### STATE OF FLORIDA FLORIDA HOUSING FINANCE CORPORATION

ARBOR C	REST.	L	TD.
---------	-------	---	-----

Petitioner,

VS.

Application No. 2003-093CS 2003 Universal Cycle FHFC #2003-0035

## FLORIDA HOUSING FINANCE CORPORATION,

Kesp	onaen	τ.	
_			

## PETITION FOR REVIEW OF 2003 UNIVERSAL SCORING SUMMARY FOR ARBOR CREST, LTD.

Petitioner Arbor Crest, Ltd. ("Arbor Crest"), pursuant to sections 120.569 and 120.57(2), Florida Statutes, and rules 28-106.301 and 67-48.005, Florida Administrative Code, files this petition for informal administrative hearing concerning the 2003 Universal Scoring Summary for Arbor Crest and states:

1. The sole issue raised by this petition is the determination by Florida Housing Finance Corporation ("Florida Housing") that Arbor Crest's cure relating to proximity tie-breaker points concerning the location of a pharmacy would not be considered because "the new information was submitted on a previously signed Surveyor Certification Form with no indication that the surveyor certified the additional information." See 2003 MMRB, SAIL & HC Scoring Summary for Arbor Crest, July 18, 2003 ("Universal Scoring Summary") (attached as Exhibit 1). As explained below, Arbor Crest's cure was submitted in compliance with relevant Florida Housing rules relating to cures. No rule requires a separate certification from the

surveyor at the time of the cure. Thus, Arbor Crest's cure should have been accepted. Nonetheless, to alleviate any concerns about the legitimacy of the information in the cure, the surveyor has sent Florida Housing a letter certifying the cure's accuracy. *See* Exhibit 2 (letter to Kerey Carpenter from Richard M. Phillips of Cornerstone Land Surveying, Inc.)

- 2. The agency affected in this proceeding is Florida Housing, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The agency's file number is 2003-093CS.
- 3. The petitioner is Arbor Crest, 2950 SW 27<sup>th</sup> Avenue, Suite 200, Miami, Florida 33133. The petitioner's telephone numbers are 305-476-8118 (phone) and 305-476-9674 (facsimile).
- 4. The petitioner's attorney is Donna E. Blanton, Radey Thomas Yon & Clark, P.A., 313 N. Monroe Street, Suite 200, Tallahassee, Florida, 32301. The attorney's telephone numbers are 850-425-6654 (phone) and 850-425-6694 (facsimile).
- 5. Arbor Crest received notice of the Universal Scoring Summary on July 21, 2003, when Florida Housing Deputy Development Officer Kerey Carpenter sent a memorandum to all applicants including final scores and a notice of rights.
- 6. Arbor Crest's substantial interests are affected by the Universal Scoring Summary because Arbor Crest timely filed an application with Florida Housing for Housing Credits and a SAIL loan in the 2003 Universal Cycle in connection with the development of an apartment complex in Quincy, Florida.
- 7. Ultimate facts alleged, including those that warrant reversal of the proposed agency action, are as follows:
  - a. Florida Housing's Universal Application provides an opportunity for applicants to receive a maximum of 3.75 tie-breaker points if they can demonstrate that a

proposed development is located near certain services, such as a grocery store, school, pharmacy, or bus stop. These are commonly referred to as "proximity to services tie-breaker points." *See* Universal Application at Part III.A.11.b.

- b. In its Application, Arbor Crest stated that it was located within one mile or less of a pharmacy, which would entitle the development to 1.25 tie-breaker points.
- C. When preliminary scores were released by Florida Housing on May 12, 2003, Arbor Crest was awarded only 0.75 points for its proximity to a pharmacy. See Exhibit 3 at Item # 4P.III.A.11.b.(4) (Preliminary Scoring Summary). In its explanation for the scoring, Florida Housing stated that the "[a]ddress provided for the Pharmacy plots between 2 and 3 miles of the Tie-Breaker Measurement Point." Id. at Item # 4P.
- d. In response to the Preliminary Scoring Summary, Arbor Crest submitted two cures relating to the pharmacy. *See* Exhibits 4 and 5. Both cures included a signed Surveyor Certification Form stamped "Revised." Listed on the revised form was new information about the location of a Winn-Dixie pharmacy that is within one mile of the proposed development's tie-breaker measurement point.
- e. When final scores were released in the Universal Scoring Summary, Florida

  Housing again awarded Arbor Crest only 0.75 proximity tie-breaker points for its

  proximity to the pharmacy. See Exhibit 1. In explanation, Florida Housing

  stated:

Applicant attempted to cure Item 4P, but the cure was not accepted because the new information was submitted on a previously signed Surveyor Certification Form with no indication that the surveyor certified the additional information.

See Exhibit 1 at Item # 1C.III.A.11.

f.

- Cures are governed by rule 67-48.004(6), which provides in relevant part: Within 9 Calendar Days of receipt of the notice set forth in subsection (5)
  - above, each Applicant shall be allowed to cure its Application by submitting additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised . . . . Where specific pages of the Application are revised, changed or added, each new page(s) must be marked as "revised," and submitted. Failure to mark each new page(s) "revised" will result in the Corporation not considering the revisions, changes or additions to that new page. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety even if only a portion of the original document was revised.
- As illustrated in Exhibits 4 and 5, Arbor Crest resubmitted the entire Surveyor g. Certification Form in its cure with new information concerning the location of the pharmacy. The rest of the form was identical to the form originally submitted with the Application. In compliance with rule 67-48.004(6), the word "REVISED" was typed at the top of the form.
- Page 12 of the Instructions states that, "To be considered for tie-breaker points in h. this Application, the . . . Pharmacy . . . must be in existence and available for use by the general public as of the Application Deadline." By not re-dating the certification form to a date after the Application Deadline, the surveyor made it clear that not only was the pharmacy at the point indicated on the form, but that it was there before the deadline established by Florida Housing.
- Florida Housing apparently was concerned that the surveyor did not re-date or rei. sign the form when he added the additional information about the pharmacy. However, nothing in rule 67-48.004(6) requires a form included in a cure to be

