

**STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION  
APPLICATION NO. 2004-050C**

FHFC CASE NO.: 2016-024VW

**CRYSTAL LAKES REDEVELOPMENT, LTD.,**

**Petitioner,**

**vs.**

**FLORIDA HOUSING FINANCE CORPORATION,**

**Respondent.**

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**PETITION FOR WAIVER OF RULE 67-48.004(14)(e), F.A.C., REGARDING CHANGE  
TO DEVELOPMENT SITE LEGAL DESCRIPTION**

Crystal Lakes Redevelopment, Ltd., (the "Petitioner") hereby petitions the Florida Housing Finance Corporation (the "Corporation") for a waiver of the Corporation's prohibition on the alteration of the location/description of the site for the development as part of the Petitioner's Application for Housing Credits (the "Application"). See Rule 67-21.026(10), F.A.C. (the "Rule"). In support of its Petition, the Petitioner states:

1. The address, telephone number, facsimile number, and email address of the Petitioner are:

Crystal Lakes Redevelopment, Ltd.  
4780 N. State Road 7  
Lauderdale Lakes, FL 33319  
(954) 739-1114, ext. 2329 (office)  
(954) 535-0407 (fax)  
adeibert@bchafl.org

2. The contact person, along with contact information and relationship, for the Application is:

Ann Deibert  
Crystal Lakes Redevelopment, Ltd.  
4780 N. State Road 7  
Lauderdale Lakes, FL 33319  
(954) 739-1114, ext. 2329 (office)  
(954) 535-0407 (fax)  
adeibert@bchafll.org  
Assistant Secretary – BBC Homes, Inc.,  
the sole general partner of Petitioner

3. For purposes of this Petition, the address, telephone number, facsimile number, and email address of the Petitioner's attorney are:

David N. Tolces, Esq.  
Goren, Cherof, Doody & Ezrol, P.A.  
3099 E. Commercial Blvd., #200  
Fort Lauderdale, FL 33308  
(954) 771-4500 (office)  
(954) 771-4923 (fax)  
[dtolces@cityatty.com](mailto:dtolces@cityatty.com)

4. The Petitioner is the current general partner of Crystal Lakes Redevelopment, Ltd., the Florida limited partnership referenced in the Application for the reconstruction of the Crystal Lakes Apartments (the "Development").

5. The Petitioner included in the Application the legal description for the entire Development which included the development of 190 Garden Apartments, a clubhouse, and the Community Center building and associated parking. The legal description for the Development included in the Application was as follows:

Parcel A, HOLLYWOOD CRYSTAL LAKE, according to the map or plat thereof as recorded in Plat Book 175, Page 72, Public Records of Broward County, Florida.

A copy of the survey of the Development as provided in the Application is attached hereto as Exhibit "A".

6. The Petitioner is currently in the process of refinancing the first mortgage, which is secured by the property described in the Application, by granting a new first mortgage to Greystone Funding Corporation, a Virginia corporation, as Lender, to be insured by the U.S. Department of Housing and Urban Development ("HUD") under the provisions of Section 207 pursuant to Section 223(f) of the National Housing Act. HUD requires that only property that is

used as housing shall be secured by the loan. Therefore, the Petitioner is required to amend the legal description to include only the property which serves the residents of the Development.

7. The revised legal description for the Development is as follows:

Parcel "A" of "HOLLYWOOD CRYSTAL LAKE", according to the plat thereof, as recorded in Plat Book 175, at Page 72, of the Public Records of Broward County, Florida.

LESS THE FOLLOWING DESCRIBED PARCEL OF LAND:

A portion of Parcel "A", HOLLYWOOD CRYSTAL LAKE, according to the plat thereof, as recorded in Plat Book 175, on Page 72, of the Public Records of Broward County, Florida, being more particularly described as follows:

BEGIN at the Northeast Corner of said Parcel "A"; thence South 88°08'59" West, 121.03 feet, along the Northerly Line of said Plat; thence South 01°47'18" East, 142.57 feet; thence North 88°12'42" East, 22.03 feet; thence South 01°47'18" East, 24.78 feet; thence North 88°12'42" East, 88.97 feet; thence North 50°29'02" East, 12.71 feet to the Easterly Line of said Plat; thence North 01°47'58" West, along said Easterly, 159.71 feet to the Point of Beginning.

