

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

FHFC CASE NO. 2008 -077VW
Application No. 2007-126CS

SEA GRAPE II, LTD.,

Petitioner,

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

**PETITION FOR WAIVER OF RULE 67-48.004(14)(e) TO CHANGE
THE SITE OF THE SEA GRAPE II DEVELOPMENT**

Petitioner Sea Grape II, Ltd., a Florida limited partnership ("Sea Grape II"), petitions Respondent Florida Housing Finance Corporation ("Florida Housing") for a waiver of restrictions on changing a development's site. *See* Rule 67-48.004(14)(e), F.A.C. (2007) (the "Rule").

1. Pursuant to Section 120.542, Fla. Stat. (2007), and Rules 28-104.001 through 28-104.006, F.A.C. (2007), Sea Grape II requests a waiver of the Rule to allow for a change of its development site.

A. The Petitioner and the Development

2. The name, address, and telephone and facsimile numbers for Sea Grape II and its qualified representative are:

Sea Grape II, Ltd.
c/o CDG Sea Grape II, LLC
Attention: Liz Wong
2937 S.W. 27th Avenue, Suite 200
Miami, Florida 33133
Telephone: 305-476-8118
Facsimile: 305-476-1557

3. The name, address, telephone and facsimile numbers, and e-mail addresses of Sea Grape II's attorneys, for purposes of this Petition, are:

Brian J. McDonough, Esquire
Patricia K. Green, Esquire
STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A.
150 West Flagler Street, Suite 2200
Miami, Florida 33130
Telephone: 305-789-3200
Facsimile: 305-789-3395
E-mail: bmcDonough@swmwas.com
pgreen@swmwas.com

4. Pursuant to the 2007 Universal Cycle, Sea Grape II was a successful applicant under its 2007 Universal Application ("Universal Application")¹ for a loan of up to \$2,215,000 (which includes the Supplemental Loan amount of \$255,000) under the State Apartment Incentive Loan ("SAIL") Program. The SAIL funds will be used to finance a portion of the costs for the development of Sea Grape II, a new 28-unit multi-building apartment development (the "Development") intended to serve low income individuals and/or families in Marathon, Monroe County, Florida.

5. In its Universal Application, Sea Grape II also applied for housing tax credits ("Housing Credits") under the Low Income Housing Tax Credit program, with the equity raised from Housing Credits also being used for the Development.

6. Florida Housing has issued its Preliminary Allocation of Housing Credits reserved in the amount of up to \$700,000, and it is anticipated that there will be a Final Housing Credit Allocation granted to Sea Grape II in accordance with Florida Housing's final allocation procedures.

¹ The Universal Application Package has been adopted and incorporated into Chapter 67-48 by Rule 67-48.004(1)(a), F.A.C. (2007).

7. The requested Rule waiver will not adversely affect the Development. However, a denial of this Petition (a) would result in substantial economic hardship to Sea Grape II; (b) could deprive Monroe County of essential, affordable housing units in a timely manner; and (c) would violate principles of fairness. § 120.542(2), Fla. Stat. (2007).

8. The waiver being sought is permanent in nature.

B. Rule from Which Relief is Requested and Statute Implemented by the Rule

9. Sea Grape II requests a waiver of Rule 67-48.004(14)(e). As applied to applications for Housing Credits and SAIL loans, the Rule identifies certain non-curable matters and includes the following:

Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline ... Those items are as follows:

(e) Site for the Development;

10. The applicable Rule for which the waiver is requested is implementing Florida Housing Finance Corporation Act's statute that created the Housing Credits Program. § 420.5099, Fla. Stat. (2007).² The Act designates Florida Housing as the State of Florida's housing credit agency within the meaning of Section 42(h)(7)(A) of the Internal Revenue Code of 1986. As the designated agency, Florida Housing is responsible for and is authorized to establish procedures for the allocation and distribution of low-income housing tax credits. §§420.5099(1) and (2), Fla. Stat. (2007). Accordingly, the Rule that is the subject of Sea Grape II's waiver request is implementing, among other sections of the Act, the statutory authorization

² The Florida Housing Finance Corporation Act (the "Act") is set forth in Sections 420.501 through 420.516 of the Florida Statutes. *See also* Rule 67-40.020(1), F.A.C. (2007).

for Florida Housing's establishment of Allocation Procedures for the HC Program. §§ 420.5099(1) and (2), Fla. Stat. (2007).

11. The requested waiver also implements Section 420.5087's mandate empowering Florida Housing with "the power to underwrite and make state apartment incentive loans or loan guarantees to sponsors." § 420.5087(2), Fla. Stat. (2007).