- re-dated or re-signed. Rather, the rule contemplates that a cure will include new information, it must be stamped as "REVISED," and that documents executed by third parties must be submitted in their entirety. All of the rule's requirements were satisfied by Arbor Crest, and the cure should have been accepted.
- j. Nonetheless, to alleviate any concerns about the legitimacy of the information in the cure, the surveyor has sent Florida Housing a letter certifying the cure's accuracy. See Exhibit 2. The letter states:
  - I Mr. Richard W. Phillips certify that the information included on the Surveyor Certification form dated 3/10/03 and submitted to Florida Housing Finance Corporation on June 19, 2003 is true and accurate. I further certify that the Winn Dixie Pharmacy is located at the coordinates that I listed on the Surveyor Certification form dated 3/10/03 that was submitted to Florida Housing Finance Corporation on June 19, 2003, by Arbor Crest, Ltd.
- k. Because Arbor Crest complied with Florida Housing's rule relating to cures, the Surveyor Certification Form submitted with Arbor Crest's cures should have been accepted by Florida Housing, and Arbor Crest should have been awarded 1.25 points for proximity to a pharmacy because the Winn-Dixie pharmacy identified in the cure is located within a mile of the proposed development. Moreover, the letter from the surveyor to Ms. Carpenter removes any doubt about whether the information in the cure is accurate.
- 8. Rules and statutes that require reversal of the proposed agency action are the Florida Housing Finance Corporation Act (sections 420.501 .530, Florida Statutes); sections 120.569 and 120.57(2), Florida Statutes; and rules 67-48.002, 67-48.004, and 67-48.005, Florida Administrative Code.

Based on the foregoing, Florida Housing erred in determining that Arbor Crest should be awarded only 0.75 tie-breaker points for its proximity to a pharmacy. Arbor Crest respectfully requests that an informal administrative hearing be held and that the Hearing Officer enter a Recommended Order finding that Arbor Crest is entitled to 1.25 proximity tie-breaker points for this item because a pharmacy is within one mile of the proposed development.

Dated: 8-8-03

Respectfully submitted,

Donna E. Blanton

Florida Bar No. 948500

Radey Thomas Yon & Clark, P.A.

313 N. Monroe Street, Suite 200

Tallahassee, Florida 32301

850-425-6654 (phone)

850-425-6694 (facsimile)

Attorney for Arbor Crest, Ltd.



## **As of:** 07/18/2003

# 2003 MMRB, SAIL & HC Scoring Summary

File # 2003-093CS Development Name: Arbor Crest

As Of: Total Points	al Met  nts 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?
				pevelopment cost	or lotal Development Cost?
07 - 18 - 2003	66 Y	7	\$52,291.67	7.06%	z
Preliminany					2
	2	7	\$52,291.67	7.06%	Z
NOPSE	2	1			
	2	7	\$52,291.67	7.06%	Z
Final	66  <	,			
			\$52,291.67	7.06%	Z
Post-Appeal	0 ~	0		o	

#	Fan	Section	rant section Subsection Description	Description :	Available Preliminary NOPSE Final Post-Appeal	PSE Final Post-Ap
			-	Optional Features & Amenities	Follis	
18	Ξ	В	2.a.	New Construction		
1S	=	В	2.b. F	Rehabilitation/Substantial Rehabilitation	9	9 9
28	≡	8	2.c. /	All Developments Except SRO	9 0	0 0
28	Ξ	В	2.d.	SRO Developments	12 12	12 12
38		8	2.e. E	Energy Conservation Features	12 0	0 0
			-(0	Set-Aside Commitments	9	9 9
48	≡	E	1.b. (	Commitment to Serve Lower AMI		
58	■	Ε	1.c.	Total Set-Aside Commitment		5
68	≡	Ш	3. /	Affordability Period		ယ
			-	Resident Programs	5	5 5
7S	=	П	1.	Programs for Non-Elderly & Non-Homeless		
7S	≡	71	2. F	Programs for Homeless (SRO & Non-SRO)	6	6
7S	Ξ	T	3.	Programs for Elderly	6	0 0
200	=	F	4. F	Programs for All Applicants		0 0
,			F	Local Government Support	α	8 8
	₹ _		a.	Contributions		

# 2003 MMRB, SAIL & HC Scoring Summary

**As of:** 07/18/2003

File # 2003-093CS

Development Name: Arbor Crest

## Reason(s) Scores Not Maxed:

The Applicant was required to provide evidence of at least \$40,000 in Local Government contributions in order to earn the maximum score of 5 points. The Applicant provided, as its only evidence of a Local Government contribution, a Local Government Verification of Contribution-Fee Waiver Form showing a fee waiver in the amount of \$40,000. The Form though states the commitment is only effective through 1/14/03, not through at least 12/31/03 as required.	Reason(s)	Created As Result
	The Applicant was required to provide evidence of at least \$40,000 in Local Government contributions in order to earn the Applicant provided, as its only evidence of a Local Government contribution, a Local Government Verification of Contribution waiver in the amount of \$40,000. The Form though states the commitment is only effective through 1/14/03, not through a Therefore, the commitment cannot be counted as a Local Government contribution.	The a fee

