAL GOVERNMENT VERIFICATION OF QUALIFICATION  
AS URBAN IN-FILL DEVELOPMENT**

Name of Development: \_\_\_\_\_

Development Location: \_\_\_\_\_

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

Local Government: \_\_\_\_\_

The City/County of \_\_\_\_\_ confirms that the Development  
(Name of City or County)

identified above meets the following criteria:

1. The proposed Development is located on a site or in an area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone; a HUD-approved Neighborhood Revitalization Strategy; Florida Enterprise Zone; area designated under a Community Development Block Grant (CDBG); area designated as HOPE VI or a Front Porch Florida Community; or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969; or the proposed Development is located in a qualified census tract and the development of which contributes to a concerted community revitalization plan; and
2. the site is in an area that is already developed and is part of an incorporated area or existing urban service area; and
3. The proposed Development is not located within the Small County Category.

**CERTIFICATION**

I certify that the above information is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
Print or Type Title

This certification must be signed by the Mayor, City Manager, County Manager/Administrator/Coordinator, or Chairperson of the City Council or County Commission. Other signatories are not acceptable. If this certification is inappropriately signed, the Application will not qualify as an Urban In-Fill Development.

If the certification contains corrections or 'white-out' or if it is scanned, imaged, altered, or retyped, the Application will fail to qualify as an Urban In-Fill Development and will fail threshold and will be rejected automatically. The certification may be photocopied.

# Exhibit 21

LOCAL GOVERNMENT VERIFICATION OF QUALIFICATION  
AS URBAN IN-FILL DEVELOPMENT

Name of Development: Villa Maria Apartments

2800 Collins Avenue / 221 28th Street Miami Beach FL. 33140

Development Location: \_\_\_\_\_  
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

Local Government: City of Miami Beach

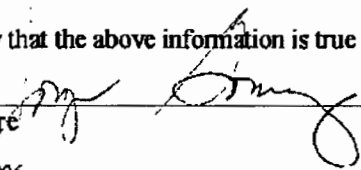
The City/County of Miami Beach confirms that the Development  
(Name of City or County)

identified above meets the following criteria:

1. The proposed Development is located on a site or in an area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone; a HUD-approved Neighborhood Revitalization Strategy; Florida Enterprise Zone; area designated under a Community Development Block Grant (CDBG); area designated as HOPE VI or a Front Porch Florida Community, or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969; or the proposed Development is located in a qualified census tract and the development of which contributes to a concerted community revitalization plan; and
2. the site is in an area that is already developed and is part of an incorporated area or existing urban service area; and
3. The proposed Development is not located within the Small County Category.

CERTIFICATION

I certify that the above information is true and correct.

Signature 

Jorge G. Gomez  
Print or Type Name

01/17/2006  
Date (mm/dd/yyyy)

Planning Director  
Print or Type Title

This certification must be signed by the Mayor, City Manager, County Manager/Administrator/Coordinator, or Chairperson of the City Council or County Commission. Other signatories are not acceptable. If this certification is inappropriately signed, the Application will not qualify as an Urban In-Fill Development.

If the certification contains corrections or 'white-out' or if it is scanned, imaged, altered, or retyped, the Application will fail to qualify as an Urban In-Fill Development and will fail threshold and will be rejected automatically. The certification may be photocopied.

Brief Statement of Explanation regarding  
Application 2006 – 033C

Provide a separate brief statement for each Cure

Item # 1C - The Local Government Verification of Qualification as a Urban In-Fill  
Development form is not signed by one of the stated acceptable signatories.

The applicant has provided a properly executed Local Government Verification of  
Qualification as a Urban In-Fill Development form.



LOCAL GOVERNMENT VERIFICATION OF QUALIFICATION  
AS URBAN IN-FILL DEVELOPMENT

Name of Development: Villa Maria Apartments

Development Location: 2800 Collins Avenue/221 28th Street, Miami Beach FL 33140  
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

Local Government: City of Miami Beach

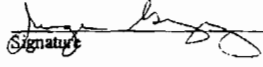
The City/County of Miami Beach confirms that the  
(Name of City or County)

Development identified above meets the following criteria:

1. The proposed Development is located on a site or in an area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone; a HUD-approved Neighborhood Revitalization Strategy; Florida Enterprise Zone; area designated under a Community Development Block Grant (CDBG); area designated as HOPE VI or a Front Porch Florida Community; or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969; or the proposed Development is located in a qualified census tract and the development of which contributes to a concerted community revitalization plan; and
2. the site is in an area that is already developed and is part of an incorporated area or existing urban service area; and
3. The proposed Development is not located within the Small County Category.