C. Justification for Sea Grape II's Request to Change Its Development's Site

12. Sea Grape II's Development is the second phase of a two-phase project for affordable housing in Monroe County, Florida.

13. When Sea Grape II submitted its Universal Application, the legal description encompassed the site location for Sea Grape II's Development, and a portion of the site location for Sea Grape Apartments, the first phase of the development project. As a result, on September 26, 2007, Sea Grape II submitted a Petition for Rule Waiver to change the Development's legal description by, in essence, separating and carving out its legal description from the entire two-phase project's description ("Phase I"). *See* Case No. 2007-058VW. On October 26, 2007, Florida Housing granted this Petition.

14. As currently situated, the Sea Grape II Development's site is directly south of the site for the Phase I site.

15. During the process of finalizing the site plan and commencing the permitting process, Sea Grape II determined that as a consequence of the location of a large, concrete utility pole situated immediately east of the Development's proposed entranceway, the original plan would not satisfy certain sight-line requirements. To remedy this issue, an easement from the adjoining property owner would be required to widen the Development's driveway. Although

the adjoining property owner was unwilling to provide the easement, he offered to “swap” a portion of his property for a portion of Sea Grape II Development site.

16. As a result of the “swap,” however, the Development site would be comprised of two parcels connected to each other via an easement for ingress and egress, with one building for the Development located on a site directly north of Phase I and the remaining residential building located on a portion of the originally-approved site for the Development that is directly south of the Phase I site.

17. The purpose of this Petition, therefore, is to change the Development’s site location by substituting the neighboring property for a portion of the currently-approved Sea Grape II site. Although a portion of the Development’s site would be changed, its Tie-Breaker Measurement Point (“TBMP”), identified in Exhibit 25 to Sea Grape II’s Universal Application, remains within the Development’s modified legal description. *See* Affidavit and Certification of Surveyor attached hereto as Exhibit A, and the revised legal description attached hereto as Exhibit B.

18. Additionally, because the Development’s TBMP remains the same, the 7.25 Proximity Tie-Breaker Points awarded to Sea Grape II would not have changed.

19. The requested change to the Development’s site location would not have impacted the scoring of Sea Grape II’s Universal Application, and would not have provided Sea Grape II with an unfair advantage over other applicants.³

20. The requested waiver will not prejudice the Development or the affordable housing market to be served by the Development, and may result in a saving of construction and development costs.

³ Sea Grape II notes that for the 2007 Universal Cycle, it was the only Applicant seeking funding for affordable housing development in the Florida Keys.

D. Conclusion

18. The requested waiver will not adversely impact the Development or Florida Housing, and will ensure that 28 affordable housing units will be available in Monroe County, Florida.

19. Controlling statutes and Florida Housing's Rules are designed to allow the flexibility necessary to provide relief for changed circumstances that arise through no fault of an applicant. Florida Housing generally approves such waivers when it would not affect the scoring of an application or otherwise allow an applicant to obtain a possible unfair competitive advantage.

20. The requested waiver serves the purposes of Section 420.5099, Florida Statutes (2007), and the Act, as a whole, because one of their primary goals is to facilitate the availability of decent, safe and sanitary housing in the State of Florida to low-income persons and households by ensuring:

the maximum use of available tax credits in order to encourage development of low-income housing in the state, taking into consideration the timeliness of the application, the location of the proposed housing project, the relative need in the area for low-income housing and the availability of such housing, the economic feasibility of the project, and the ability of the applicant to proceed to completion of the project in the calendar year for which the credit is sought.

§ 420.5099(2), Fla. Stat. (2007).

21. The requested waiver also serves the purposes of Section 420.5087, Florida Statutes (2007), and the Act, as a whole, because the purpose of the SAIL Program is to provide "first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons," including those persons residing in Monroe County, Florida.

22. Finally, by granting the requested waiver, Florida Housing would recognize the economic realities and principles of fundamental fairness in the development of affordable rental housing. This recognition would promote participation by experienced developer entities in meeting the purpose of the Act through new construction in an economical and efficient manner.

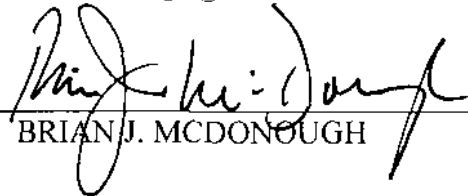
23. Should Florida Housing require additional information, Sea Grape II is available to answer questions and to provide all information necessary for consideration of its Petition for Waiver of Rule 67-48.004(14)(e) to Change the Site of the Sea Grape II Development.