## Threshold(s) Failed:

114	ī						
item #	Pan	Section	rem # Part Section Subsection	Description	Reason(s)	Created As Result	Created As Result Rescinded as Result
11	<	ш		Construction Financing, Developer	6	of	of
					are Applicant provided as a source of construction financing a Developer Note in the amount of \$625,000. The Note cannot be counted as a firm commitment because it is executed by TCG Arbor Crest, LLC, not the Developer, and no evidence of ability to fund was provided as required for non-regulated financial institutions.	Preliminary	Final
21	<	В		Sources do not equal or exceed uses	fall of the property		
31	Ξ	C	2		To demonstrate site control the A- "		Final
			•		or demonstrate site control, the Applicant provided a Contract for Purchase and Sale   Preliminary of Real Property, as amended. The change in the seller name, as referenced in llems C and 3 of the February 28, 2002, Third Amendment to Contract for Purchase and Sale of Real Property is not supported by the documentation provided in the Application (a deed, sale or other conveyance between the two sellers was not provided).		Final
47	Ξ	С	2	Site Control	To demonstrate site control, the Applicant provided a Contract for Purchase and Sale Preliminary of Real Property, as amended. The Assignment to the Applicant, dated April 3, 2003, references the First and Second Amendments to the Contract for Purchase and Sale of Real Property, but does not reference the Third and Fourth Amendments		Final
5T	Ξ	C	2	Site Control	d a Contract for Purchase and Sale		inal I
				·	of Real Property, as amended. The February 28, 2002, Third Amendment to Contract for Purchase and Sale of Real Property efferences an Assignment dated February 20, 2002, to an unknown party. A copy of this assignment was not provided.	Preliminary	Final
Drovim	; ;	Provimity Tip-Breaker Bainta					

## Proximity Tie-Breaker Points: Item # | Part | Section | Subsection |

0	0	0	1.25		-				
.25 0	1.25   1.25	1.20	67.1	cility	Medical Facilit	11.b.(3)	>	=	3P
			4 26		ין מטוני טכווט	11.0.(4)	-		]
1.25	1.25   1.	1.25	1.25		Bublic School	11 h /2)	Α	=	20
				OI'e	Grocery Store	[11.b.(1)	>	=	7
							<u> </u>	-	5
inal Post-Appeal	NOPSEFinalli	Preliminary	Available						
					rein #   Fair Section   Section   Description	onlaubsec	Loecu	77	100

**As of:** 07/18/2003

# 2003 MMRB, SAIL & HC Scoring Summary

File # 2003-093CS

Development Name: Arbor Crest

## Proximity Tie-Breaker Points: Item # | Part | Section | Subsection | Description |

7	q	0000		Description	Available F	reliminary	NOPSEFir	nal Post-Appeal
<b>\$</b>	=[	A	11 b (4)	Pharmacy				•
			11.0.(4)	The manuacy	1 25	35.0	2 2	
5 <del>P</del>	=	➤	11.b.(5)	Public Bus Ston or Metro-Rail Ston	1.23	0./5	0./5 0./5	0
â	=	7		D	1.25	0	0	0
2	٥	2	11.C.	Proximity to Developments on FHFC Development Proximity List	3 75	37. 6		
,		l :			3.73	3./5	3.75 3.75	75 0
Keason	(S)	or Failur	e to Achieve	Keason(s) for Failure to Achieve Selected Proximity Tig-Broader Boints.				

# cilieve Selected Proximity He-Breaker Points:

Add	[ =	4		lem:
Additional Application Comments.	Province in the Friedmacy piots between 2 and 3 miles of the Tie-Breaker Measurement Point.	Address provided for the Dhouseautit. I. I.	xeason(s)	
	Preliminary	of	<b>Created As Result</b>	
		of.	Rescinded as Result	

4	3	ness provide	d for the Pharma	rouness provided for the Pharmacy plots between 2 and 3 miles of the Tie-Breaker Measurement Point.	Tie-Breaker Measurement Point.	Preliminary	
Additic	mal	Application	<b>Additional Application Comments:</b>	<i></i>			
Item #	Pa	ਰ Section	Item # Part Section Subsection	Description	Reason(s)	Control As Bassian	
					Neason(s)	Created As Result   Rescinded as Result	Rescinded as Result
100	=	>	<u>-</u>	Pharmacy	Applicant attempted to cure Item 4P, but the cure was not accepted because the new information was submitted on a previously signed Surveyor Certification Form with no indication that the surveyor certified the additional information.	Final	





715 N. Calhoun St., Ste. 100 - Tallahassee, Florida 32303 - Phone: 850-668-7330, Fax: 850-894-9696

July 23, 2003

Ms. Kerry Carpenter
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, FL 32301

Re:

**Arbor Crest** 

**Proximity Points** 

Dear Ms. Carpenter:

I Mr. Richard W. Phillips certify that the information included on the Surveyor Certification form dated 3/10/03 and submitted to Florida Housing Finance Corporation on June 19, 2003 is true and accurate. I further certify that the Winn Dixie Pharmacy is located at the coordinates that I listed on the Surveyor Certification form dated 3/10/03 that was submitted to Florida Housing Finance Corporation on June 19, 2003, by Arbor Crest, Ltd.

Sincerely,

Mr. Richard M. Phillips

President



## **As of:** 05/12/2003

FIIe # 2003-093CS

Development Name: Arbor Crest

# 2003 MMRB, SAIL & HC Scoring Summary

-						
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?
05 - 12 - 2003	61	2	j			
	2	Z	7	\$52,291.67	7.06%	Z
Preliminary	61	z	7	<b>\$</b> 52.291.67	7,890 2	
NODCE					7.00/6	Z
CTOFF	0	z	0		0	
	,					
rinai	0	z	0		0	
Post-Anneal	>					
10000		Z	0		0	

## Scores:

<b>+</b>	7	· Continuo					
1011	2	ran Section Subsection Description	n Description:	Available Preliminary NOPSE Final Post-Appear	nary NO	PSE Fina	Post-App
			Optional Features & Amenities	rollits	L	_	
18	≡	В 2.а.	New Construction				
18	≡	B 2.b.	Rehabilitation/Substantial Rehabilitation	9	9	0 0	0
2S	≡	B 2.c.	All Developments Except SRO	9	0	0 0	
2S	=	B 2.d.	SRO Developments	12	12	0 0	
38	Ξ	В 2.е.	Energy Conservation Features	12	0	0 0	0
			Set Asido Comitimo de	9	9	0	0
20			CONTRACTOR CONTRACTOR				
1		1.b.	Commitment to Serve Lower AMI	6			
30	≡	E 1.c.	Total Set-Aside Commitment	0	0	0	0
68	≡	3.	Affordability Period	C.	ω	0 0	0
			Resident Programs	5	5	0 0	0
7S	≡	1.	Programs for Non-Elderly & Non-Homeless				
78	≡	F 2.	Programs for Homeless (SRO & Non-SRO)	6	6	0	0
7S	≡	F 3.	Programs for Elderly	0	0	0	0
88	≡	F 4.	Programs for All Applicants	σ		0	0
			Local Government Support	٥	a	0 0	0
98	₹	a	Contributions				
10S	7	b.	Incentives	5	0	0 0	0
				4	4	0 0	0