A copy of the revised survey of the Property to be subject to the new first mortgage is attached hereto as Exhibit "B".

8. Consequently, a waiver of the Rule is necessary to allow for the alteration to the legal description referenced in the Application.

9. Sections 420.501 through 420.517 of the Florida Statutes set forth the Florida Housing Finance Corporation Act (the "Act"), which designates the Corporation as the State of Florida administrator for the State Housing Credit Program to establish procedures necessary for the proper allocation of tax credits and to ensure the maximum use of available credits in order to encourage development of low-income housing and associated mixed-use projects in urban areas (the "Procedures"). See §§420.501, 420.5093, Fla. Stat. (2004). These Procedures are established in Rule Chapter 67, Florida Administrative Code. Accordingly, as set forth herein, the Rule subject to Petitioner's waiver request is implementing, among other sections of the Act, the statutory authorization for the Corporation's establishment of Procedures for the State Housing Tax Credit Program. *Id.*

10. Under Section 120.542(1), Fla. Stat., and Chapter 28-104, F.A.C., the Corporation has the authority to grant waivers to its rule requirements when strict application of these rules would lead to unreasonable, unfair, and unintended results in particular instances. Waivers shall be granted when the person who is subject to the rule demonstrates that the application of the rule would (i) create a substantial hardship or violate principles of fairness, and (ii) the purpose

of the underlying statute has been or will be achieved by other means by the person. See §120.542(2), Fla. Stat. (2009).

11. As provided in Section 120.542(2), Fla.Stat., “substantial hardship” means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver.

12. Pursuant to Section 120.542(1), Fla. Stat., and Rule 28-104.002, F.A.C., Petitioner hereby requests a waiver of the Rule which prevents a change or alteration to the site development location or legal description.

13. In this instance, the Petitioner meets the standards for a Rule waiver, as to deny the waiver request would result in a substantial hardship to the Petition, and its ability to provide safe affordable housing to its clients.

14. The requested waiver to allow the change in the legal description will not adversely impact the Development or the Corporation or be prejudicial to the Development or to the market to be served by the Development. However, the denial of the requested waiver will create a substantial hardship for the Petitioner, which would be denied the ability to refinance the Development, and thereby prevent the Petitioner from being able to continue to provide decent, safe, and affordable housing units to a market in desperate need of low-income housing.

15. Further, the requested Rule waiver to allow for a refinance of the first mortgage which will further the public purpose of the Broward County Housing, acting through its instrumentality, BBC Homes, Inc., of providing low-income housing for the residents of the City of Hollywood, Broward County, Florida and the Corporation’s and the Act’s purpose of ensuring the maximum use of available credits in order to encourage development of low-income housing and associated mixed-use projects in urban areas.

16. The waiver being sought is permanent in nature.

17. Should the Corporation require additional information, the Petitioner is available to answer any questions and to provide any additional information necessary for consideration of this Petition.

WHEREFORE, the Petitioner respectfully requests that the Corporation:


- A. Grant this Petition and all the relief requested herein;
- B. Waive the prohibition on changing the legal description of the site of the Development submitted by Petitioner; and

C. Grant such further relief as may be deemed appropriate.

Respectfully submitted,

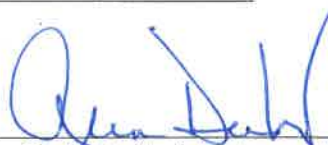
**CRYSTAL LAKES REDEVELOPMENT, LTD.,**  
a Florida limited partnership