WHEREFORE, Petitioner Sea Grape II, Ltd., respectfully requests that the Florida Housing Finance Corporation grant the Petition and provide the following relief:

- A. Waive the prohibition on changing a development's site location after submission of the Universal Application;
- B. Allow Sea Grape II's Development to be developed on the site identified in Exhibit B to this Petition; and
- C. Award such further relief as may be deemed appropriate.

Respectfully submitted,

STEARNS WEAVER MILLER WEISSLER
ALHADEFF & SITTERSON, P.A.
Counsel for Sea Grape II, Ltd.
150 West Flagler Street, Suite 2200
Miami, Florida 33131
Tel: 305-789-3350
Fax: 305-789-3395
E-mail: bmcDonough@swmwas.com

By: 
BRIAN J. MCDONOUGH

CERTIFICATE OF SERVICE

The original Petition is being served by overnight delivery, with a copy served by electronic transmission for filing with the Corporation Clerk for the Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, with copies served by overnight delivery on the Joint Administrative Procedures Committee, Room 120, The Holland Building, Tallahassee, Florida 32399-1300, this 20 day of August, 2008.

By: 
Brian J. McDonough

Affidavit and Certification of Kenneth C. Jackson

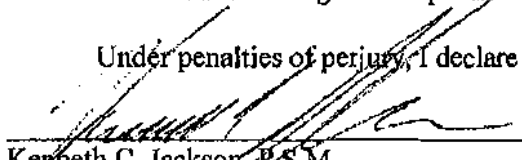
Before me, the undersigned authority, personally appeared Ken Jackson, who being duly sworn, states that he personally knows the following facts and that the same are true and accurate.

My name Kenneth C. Jackson, and I am licensed by the State of Florida as a Professional Surveyor. My license number is 4549. I am the vice president of Sea Diversified, Inc. I am submitting this Affidavit and Certification on behalf of Sea Grape II, Ltd. (the "Applicant"), and I am not related to the Applicant or any Principals or Financial Beneficiaries of the Applicant.

On or about July 9, 2008, I reviewed the Surveyor Certification and Sketches of Point Qualifies "Tie-Breach" Measurement Point provided as Exhibit 25 to Applicant's Universal Application No. 2006-126CS. These documents are attached to this Affidavit as Composite Exhibit 1. I also reviewed the revised legal description as prepared by Frederick H. Hildebrandt. The revised legal description is attached as Exhibit 2.

The field work conducted under my direction on July 12, 2006, confirmed that the Tie-Breaker Measurement Point identified in Exhibit 25 remains within 100 feet of a residential building to be constructed as part of the Development on the property described in the revised legal description.

Under penalties of perjury, I declare that these statements are true and correct.

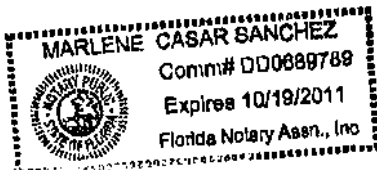

Kenneth C. Jackson, P.S.M.

July 10, 2008
Dated

STATE OF FLORIDA
COUNTY OF Miami-Dade

Sworn to and subscribed before me this 10 day of July, 2008, by Kenneth C Jackson who is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal, this 10 day of July, 2008.




Notary Public
State of _____
My Commission Expires: _____

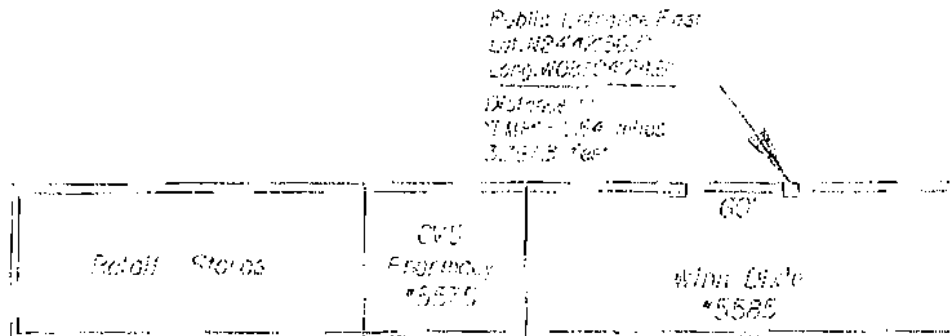
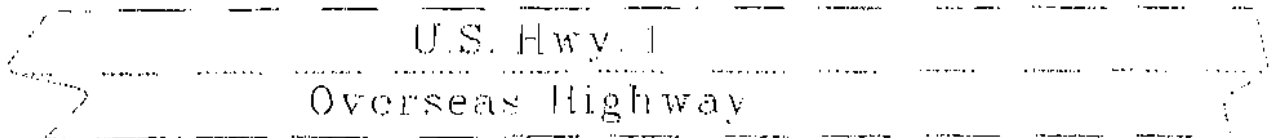
Exhibit "A"