**As of:** 05/12/2003

# 2003 MMRB, SAIL & HC Scoring Summary

File # 2003-093CS

Development Name: Arbor Crest

## Reason(s) Scores Not Maxed:

9S The Applicant was required to provide evidence of at least \$40,000 in Local Governm Applicant provided, as its only evidence of a Local Government contribution, a Local C waiver in the amount of \$40,000. The Form though states the commitment is only efficiency.  Therefold(a) Failed.	Donn's
ent contributions in order to earn the maximum score of 5 points. The Sovernment Verification of Contribution-Fee Waiver Form showing a fee sclive through 1/14/03, not through at least 12/31/03 as required.	
1	
Created As Result Rescinded as Result	

## inreshold(s) Failed:

			γ			T		Γ
Item #	7		21	3T		4	<u> </u>	
Par	<		<	Ξ		5	=	
Section	E		œ	C		C	C	
Item #  Part  Section  Subsection				2		N	2	
Description	Construction Financing, Developer		Sources do not equal or exceed uses			Site Control	Site Control	
Reason(s)	The Applicant provided as a source of construction formation	amount of \$625,000. The Note cannot be counted as a firm commitment because it is executed by TCG Arbor Crest, LLC, not the Developer, and no evidence of ability to fund was provided as required for non-regulated financial incittic.	The Application has a second of the Application has a second o	To demonstrate site control the April 1997 Shortfall of \$625,000.	of Real Property, as amended. The Applicant provided a Contract for Purchase and Sale   Preliminary of Real Property, as amended. The change in the seller name, as referenced in litems C and 3 of the February 28, 2002, Third Amendment to Contract for Purchase and Sale of Real Property is not supported by the documentation provided in the Application (a deed, sale or other conveyance between the two sellers was not provided).	To demonstrate site control, the Applicant provided a Contract for Purchase and Sale Preliminary of Real Property, as amended. The Assignment to the Applicant, dated April 3, 2003, references the First and Second Amendments to the Contract for Purchase and Sale of Real Property, but does not reference the Third and Fourth Amendment.	To demonstrate site control, the Applicant provided a Contract for Purchase and Sale Preliminary of Real Property, as amended. The February 28, 2002. Third Amendment to	of Real Property, as amended. The February 28, 2002, Third Amendment to Contract for Purchase and Sale of Real Property references an Assignment dated February 20, 2002, to an unknown party. A copy of this assignment was not provided.
Created As Result	of	Preliminary		Preliminary	Preliminary	Preliminary	Preliminary	Preliminary
Rescinded as Result	of							

	3P   III   A   11.b.(3)   Medical Facility	2P III A 11.b.(2) Public School	1P III A 11.b.(1) Grocery Store	Cast profit	Item #  Part Section Subsection Description	Proximity Tie-Breaker Points:
2						
1.25	1.25	1.25		Available		
0 0 0 0	1.25 0 0 0	1.25 0 0 0		Preliminary NOPSE Final Post-Appeal		

**As of:** 05/12/2003

# 2003 MMRB, SAIL & HC Scoring Summary

FIIe # 2003-093CS

Development Name: Arbor Crest

## Proximity Tie-Breaker Points: Item # | Part | Section | Subsection | De

Address provided for the Pharmacy plots between 2 and 3 miles of the Tie-Breaker Measurement Point.

Preliminary

100111	rant/Section	Tart Section Subsection Description	Description					
				vailable Pre	Preliminary N	IOPSE FI	NOPSE Final Post-Appea	Appeal
<b>4</b> P	A	11.b.(4)	Pharmacy					
5P	A		Public Rus Stop or Metro Dail Stop	1.25	0.75	0	0	0
â			The state of Michael Valle Orop	1 25		,	<u>,                                    </u>	
٩	7	11.c.	Proximity to Developments on FHFC Development Proximity I ist	i	-	-	_	c
	(a) 6 - 1 - 1			3.75	3.75	0	0	0
Medacil	(S) for Fall	ire to Achieve	Neason(s) for Fallure to Achieve Selected Proximity Tie-Breaker Points:					
Item #			7. 0.110					
			Reason(s)	Create	Created As Result		Rescinded as Resul	Result
<b>4</b> P	Address provi	ded for the Pharma	Address provided for the Pharmacy plots between 2 and 3 miles of the Tip Brooker Management 5		or		약	



## 2003 CURE FORM

## (Submit a SEPARATE form for EACH reason relative to EACH Application Part, Section, Subsection and Exhibit)

	This Cure Form is being submitted with regard to Application No. 2003-093CS and pertains to:							
Part <u>I</u>	Part III Section A Subsection 11.b.(4) Exhibit No (if applicable)							
	The attached information is submitted in response to the 2003 Universal Scoring Summary because:							
<b>⊠</b> 1	I. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve proximity tie-breaker points selected and/or failure to achieve threshold relative to this form. Check applicable item(s below:							
		2003 Universal	Crea	nted by:				
		Scoring Summary	Preliminary Scoring	NOPSE Scoring				
	Reason Score Not Maxed	Item No S						
	Reason Threshold Failed	Item No T						
	Reason for Failure to Achieve Proximity Tie- Breaker Points Selected (MMRB/SAIL/HC Applications Only)	Item No. 4. P	⊠					
		OR						
II. Other changes are necessary to keep the Application consistent:								
	This revision or addition from a Cure to Partapplicable).			-				

## Brief Statement of Explanation for Cure For Application 2003- 093CS

Provide a separate brief statement for each Cure.