By: BBC Homes, Inc.  
a Florida corporation,  
its general partner

By:   
Ann Deibert, Assistant Secretary

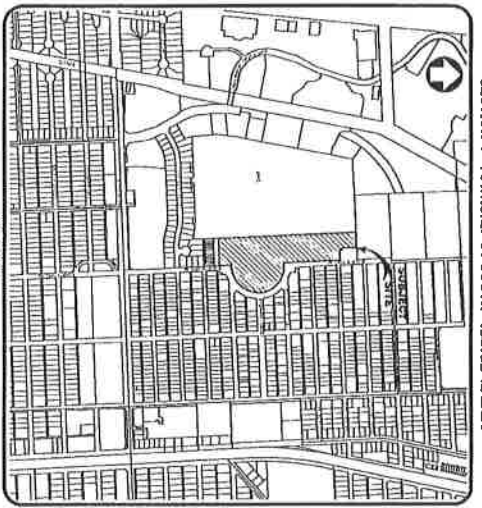
**CERTIFICATE OF SERVICE**

The Petition is being served by e-mail and overnight delivery for filing with the Corporation Clerk for the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301, with copies served by overnight delivery on the Joint Administrative Procedures Committee, Room 120, 600 Calhoun Street, The Holland Building, Tallahassee, Florida 32299-1300, on \_\_\_\_\_, 2016.

  
Ann Deibert, Assistant Secretary



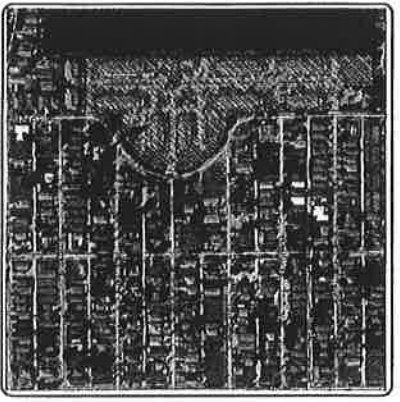




PLAT MAP  
PAGE 18 SCALE

# ALTA / NSPS LAND TITLE SURVEY

A PORTION OF PARCEL #A OF "HOLLYWOOD CRYSTAL LAKE," RECORDED IN PLAT BOOK 175, A PAGE 73, BROWARD COUNTY RECORDS,  
LYING IN SECTION 4, TOWNSHIP 51 SOUTH, RANGE 42 EAST, CITY OF HOLLYWOOD, BROWARD COUNTY, FLORIDA



LOCATION MAP  
PAGE 19 SCALE

**NOTICE:**  
This Document is not full and complete without  
all pages. (Total of Three (3) pages)

**LONGITUDE  
SURVEYORS**  
7715 NW 42ND STREET, SUITE 310  
ORLANDO, FLORIDA 32816  
WWW.LONGITUDESURVEYORS.COM

JOB NO.: 16133 DRAWN BY: GP  
REVISION: 018 SHEET 1 OF 3

**GENERAL NOTES:**  
1. This Survey is a subdivision of a portion of Parcel #A of "Hollywood Crystal Lake," recorded in Plat Book 175, Page 73, Broward County Records, Florida. The Survey is shown on the Plat Map attached hereto as "Plat Map." The Survey is subject to all easements, encumbrances, and restrictions of record affecting the land shown on the Plat Map.  
2. The Survey is shown on the Plat Map as a portion of Parcel #A of "Hollywood Crystal Lake," recorded in Plat Book 175, Page 73, Broward County Records, Florida. The Survey is subject to all easements, encumbrances, and restrictions of record affecting the land shown on the Plat Map.  
3. The Survey is shown on the Plat Map as a portion of Parcel #A of "Hollywood Crystal Lake," recorded in Plat Book 175, Page 73, Broward County Records, Florida. The Survey is subject to all easements, encumbrances, and restrictions of record affecting the land shown on the Plat Map.

