# STATE OF FLORIDA FLORIDA HOUSING FINANCE CORPORATION

FHFC CASE NO. 2008-018 UW
Application No. 2007-126CS

SEA GRAPE II, LTD.,	-, \$ 11	2003 S	73
Petitioner, vs.		100 No.	E OEIV
FLORIDA HOUSING FINANCE CORPORATION,		<b>酒</b>	13 13 13
Respondent.	V.	بر ن	_

# 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 "Site Rule").

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

Florida Housing has the authority pursuant to Section 120.542(1), Florida Statutes and Chapter 28-104, F.A.C., to grant waivers to its rule requirements when strict application of these rules would lead to unreasonable, unfair and unintended consequences in particular instances.

Waivers shall be granted when the person who is subject to the rule demonstrates that the application of the rule would (1) create a substantial hardship or violate principles of fairness<sup>1</sup>, and (2) the purpose of the underlying statute has been or will be achieved by other means by the person. § 120.542(2), Fla. Stat. (2007).

# A. The Petitioner and the Development

1. 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. 27<sup>th</sup> Avenue, Suite 200 Miami, Florida 33133 Telephone: 305-476-8118

Telephone: 305-476-8118 Facsimile: 305-476-1557

2. 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

- 3. Pursuant to Florida Housing's 2007 Universal Cycle, Sea Grape II was a successful applicant under its 2007 Universal Application ("Universal Application")<sup>2</sup> for a loan of up to \$2,215,000 under the State Apartment Incentive Loan ("SAIL") Program. The SAIL funds will be used to finance a portion of the costs of the development of Phase II of the Sea Grape Apartments, said second phase being a new 28-unit multi-building apartment development (the "Development") intended to serve extremely low and low income individuals and/or families in the City of Marathon, Monroe County, Florida.
- 4. 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.
- 5. 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.
- 6. The requested waiver will ensure the ability of Sea Grape II to construct the Development, so as to provide desperately needed affordable housing in Monroe County, Florida. Further, the requested waiver will not adversely affect the Development, would not have affected consideration by Florida Housing of Sea Grape II's Application, and would not have altered the scoring by Florida Housing that qualified Sea Grape II for Housing Credits or

eodes and ordinances as to vehicular ingress and egress; (b) would result in substantial economic hardship to Sea Grape II; (c) could deprive Monroe County of essential affordable housing units in a timely manner; and (d) would violate principles of fairness. § 120.542(2), Fla. Stat. (2007).

7. The waiver being sought is permanent in nature.

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

8. Sea Grape II requests a waiver of Rule 67-48.004(14)(e). As applied to applications for Housing Credits and SAIL loans, the Site 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;
- 9. The Site Rule for which the waiver pertaining to the site location is requested implements Florida Housing Finance Corporation Act's statute that created the Housing Credits Program. § 420.5099, Fla. Stat. (2007).<sup>3</sup> 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 Site Rule for which the

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

- 10. Sea Grape II's Development is the second phase of a two-phase project for affordable housing in Monroe County, Florida. Phase I of the Sea Grape Apartments ("Phase I") lies adjacent to the Development.
- 11. When Sea Grape II submitted its Universal Application, the legal description contained therein encompassed a site location anticipated to be suitable for every aspect of the Development.
- 12. During the process of finalizing its site plan and commencing the permitting process for the Development, 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 and more importantly, was not amenable to vehicular access in the only portion of the Development suitable for a driveway. Without alternate access the Development could have been land-locked. To remedy this issue, Sea Grape II sought an easement from the adjoining property owner to widen the Development's driveway. The adjoining property owner was unwilling to provide the easement; however, it offered to "swap" a portion of its adjacent property for a portion of the Sea Grape II Development site. Accordingly, the southernmost portion of the original Sea Grape II Development site was swapped for a parcel of land lying adjacent to, and immediately north of Phase I.
  - 13. On September 26, 2007, Sea Grape II submitted a Petition for Rule Waiver to

