

ORIGINAL

BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

BELMONT HEIGHTS ASSOCIATES
PHASE III, LTD.,

Petitioner,
vs.

FHFC CASE NO: 2003-050
Application No. 2003-110C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

PETITION FOR REVIEW

Pursuant to Section 120.569 and .57(2), Florida Statutes (F.S.) and Rule 67-48.005, Florida Administrative Code (F.A.C.), Petitioner, Belmont Heights Associates Phase III, Ltd. ("Belmont") requests an informal administrative hearing to contest the FLORIDA HOUSING FINANCE CORPORATION's ("FHFC") scoring of Belmont's 2003 Universal Application ("Application"). In support of this Petition, Belmont provides as follows:

1. Belmont is a Florida for-profit limited partnership with its address 1 East Stow Road, Marlton, New Jersey, 08053. Belmont is in the business of providing affordable rental housing units.
2. FHFC is the state agency delegated the authority and responsibility for administering and awarding the Housing Credit ("HC") program in the State of Florida pursuant to Chapter 420, F.S., and Rule 67-48, F.A.C.
3. The HC program is a federally funded program which awards project owners a dollar-for-dollar reduction in income tax liability in exchange for the acquisition and

substantial rehabilitation or new construction of low and very low income rental housing units. FHFC is the designated housing credit agency for the allocation of tax credits in the State of Florida.

4. The award of HC funds is made through a competitive process in which project owners apply using the Universal Application.

5. The 2003 Universal application requests information of each applicant regarding the proposed project. FHFC has adopted the Application by reference in Rule 67-48.002, F.A.C.

6. In April 2003 all applicants, including Belmont, submitted applications to FHFC for review. Belmont submitted its application in an attempt to obtain funding to assist in the construction of a 251-unit affordable housing apartment complex in Tampa, Hillsborough County, Florida. Belmont is an applicant applying for the funds designated Front Porch Florida community projects.

7. On May 12, 2003, FHFC completed its preliminary review and scoring of Belmont's application. At that time Belmont was awarded a preliminary score of 66 points out of a possible 66 points and 6 out of 7½ proximity points.

8. Subsequent to the release of FHFC's preliminary scores, each applicant, pursuant to Rule 67-48-004(4), F.A.C. was allowed to submit to FHFC Notices of Possible Scoring Errors ("NOPSE"). The purpose was to point out errors in FHFC's scoring of applications. Several NOPSE's were filed which challenged the scoring of Belmont's application.

9. In response to the NOPSE's and FHFC's preliminary review, applicants were allowed 15 days to submit revised documentation to correct any errors in their

applications pursuant to Rule 67-48-004(6), F.A.C (“cure”). All revised documentation was due to FHFC by June 19, 2003. Belmont submitted numerous “cures” in an attempt to gain maximum points possible. Specifically, Belmont submitted revised information concerning its proximity tie breaker points for the location of a grocery store and school.

10. Subsequent to the submittal of revised information pursuant to Rule 67-48.004(7), F.A.C., each applicant was allowed the opportunity to provide a Notice of Alleged Deficiency in Scoring (“NOAD”) with respect to the revised documentation submitted by other applicants. Several NOAD’s were filed challenging Belmont’s cures.

11. On July 18, 2003, FHFC finalized its review of the revised documentation, and all NOAD’s submitted, and issued final scores. Belmont’s final score was 66 out of a possible 66 points. However, Belmont was only awarded 6 out of a possible 7½ proximity tie breaker points. Based on its current final score, Belmont will not receive HC funds.

12. Belmont’s position in the ranking and its ability to be awarded funding is dependant on not only its own score, but that of the other applicants’ scores as well. Further, FHFC’s consistency in scoring all applications is paramount in this competitive application process. The ability to finance the proposed project will be jeopardized if funding is not obtained, accordingly Belmont’s substantial interests are affected by this proceeding. In the instant proceeding Belmont challenges FHFC’s scoring of its proximity tie breaker measurement points.

13. The Universal Application at page 8 of 27 requests information regarding various tie breaker proximity points. In essence, the application allows applicants to earn up to 7.5 proximity tie breaker points based upon the distance between proposed project’s

location -- as measured from a "Tie-Breaker Measurement Point" -- and the project's proximity to specified local services, including grocery stores and public schools. The closer the service is, the more points an applicant may be given up to a maximum of 1.25 points for each service. For grocery store and public schools, maximum points were available if those services were within one mile of the proposed project's Tie-Breaker Measurement Point.

14. In an attempt to gain the maximum proximity tie breaker points available, Belmont, in its initial application, submitted a Surveyor Certification prepared by Mark A. West, a licensed professional surveyor in the State of Florida, at Exhibit 25 which indicated the longitude and latitude coordinates for the location of a Kash n' Karry grocery store and the Lockhart School (see Attachment 1). Belmont at page 8 of 27 of the Universal Application further indicated that both the grocery store and school were less than or equal to 1 mile from the proposed development site. Accordingly, Belmont was entitled to 2.50 proximity tie breaker points or 1.25 points for each service (see Attachment 2).

15. In response to Belmont's initial application, FHFC concluded in its May 12, 2003, MMRB, SAIL, HC Scoring Summary ("preliminary scoring summary"), that the address provided for the grocery store plots between 1 and 2 miles from the Tie-Breaker Measurement Point. Additionally, FHFC indicated that the address provided for the public school plots outside of 5 miles from Tie-Breaker Measurement Point. In reading this conclusion, FHFC awarded Belmont only 1 point out of a possible 1.25 points for proximity to a grocery store and 0 points out of a possible 1.25 points for proximity to a school.

16. In response to FHFC's preliminary scoring summary, Belmont, as a clarification and reaffirmation, submitted another Surveyor Certification (the "Second

Certification”) signed by Mark A. West, P.L.S., which showed the longitude and latitude coordinates at the main public entrance to the grocery store and the main public entrance to the school (see Attachment 3). With its cure, Belmont also submitted a Surveyor’s Report (the “Surveyor’s Report”) which confirmed that both the grocery store and school were located less than one mile from the project’s Tie-Breaker Measurement Point. This Surveyor’s Report explained how the surveyor reached his conclusion that “the Street Atlas USA 2003 software fails to correctly locate its location” for each service and that he correctly determined the latitude and longitude coordinates for the main public entrance of the grocery store and the main public entrance to the school.