**LEGAL DESCRIPTION:**  
A portion of Parcel #A of "Hollywood Crystal Lake," recorded in Plat Book 175, Page 73, Broward County Records, Florida, containing the land shown on the Plat Map attached hereto as "Plat Map." The Survey is shown on the Plat Map as a portion of Parcel #A of "Hollywood Crystal Lake," recorded in Plat Book 175, Page 73, Broward County Records, Florida. The Survey is subject to all easements, encumbrances, and restrictions of record affecting the land shown on the Plat Map.

**BOUNDARIES:**  
The boundaries of the Survey are shown on the Plat Map attached hereto as "Plat Map." The Survey is shown on the Plat Map as a portion of Parcel #A of "Hollywood Crystal Lake," recorded in Plat Book 175, Page 73, Broward County Records, Florida. The Survey is subject to all easements, encumbrances, and restrictions of record affecting the land shown on the Plat Map.

**ADJACENT LANDS:**  
The Survey is adjacent to the lands shown on the Plat Map attached hereto as "Plat Map." The Survey is shown on the Plat Map as a portion of Parcel #A of "Hollywood Crystal Lake," recorded in Plat Book 175, Page 73, Broward County Records, Florida. The Survey is subject to all easements, encumbrances, and restrictions of record affecting the land shown on the Plat Map.

**ENCUMBRANCES:**  
The Survey is subject to all easements, encumbrances, and restrictions of record affecting the land shown on the Plat Map attached hereto as "Plat Map." The Survey is shown on the Plat Map as a portion of Parcel #A of "Hollywood Crystal Lake," recorded in Plat Book 175, Page 73, Broward County Records, Florida. The Survey is subject to all easements, encumbrances, and restrictions of record affecting the land shown on the Plat Map.

**ADDITIONAL NOTES:**  
The Survey is shown on the Plat Map attached hereto as "Plat Map." The Survey is shown on the Plat Map as a portion of Parcel #A of "Hollywood Crystal Lake," recorded in Plat Book 175, Page 73, Broward County Records, Florida. The Survey is subject to all easements, encumbrances, and restrictions of record affecting the land shown on the Plat Map.

**CONVEYANCE:**  
The Survey is conveyed to the person or persons named in the instrument recording this Survey. The Survey is shown on the Plat Map attached hereto as "Plat Map." The Survey is shown on the Plat Map as a portion of Parcel #A of "Hollywood Crystal Lake," recorded in Plat Book 175, Page 73, Broward County Records, Florida. The Survey is subject to all easements, encumbrances, and restrictions of record affecting the land shown on the Plat Map.

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EXHIBIT "B"