- 14. The 2007 Petition did not specifically identify the new configuration of the Development as a "scattered site" within the meaning of Rule 67-48.002(98) F.A.C. (2007) (the "Scattered Site Rule"), which defines a "Scattered Site" as:
  - a Development consisting of real property in the same county (i) any part of which is non-contiguous ("non-contiguous parts") or (ii) any part of which is divided by a street or easement ("divided parts") and (iii) it is readily apparent from the proximity of the non-contiguous parts or the divided parts of the real property, chain of title, or other information available to the Corporation that the non-contiguous parts or the divided parts of the real property are a part of a common or related scheme of development.

Even though possibly "scattered," the two parcels comprising the Development will be connected to each other via an appurtenant easement to be granted by the owner of the Phase I development (the "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. The north parcel of the Development will include 12 units and the south parcel will include 16 units.

15. The Easement will link the north and south parcels of the Development, to create continuous and unimpeded access between the parcels via a perpetual, insurable real property interest. There is no road or easement "separating" the parcels within the technical meaning of the Scattered Site Rule; the Easement will link the parcels together to create one legally unified tract. The Easement area is as critical to the configuration, success and operation of the

access thereto may be had without traversing Phase I (except to the extent of the Easement area) or the lands of any third party.

- 16. Moreover, the land swapped with the neighboring landowner to create the north parcel of the Development is immediately adjacent to Phase I and will be integrated into the overall site in a seamless fashion to create the appearance of a single, unified community.
- 17. Applying the Scattered Site Rule in strict fashion would not adversely affect the Development, would not have affected consideration by Florida Housing of Sea Grape Il's Application, and would not have altered the scoring by Florida Housing that qualified Sea Grape Il for Housing Credits or the SAIL Loan. The Development satisfies all of the applicable requirements to qualify as a Scattered Site. The Tie-Breaker Measurement Point ("TBMP"), identified in Exhibit 25 to Sea Grape II's Universal Application is located on the south parcel, which is the portion of the Development having the greatest number of units, and remains within 100 feet of a residential building to be constructed as part of the Development. Sea Grape II intends to construct each feature and amenity that is not unit-specific (i) on each of the parcels or (ii) no more than 1/16 of a mile from the TBMP, or a combination of both. A part of the boundary of each of the north and south parcels of the Development lies within one-half mile of the TBMP. See Affidavit and Certification of Surveyor attached hereto as Exhibit A, and the legal description attached hereto as Exhibit B, which includes the appurtenant easement. Further, all information provided by Sca Grape II to Florida Housing in support of its

- 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.<sup>4</sup>
- 20. The requested waiver will not prejudice the Development or the affordable housing market to be served by the Development. It will allow construction pursuant to the <u>only</u> feasible site plan for access to the Development.
- 21. Without the requested waiver of the Site Rule, Sea Grape II will be unable to provide a practical means of vehicular access to the Development, and will be essentially frustrated in its legal and practical ability to construct the Development. As a result, Sea Grape II would suffer a substantial economic and legal hardship. The purpose of this Petition is to verify the approval of the 2007 Petition in light of the possible assessment of the Development as a Scattered Site.

# D. <u>Conclusion</u>

- 22. The requested waiver will not adversely impact the Development or Florida Housing, and will ensure that 28 new affordable housing units will be available in Monroe County, Florida.
- 23. 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

of an application or otherwise allow an applicant to obtain a possible unfair competitive advantage.

24. 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 within 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).

- 25. 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.
- 26. 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

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

- A. Grant the Petition and all the relief requested herein;
- B. Waive the prohibition on changing a development's site location after submission of the Universal Application;
- C. Allow Sea Grape II's Development to be developed on the site identified in Exhibit B to this Petition; and
  - D. Grant such other and further relief 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:

RIANJ. 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 \_\_\_\_\_ day of September, 2008.