Exhibit 25



SKETCH OF POINT QUALIFIERS "TIE-BREAKER" MEASUREMENT POINT Marathon, Florida

17-800 FEET SOUTH OF OVERSEAS HIGHWAY,
BETWEEN 7th STREET OCEAN AND 7th STREET UICOR
MARATHON, FL 33950



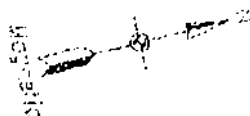
U.S. 84 INDICATES WORLD GEODETIC SYSTEM 84
T.M.P. INDICATES THE TIE-BREAKER MEASUREMENT POINT
VARIATION FROM TRUE TO MAGNETIC NORTH IS 8°45' WEST

THIS IS NOT A SURVEY

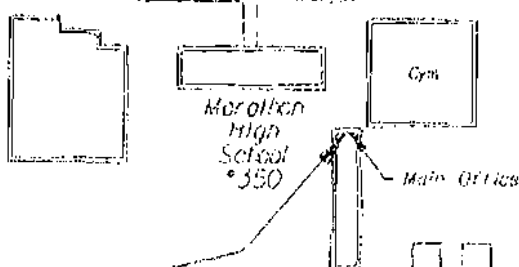
SITE SEA GRAPE II LOCATION SKETCH PREPARED FOR CARLISLE DEVELOPMENT GROUP 2060 SW 27th AVE. SUITE 200 COCONUT GROVE FL 33133	REVISIONS: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	SEA DIVERSIFIED INCORPORATED SURVEYING AND ENGINEERING AND LOCATION 1200 NW 11th Ave. Suite 3, Delray Beach, Florida 33440 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">SCALE:</td> <td style="width: 33%;">DWN. BY:</td> <td style="width: 33%;">CHK. BY:</td> </tr> <tr> <td>NOT TO SCALE</td> <td>RCJ</td> <td>RCJ</td> </tr> <tr> <td>DATE:</td> <td>PROJ. NO.:</td> <td>SHEET NO.:</td> </tr> <tr> <td>MAR. 25, 2002</td> <td>07-1062</td> <td>1 OF 1</td> </tr> </table>	SCALE:	DWN. BY:	CHK. BY:	NOT TO SCALE	RCJ	RCJ	DATE:	PROJ. NO.:	SHEET NO.:	MAR. 25, 2002	07-1062	1 OF 1
SCALE:	DWN. BY:	CHK. BY:												
NOT TO SCALE	RCJ	RCJ												
DATE:	PROJ. NO.:	SHEET NO.:												
MAR. 25, 2002	07-1062	1 OF 1												

SKETCH OF POINT QUALIFIERS "TIE-BREAKER" MEASUREMENT POINT Marathon, Florida

47-200 FEET SOUTH OF OVERSEAS HIGHWAY,
BETWEEN 70th STREET OCEAN AND 72nd STREET OCEAN
MARATHON, FL 33050



Sombbrero Beach Road



Public school
Main Entrance (under construction)
Lat. N24°42'14.5"
Long. W081°04'41"
Distance to
"TMP" = 1.32 miles
6,833.6 feet or 1.29 miles



WGS 84 - INDICATES WORLD GEODETIC SYSTEM 1984
"TMP" INDICATES TIE-BREAKER MEASUREMENT POINT
VARIATION FROM TRUE TO MAGNETIC NORTH IS 4° WEST

THIS IS NOT A SURVEY.

SITE:
SEA GRAPE II

LOCATION SKETCH

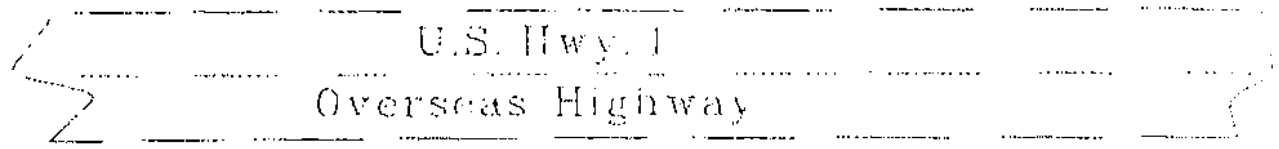
PREPARED FOR
CARLISLE DEVELOPMENT GROUP
950 SW 27th AVE. SUITE 200
COCONUT GROVE, FL 33133