**LEGEND**

- 1. LOT
- 2. BLOCK
- 3. ALLEY
- 4. STREET
- 5. DRIVE
- 6. DRIVEWAY
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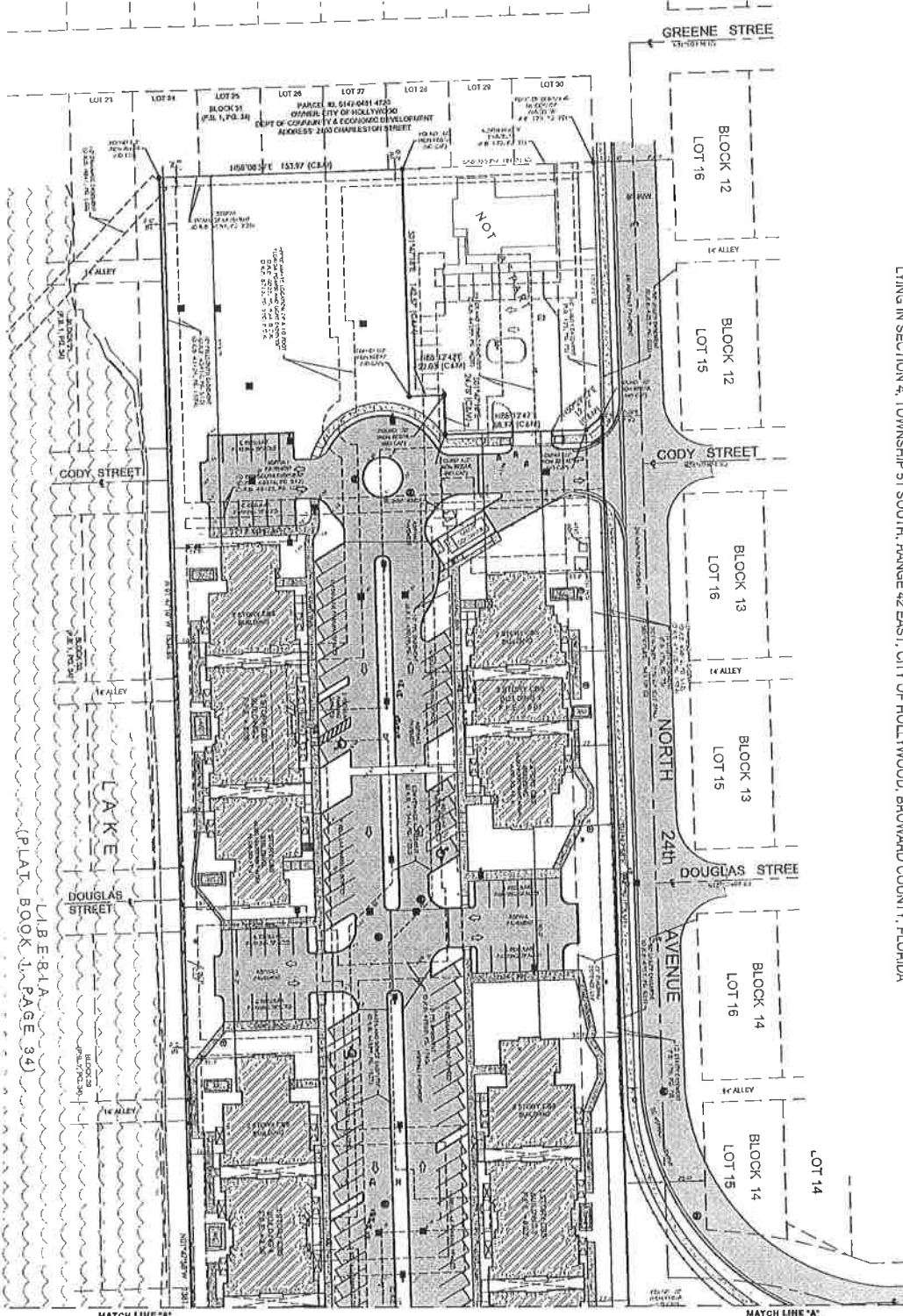
**LONGITUDE SURVEYORS**

7715 NW 4TH STREET, SUITE 310  
DUNEDIN, FLORIDA 33515  
PHONE: (352) 363-7912 FAX: (352) 312-9480  
WWW.LONGITUDESURVEYORS.COM

JOB NO.: 16133 DRAWN BY: CF  
FIELD BOOK: DB SHEET 2 OF 3

# ALTA / NSPS LAND TITLE SURVEY

A PORTION OF PARCEL 1/4 OF "HOLLYWOOD CRYSTAL LAKE" RECORDED IN PLAT BOOK 175, A PAGE 73, BROWARD COUNTY RECORDS, LYING IN SECTION 4, TOWNSHIP 51 SOUTH, RANGE 42 EAST, CITY OF HOLLYWOOD, BROWARD COUNTY, FLORIDA



**NOTE:**

There exist 284 regular parking spaces and 7 handicapped parking spaces on the subject property.