CERTIFICATION

I certify that the above information is true and correct.

<u></u> Signature	<u>Jorge Gonzalez</u> Print or Type Name
<u>03/13/2006</u> Date (mm/dd/yyyy)	<u>City Manager</u> Print or Type Title

This certification must be signed by the Mayor, City Manager, County Manager/Administrator/Coordinator, or Chairperson of the City Council or County Commission. Other signatories are not acceptable. If this certification is inappropriately signed, the Application will not qualify as an Urban In-Fill Development.

If the certification contains corrections or 'white-out' or if it is scanned, imaged, altered, or retyped, the Application will fail to qualify as an Urban In-Fill Development and will fail threshold and will be rejected automatically. The certification may be photocopied.

LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION  
LOAN

Failure to attach a sheet showing the payment stream for which the net present value of the loan was calculated will result in the contribution not being considered.

Name of Development: Villa Maria Apartments  
2800 Collins Avenue/Z21 28th Street, Miami Beach FL 33140

Development Location: \_\_\_\_\_  
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

On or before 01/17/2006 the City/County of Miami-Dade County committed  
Date (mm/dd/yyyy) (Name of City or County)

\$ 500,000.00 in the form of a reduced interest rate loan to the Applicant for its use solely for  
(loan amount)

assisting the proposed Development referenced above. The loan will bear interest at a rate of 0 % per annum over a period of 30 years. The loan's repayment period, amortization period, payment frequency and other applicable terms are:

0% Loan amortized over 30 years paid in monthly installments.

Loan to be fully paid in 30 Years.

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

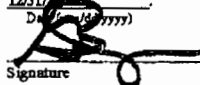
The following government point of contact can verify the above stated contribution:

Name of Government Contact: Zafer Ahmed, Director Community Development Division O.C.R.D.  
Address: 140 West Flagler Street, Suite 1000, 140 West Flagler Street  
Miami FL 33120  
Telephone Number: (305) 375 3408

CERTIFICATION

I certify that the foregoing information is true and correct and that this commitment is effective through

12/31/2006  
Date (mm/dd/yyyy)

 \_\_\_\_\_  
Signature Date (mm/dd/yyyy) Print or Type Name

(305) 375 5311 \_\_\_\_\_  
Telephone Number County Manager Print or Type Title

This certification must be signed by the Mayor, City Manager, County Manager / Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Local Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Local Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed.

This contribution will not be considered and the Application will fail threshold and be rejected automatically if the certification contains corrections or 'white-out' or if the certification is scanned, imaged, altered, or retyped. The certification may be photocopied.

**SURVEYOR CERTIFICATION**

Name of Development Villa Maria Apartments

Development Location \* 2800 Collins Avenue / 221 28th Street Miami Beach, Fl. 33140  
 (At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

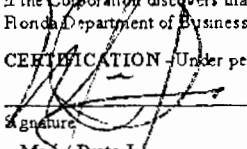
\* If the Development consists of Scattered Sites, the Development Location stated above must reflect the site where the Tie-Breaker Measurement Point is located

The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 61G17-6, F.A.C.

State the Tie-Breaker Measurement Point. Tie-Breaker Measurement Point means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.	Latitude			Longitude		
		<u>25</u> Degrees	<u>48</u> Minutes	<u>16.6</u> Seconds (truncated after 1 decimal place)	<u>80</u> Degrees	<u>07</u> Minutes
If the Development consists of Scattered Sites, is a part of the boundary of each parcel located within 1/2 mile of the Tie-Breaker Measurement Point? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (check one)						
Scattered Sites for a single Development means a Development consisting of more than one parcel in the same county where two or more of the parcels (i) are not contiguous to one another or are divided by a street or easement and (ii) it is readily apparent from the proximity of the sites, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development.						
Location of closest Public Bus Stop or Metro-Rail Stop	<u>25</u> Degrees	<u>48</u> Minutes	<u>14.3</u> Seconds (truncated after 1 decimal place)	<u>80</u> Degrees	<u>07</u> Minutes	<u>32.0</u> Seconds (truncated after 1 decimal place)
State the name, Address and latitude and longitude coordinates of the closest service(s) on the chart below. The latitude and longitude coordinates for each service must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located. If there is no exterior public entrance to the service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service.						
	Latitude			Longitude		
Grocery Store Name <u>Nermar Supermarket</u> Address <u>2830 Collins Avenue</u> <u>Miami Beach, Fl. 33140</u>	<u>25</u> Degrees	<u>48</u> Minutes	<u>18.2</u> Seconds (truncated after 1 decimal place)	<u>80</u> Degrees	<u>07</u> Minutes	<u>31.3</u> Seconds (truncated after 1 decimal place)
Public School Name _____ Address _____	_____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)	_____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)
Medical Facility Name <u>Joram Medical Group</u> Address <u>524 41 Street</u> <u>Miami Beach, Fl. 33140</u>	<u>25</u> Degrees	<u>48</u> Minutes	<u>49</u> Seconds (truncated after 1 decimal place)	<u>80</u> Degrees	<u>07</u> Minutes	<u>48</u> Seconds (truncated after 1 decimal place)
Pharmacy Name _____ Address _____	_____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)	_____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)