17. In response to the cures for the grocery store (Item 1P) and public school (Item 2P), FHFC in its July 18, 2003, MMRB, SAIL, HC Scoring Summary (“final scoring summary”) states:

Applicant attempted to cure Item 1P by submitting a Surveyor Report, but the cure is deficient because it does not state that the Street Atlas USA 2003 software fails to correctly identify a location that is on the service site upon entering the service’s Address.

Applicant attempted to cure Item 2P by submitting a Surveyor Report, but the cure is deficient because it does not state that the Street Atlas USA 2003 software fails to correctly identify a location that is on the service site upon entering the service’s address.

18. The attached Sworn Clarification and Affidavit of Mark A. West, P.L.S., the original surveyor, reaffirms the surveyor’s conclusion that the Street Atlas USA 2003 program fails to correctly identify a location that is on the service site upon entering the address (see Attachment 4). Mr. West confirms and clarifies that this determination was the basis for his use of longitude and latitude coordinates.

19. Initially, the Universal Application at page 11 allows an applicant the opportunity to provide evidence of an inaccuracy found in the Street Atlas USA 2003 software if the software fails to correctly identify a location that is on a service site. The Universal Application further provides that correct latitude and longitude coordinates of the main public entrance for a respective service should be provided if “the Street Atlas USA 2003 software failed to correctly identify a location that is on the service site upon entering the service’s address.”

20. In the instant case, the Kash n’ Karry grocery store’s address is 805 Martin Luther King Boulevard. When that address is entered into the Street Atlas USA 2003 software program, it locates a point across the street in the parking lot of the Chevron Service Station. This point is clearly not on the Kash n’ Karry service site, as explained by the Sworn Clarification and Affidavit of by Mark A. West, P.L.S. (Attachment 4).

21. An aerial photograph which illustrates the location point produced by the Street Atlas USA 2003 software for the 805 Martin Luther King Blvd. address also shows the actual main public entrance to the Kash n’ Karry grocery store which is across the street from the location produced by the software program (see Attachment 5). As reflected on the street map, the longitude and latitude coordinates for the point produced by the software program for the grocery store address are across the street from the main public access to the store (see Attachment 6).

22. Belmont, consistent with the application instructions, submitted with its cure, information which included a Surveyor Report which indicated a precise measurement from the main public entrance of the Kash n’ Karry grocery store to the

Tie-Breaker Measurement Point.¹ The surveyor also confirmed that the Street Atlas USA 2003 software failed to correctly identify its location. The surveyor clearly indicates in his Surveyor's Report and reaffirms in his Sworn Clarification and Affidavit (Attachment 4) that the Street Atlas USA 2003 software failed to correctly identify a location on the Kash n' Karry site. As stated in the Surveyor's Report, the actual distance from the main public entrance of the Kash n' Karry to the Tie-Breaker Measurement Point is 5016 feet or .95 miles. Accordingly, Belmont is entitled to 1.25 tie breaker proximity points.

23. Similarly, upon entering the address for the Lockhart School, Street Atlas USA 2003 identifies a location more than five miles from the Tie-Breaker Measurement Point. The Surveyor deemed this location to be incorrect and not located on the actual Lockhart School site. In fact, the school is located immediately adjacent to the Belmont site (see Attachment 7). Again, Belmont submitted a Surveyor's Report which measured the distance from the front door of the school to the Tie-Breaker Measurement Point, a distance of a mere 596 feet. The Surveyor's Report confirmed that the Street Atlas USA 2003 software failed to correctly identify the location (Attachment 3). The Sworn Clarification and Affidavit reaffirms that the software program failed to correctly identify a location on the Lockhart School site (see Attachment 4). The entire Lockhart School site is less than one mile from the Tie-Breaker Measurement Point and Belmont is entitled to 1.25 tie breaker proximity points.

¹This is the same approach was used in Application No.2003-116C which was accepted by FHFC. Note, however, that for Application No. 2003-116CC, the Street Atlas 2003 software actually did identify a location on the service site. Nonetheless, FHFC accepted the substitute latitude/longitude coordinates in that application.

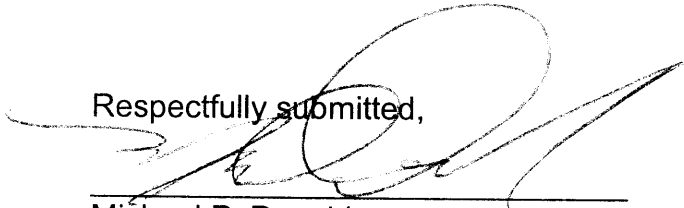
24. The issues in the instant proceedings are as follows:

(a) Whether Belmont is entitled to 1.25 tie breaker proximity points for proximity to a grocery store;

(b) Whether Belmont is entitled to 1.25 tie breaker proximity points for proximity to a public school.

WHEREFORE, based on the foregoing, Belmont respectfully requests, to the extent the facts are undisputed, the entry of a recommended order which awards the requested points.

Respectfully submitted,



Michael P. Donaldson
FL Bar No. 0802761
CARLTON FIELDS, P.A.
P.O. Drawer 190
215 S. Monroe St., Suite 500
Tallahassee, FL 32302
Telephone: (850) 224-1585
Facsimile: (850) 223-7000

Counsel for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been filed by Hand Delivery with the Agency Clerk, Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301; and copies furnished by Hand Delivery to Kerey Carpenter, Deputy Development Officer, and Wellington H. Meffert, II, Esq., Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301, this 12th day of August, 2003.