REVISIONS

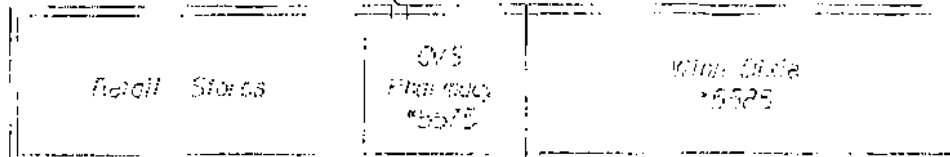
SEA DIVERSIFIED INCORPORATED		
SURVEYING AND ENGINEERING APPLICATIONS		
1200 NW 27th AVE. SUITE 200, COCONUT GROVE, FLORIDA 33409		
SCALE:	DWN. BY:	CHK. BY:
NOT TO SCALE	KSD	KSD
DATE:	PROJ. NO.:	SHEET NO.:
MAR. 25, 2007	07-1082	1 OF 1

SKETCH OF POINT QUALIFIERS "TIE-BREAKER" MEASUREMENT POINT Marathon, Florida

-7-900 FEET SOUTH OF OVERSEAS HIGHWAY
BETWEEN 10TH STREET OCEAN AND 12TH STREET OCEAN
MARATHON, FL 33059



City Public Finance
 Lat. N24°42'56.4"
 Long. W081°04'26.1"
 Distance to
 T.M.P. - 0.65 miles
 1,059.3 feet



WGS 84 - INDICATES WORLD GEODETIC SYSTEM 1984
 T.M.P. - INDICATES TIE-BREAKER MEASUREMENT POINT
 VARIATION FROM TRUE TO MAGNETIC NORTH IS 44°W03E

THIS IS NOT A SURVEY.

**SITE
SEA GRAPE II**

**LOCATION
SKETCH**

 PREPARED FOR
 PARLISLE DEVELOPMENT GROUP
 2950 SW 27TH AVE. SUITE 200
 COCONUT GROVE, FL 33133

REVISIONS:

SFA DIVERSIFIED INCORPORATED		
SURVEYING AND ENGINEERING APPLICATIONS		
1200 HWY 17TH AVE. SUITE 3, DELRAY BEACH, FLORIDA 33485		
SCALE:	OWN. BY:	CHK. BY:
NOT TO SCALE	KCU	KCU
DATE:	PROJ. NO.:	SHEET NO.:
MAY 20, 2007	07-1002	1 OF 1

EXHIBIT 2

PARCEL 1:

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

Begin at the intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South along the said East line of Section 11 for 285.00 feet; thence West for 231.55 feet; thence North 190.74 feet to the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence North 67° 51' 00" East, along the said Southeasterly Right of way line of U.S. Highway No. 1 for 250.00 feet back to the Point of Beginning.

AND

A strip of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

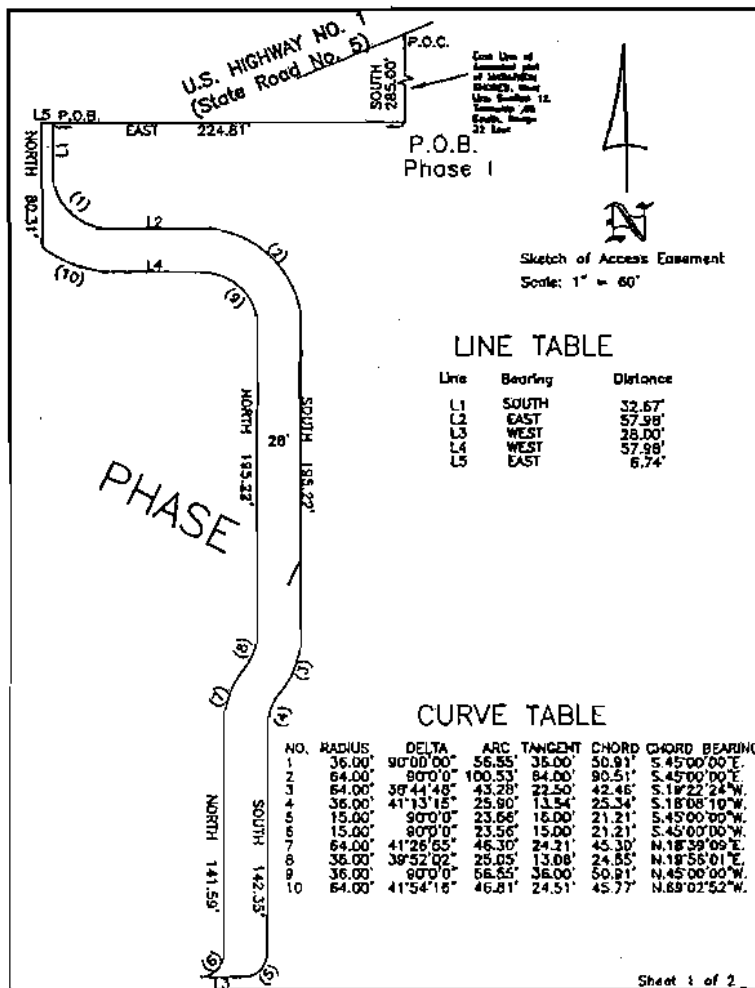
Commencing at the intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South 67° 51' 00" West, along the Southeasterly Right-Of-Way line, for 250.00 feet to the Point of Beginning; thence South, parallel to said East line of Section 11 for 344.62 feet; thence West for 20.00 feet; thence North 336.48 feet to said Southeasterly Right-Of-Way line; thence North 67° 51' 00" East, along said Southeasterly Right-Of-Way line for 21.59 feet to the Point of Beginning.