If the Corporation discovers that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

**CERTIFICATION** - Under penalties of perjury, I declare that the foregoing statement is true and correct.


	<u>01/24/2006</u>	<u>Mario Prats Jr.</u>
Signature	Date (mm/dd/yyyy)	Name of Surveyor
<u>Mario Prats Jr.</u>		<u>300 SW 107 Avenue, Suite 214</u>
Print or Type Name of Signatory		Address
<u>Professional Surveyor and Mapper</u>		<u>Miami, Fl. 33174</u>
Print or Type Title of Signatory		
<u>P.S.M. No 3332</u>		<u>(305) 551-6000</u>
Florida License Number		Telephone Number (including area code)

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the Application will not receive proximity tie-breaker points. If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will not receive proximity tie-breaker points and will fail to meet threshold and will be rejected. The certification may be photocopied.





5. On April 7, 2006, I was asked to prepare a second Certification Form which truncated several coordinates which apparently were not done correctly in the earlier Certification.

6. Neither the above referenced tie-breaker measurement point nor the coordinates for that point changed as a result of the new Certification. I have verified that the coordinates are accurate and valid coordinates.

  
\_\_\_\_\_  
MARIO PRATS, JR.

Signed and sworn to before me on this 26<sup>th</sup> day of May, 2006, by Mario Prats, Jr., who is personally known to me or has produced \_\_\_\_\_ as identification.

 I. Pineda  
My Commission DD285722  
Expires February 08, 2008

  
\_\_\_\_\_  
NOTARY PUBLIC  
State of Florida at Large  
I. Pineda  
[Printed Name of Notary]

My Commission Expires:

Brief Statement of Explanation regarding  
Application 2006 – 033C

Provide a separate brief statement for each Cure

Item # 3P - The Applicant failed to truncate the coordinates provided on the  
Surveyor Certification.

The applicant has replaced the medical facility with another medical facility and  
corrected the certification.

**SURVEYOR CERTIFICATION**

Name of Development: Villa Maria Apartments

Development Location: 2800 Collins Avenue/ 221 26th Street Miami Beach, FL 33140

(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide the street name, closest designated intersection and city)

\*If the Development consists of Scattered Sites, the Development Location stated above must reflect the site where the Tie-Breaker Measurement Point is located.

The undersigned Florida licensed surveyor certifies that the method used to determine the following latitude and longitude coordinates conforms to Rule 61G17-6, F.A.C.:

State the Tie-Breaker Measurement Point. Tie-Breaker Measurement Point means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprises the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
	25.0	48.0	16.6	80.0	007	31.4

If the Development consists of Scattered Sites, is a part of the boundary of each parcel located within 1/2 mile of the Tie-Breaker Measurement Point?  Yes  No (check one)  
 Scattered Sites for a single Development means a Development consisting of more than one parcel in the same county where two or more of the parcels (a) are not contiguous to one another or are divided by a street or easement and (b) is readily apparent from the proximity of the sites, chain of title, or other information available to the Corporation that the parcels are part of a common or related scheme of development.

Location of closest Public Bus Stop or Metro-Rail Stop	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
	25.0	48.0	14.3	80.0	0.07	31.0

State the name, Address and latitude and longitude coordinates of the closest service(s) on the chart below. The latitude and longitude coordinates for each service must represent a point that is on the driveway threshold of an exterior entrance that provides direct public access to the building where the service is located. If there is no exterior public entrance to the service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the driveway threshold of the interior public entrance to the service.