MICHAEL P. DONALDSON

Exhibit

25

ATTACHMENT 1

SURVEYOR CERTIFICATION

Name of Development: Belmont Heights Estates Phase III

Address of Development Site: East Lake Avenue and North 22nd Street*, Tampa, FL 33605

The undersigned Florida licensed surveyor confirms the following:

	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
State the Tie-Breaker Measurement Point. Tie-Breaker Measurement Point means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.	27	58	42.5N	82	26	12.2W
Location of closest Public Bus Stop or Metro-Rail Stop	27	58	42.5N	82	26	5.5W
If an Address for the service(s) is not included on Street Atlas USA 2003, state the name and latitude/longitude coordinates of the closest service(s) on the chart below. Determination of the location coordinates should be made at the main entrance to the building used by the general public.						
Name of Grocery Store Kash n' Karry	27	58	50N	82	27	7.5W
Name of Public School Lockhart	27	58	45.2N	82	26	18.1W
Name of Medical Facility	_____	_____	_____	_____	_____	_____
Name of Pharmacy	_____	_____	_____	_____	_____	_____

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

CERTIFICATION

Under penalties of perjury, I declare that the foregoing statement is true and correct.

Signature: Mark A. West Date: 3/24/03 Name of Surveyor: Bayside Engineering, Inc.
Professional Land Surveyor Address: 1105 East Twiggs Street
4686 Telephone Number (including area code): 813.314.0314
 Florida License Number _____

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 inappropriately signed, the Application will not receive proximity tie-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.

* See attached.

* The Belmont Heights Estates Phase III development is a scattered site development with 230 units located at the intersection of East Lake Avenue and North 22nd Street Tampa, Florida 33605 and also consists of the 36 units in 12 buildings at the following addresses.

315A - 3603A North 19th Street, Tampa, Florida 33605
315B - 3603B North 19th Street, Tampa, Florida 33605
303A - 2013A East Lake Avenue, Tampa, Florida 33605
303B - 2013B East Lake Avenue, Tampa, Florida 33605
303C - 2013C East Lake Avenue, Tampa, Florida 33605
303D - 2013D East Lake Avenue, Tampa, Florida 33605
304A - 2011A East Lake Avenue, Tampa, Florida 33605
304B - 2011B East Lake Avenue, Tampa, Florida 33605
304C - 2011C East Lake Avenue, Tampa, Florida 33605
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221A - 3416A North 18th Street, Tampa, Florida 33605
221B - 3416B North 18th Street, Tampa, Florida 33605

b. Is the Development complete?

Yes No

If "Yes", when were the certificates of occupancy issued?

(mm/dd/yyyy)

If certificates of occupancy were issued on more than one date, provide a listing of the issue-date for each building behind a tab labeled "Exhibit 24".

c. Are any of the units occupied?

Yes No

d. If the proposed Development is not yet complete, what is the anticipated placed-in-service date (month/day/year)?

10/01/05 (mm/dd/yyyy)

11. Proximity (MMRB, SAIL and/or Competitive HC Applications Only)

a. Provide the Surveyor Certification Form behind a tab labeled "Exhibit 25".

b. Proximity to Services (Maximum 3.75 Tie-Breaker Points):

(1) Will the proposed Development be located within 5 miles of a Grocery Store?

Yes (check only ONE applicable distance) No

Proximity of Proposed Development to a Grocery Store	Proximity Tie-Breaker Points
<input checked="" type="radio"/> > 0 and < or equal to 1.0 mile	1.25
<input type="radio"/> > 1.0 and < or equal to 2.0 miles	1
<input type="radio"/> > 2.0 and < or equal to 3.0 miles	.75
<input type="radio"/> > 3.0 and < or equal to 4.0 miles	.5
<input type="radio"/> > 4.0 and < or equal to 5.0 miles	.25

Name of Grocery Store: Kash N Karry

Address of Grocery Store:

Street: 805 Martin Luther King Boulevard East

City: Tampa State: FL Zip Code: 33610

(2) If the proposed Development will serve any demographic group other than Elderly, i.e., the Applicant selected and qualified for any Demographic Commitment at Part III.D. other than Elderly, will it be located within 5 miles of a Public School?

Yes (check only ONE applicable distance) No

Proximity of Proposed Development to a Public School	Proximity Tie-Breaker Points
<input checked="" type="radio"/> > 0 and < or equal to 1.0 mile	1.25
<input type="radio"/> > 1.0 and < or equal to 2.0 miles	1
<input type="radio"/> > 2.0 and < or equal to 3.0 miles	.75
<input type="radio"/> > 3.0 and < or equal to 4.0 miles	.5
<input type="radio"/> > 4.0 and < or equal to 5.0 miles	.25

Name of Public School: Lockhart Elementary

ATTACHMENT 2

Address of Public School:

Street: 3719 N. 17th Street

City: Tampa

State: FL

Zip Code: 33610

(3) If the proposed Development will serve the Elderly, i.e., the Applicant selected and qualified for the Elderly Demographic Commitment at Part III.D. or if the proposed Development will be located in a Medium or Small County, will it be located within 5 miles of a Medical Facility?

Yes (check only ONE applicable distance)

No

Proximity of Proposed Development to a Medical Facility

Proximity Tie-Breaker Points

> 0 and < or equal to 1.0 mile

1.25

> 1.0 and < or equal to 2.0 miles

1

> 2.0 and < or equal to 3.0 miles

.75

> 3.0 and < or equal to 4.0 miles

.5

> 4.0 and < or equal to 5.0 miles

.25

Name of Medical Facility:

Address of Medical Facility:

Street:

City:

State:

Zip Code:

(4) If the proposed Development will be located in a Medium or Small County, will it be located within 5 miles of a Pharmacy?

Yes (check only ONE applicable distance)

No

Proximity of Proposed Development to a Pharmacy

Proximity Tie-Breaker Points

> 0 and < or equal to 1.0 mile

1.25

> 1.0 and < or equal to 2.0 mile

1

> 2.0 and < or equal to 3.0 mile

.75

> 3.0 and < or equal to 4.0 mile

.5

> 4.0 and < or equal to 5.0 mile

.25

Name of Pharmacy:

Address of Pharmacy:

Street:

City:

State:

Zip Code:

(5) Will the proposed Development be located within 6/10 mile of a City/County Public Bus Stop or Metro-Rail Stop?