Bv:

Brian J McDonough

G:\W-PKG\34756\202\seagrape-Petition-FHFC(9-24),doc

# Affidavit and Certification of Kenneth C. Jackson

BEFORE ME, the undersigned authority, personally appeared Kenneth C. Jackson, who being duly sworn, states that he personally knows the following facts and that the same are true and accurate.

My name is 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. (2007-126CS), the "Applicant", and I am not related to the Applicant or any Principals or Financial Beneficiaries of the Applicant.

On or about March 24, 2007, representatives of Sea Diversified, Inc. visited the location described on the legal description attached as Exhibit A. I reviewed the Surveyor Certification dated March 28, 2007 and accompanying Sketches prepared by our office that were submitted with the 2007 Universal Application No 2007-126CS attached as Exhibit B. Pursuant to Rule Chapter 67-48 F.A.C. the Florida Housing Finance Corporation has determined that the proposed development is a Scattered Site therefore a new Surveyor Certification form was completed on August 22, 2008 and is attached as Exhibit C.

The field work conducted under my direction on March 24, 2007, confirms that the Tie-Breaker Measurement Point, "TBMP", originally identified in Exhibit 25 remains the same. In addition the TBMP is located within 100 feet of the residential building to be constructed as part of the proposed Development and the boundary of each of the scattered sites are located within 1/2 mile of the TBMP.

# EXHIBIT "A" TO SURVEYOR'S AFFIDAVIT

### 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

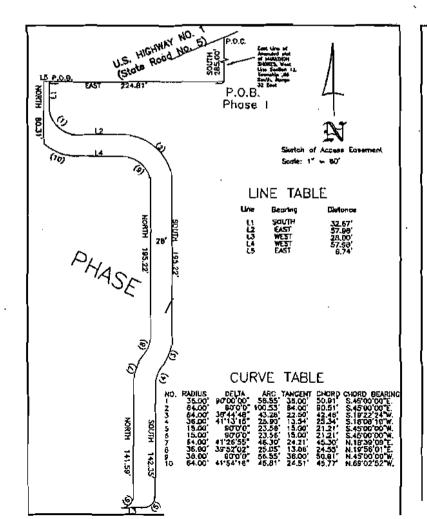
A strip of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

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.



