

**BEFORE THE STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

PINNACLE RIO, LLC,

Petitioner,

vs.

DOAH Case Nos. 14-1398BID

14-1399BID

FLORIDA HOUSING FINANCE
CORPORATION,

14-1400BID

14-1425BID

Respondent,

14-1426BID

14-1427BID

14-1428BID

And

ALLAPATTAH TRACE APARTMENTS,
LTD.,

Intervenor.

**PETITIONER APC FOUR FORTY FOUR, LTD.'S
RESPONSE TO INTERVENOR'S FIRST REQUEST FOR ADMISSIONS**

Petitioner APC Four Forty Four, Ltd. ("APC") responds to Intervenor Allapattah Trace Apartments, Ltd.'s ("Allapattah Trace") First Request for Admissions in accordance with rule 1.370 of the Florida Rules of Civil Procedure and Rule 28-106.206 of the Florida Administrative Code as follows:

REQUESTED ADMISSIONS

1. Admit that Exhibit 1 is a copy of Attachment 8 to APC's application in response to the RFA.

RESPONSE:

Admitted.

2. Admit that the person that signed the "2013 Local Government Verification of Contribution - Fee Waiver Form" contained in Exhibit 1 was authorized to sign that form at the time it was signed.

RESPONSE:

Admitted. APC's Attachment 8 included memoranda from the Mayor delegating the authority to Russell Benford to sign the form.

3. Admit that Exhibit 2 is a copy of Attachment 8 to the ATA's application submitted in response to the RFA.

RESPONSE:

Admitted.

4. Admit that the person that signed the "2013 Local Government Verification of Contribution - Fee Waiver Form" in Exhibits 1 and 2 was the same person.

RESPONSE:

Admitted.

5. Admit that the person who signed the "2013 Local Government Verification of Contribution - Fee Waiver Form" in Exhibit 2 was authorized to sign that form at the time it was signed.

RESPONSE:

Admitted that memoranda attached to APC's Attachment 8 show that Mr. Benford was delegated authority to sign the form. Denied that Allapattah Trace attached such memoranda evidencing Mr. Benford's authority to its Attachment 8.

6. Admit that the following is the legal description of the site submitted for the ATA project proposed in ATA's response to the RFA:

BEVERLY HGTS PB 6-164 LOT 2 BLK 2 LOT SIZE
40.000 X 144 OR 18142-3666 0698 2 (4)
BEVERLY HGTS PB 6-164 LOT 3 BLK 2 LOT SIZE
40.000 X 144 OR 18142-3666 0698 2 (4)
BEVERLY HGTS PB 6-164 LOTS 4 THRU 7 INC BLK
2 LOT SIZE 162.000 X 144 OR 15917-3366 0593 1
BEVERLY HGTS PB 6-164 LOT 19 BLK 2 LOT SIZE
SITE VALUE OR 18142-3666 0698 2 (4)

BEVERLY HGTS PB 6-164 LOT 20 BLK 2 LOT SIZE
SITE VALUE OR 18142-3666 0698 2 (4)

RESPONSE:

Admitted in part. The above description appears on the site plan prepared by Corwil Architects, Inc. that was submitted to the City of Miami. However, the legal description of the development site attached to Allapattah Trace's Purchase and Sale Agreement included in Attachment 7 to the Allapattah Trace application is different.

7. Admit that the legal description in paragraph 6 above is the same legal description contained on the site plan submitted to the City of Miami as referenced in paragraph 43 of APC's Amended Petition.

RESPONSE:

Admitted.

8. Admit that the property described in the legal description in paragraph 6 above does not include the alley referenced in paragraphs 44 and 45 of APC's Amended Petition in the above styled cause.

RESPONSE:

Admitted in part. The legal description does not include the alley depicted in the site plan because the alley has not been vacated.

9. Admit that the following is a list of the folio numbers for each lot listed in the site or the ATA project proposed in ATA's response to the RFA:

MIAMI 21 ZONING DATA SHEET, TRANSECT ZONE T6-8/T3
FOLIOS: 01-3126-038-0220, 01-3126-038-0230, 01-3126-038-0240,
01-3126-038-0320, 01-3126-038-0330

RESPONSE:

Admitted.

10. Admit that the lots associated with the folio numbers in paragraph 9 above are the same folio numbers contained on the site plan submitted to the City of Miami as referenced in paragraph 43 of APC's Amended Petition.

RESPONSE:

Admitted.

11. Admit that the lots associated with the folio numbers in paragraph 8 above do not include the alley referenced in paragraphs 44 and 45 of APC's Amended Petition.

RESPONSE:

Admitted in part. The legal description does not include the alley depicted in the site plan because the alley has not been vacated.

Respectfully submitted,

/s/ Donna E. Blanton

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CERTIFICATE OF SERVICE

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