PARCEL 2:

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

Commence at the intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South along the said East line of Section 11 for 859.00 feet to the Point of Beginning; thence continue South along the said East line of Section 11 for 70.23 feet; thence West for 231.55 feet; thence North for 94.84 feet; thence East for 140.00 feet; thence South for 24.61 feet; thence East for 91.55 feet back to the Point of Beginning.

Together with an easement to link Parcel 1 and Parcel 2, over, across and through the following described real property:



Legal Description: Sea Grape Apartments to Sea Grape II Access Easement:

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows: Commence at the intersection of the East line of said Section 11 and the ; thence SOUTH and along Southeastery right of way line of U.S. Highway 1 said East line of Section 11, a distance of 285.00 feet; thence WEST, a distance of 224.81 feet to the Point of Beginning; ; thence SOUTH, a distance of 32.67 feet to the point of curvature of a curve to the left, having: a radius of 36.00 feet, a central angle of 90°00'00", a chord bearing of S.45°00'00"E. and a chord length of 50.91 feet; thence along the arc of said curve, an arc length of 56.55 feet to the point of tangency of said curve; thence EAST, a distance of 57.98 feet to the point of curvature of a curve to the right, having: a radius of 64.00 feet, a central angle of 90°00'00", a chord bearing of S.45°00'00"E. and a chord length of 90.51 feet; thence along the arc of said curve, an arc length of 100.53 feet to the point of tangency of said curve; thence SOUTH, a distance of 195.22 feet to the point of curvature of a curve to the right, having: a radius of 64.00 feet, a central angle of 38°44'48", a chord bearing of S.19°22'24"W. and a chord length of 42.46 feet; thence along the arc of said curve, an arc length of 43.28 feet to the point of reverse curvature of a curve to the left, having: a radius of 36.00 feet, a central angle of 41°13'15", a chord bearing of S.18°08'10"W. and a chord length of 25.34 feet; thence along the arc of said curve, an arc length of 25.90 feet to the end of said curve; thence SOUTH, a distance of 142.35 feet to the point of curvature of a curve to the right, having: a radius of 15.00 feet, a central angle of 90°00'00", a chord bearing of S.45°00'00"W. and a chord length of 21.21 feet; thence along the arc of said curve, an arc length of 23.56 feet to the point of tangency of said curve; thence WEST, a distance of 28.00 feet to the point of curvature of a curve to the left, having: a radius of 15.00 feet, a central angle of 90°00'00", a chord bearing of N.45°00'00"E. and a chord length of 21.21 feet; thence along the arc of said curve, an arc length of 23.56 feet to the point of tangency of said curve; thence NORTH, a distance of 141.59 feet to a point on a curve to the right, having: a radius of 64.00 feet, a central angle of 41°26'55", a chord bearing of N.18°39'09"E. and a chord length of 45.30 feet; thence along the arc of said curve, an arc length of 45.30 feet to a point on a curve to the left, having: a radius of 36.00 feet, a central angle of 37°37'33", a chord bearing of N.18°48'46"E. and a chord length of 23.22 feet; thence along the arc of said curve, an arc length of 23.84 feet to the point of tangency of said curve; thence NORTH, a distance of 195.22 feet to the point of curvature of a curve to the left, having: a radius of 36.00 feet, a central angle of 90°00'00", a chord bearing of N.45°00'00"W. and a chord length of 50.91 feet; thence along the arc of said curve, an arc length of 56.55 feet to the point of tangency of said curve; thence WEST, a distance of 57.98 feet to the point of curvature of a curve to the right, having: a radius of 64.00 feet, a central angle of 41°54'18", a chord bearing of N.69°02'52"W. and a chord length of 45.77 feet; thence along the arc of said curve, an arc length of 46.81 feet to the end of said curve; thence NORTH, a distance of 80.31 feet; thence EAST, a distance of 6.74 feet back to the Point of Beginning.