#### Legal Descriptions Sea Grape Aportments to Sea Grape 8 Acress Edecreent

A percel of land in Section 11, Township 66 South, Ronge 32 East, Key A parcel of lead in Section 11, Township 56 South, Ronge 32 East, Kay Vocc, Morvee County, Florido, more porticularly described os follows: Commence at the intersection of the East line of soid Section 11 and the ; thence SOUTH and along Southeasterly-fight of way fine of U.S. Highway 1 soid East line of Section 11, a distance of 285.00 feet; thence WEST, a distance of 324.61 feet to the Point of Beginning; it hence SOUTH, a distance of 32.67 feet to the point of curvature of a surve to the left. having: a radius of 36.00 (set, a central anale of 90'00'00", a chard bearing neway, a recome or scown seek a central angle or evolution of the defent of S.4500'00'E, and a chord length of 50,91 feet; thence clong the are of sold curve, on are length of 58,55 feet to the point of tangency of eold surve; trence EAST, a distance of 57,88 feet to the point of christine of a curve; the right, having; a radius of 84.00 feet, a central angle of 80' curve to the right, howing a rodius of 84.00 feet, a central angle of 80' 00'00', a chord beating of \$4500'00'E, and a chord length of 80.51 feet thence along the arc of sold curve, an one length of 100.53 feet to the point of tangency of sold curve; thence \$0000', a chord engine of \$2.2 feet to the point of curvature of a curve to the right, heaving: a radius of \$4.00 feet, a central single of \$244'48', a chord bearing at \$1.9'22'24'W, and a chord length of \$4.245 feet; thence along the arc of sold curve, on arc length of \$4.35 feet; thence along the arc of sold curve, on arc length of \$4.35 feet; thence along the arc of \$3.28 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.18'08'18'W, and a short length of 25.34 feet; thence along the arc of maid curve, on arc length of 25.90 feet to the end of sold curve; thence SCUTH, a distance of 142.35 feet to the point of curvature of a carve to the right, having: a radius of 15.00 fast, a central angle of 90'00'00", a chard bearing of 5.45'00'00'W, and a chard length of 21.21 feet; thence along the arc of sold curve, on arc length of 23.55 feet to the point of tengency of sold curve, thence WEST, a distance of 28.00 feet to the point of curvature of 5.00 feet to the point of curvature of 5.00 feet a central of convolute or a curve to the ent, covering a reason or sold rest, a contact angle of \$900'00", a chiral bearing of N.45'00'00"E, and a chord length of \$1.21 feet; thence along the arc of acid curve, an arc length of \$3.55 feet to the point of tangency of seld curve; thence NORTH, a distance of 141.59 feet to a point on a curve to the right, having a reason of \$4.00 feet, a central angle of 4126.55", a chord bearing of N.18'39'09"E. and a chard length of 45.30 feet theree along the are of soid curve, on are 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 N.1848.45°E, and a chord length of 23.22 feet: theoret along the arc of said curve, an are length of 23.54 fast to the point of tongency of sold curve; thence NORTH , o distance of 195,22 feet to the point of curvature of a curve to the telt, having: a radius of 36.00 feet, a central angle of 90'00'00", a chard bearing of N.45'00'00'W, and a chard length of 50.91 feet; thence along the arc of sold curve, on arc length of 55.55 feet to the point of tengency of sold soid curve, on arts length of 55.55 feet to the point of tongency of soid curve; thereas WEST, a distance of 57.98 feet to the point of curvature of a curve to the right, hoving: a radius at 64.00 feet, a captual angle of 41.75.415, a chard bearing of 1.68702/52 W. and a chard length of 45.77 feet; thence along the art of soid curve, an arc length of 46.81 feet to the end of soid curve; thence NORTH, a distance of 80.31 feet; thence EAST, a distance of 6.74 feet back to the Point of Beginning. Porcel contains 17350 equare feet or 0.40 peres, more or less.

# EXHIBIT "B" TO SURVEYOR'S AFFIDAVIT

Exhibit 25

# MOTURIVEBIAL CYCLE - SURVEYOR CERTIFICATION

	å
	の 中の (1) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	5
	1
	,
_	į
ş	ŀ
Ħ	1
Ę	
5	
Š	ļ
3	ķ
Ę	1
ð	i
š	ľ
ጀ	ţ
Ç	ı
4	
70th St. Ocean and 72nd St. Ocean, Mars	
Ŏ	?
섕	
ž	ļ
C	
ĝ	į
ň	ŀ
Ŀ	2
8	1
with of Oversees Here, between	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
δ	
ĕ	Į
꼌	J

condition that he common to be exemple the following laterate souther provide standards to black standards and the standards are standards as the standards are stand

the party man specific charge and an artist of each n, de Dookpean Locate aandeken pen aferina sa noom De Turkman Manaca and Pani wheeled

<del></del>		
18.6 Seconds (transactive) (decree place)	of Southerst Succ.) Mend of compact. Successive to Die	that by Doleran,
IS Vences	yeners extacts is describe by a fig. discrepented	SA XOD, public
vs 81 Decree	ar one at Octob g part of welch ht Sapanahaa	te Syca Atlas
(rubalidada (	t or D ske Other day suggested place) in (u) in incharge on evalible to	De Congration with com
43 Merce	Pereco () Ye regerous (1900-c effette, se odbe	and there
N 24 Copper	C Xeptecour weco 1600 ton propring tous ULFA C.)	l jed & Special
واقعه بر هوا بعده ها خدی پرختری خوبی کردند و پرختری چند به خوبی نود به خوبی به بازد تو پختری به خوبی در است. و پرختری در است از می در است در است به در است به در است به در است به خوبی در است به خوبی در است به در است. و با پرختری در است به خوبی در است در است به در است به در است به در است به نام در است به نام در است به در است به در است به در است به نام در است به د	ამ ალამის მემ ართებული გარებობის გარების გარების გარების გარების გარების გარების გარების გარების გარების გარებ ართ გითან გარების გარე გარების გარების გარ	iec. Deperted Amerikas demak geneba ed Amazirania benamina edit i odiba fast. In Crossias de di side Sved fild VIA VIII. politikal iy Dolatar. Eran bilo sineme Desemble demake demake ediba