**LEGEND**

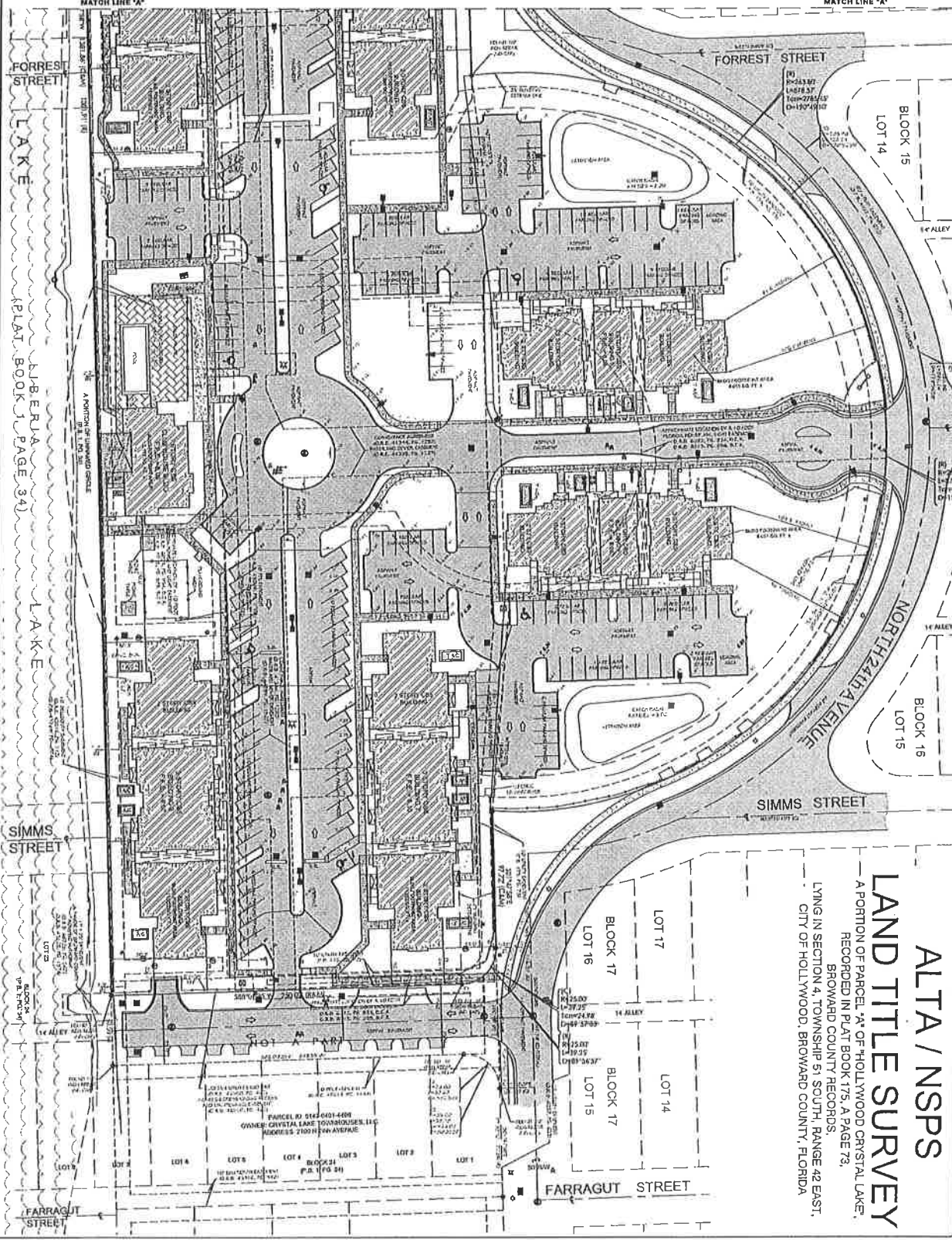
- 1. LOT AREA
- 2. LOT DIMENSIONS
- 3. LOT CORNER MARKERS
- 4. LOT CENTER POINT
- 5. LOT AREA
- 6. LOT DIMENSIONS
- 7. LOT CORNER MARKERS
- 8. LOT CENTER POINT
- 9. LOT AREA
- 10. LOT DIMENSIONS
- 11. LOT CORNER MARKERS
- 12. LOT CENTER POINT
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DRAWN BY: CF  
SHEET 3 OF 3



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