Name Address	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
Grocery Store: Name: <u>MegaMart Supermarket</u> Address: <u>2810 Collins Avenue Miami Beach, FL 33140</u>	25.0	48.0	18.2	80.0	0.07	31.3
Public School: Name: _____ Address: _____	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
Medical Facility: Name: <u>HUMANA - MCCI Medical Ctr.</u> Address: <u>300 Arthur Godfrey Rd Miami Beach FL 33140</u>	25.0	48.0	48.1	80	07	37.2
Pharmacy: Name: _____ Address: _____	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)

If the Corporation determines that there are any false statements made in this certification, the Corporation will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

**CERTIFICATION** - Under penalty of perjury, I declare that the foregoing statement is true and correct.

Signature: [Signature] Date (mm/dd/yyyy): 04/07/2006 Name of Surveyor: Marie Frats Jr.  
 Print or Type Name of Signatory: Marie Frats Jr. Address: 300 S.W. 107 Avenue, Suite 214  
 Professional Surveyor & Mapper: \_\_\_\_\_ Address: Miami, Florida 33174  
 Print or Type Title of Signatory: \_\_\_\_\_  
 P.S.M. No 3332 Telephone Number (including area code): (305) 551-6000  
 Florida License Number: \_\_\_\_\_

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principal or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the Application will not receive proximity tie-breaker points. If this certification contains omissions or "white-out", or if it is amended, changed, altered, or changed, the Application will not receive proximity tie-breaker points and will fail to meet threshold and will be rejected. The certification may be photocopied.

ATTACHMENT J

Apr. 7, 2006 4:00PM Miami Beach CDC

No. 7649 P. 4/4

# SPECIFIC PURPOSE LOCATION

## ABBREVIATIONS:

Scale: = N.T.S.

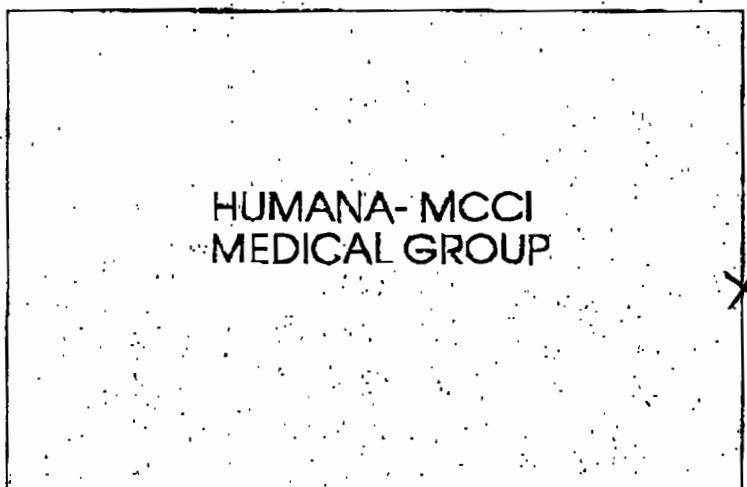
- B.M. = Bench Mark
- C.C. = Corner
- M.C.S. = Monument
- C.L. = Centerline
- M.L. = Monument Line
- N = North
- S = South
- E = East
- W = West
- P.L.M. = Permanent Reference Monument
- P.C.P. = Permanent Control Point
- W.S. = Wood Stake
- C.L.T. = Chain Link Fence
- Ref. = Reference
- L = Lot
- R = Right
- D = Drive
- T = Trench
- P.L. = Right of Tenancy
- R.O.B. = Right of Building
- P.C. = Point of Curvature
- P.P. = Point of Intersection
- E.S.A. = Elevation of Structure
- R.W. = Right-of-Way
- S.C. = Station
- R.P. = Reference
- D.P. = Township
- Encl. = Encroachment
- F.F. = Faint Foot
- A.U.C. = All Conditions
- C.C. = Corner
- S.W. = Survey
- C.R. = Copy
- Rev. = Revision



41ST STREET  
(ARTHUR GODFREY RD)

SHERIDAN AVENUE

PINE TREE DRIVE



LATITUDE: 25°48'48.12" NORTH  
LONGITUDE: 80°07'37.20" WEST

THIS IS NOT A BOUNDARY SURVEY

PREPARED BY:

**MARIO PRATS JR. & ASSOCIATES, INC.**

SURVEYORS - MAPPERS - PLANNERS

300 S.V. 107th Avenue - Suite No. 214 - Miami, Florida 33174

Voice (305) 561-6000 - Fax (305) 221-1239

E-mail: mprats@bellsouth.net Certificate of Authorization No.: 4249

The above SPECIFIC PURPOSE LOCATION, represent the herein shown property and it was located as per specification.

### SURVEYOR'S NOTES:

- 1) The above sketch is an approximate location of the subject property was not surveyed such information were taken from the best available source and do not represent the exact location of such building.
- 2) NO Ownership or Boundary were determined.
- 3) The SPECIFIC PURPOSE THIS LOCATION ONLY to determine the locate place were Coordinates Points were taken.

PROJECT NAME: VILLAMARIA APARTMENTS

C.A.D. File: T: 18809
Original date: 04/06/06
For Updating: M/M/M/M Field date: 04-06-06
Sheet 1 of 1
Original I.N.: 20878