Yes (check only ONE applicable distance)

No

Proximity of Proposed Development to a Public Bus Stop or Metro-Rail Stop

Proximity Tie-Breaker Points

> 0 and < or equal to 0.2 mile

1.25

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- 110C and pertains to:

Part III Section A Subsection 11.b(1) Exhibit No 25 (if applicable)

The attached information is submitted in response to the 2003 Universal Scoring Summary because:

- 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:

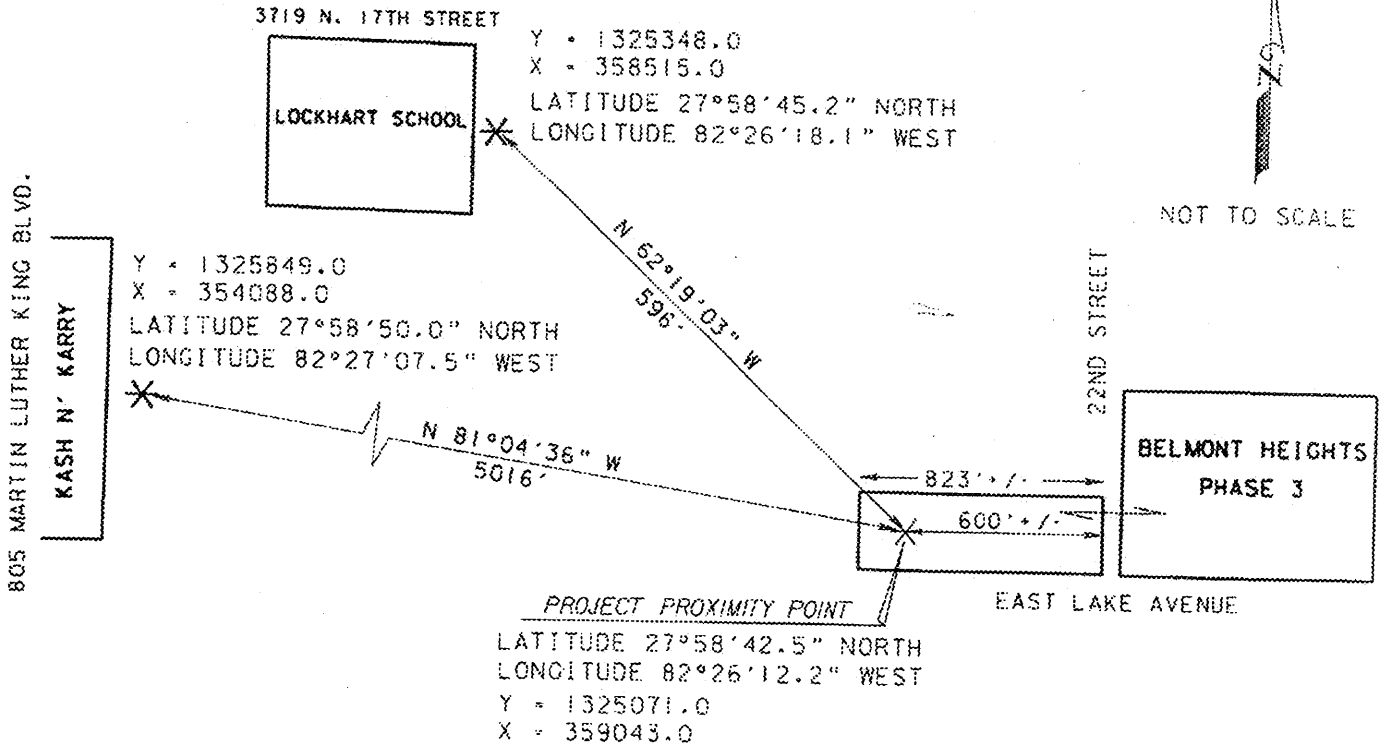
	2003 Universal Scoring Summary	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. _____ S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Threshold Failed	Item No. _____ T	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason for Failure to Achieve Proximity Tie-Breaker Points Selected (MMRB/SAIL/HC Applications Only)	Item No. <u>1</u> P	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 _____ Section _____ Subsection _____ Exhibit _____ (if applicable).

THIS IS NOT A SURVEY



SURVEYORS REPORT: 2003-1100 Belmont Heights Estates Phase III

Using a hand held GPS receiver I recorded the Latitudes and Longitudes for Kash n' Karry, Lockhart School and the Project Proximity Point. I then used the Abridged Molodensky Geographic Datum Transformation method to convert the Latitudes and Longitudes to coordinates that can be Inversed. The graphic above clearly indicates Lockhart School is inside a mile and that the Street Atlas USA 2003 software fails to correctly locate it's location. The Street Atlas USA 2003 software also indicates the Kash n' Karry located at 805 Martin Luther King Blvd. is farther than one mile from the Project Proximity Point, my measurements recorded at the front door of the store are clearly within the one mile limit and indicates that the Street Atlas USA 2003 Software fails to correctly locate it's location.

CERTIFICATION

Under penalties of perjury, I declare that the foregoing statement is true and correct, to the best of my knowledge and belief.

Mark A. West
Mark A. West, PSM
Professional Surveyor & Mapper No. 4686
State of Florida
BAYSIDE ENGINEERING, INC. L.B. #6992

Dated 6/17/2003

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. 2003-110C and pertains to:

Part III Section A Subsection 11.b(1) Exhibit No 25 (if applicable)

The attached information is submitted in response to the 2003 Universal Scoring Summary because:

- 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:

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		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. _____ S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Threshold Failed	Item No. _____ T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason for Failure to Achieve Proximity Tie-Breaker Points Selected (MMRB/SAIL/HC Applications Only)	Item No. _____ P	<input type="checkbox"/>	<input type="checkbox"/>

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(1) Exhibit 25 (if applicable).