RE: Preliminary Scoring Item #4P

Arbor Crest, Ltd. provided an address for the Pharmacy proximity point that plots between 2 an 3 miles instead of the 1-mile that is claimed in the Application.

Applicant is hereby providing a newly signed Surveyor Certification form and Page from the Application listing the new location of the Winn Dixie Pharmacy that is located within 1 mile of the tiebreaker measurement point. Therefore, the Applicant should receive maximum points (1.25) for the Pharmacy Proximity point.

Address of	Public School:	"KEAIPED"
Street:	1400 West King Street	
City:	Quincy	State: FL Zip Code: 32351
Elderly Demog	ci Development will serve the Eiderly raphic Commitment at Part HLD, or all County, will it be located within 5	y, i.e., the Applicant selected and qualified for the if the proposed Development will be located in a miles of a Medical Facility?
T Yes (ch	eck only ONE applicable distanc	ne) C No
	mity of Proposed int to a Medical Facility	Proximity Tie-Breaker Points
C > 0 and	< or equal to 1.0 mile	1.25
C > 1.0 ac	od < or equal to 2.0 miles	1
C > 2.0 an	nd < or equal to 3.0 miles	.75
C > 3.0 an	od < or equal to 4.0 miles	.5
C > 4.0 an	id < or equal to 5.0 miles	.25
Name of Me	edical Facility: NA	
Address of I Street:	Medical Facility:	
City:	NA	State: NA Zip Code: NA
(4) If the proposed miles of a Phar		edium or Small County, will it be located within 5
	eck only ONE applicable distance	e) C No
	ximity of Proposed principle to a Pharmacy	Proximity Tie-Breaker Points
	< or equal to 1.0 mile	1.25
C > 1.0 and	d < or equal to 2.0 mile	1
C > 2.0 and	d < or equal to 3.0 mile	.75
C > 3.0 and	d < or equal to 4.0 mile	.5
C > 4.0 and	d < or equal to 5.0 mile	.23
Name of Pha	rmacy: Wind Dixie	
Address of Ph	*	
Street:	1632 Wast Jefferson	
City:	Quincy	State: FL Zip Code: 32351
S) Will the propose Metro-Rail Stop		10 mile of a City/County Public Bus Stop or
C Yes (che	ck only ONE applicable distance	) F No
	Proposed Development to a s s Stop or Metro-Rail Stop	Proximity Tie-Breaker Points
C > 0 and <	or equal to 0.2 mile	1.25

(5)

### SURVEYOR CERTIFICATION

	Arbor Crest	
Name of Descriptions		 

Addiest of Ocycloperam Site: On Cleveland Street at Cleveland Street and King Street, Quincy, Floridà 323;
--

Xw.		remor econfigua the following: Latitude				Lescia	:će
e Tie Briak by a common Point by a common Point point selected by the the proposed Development that is located within projection building be constructed as po- ter amount Development	Tic-Breshet means a single a Applicant on operant site a 100 feet of a existing or to art of the	30 Degieni	35 Minutes	Z-O, (a Schoods (stunction after I decimal place)	<u>84</u> Deg:::::		Secreta (renegard after 1 desimal place)
Equation of clauser Stop or Metro-Reil N/A If an Address for the classes service(s) or	Public Bus Sucp	Degreet	Nenures Straet Atlas U	Seconds (transped after I decimal place) SA 2001, space the	Degrees	Misees  Misees	Seconds (minested after 1 decimal place) condinates of the
ನೆನೀಡು ಕಿಸ್ಟ್ (೧೯೩) ೧೯ ಆಚೆ ಶಿಕ್ತ ಜೀ ಕರ್ಮಾಡ	s làc chur, beidw. guòilic.	. Determona	ed pi et e icea:	inii codi sintici se			
Name of Grocery Store WINH DIXIC	30 Dayinsi	3C Manues	Sec. (50)	3.5 onds maxical after 1 implicated	<u>84</u> My===	35 Minutes	50.3 Seconds (transmid after) desimal place)
Hamir of Poblic School JAMES A. SHAHKS	30 Degrees	35 klimates	3ec (:0:	28,4 ends neured after 1 inual plane)	94 Depres	35 Minds	37.7 Sweeds (transated after 1 desimal place)
Name of bledical Facility N/P;	Degrass	Minutes	(i.a.	odds ocated wher t imat place)	Degress	Mineto	Seconds (mineral start) desiral plant)
Hama of Finantiary Wind WIE	30 Degrass	35 Months	Se:	3.5 ands accept after t	84 Degrees	35 Minus	50.3 Smooth after 1

If Florida Housing discovers that there are any false statements made in this conference, Florida Housing will forward a copy to the State of Florida Department of Business and Processional Regulation for its estigation.

CERT	PACATION
Codes femalities of perjury, I declare that the Overgoing statement is	true and correct.
Will WPb. Lt - 3/19/03	CORNERSTONE LAND SURVEYING, INC.
Signature Date	Serum of provider
	15 N. CALHOUN STREET
Print or Type Name of Signatury	&22mm
PRESIDENT	TALLAHASSEE, FL. 32303
Print of Type Title of Signatory	
P.S.M. 6567	850-668-7330 Telephone Number (including sera code)
Fioricia Libertie Number	Combiner sacroes bricana, Care as and

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 Application. If the certification is imprespriately signed, the Application will not receive proximity be-breaker points. If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (24.4-0)

Exhibit 25



### 2003 CURE FORM

## (Submit a SEPARATE form for EACH reason relative to EACH Application Part, Section, Subsection and Exhibit)

This pert	s Cure Form is being submitt ains to:	ted with regard to Appl	ication No. <u>2003- (</u>	<u>093CS</u> and				
Part	Part Section Subsection Exhibit No (if applicable)							
	attached information is subruse:	nitted in response to the	e 2003 Universal S	coring Summary				
	I. Preliminary Scoring ar achieve maximum poi and/or failure to achie below:	nts, a failure to achie	ve proximity tie-l	preaker points selected				
		2003 Universal	Cre	ated by:				
;		Scoring Summary	Preliminary Scoring	NOPSE Scoring				
	Reason Score Not Maxed	Item NoS						
	Reason Threshold Failed	Item NoT						
	Reason for Failure to Achieve Proximity Tie- Breaker Points Selected (MMRB/SAIL/HC Applications Only)	Item NoP						

## OR

II. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a Cure to Part III Section A Subsection 11.b.(4) Exhibit 25 (if applicable).