Parcel contains 17350 square feet or 0.40 acres, more or less.

PARCEL 1:

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

Begin at the intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South along the said East line of Section 11 for 285.00 feet; thence West for 231.55 feet; thence North 190.74 feet to the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence North 67° 51' 00" East, along the said Southeasterly Right of way line of U.S. Highway No. 1 for 250.00 feet back to the Point of Beginning.

AND

A strip of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

Commencing at the intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South 67° 51' 00" West, along the Southeasterly Right-Of-Way line, for 250.00 feet to the Point of Beginning; thence South, parallel to said East line of Section 11 for 344.62 feet; thence West for 20.00 feet; thence North 336.48 feet to said Southeasterly Right-Of-Way line; thence North 67° 51' 00" East, along said Southeasterly Right-Of-Way line for 21.59 feet to the Point of Beginning.

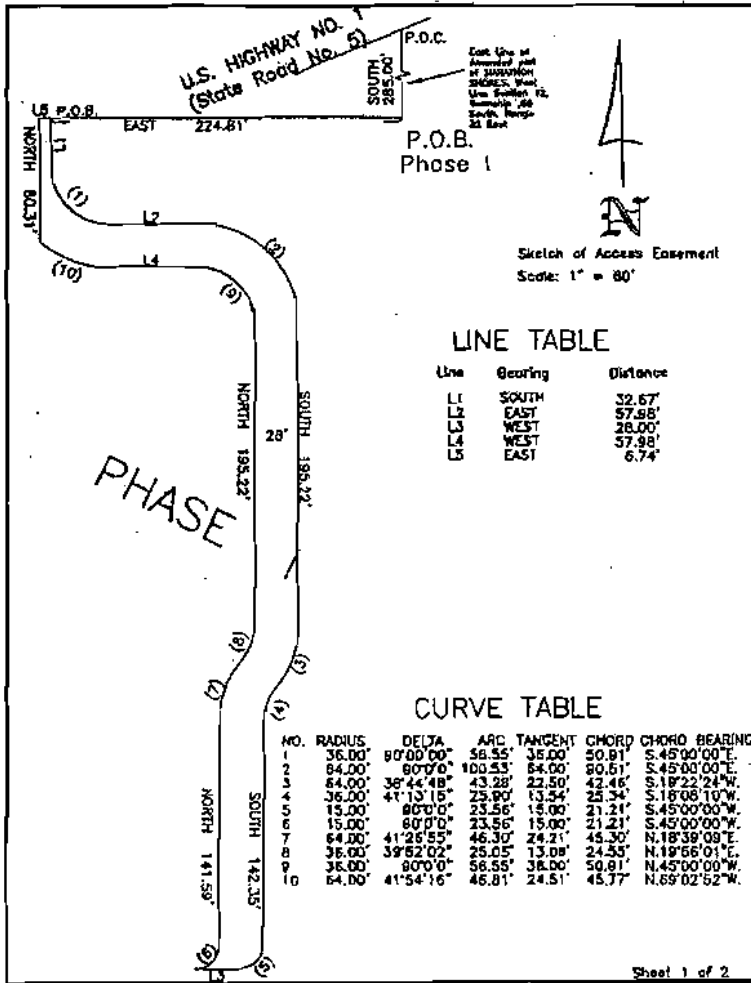
PARCEL 2:

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

Commence at the intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South along the said East line of Section 11 for 859.00 feet to the Point of Beginning; thence continue South along the said East line of Section 11 for 70.23 feet; thence West for 231.55 feet; thence North for 94.84 feet; thence East for 140.00 feet; thence South for 24.61 feet; thence East for 91.55 feet back to the Point of Beginning.