Brief Statement of Explanation regarding
Application 2003- 110C

Provide a separate brief statement for each Cure or NOAD

Item IP Part III, Section A.11.b.(1). Other Changes necessary to keep application consistent.

The previous tab submitted an additional surveyor's certification to clarify that the Kash N' Karry grocery store indicated on page 8 of 27, Part III, Section A.11.b.(1) is within one mile of the proximity point and that the Street Atlas USA 2003 distance calculation is incorrect. This cure provides a revised initial Surveyor Certification for Exhibit 25 in order to maintain consistency.

REVISED

SURVEYOR CERTIFICATION

Name of Development: Belmont Heights Estates Phase III

Address of Development Site: East Lake Avenue and North 22nd Street*, Tampa, FL 33605

The undersigned Florida licensed surveyor confirms the following:

State the Tie-Breaker Measurement Point. Tie-Breaker Measurement Point means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
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Name of Medical Facility						
Name of Pharmacy						

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

CERTIFICATION

Under penalties of perjury, I declare that the foregoing statement is true and correct.

Signature: *Mark A. West* Date: 6/17/03 Name of Surveyor: Bayside Engineering, Inc.
 Print or Type Name of Signatory: Mark A. West Address: 1105 East Twiggs Street
 Print or Type Title of Signatory: Professional Land Surveyor Tampa, Florida 33602
4686 813.314.0314
 Florida License Number Telephone Number (including area code)

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 inappropriately signed, the Application will not receive proximity tie-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.

* See Attached

REVISED

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220D - 3414D North 18th Street, Tampa, Florida 33605
221A - 3416A North 18th Street, Tampa, Florida 33605
221B - 3416B North 18th Street, Tampa, Florida 33605

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. 2003-110C and pertains to:

Part III Section A Subsection 11.b(2) Exhibit No 25 (if applicable)

The attached information is submitted in response to the 2003 Universal Scoring Summary because:

- 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 Scoring Summary	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. _____ S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Threshold Failed	Item No. _____ T	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason for Failure to Achieve Proximity Tie-Breaker Points Selected (MMRB/SAIL/HC Applications Only)	Item No. <u>2</u> P	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 _____ Section _____ Subsection _____ Exhibit _____ (if applicable).

**Brief Statement of Explanation regarding
Application 2003- 110C**

Provide a separate brief statement for each Cure or NOAD

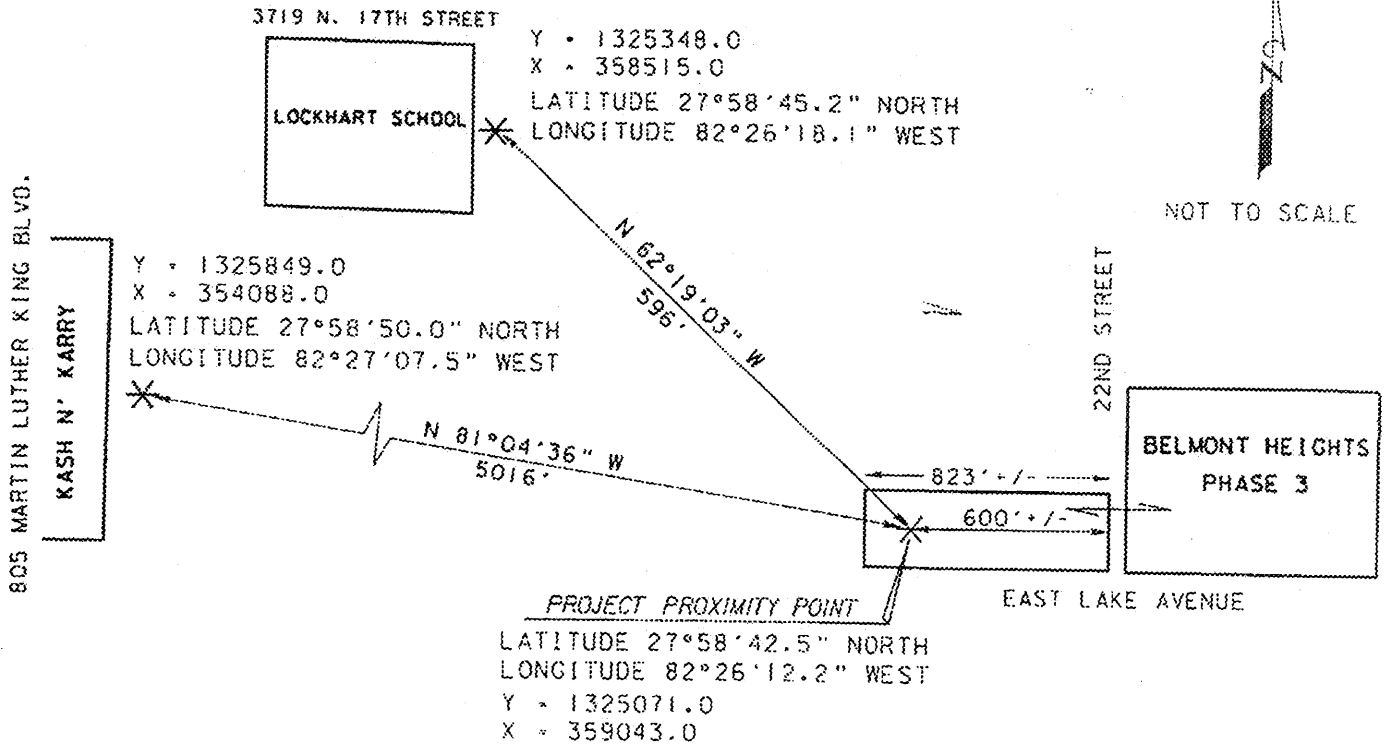
Item 2P Part III, Section A.11.b.(2).

Preliminary FHFC scoring failed to award full points for proximity to a school.

This cure provides an additional surveyor's certification for Exhibit 25 showing that the Lockhart Elementary indicated on page 8 of 27, Part III, Section A.11.b.(2) is within one mile of the proximity point and that the Street Atlas USA 2003 location for this school is incorrect.