## Brief Statement of Explanation for Cure For Application 2003- 093CS

Provide a separate brief statement for each Cure.

RE:

Preliminary Scoring

Consistency

Arbor Crest, Ltd. provided an address for the Pharmacy proximity point that plots between 2 an 3 miles instead of the 1-mile that is claimed in the Application.

For the purpose of consistency Applicant is hereby providing a newly signed Surveyor Certification form listing the new location of the Winn Dixie Pharmacy, which is located within 1 mile of the tiebreaker measurement point.

## "REVISED"

## SURVEYOR CERTIFICATION

does of Development Site; On Cleveland Street at Cleveland Street and King Street, Quintry, Florida 3437  **State the Tile-Bradee** **Manuscrient Point** The Bradee** **Manuscrient Point Tile-Bradee** **Manuscrient Development Leurisin of Clear Point Bradee** **Manuscrient Development Leurisin One of the Street Affai USA 2003, street the name and Individual Tile-Bradee** **Manuscrient Development Leurisin One of the Individual Point Degrees** **Manuscrient Development Leurisin One of the Individual Point Degrees** **Manuscrient	Name of Development	ATOUT			·		سر <del>مسست</del> <u></u>	34: 22251	
State the Tie-Britisher  State the Tie-Britisher  Ministration of Policy Ties Persister  Ministration of Policy Ties Presister  Ministration of Policy Ties Presister  Ministration of Character should be a possible of the Policy Ties of Policy of Policy Ties of	· · · · · · · · · · · · · · · · · · ·	a steel Ott 6	Claveland S	steet at Cl	eveland Suget a	<u>nd King S</u>	treet, Quinty, f	10003 34321	
State the Tie-Braider  Measurement Polis. Tie-Breiter  Measure									
State the Tie-Braider  Measurement Polis. Tie-Breiter  Measure	ndersigned Fierids bearred surrever confirms the following: Legalinde Legalinde								
Degrees   Conserved by the Applicant of the first of the	<u></u>			<u> </u>	Ī	100	25	11.5	
Degrees   Conserved by the Applicant of the first of the	time the Time Transport 30 35 20.6 84 55 5000								
polite allemed by the Applicant or the proposed Bordopresent tile that is forested within 100 feet of a percent Bordopresent tile that is forested within 100 feet of a percent better of a percent of a	Concerned after								
the perspected Development state that is because which tool for each a residential building existing or to be constructed as part of the common of part of part of the common of the	mains element by the A	ಶಿಶಿಣಿಯಾ: ರಗ್						i decimal	
that is beared within 100 irrefe? I recident at put of the recident at put of the reconstructed at put of the reco	The month of Developin	:C:>; 3:tC			č.			plaze)	
Reconstructed as part of the   Reconstructed as part of the revocation of the leadership of the theorem below. Descriptions of the leadership of the theorem below. Descriptions of the leadership of the theorem below. Description of the leadership of the theorem below. Description of the leadership of the theorem coordinates about the make at the reals and name to the building   Reconstructed as part of the revocation of the leadership of the leadership of the theorem coordinates about the reals and name to the building   Reconstructed about the reals and name to the reals and name to the reals and name to the building   Reconstructed about the reals and name to the reals and name to the reals and name to the building   Reconstructed about the reals are name to the building as part of the reconstructed about the reals and name to the real and name to the reals and name to the real and name to the reals and name to the real and name to the reals and name to the real and name to the reals and name to the real and name to the reals and name to the real and name t	this in the second within I	00 (000 0) 4			F,				
Leaving of Changes (Public Bus Stop or Manufact (Armany and after 1 (Armany and after	replacation building and	stag et w			İ		•		
Stop or Marin Rail Stop   Degrees   Netweet   Secondar (consisted after 1 decimal place)   Degrees   Mississed after 1 decimal place)	and Development			<u> </u>	<u> </u>				i
New March Rail Stary   Degrees   Minutes   Secondar (constrained after 1 feedinal plant)   Secondar (constrained after 1 feedinal plant)	Lording of Clasest Put	ille bus							
Committee of the committee of the control of the	Stop or Minto-Rail Sta	ž.		À (miner	Seconds	Degreet	Micetes	Seconds	!
If an Address for the service(s) is not included an Server Alsa USA 2003, size the name and initiation originade coordinates of the characterists of the characterists. Deservications of the heatest between the characterists of the characterists. Deservications of the heatest between the characterists and public.  Name of Grover, Store  WINN District  Name of Parkie Schools Commits  Schools Commits Schools Schools Commits Schools Commits Schools Schools Schools Commits Schools Commits Schools Schools Commits Schools Schools Schools Schools Schools Schools Schools Schools Commits Schools Schoo	}		Tic Stees	Prince.	((අයායාගේ මෙස				