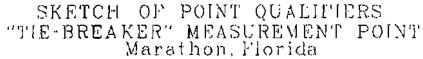
_	. —			. —	
	Security (respected to 1 december)	The Property of the content of the control of the control of the property of the control of the	Computer	14.6 Apriledo (Pranço el orde )	41.1 Persona (Arrague Afar 1
10000	Mancat	the standard day	   	Seeds.	3
	M.	A partie of the Control of the Contr	<u> </u>    -	18 %	¥.
	Scores (traces cales) W Degree	ander die auch ergener sowie produkt eines Bereite der Liber der einer er	}	υĝ	14-5 Semplesting Mr 81
	Impostedale: 1 Sectod place)	Series and action of the series of the serie	क्रमञ्	\$6.7	14.5
	Sections (transce	The branch of		47	42
		in dest 5do: to provide like		N 24 Depart	2
3	नक्रम्	if its driven emerge) on the deat billow. The broads and it is ethank police entrance on the server, have your should be seen	   		
	N Dupms	traferació (34 d		五31050	
	2	Ž,		1	!
	g :	Ĕ,ñ		] [8	_

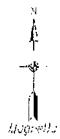
Seconds (temperal start) Stoende (sunce es state ) des end place) Ã, y 81 Cd Ogrees Mender ) (4) Decree Mechas V. Verreit Mer s Server Cheer Segment (recolled ಶೀರಾಗಿತ (ಚಿತ್ರವರ್ಷಕ ೩ನೆದ್ ( ಕಿದ್ದಾರ್ಯ) ನಿಶಿವ್ರ 40 Venter N. Sector Z Z East Kanhan et 33050 " Verifice 3, 33450

by the cumper rate is the architectum. De Carporation will imperte day to the Sale of Franke Department of Franke and Franke on the Carporation of the Sale of Franke and Sale of Sale Delray Beach, FL 33445

4549 Neth Liveus Pershe \$61-247-4920 "depositivents (including to macs)

De Japinat, hystyrister y due jop kaal of dy sep Princy sid so schokie of the Jop kink. If the confinient seperatesty stand, the App keales will not not be supply about the seperatesty of the separatesty of the separatesty





\*7-800 FEET SOUTH OF OVERSEAS HICHWAY, BETWEEN TOLK STREET OVEAN AND TOUR STREET OPEAN WARRATHON, FL 33050

# U.S. Hwy. 1

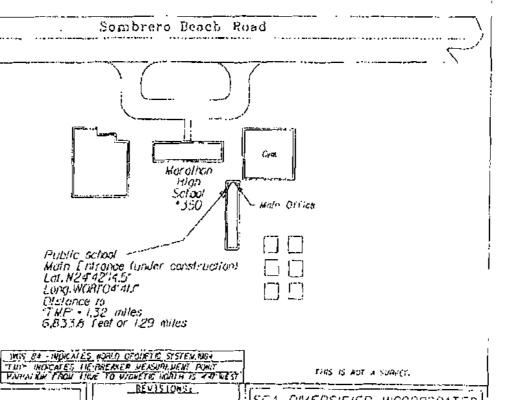
Overseas Highway

Public Listrates Fost
Lat. HB4 47.56.7
Late. HB4

+/-800 FEET SOUTH OF OVERSEAS HIGHWAY. BEYWEEN YOLK STREET OCEAN AND 72ND STREET OCEAN MARATHON, FL 33050



SITE:





-7-000 FEET SOUTH OF UNERSTAS HIGHWAY. BETWEEN TOTA STREET OCLAN AND TEND STREET OFFAN MANATHER, FL 30050

# U.S. Hwy. 1

# Overseas Highway

Only Public Follorice Tot.N244236A Long.WOBT0426J Distract to

Distance to 11 MP+ (0.66 miles 3.509.3 Their

Retail Stores

EVS Prantecy 19575

Whom Divie 15585

# EXHIBIT "C" TO SURVEYOR'S AFFIDAVIT

# - SURVEYOR CERTIFICATION 2007 UNIVERSAL CYCLE

	Ē.	
	ğ	
	2	
	Ě	
	governd in ceruse	
	Ē	
	2	
	Ē	
	Ŧ.	
	Ĭ	
	Ě	
	į	
	Ž	
	벌	
	Į	
	2	
	Ž P	
ادِ	Ŷ	
ă	Ž	
ב	ŧ	
-	Ž	_
ᅙ	=	
Ë	ń	3
2	1	
ទ	Ě	ì
3	Ē	
X	ž	ż
Š	į	1
-	ŝ	2
Š	Ť	į
5	1	į
3	3	,
ヹ	ē	į
Ę	Ě	ě
5	Ē	3
Š	1	Ĭ
Ē	5	4
3	š	3
of Oversets Hwy between 70th St. Ocean and 72nd St. Ocean, Marathon, P.L. 33030	res assigned by the United States Perral Service, including the address receives served names and just of the Laboratory of their and gland, provide the ment turns a chourn bod prine	Colonians I seemen stated throw and a reflect the six almost the March of March and Said is like to
ÿ,	g g	2
Š	t	į
ン さ	ě	

								ļ
		Letited			•	Longitude:		
reader Memorane Point reason a wingle paint subsected to pain of the Applicant on the	PZ 14	£†	623	()2.3 Seconds	18 ₩	63	48.6 Seconds	
tioned. Sides, this pressure is an ight promit on one of the bicathered Short which continue the little building united and on the forestrictural as part of the proposed Reshippined. In mand on the other little man united Ramp of the Sharoot Sides has made than design.	Deption	Minutes	(in	(invested After 1 decimal place)	Table 1	Minures	((namendafter ( decimal place)	
The state of the s		C		11 10 4 10 E	de sant de Proposite		*	_

No thins check one if Development consists of Scataced Sides.) As parts", or (ii) any part of which is divided by a street or exsenent whole swinishle to the Corporation that the non-consignave parts or the o sek 🖸