Lined area for providing a separate brief statement for each Cure or NOAD.

THIS IS NOT A SURVEY



SURVEYORS REPORT: 2003-110C Belmont Heights Estates Phase III

Using a hand held GPS receiver I recorded the Latitudes and Longitudes for Kash n' Karry, Lockhart School and the Project Proximity Point. I then used the Abridged Molodensky Geographic Datum Transformation method to convert the Latitudes and Longitudes to coordinates that can be Inversed. The graphic above clearly indicates Lockhart School is inside a mile and that the Street Atlas USA 2003 software falls to correctly locate it's location. The Street Atlas USA 2003 software also indicates the Kash n' Karry located at 805 Martin Luther King Blvd. is farther than one mile from the Project Proximity Point, my measurements recorded at the front door of the store are clearly within the one mile limit and indicates that the Street Atlas USA 2003 Software falls to correctly locate it's location.

CERTIFICATION

Under penalties of perjury, I declare that the foregoing statement is true and correct, to the best of my knowledge and belief.

Mark A. West
Mark A. West, PSM
Professional Surveyor & Mapper No. 4686
State of Florida
BAYSIDE ENGINEERING, INC. L.B. #6992

Dated 6/17/2003

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. 2003-110C and pertains to:

Part III Section A Subsection 11.b(2) Exhibit No 25 (if applicable)

The attached information is submitted in response to the 2003 Universal Scoring Summary because:

- 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 Scoring Summary	Created by:	
		Preliminary Scoring	NOPSE Scoring
<input type="checkbox"/> Reason Score Not Maxed	Item No. _____ S	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Threshold Failed	Item No. _____ T	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason for Failure to Achieve Proximity Tie-Breaker Points Selected (MMRB/SAIL/HC Applications Only)	Item No. _____ P	<input type="checkbox"/>	<input type="checkbox"/>

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(2) Exhibit 25 (if applicable).

REVISED

SURVEYOR CERTIFICATION

Name of Development: Belmont Heights Estates Phase III
 Address of Development Site: East Lake Avenue and North 22nd Street*, Tampa, FL 33605

The undersigned Florida licensed surveyor confirms the following:

	Latitude			Longitude		
	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
State the Tie-Breaker Measurement Point. Tie-Breaker Measurement Point means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.	27	58	42.5 N	82	26	12.2 W
Location of closest Public Bus Stop or Metro-Rail Stop	27	58	42.5 N	82	26	5.5W
If an Address for the service(s) is not included on Street Atlas USA 2003, state the name and latitude/longitude coordinates of the closest service(s) on the chart below. Determination of the location coordinates shall be made at the main entrance to the building used by the general public.						
Name of Grocery Store Kash n' Karry	27	58	50.0 N	82	27	7.5 W
Name of Public School	27	58	45.2 N	82	26	18.1 W
Name of Medical Facility	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)
Name of Pharmacy	Degrees	Minutes	Seconds (truncated after 1 decimal place)	Degrees	Minutes	Seconds (truncated after 1 decimal place)

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

CERTIFICATION

Under penalties of perjury, I declare that the foregoing statement is true and correct.

Signature: *Mark A. West* Date: 6/17/03 Name of Surveyor: Bayside Engineering, Inc.
 Print or Type Name of Signatory: Mark A. West Address: 1105 East Twiggs Street
 Print or Type Title of Signatory: Professional Land Surveyor Tampa, Florida 33602
 Florida License Number: 4686 Telephone Number (including area code): 813.314.0314

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 inappropriately signed, the Application will not receive proximity tie-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.

* See Attached

REVISED

* The Belmont Heights Estates Phase III development is a scattered site development with 230 units located at the intersection of East Lake Avenue and North 22nd Street Tampa, Florida 33605 and also consists of the 36 units in 12 buildings at the following addresses.

315A - 3603A North 19th Street, Tampa, Florida 33605
315B - 3603B North 19th Street, Tampa, Florida 33605
303A - 2013A East Lake Avenue, Tampa, Florida 33605
303B - 2013B East Lake Avenue, Tampa, Florida 33605
303C - 2013C East Lake Avenue, Tampa, Florida 33605
303D - 2013D East Lake Avenue, Tampa, Florida 33605
304A - 2011A East Lake Avenue, Tampa, Florida 33605
304B - 2011B East Lake Avenue, Tampa, Florida 33605
304C - 2011C East Lake Avenue, Tampa, Florida 33605
304D - 2011D East Lake Avenue, Tampa, Florida 33605
212A - 1702A East 26th Avenue, Tampa, Florida 33605
212B - 1702B East 26th Avenue, Tampa, Florida 33605
212C - 1702C East 26th Avenue, Tampa, Florida 33605
212D - 1702D East 26th Avenue, Tampa, Florida 33605
213A - 1706A East 26th Avenue, Tampa, Florida 33605
213B - 1706B East 26th Avenue, Tampa, Florida 33605
213C - 1706C East 26th Avenue, Tampa, Florida 33605
213D - 1706D East 26th Avenue, Tampa, Florida 33605
214A - 1708A East 26th Avenue, Tampa, Florida 33605
214B - 1708B East 26th Avenue, Tampa, Florida 33605
215A - 3404A North 18th Street, Tampa, Florida 33605
215B - 3404B North 18th Street, Tampa, Florida 33605
217A - 3408A North 18th Street, Tampa, Florida 33605
217B - 3408B North 18th Street, Tampa, Florida 33605
218A - 3410A North 18th Street, Tampa, Florida 33605
218B - 3410B North 18th Street, Tampa, Florida 33605
218C - 3410C North 18th Street, Tampa, Florida 33605
218D - 3410D North 18th Street, Tampa, Florida 33605
219A - 3412A North 18th Street, Tampa, Florida 33605
219B - 3412B North 18th Street, Tampa, Florida 33605
220A - 3414A North 18th Street, Tampa, Florida 33605
220B - 3414B North 18th Street, Tampa, Florida 33605
220C - 3414C North 18th Street, Tampa, Florida 33605
220D - 3414D North 18th Street, Tampa, Florida 33605
221A - 3416A North 18th Street, Tampa, Florida 33605
221B - 3416B North 18th Street, Tampa, Florida 33605

**BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

BELMONT HEIGHTS ASSOCIATES
PHASE III, LTD.,

Petitioner,

vs.