If an Address for the service of 1 is not included an Servet Atlas USA 2003, state the name and Initiate longitude coordinates of the closure service of 9 on the chair below. Descriptionals of the location coordinates should be made at the rests maximum to the building state of the general public.  Name of Grovery Since  Of INN  Digners  Minutes  Seconds  (transcatid after 1)  destinate place)  Name of Public  Same  Seconds  (transcatid after 1)  destinate place)  Same of Public  Same  Seconds  (transcatid after 1)  destinate place)  Same of Nederal  Partition  Name of Public and  Seconds  (transcated after 1)  destinate place)  Minutes  Seconds  (transcated after 1)  destinate place)  Name of Public and  Seconds  (transcated after 1)  destinate place)  Name of Public and  Name of Public and  Seconds  (transcated after 1)  destinate place)  Name of Public and  Name of Public and  Seconds  (transcated after 1)  destinate place)  Name of Public and  Name of Public and  Seconds  (transcated after 1)  destinate place)  Name of Public and  Name of Public and  Name of Public and  Seconds  (transcated after 1)  destinate place)  Name of Public and  Name of Seconds  (transcated after 1)  destinate place)  Name of Public and  Name of Public and  Name of Seconds  (transcated after 1)  destinate place and  Name of Public and  Name of Seconds  (transcated after 1)  destinate place and  Name of Public and  Name of Seconds  (transcated after 1)  destinate place and  Name of Seconds  (transcated after 1)  destinate place and  Name of Seconds  (transcated after 1)  destinate place and  Name of Seconds  (transcated after 1)  destinate place and  Name of Seconds  (transcated after 1)  destinate place and  Name of Public and  Name of Seconds  (transcated after 1)  destinate place and  Name of Public and  Name of Seconds  (transcated after 1)  destinate place and  Name of Public and  Name of P	AV4			İ		1	1		
about service() of the factor	<b>i</b> 1					1	in defendant ordered	ediates of the	ł
about service() of the factor	If an Address for the I	avice(s) is ox	s included on	Stract Allas	USA 2003, sizis ins	ಚಿತ್ರವಾಗಿ ಪ್ರದೇಶ ಸಮಿತಿಗಳು ಸಿಪ್ಪಿಸಿಕ್ ಪ್ರಸ್ತೆಗಳು	. ಜ (೧೭ ಪತ್ರಾಣ್ಯ ಪಾರ್ಡಿನ	or to the bulkling	
Since Grovery Store  WIRN DIXIE  Name of Public Schools Feeling Name of Northern Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Northern Name of Public Name of Public Name of Northern Name of Northern Name of Northern Name of Northern Name of Public Name of Northern Name of Public Name of Public Name of Public Name of Public Name of Northern Name of Public Name of Public Name of Public Name of Northern Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Public Name of Northern Name o	l elestric service(s) on to	is current prior	. Determinati	ios el ite ico	atton cogramater so	, was se man			
Since Digree   30   35   35   37.7   37.7   35   37.7   35   37.7   35   37.7   35   37.7   35   37.7	used by the gandrat pu	blic.				<b></b>	>	1	į
WINN DINIE   State   S	, · · · · · · · · · · · · · · · · · · ·	20	35	_	13.5	<u> </u>	777		
DINIE   Description   Descri	Store	D:6:50;				Delines	Melvios	(towncered after )	
Name of Pushic Satural SAMES A.  Degrees  Minutes  Seconds (concerned after 1) declinal place)  Name of Nedical Facility Name of Postmany 1 No Degrees  Minutes  Name of Postmany 1 No Degrees  Name of Postmany 1 No	MHHW		1					de simal plainh	
School  SAMES A.  CHANKS  Name of Nedical  Facility  Name of Pharmany  Degrees  Minutes  Seconds (crunciated after t) declinal place)  Name of Pharmany  No. Degrees  Minutes  Seconds (crunciated after t) declinal glace)  Name of Pharmany  No. Degrees  Minutes  Seconds (crunciated after t) declinal glace)  Name of Pharmany  No. Degrees  Minutes  Seconds (crunciated after t) declinal glace)  No. No. Degrees  Minutes  Seconds (crunciated after t) declinal glace)  No. No. Degrees  Minutes  Seconds (crunciated after t) declinal glace)  Seconds (crunciated after t) declinal		<u></u>						1	į
SAMES A. Degrees Members (councided sites ) (counci		30	35		28,4	54	35		1
SHANKS  Name of Medical  Partition  N/A  Degram  Minutes  Seconds  (truncased after 1 decimal place)  Name of Pharmany  N/A  Degram  Minutes  Seconds  (truncased after 1 decimal place)  Name of Pharmany  N/A  No  Degram  Nimutes  Seconds  (truncased after 1 decimal place)  No  No  Degram  No  Degram  Nimutes  Seconds  (truncased after 1 decimal place)  No  No  Degram  No  Degram  No  Degram  Nimutes  Seconds  (truncased after 1 decimal place)  No  No  Degram  Nimutes  Seconds  (truncased after 1 decimal place)  No  No  Degram  Nimutes  Seconds  (truncased after 1 decimal place)  No  No  Degram  No  Degram  Nimutes  Seconds  (truncased after 1 decimal place)  No  Degram  No  Degram  No  Degram  No  Degram  Nimutes  Seconds  (truncased after 1 decimal place)  No  Degram  No  Degram  No  Degram  No  No  No  Degram  No  No  No  No  No  No  No  No  No  N	Satural	Faure.	& Emules		ದಾಂಗಲು	Dielass	Minutes		]
Name of Nedward  Partitive  No. 10  Name of Partitive  Name of Name of Partitive  Name of Name of Partitive  Name of Name of Partitive  Name of Name of Partitive  Name of Name of Partitive  Name of Parti		2 (2)		(4					}
Name of Needical Partitity  N A Degrees Minutes  Seconds (concisted after 1 declinal glasse)  Name of Pharmaly  Name of	SHAMKS			<u>  c</u>	ecinial bisse)				