Together with an easement to link Parcel 1 and Parcel 2, over, across and through the following described real property:

Exhibit "B"



P.O.B.
Phase I

P.O.C.
East line of Section 11 at intersection of 285.00' West line Section 11, Township 66 South, Range 32 East

Sketch of Access Easement
Scale: 1" = 80'

LINE TABLE

Line	Bearing	Distance
L1	SOUTH	32.67'
L2	EAST	57.88'
L3	WEST	28.00'
L4	WEST	57.98'
L5	EAST	6.74'

CURVE TABLE

NO.	RADIUS	DELTA	ARC TANGENT	CHORD	CHORD BEARING
1	36.00'	90°00'00"	56.55'	36.00'	S45°00'00"E
2	64.00'	90°00'00"	100.53'	64.00'	S45°00'00"E
3	64.00'	36°44'48"	43.28'	22.50'	S18°22'24"W
4	36.00'	41°13'15"	23.90'	13.54'	S18°08'10"W
5	15.00'	90°00'00"	23.56'	15.00'	S45°00'00"W
6	15.00'	90°00'00"	23.56'	15.00'	S45°00'00"W
7	64.00'	41°26'55"	46.30'	24.21'	N18°39'09"E
8	36.00'	39°52'02"	25.05'	13.08'	N19°56'01"E
9	36.00'	90°00'00"	56.55'	36.00'	N45°00'00"W
10	64.00'	41°54'16"	46.81'	24.51'	N69°02'52"W

Legal Description: Sea Grape Apartments to Sea Grape II Access Easement:

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows: Commence at the intersection of the East line of said Section 11 and the thence SOUTH and along Southeastery right of way line of U.S. Highway 1 a distance of 224.81 feet to the Point of Beginning; thence SOUTH, a distance of 32.67 feet to the point of curvature of a curve to the left, having: a radius of 36.00 feet, a central angle of 90°00'00", a chord bearing of S45°00'00"E, and a chord length of 36.00 feet; thence along the arc of said curve, an arc length of 56.55 feet to the point of tangency of said curve; thence EAST, a distance of 57.98 feet to the point of curvature of a curve to the right, having: a radius of 64.00 feet, a central angle of 90°00'00", a chord bearing of S45°00'00"E, and a chord length of 64.00 feet; thence along the arc of said curve, an arc length of 100.53 feet to the point of tangency of said curve; thence SOUTH, a distance of 195.22 feet to the point of curvature of a curve to the right, having: a radius of 64.00 feet, a central angle of 36°44'48", a chord bearing of S18°22'24"W, and a chord length of 42.46 feet; thence along the arc of said curve, an arc length of 43.28 feet to the point of reverse curvature of a curve to the left, having: a radius of 36.00 feet, a central angle of 41°13'15", a chord bearing of S18°08'10"W, and a chord length of 23.90 feet; thence along the arc of said curve, an arc length of 25.90 feet to the end of said curve; thence SOUTH, a distance of 142.35 feet to the point of curvature of a curve to the right, having: a radius of 15.00 feet, a central angle of 90°00'00", a chord bearing of S45°00'00"W, and a chord length of 21.21 feet; thence along the arc of said curve, an arc length of 23.56 feet to the point of tangency of said curve; thence WEST, a distance of 28.00 feet to the point of curvature of a curve to the left, having: a radius of 15.00 feet, a central angle of 90°00'00", a chord bearing of N45°00'00"E, and a chord length of 21.21 feet; thence along the arc of said curve, an arc length of 23.56 feet to the point of tangency of said curve; thence NORTH, a distance of 141.59 feet to a point on a curve to the right, having: a radius of 64.00 feet, a central angle of 41°26'55", a chord bearing of N18°39'09"E, and a chord length of 46.30 feet; thence along the arc of said curve, an arc length of 46.30 feet to a point on a curve to the left, having: a radius of 36.00 feet, a central angle of 37°37'33", a chord bearing of N18°48'46"E, and a chord length of 23.22 feet; thence along the arc of said curve, an arc length of 23.54 feet to the point of tangency of said curve; thence NORTH, a distance of 185.22 feet to the point of curvature of a curve to the left, having: a radius of 38.00 feet, a central angle of 90°00'00", a chord bearing of N45°00'00"W, and a chord length of 50.91 feet; thence along the arc of said curve, an arc length of 56.55 feet to the point of tangency of said curve; thence WEST, a distance of 57.98 feet to the point of curvature of a curve to the right, having: a radius of 64.00 feet, a central angle of 41°54'16", a chord bearing of N69°02'52"W, and a chord length of 46.81 feet; thence along the arc of said curve, an arc length of 46.81 feet to the end of said curve; thence NORTH, a distance of 80.31 feet; thence EAST, a distance of 6.74 feet back to the Point of Beginning.

Parcel contains 17350 square feet or 0.40 acres, more or less.