Application No. 2003-110C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

**SWORN CLARIFICATION AND
AFFIDAVIT OF MARK A. WEST**

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, MARK A. WEST, having first been duly sworn, do hereby state as follows:

1. My name is Mark A. West. I am over the age of eighteen (18) and am knowledgeable of the issues presented in this Affidavit.
2. I am a licensed professional surveyor and mapper in the State of Florida, Florida License Number 4686. I have been a professional surveyor and mapper for 15 years. I am currently employed by Bayside Engineering, Inc.
3. I was retained by Belmont Heights Associates Phase III, Ltd., to provide professional surveying services in conjunction with an application to be submitted to the Florida Housing Finance Corporation.

4. I was tasked with determining the distance between several locations, namely a grocery store and school, and the site of Belmont's proposed affordable housing project in Tampa, Florida. To complete this task, staff under my direction initially used the Street Atlas USA 2003 software referenced in the Universal Application.

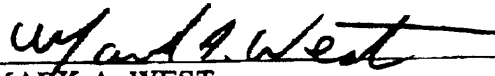
5. When the address for the Kash n' Karry grocery store, 805 Martin Luther King Blvd., Tampa, Florida, was entered into the Street Atlas USA 2003 software, the actual point indicated by the software for that location was not on the site of the Kash n' Karry. Rather, latitude and longitude coordinates indicated by the software actually located a point in the parking lot of a Chevron gas station located across the street. In accordance with the Universal Application instructions, after I determined that the indicated point was not on the Kash n' Karry site, I determined longitude and latitude coordinates of a point at the main public entrance of the Kash n' Karry and measured from that point to the Tie Breaker Measurement Point on the Belmont Heights Estates Phase 3 site. These coordinates are reflected in the Surveyor Certification submitted with the initial Universal Application submitted by Belmont.

6. Likewise, when the address for Lockhart School, 3719 North 17th Street, Tampa, Florida, was entered into the Street Atlas USA 2003 software, the point indicated by the software was some distance away from the actual location of the school. Accordingly, I deemed the point indicated to be incorrect and not on the actual site. In accordance with the Universal Application instructions, I determined longitude and latitude coordinates for a main public entrance on the east side of the school and measured from that point to the Tie Breaker Measurement Point established on the Belmont Heights Estates Phase 3 site. These coordinates are reflected in the Surveyor Certification submitted with the initial Universal Application submitted by Belmont.

7. On June 17, 2003, I prepared a Surveyor's Report which explained how and why I calculated the measurement points for both the Kash n' Karry as well as Lockhart School. The Report indicates that the Street Atlas USA 2003 software fails to correctly identify a location that is on the actual site of either service. My intent in making that statement was to confirm that the Street Atlas USA 2003 software failed to locate a point on the service sites when the address for these services were entered as described.

8. Based on my calculations, both the Kash n' Karry and the Lockhart Elementary School are less than one mile from the Tic Breaker Measurement Point located on the Belmont Heights Estates Phase 3 site.

FURTHER AFFIANT SAYETH NOT.