Name of Pharmacy 30 35 13.5 84 35 50.3  Name of Pharmacy 30 35 13.5 84 35 50.3  NAN Degrees Minutes (translated after 1 decimal place)  If Florida Housing discovers that there are any false assertments reads in this confidence of Florida Degrees and Professional Regulation for investigation.  CERTIFICATION  Vertex penalties of perfury, I dealine that the faregoing suspenent is true and correct.  (CONTENDS TOLE LAND SURVEYING, INC.)  Signature  PICHADD W. FAILLIPS  Address  TALLAHASSEB, FC. 373303	Name of Medical	1	į						
NAME OF POSTMENY 30 35 13.5 89 35 50.3  NAME OF POSTMENY 30 35 13.5 89 35 50.3  NAME OF POSTMENY 30 Blowless Seconds (true cased after 1 coolins of state of the	3	Paginos	Minutes			Dogists	Minutes		
Name of Phormally 30 35 13.5 89 35 Seconds 1 NN DIXIE Degrees Minutes Seconds (truscated after 1 decimal place)  If Florida Housing discovers that there are any false statements made in this conflication, Florida Housing will focused a copy to the State of Florida Department of Buthares and Professional Regulation for investigation.  CERTIFICATION  Under penalties of perfury, I decline that the foregoing statement is true and correct.  Date Diana of Surveyor  RICHARD W. PHILLIPS  Print of Typi Name of Signatury  TALLAHASSEB, FC. 37303	NA	()eginis	,	3 6	truncated after 1				j
Name of Pharmacy 30 BS   Seconds   S	1 7 1	İ				e2 fi		103	1
DINIE  Degrees  Minutes  Seconds (truscared after I declined place)  If Florida Housing discovers that there are any false statements made in this confination, Florida Housing will forward a copy to the State of Florida Department of Buttless and Professional Regulation for investigation.  CERTIFICATION  Under penalties of perjury, I decline that the foregoing statement is true and correct.  Date frame of Surveyor  Signature  RICHARD W. PHILLIPS  Print of Typi Name of Signatury  TALLAHASSEB, FC. 37303	Name of Pharmany	30	35		13.5	87	3		
If Florida Housing dispovers that there are any latte statements made in this conflication, Florida Housing will focused a copy to the State of Florida Housing of Business and Professional Regulation for Investigation.  CERTIFICATION  Under penalties of perjury, I deal to the foregoing statement is true and correct.  CERTIFICATION  Under penalties of perjury, I deal to the foregoing statement is true and correct.  CERTIFICATION  Under penalties of perjury, I deal to the foregoing statement is true and correct.  CERTIFICATION  France of Surveyor  France of Surveyor  RICHARD W. Fill LIPS		1	3		r:an4	Degreet	Minutes	Seconda Sant	1
If Flerida Housing discovers that there are any false statements made in this conflication, Flerida Housing will forward a copy to the State of Flerida Department of Business and Professional Regulation for investigation.  CERTIFICATION  Under penalties of perfury, I declare that the foregoing statement is true and correct.  Date frame of Statement Company  France of Statement Company  Print of Type Name of Signatury  TALLAHASSEE, FC. 37303		Degrees	,3,	10	transpared after 1			designal place)	
CERTIFICATION  L'exter penultius of perfury, I decline that the foregoing statement is true and correct.  Dell WPL STATES INC.  Signature  PICHADD W. FILLIPS  Print or Type Name of Signatury  PRESIDENT  TALLAHASSEE, FL. 37303	)	}	j		(xilmsi pixto)		1		-
CERTIFICATION  L'exter penalties of perfury, I decline that the foregoing statement is true and correct.  Delay Plant 3/0/03 CORNEDSTONE LAND STRYEYING, INC.  Signature  PICHADD W. FILLIPS  Print or Type Name of Signatury  PRESIDENT  TALLAHASSEE, FC. 37303		<u></u>				envisa Fled	es Housing will fo	ಗ್ಯೂಚ ತ ರಾಜ್ಯ ಟ್ರ್ಯಟ್ಟ್ ಜಿಎ ಕೆಟ	<b>:</b> ¢
CERTIFICATION  L'exter penultius of perfury, I decline that the foregoing statement is true and correct.  Dell WPL STATES INC.  Signature  PICHADD W. FILLIPS  Print or Type Name of Signatury  PRESIDENT  TALLAHASSEE, FL. 37303	If Florida Housing di	spokers that t	ל צור ברת ברוץ לי	elic sisteman Las Decolari	en for investigation.		-		
Veder penalties of perjury, I deal are for the foresoing surprised is true and correct.    Control   Contr	of Florida Departmen	ii of Builders	and recinise						
RICHARD W. PHILLIPS PRINCE TYPE STREET  PRESIDENT  TALLAHASSEE, FL. 37303				٤	CERTIFICATION				
RICHARD W. PHILLIPS PRINCE TYPE STREET  PRESIDENT  TALLAHASSEE, FL. 37303	tinder nemalika of Ba	rjury, I decla	es fact the for	eZajuā errišu	nent is true and com	£J1.			سره د و
PRESIDENT TALLAHASSEE, FL. 37303	6 1	iii O#	111-	-L 3/10	403 COBN	CRST	ME LAY	D SURVEYIN	icy inc
PRESIDENT TALLAHASSEE, FL. 37303	X	1 P 25	304-	Dai	flame of Sur	vsyot			
PRESIDENT JALLAHASSEE FL. 32303	••••				rtiE		LEADER S	STA FIFT	
PRESIDENT JALLAHASSEE FL. 32303	GEALLING	W. Fi	1142P	·	_ 1/2_	N. LA	<u>runnu</u>	<u>., , , , , , , , , , , , , , , , , , , </u>	
PRESIDENT JALLAHASSEB, FL. JEJ	Print or Tray Name	of Signatury							
1 X SI V CE I					TALL	A+1A-SS	EB, Fl.	365U)	
P. S. M. 5657	CRESIDE	<u> </u>							
P. S. M. 5551 Foliabore Norther Historias area taxte)	Printer Type Title o	e retransity.			٥٠	na lala	9-7330		
	P. S. M.	<u> 5557</u>			Telebook h	erche: lisch	dias sura cado)		

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 leappropriately signed, the Application will not receive proximity fine-breaker points. If this certification contains corrections or 'white-out', or if it is scanned, imaged, proximity fine-breaker points. If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

UA1016 (Rev. 4-60)

Fiorida Lisener Number

Exhibit 25