egrect and Minutes must be somed an whole runnbers and Seconds invest be provided after 1 depaired place. The Corporation will utilize Street Autor USA 2007, published by Ibelliams, to the proposed Development's The Break of Mediate mass Point.		Seconds (trumpated after ) decimal place)	de cocretioners of the closecst service(s) on the chart below. The tanners and tongisude coordinates for auch service must represent a point fact or the doorway threshold that is the chart walking distance on the doorway foreshold that is the chart walking distance on the doorway foreshold of the threshold that is the chart walking distance on the doorway foreshold of the threshold.	Longitude	24.6 Seconds (runcated after )	41.1 Seconds (truncate) after 3 decimal place)	Seconds (murcabed sifter 1 decinal place)	26.1 Seconds (truncated after 1 decimal place)
i utilize Street	Longitude		rria on the doors osest walking dis		04 Minutes	04 Minutes	Minutes	04 Minutes
Согропатіол учі		Mandes	present a point for shold that is the cl		₩ 81 Degrees	w 81 Depres	W Deeress	W 81 Degrads
deciminal phace. The C		WDeparts	i for auch service must re- or entrance doorway three	-	Seconds (fruncated after 1 decimal place)	Scoonds (transated after i decimal place)	Seconds (truncated after 1 decimal place)	Seconds (truncated after 1 decimal place)
क्रकाच्याच्ये व्रीक्र	_	_	mainde coordinad Units a the exterio	£ stituede	56.7 3cc.	14.5 Scor	Seci	\$6.4 See
l Seconds ment be t Point		Securids (municated after 1 decimal place)	. The lambde sould be used	£.3	42 Minues	42 Minutes	Minutes	42 Minutes
ole raimbéra <i>a</i> nd Les Messaremes	Letitude		the chart below the service, that A		N 24 Degrees	N 24 Depres	Z. Degrees	N 24 Degrees
ingrees and Minates mast be somed as whole roumbers and Sectors to the proposed Developtiens's The Broaker Measure mast Point.	3	Minute	osest gervice(s) on orpublic mirada in			3050		
and Minutes on reposed Develo		NDeparts	dinores of the ol- Trace is no exten		rathon, Fl. 33050	d Marathon Fl. 33050		Seaton 45 33050
O the p		2	parties goesap		cetter	₹ T		ortho

the Companion will forward a cupy as the State of Florick Department of Business and Professional Regulation for investigation nts attack in this certification.

1200 NW 17th Avenue, Suite

Delray Brach FL 33445

Flooda Literase Number 561-243-4920 TOY, I declare that the foregoing materials is the east contact.

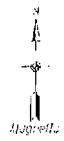
See Diversified Inc.

Diversified Inc.

See Diversified Inc.

Name of Bureyor

1549



+7-800 FEET SUUTH OF OVERSEAS HICHWAY. BETWEEN TOID STREET OCEAN AND TORG STREET USEAN WARRATHON, FL 33050

# U.S. Hwy. 1

# Overseas Highway

Public Latronce Fost
Lat. NEW 47567
Lang. NOW COPPLE

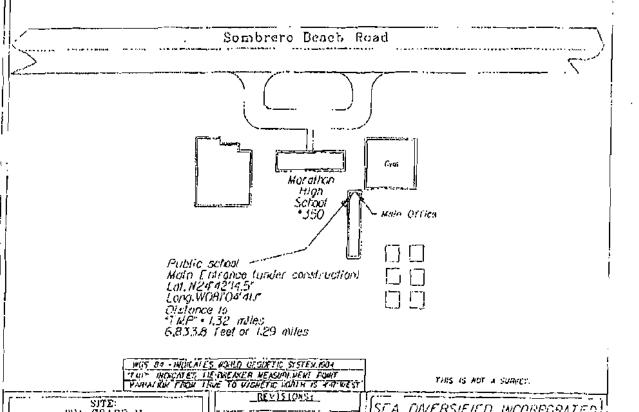
Distance 1:
There is go makes
3767.8 feet