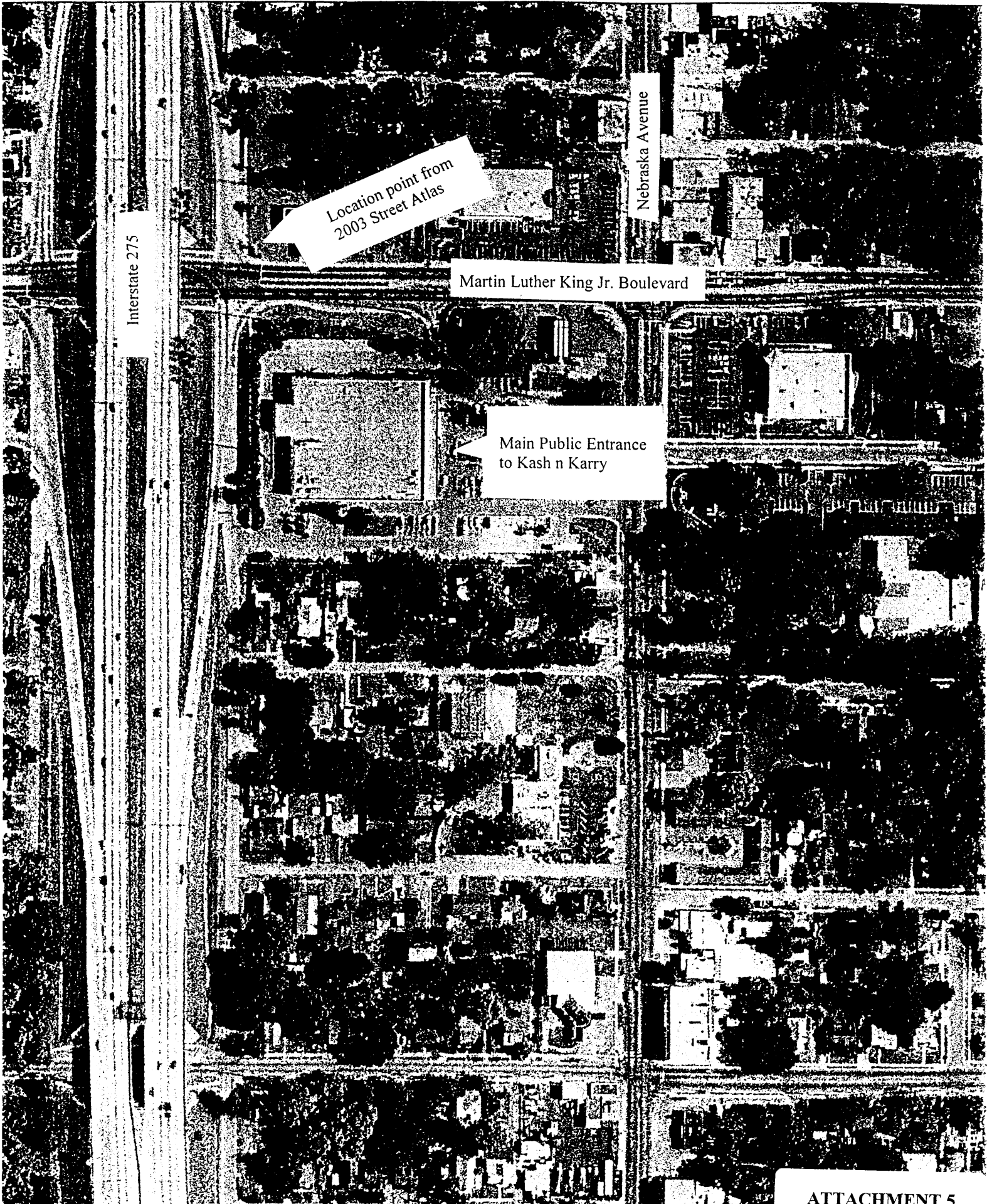
 MARK A. WEST

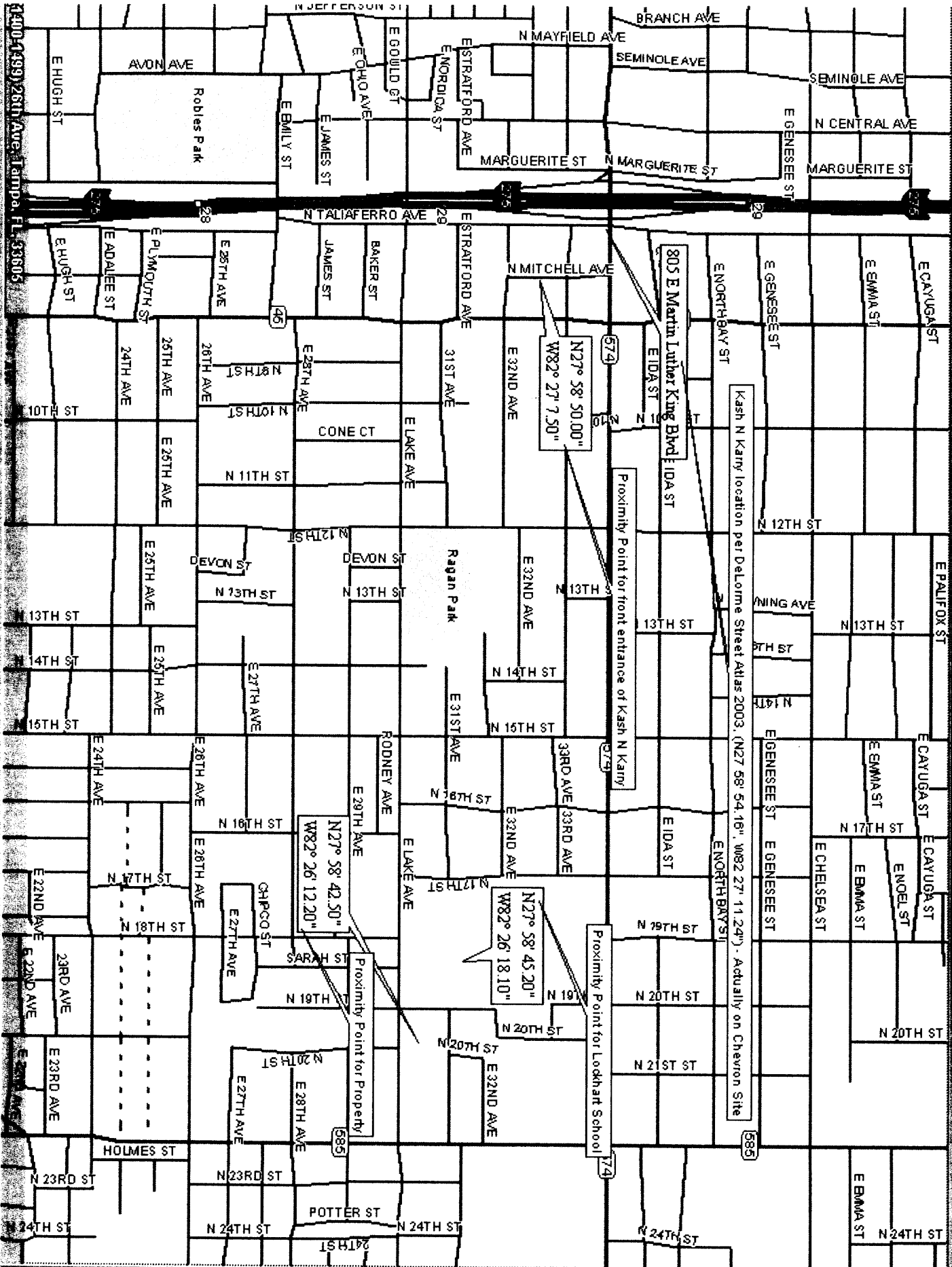
Signed and sworn to before me on this 12th day of August, 2003, by Mark A. West who is personally known to me or has produced _____ as identification.



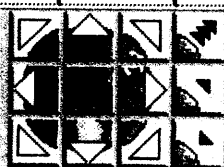
 NOTARY PUBLIC
 State of Florida at Large

 William G. Melton
 [Print Name] G. Melton #CC 967162
 Expires Oct. 21, 2004
 My Commission Expires _____
 Atlantic Notary Co., Inc.





Zoom Level
13.7



Latitude
N27° 58' 28.9"
Longitude
W82° 26' 35.7"
Scale
100%

0 1 500

E. 515000



Martin Luther King Jr. Boulevard

Main Public Entrance to
Lockhart Elementary School.

East Lake Avenue

Approximate Location
Of Project Proximity Point.

North 22nd Street