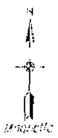
CVS

Roboll Stores - Frommy winn CVX 6
\*5575 \*5585

+/-800 FEET SOUTH OF OVERSEAS HIGHWAY, BETWEEN TOP STREET DOEAN AND TEND STREET OCEAN MARATHON, FL 33050



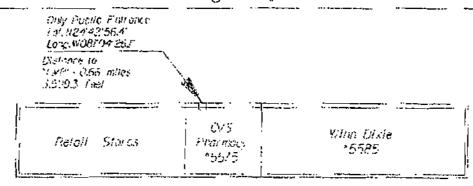




-7-800 FEET SOUTH OF UNERSTAS MICHWAY. BETWEEN YOUR STREET OCEAN AND TERM STREET OCEAN MANATHER, FL 33050

# U.S. Hwy. J

# Overseas Highway



WOS 84 - INCACATES WOINED GEODETIC SYSTEM CURA

#### 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

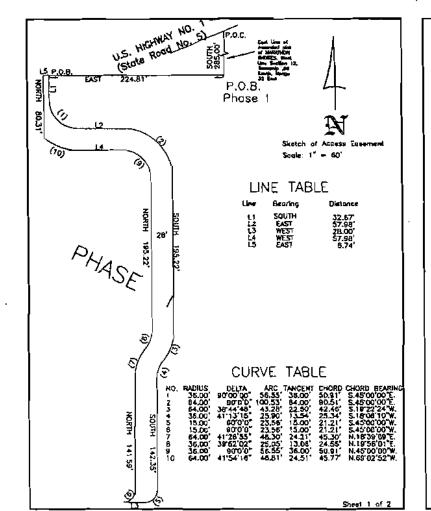
A strip of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

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.



#### Legal Description: Seo Grape Apartments to Seo Grape II Access Essement:

A parcel of land in Section 11, Tewnship 65 South, Range 32 East, Key Vaco, Monroe County. Florido, more particularly described as follows: Commence at the intersection of the East Ray of sold Section 11 and the thence SOUTH and sing. Southeasterly right of way line of U.S. Highway I sold East Ray of Section 11, a distunce of 285,00 feet thence WEST, a distance of 224.61 feet to the Point of Beglinning; ; 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°90'00", a chard bearing of 5.4500'00"E, and a chard length of 50.91 feet; thence along the arc of said curve, an arc length of 56.55 lest to the point of tangency of said curve; thence EAST, a distance of 57.98 feet to the point of curvature of aurve to the right, having: a radius of 64.00 feet, a central angle of 90' 00'00", a chard bearing of S.45'00'00"E, and a chard length of \$0.31 feet; thence along the arc of sold curve, an arc length of 100.53 feet to the point of tangency of sold curve; thence SOUTH, a distance of 195.22 feet to the point of curvature of a curve to the right, having: a radius of 54.00 feet, a central angle of 35'44'48", a chord bearing at 5.19'22'24'W. and a chord tength of 42.46 feet; thence along the are of soid curve, on are 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 \$.1808 10 W, and a chord length of 23.34 feet thence along the arc of soid curve; thence slong the arc of soid 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 control angle of 90'00'00", a chard bearing of 5.45 00'00 W. and a chard length of 21.21 feet; thence along the arc of said curve, on arc length of 23.56 feet to the point of tengancy of said curve; thence WEST, a statence of 28.00 feet to the point of curvature of a curve to the left, howing o radius of 15.00 feet, a central ongle of 9000'00", a chord bearing of N.45'00'00"E, and a chord length of 21.21 feet; thence even the are of sold burns, an are imagin of 23.56 feet to the point of tangency of sold curve; thence NORTH, a distance of 141.59 feet to spoint on a curve to the right, howing: a redius of 64.00 feet, a central engls of 41'26'55", a chord bearing of M.18'39'09"E. and a chord length of 45.30 feet; thence along the are of said curve, on are length of 45.30 feet to a point on a curve to the left, having: a radius of 36.00 feet, o central angle of 37:37:33", a chard bearing of N.18:46'46'E, and a chard length of 23:22 feet; therees along the arc of sold curve, on arc length of 23:64 feet to the point of tangency of soid curve; thence MORTH, o distance of 195.22 feet to the point of curvature of a curve to the left. having: a radius of \$6.00 test, 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 soid 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 N.69'02'52'W. and a chord laught of 45.77 (eet; thence along the arc of said curve, on 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. Porcel contains 17350 equare lest or 0,40 cores, more or less.

# **SEA GRAPE II**

Address	# of Units	Latitude	<u>Longitude</u>
+/- 800 Ft. South of Overseas Highway between 70th Street Ocean and 72nd Street Ocean, Marathon, FL 33050	16		e successione
+/- 100 Ft. South of Overseas Highway between 70th Street Ocean and 72nd Street Ocean, Marathon, FL 33050	12	N24 43 7.7	W81 03 48.6