

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

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FLORIDA HOUSING
FINANCE CORPORATION

NOVA OAKS HOUSING
LIMITED PARTNERSHIP

Petitioner,

FHFC No. 2012-004UC
Application No. 2011-135C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

_____ /

PETITION FOR REVIEW

Pursuant to Section 120.569 and .57, Florida Statutes (F.S.) and Rule 67-48.005(5), Florida Administrative Code (F.A.C.), Petitioner, Nova Oaks Housing Limited Partnership ("Nova") requests an administrative hearing to challenge FLORIDA HOUSING FINANCE CORPORATION's ("Florida Housing") scoring of Nova's Universal Cycle Application No. 2011-135C. In support of this Petition, Nova provides as follows:

1. Nova is a Florida limited partnership with its address at 4110 Southpoint Boulevard, Suite 206, Jacksonville, Florida 32216. Nova is in the business of providing affordable rental housing units in the State of Florida.

2. Florida Housing is the state agency delegated the authority and responsibility for administering and awarding funds pursuant to Chapter 420, F.S., and Rules 67-21 and 67-48, F.A.C.

Nature of the Controversy

3. On December 6, 2011, Nova applied to Florida Housing for funding pursuant to the Low Income Housing Tax Credit Program (LIHTC). The purpose of the requested funds was to supplement the construction of an affordable housing apartment complex in New Port Richey, Florida, named Magnolia Place.

4. Pursuant to section 420.5099, Florida Statutes, Florida Housing is the designated “housing credit agency” for the State of Florida and administers Florida’s low-income housing tax credit program. Through this program, Florida Housing allocates Florida’s annual fixed pool of federal tax credits to developers of affordable housing.

5. The tax credits allocated annually to each state are awarded by state “housing credit agencies” to single-purpose applicant entities created by real estate developers to develop specific multi-family housing projects. An applicant entity will then sell this ten-year stream of tax credits, typically to a “syndicator,” with the sale proceeds generating much of the funding necessary for development and construction of the project. The equity produced by this sale of tax credits in turn reduces the amount of long-term debt required for the project, making it possible to

operate the project at rents that are affordable to low-income and very-low-income tenants.

6. The United States Congress has created a program, governed by Section 42 of the Internal Revenue Code (“IRC”), by which federal income tax credits are allotted annually to each state on a per capita basis to encourage private developers to build and operate affordable low-income housing for families. These tax credits entitle the holder to a dollar-for-dollar reduction in the holder’s federal tax liability, which can be taken for up to ten years if the project continues to satisfy all IRC requirements.

7. Because Florida Housing’s available pool of federal tax credits each year is limited, qualified projects must compete for this funding. To assess the relative merits of proposed projects, Florida Housing has established a competitive application process pursuant to Chapter 67-48, F.A.C. Specifically, Florida Housing’s application process for 2011, as set forth in Rules 67-48.004-.005, F.A.C., involves the following:

- (a) The publication and adoption by rule of an application package;
- (b) The completion and submission of applications by developers;
- (c) Florida Housing’s preliminary scoring of applications;
- (d) An initial round of administrative challenges in which an applicant may take issue with Florida Housing’s scoring of

another application by filing a Notice of Possible Scoring Error (“NOPSE”)

- (e) Florida Housing’s consideration of the NOPSEs submitted, with notice to applicants of any resulting change in their preliminary scores;
- (f) An opportunity for the applicant to submit additional materials to Florida Housing to “cure” any items for which the applicant received less than the maximum score;
- (g) A second round of administrative challenges whereby an applicant may raise scoring issues arising from another applicant’s cure materials by filing a Notice of Alleged Deficiency (“NOAD”);
- (h) Florida Housing’s consideration of the NOADs submitted, with notice to applicants of any resulting change in their scores;
- (i) An opportunity for applicants to challenge, via informal or formal administrative proceedings, Florida Housing’s evaluation of any item for which the applicant received less than the maximum score; and
- (j) Final scores, ranking, and allocation of tax credit funding the applicants through the adoption of final orders.

8. At the completion of this process a Final Score is assigned to each Application. Based on these Final Scores, and a series of Tie Breakers, Applications are then ranked. Funds are awarded to applicants starting with applicable preferences and set asides and the highest scoring applicants, until the available funds are exhausted. Applicants compete for funds, in large part, against

other applicants in the same county size group, and against other applicants seeking to provide housing to the same demographic group.

9. Based on a review of Florida Housing's Scoring Summary dated March 27, 2011, Nova received a final score of 79 out of a possible 79 points for its Application. Additionally, Nova received 6.00 out of 6.00 ability to proceed points and 10.00 out of 37 tie-breaker proximity points. This score does not allow Nova to receive a full award of its funding request. (See Attachment A)

10. Florida Housing's scoring action in the instant case concerns whether Nova provided an appropriate Tie-Breaker Measurement Point located on the Development Site. As will be explained more fully below, Florida Housing's scoring action in the instant case which reduced the number of Tie-Breaker Measurement Points by 23.25 points is erroneous.

Substantial Interests Affected

11. As an applicant for funds allocated by Florida Housing, Nova substantial interests are adversely affected by the scoring decisions here. The final scoring actions of Florida Housing resulted in Nova's application not maximizing much needed Tie-Breaker Measurement Points. Since the purpose of the loan program in general is to provide funding to developers of apartment projects for low income residents, then Nova interests are adversely and substantially affected

by the loss of funding. Indeed, without the requested funding, Nova's ability to provide much needed affordable housing units will be severely jeopardized.

Scoring of Nova's Application

12. The Universal Application requests information regarding various tie-breaker proximity points. In essence, the Universal Application allows applicants to earn points based upon the distance between the proposed development site and listed services. To qualify for these proximity points, an applicant must hire a Florida licensed surveyor to define and certify at Exhibit 25 the latitude and longitude coordinates for the project site and for the services selected by the applicant.

13. As provided by the Application Instructions an applicant to be entitled to the award of tie-breaker points must first identify a Tie-Breaker Measurement Point on the proposed Development Site and provide the longitude and latitude coordinates determined in degrees and minutes stated as whole numbers and the seconds truncated after one decimal place.

14. Applicants must then select from the list of Tier 1 and Tier 2 services and show at Exhibit 25 the proximity of those services to the Development Site. To do this applicants must select a measurement point on the doorstep threshold of the selected service and measure the distance from that point on Tie-Breaker

Measurement Point. Based on that distance the applicant will be awarded Tie-Breaker Proximity Points.

15. In response to these Application requirements Nova in its initial Application submitted the necessary documentation including a Surveyor Certification Form properly executed by a licensed Florida Surveyor. The Certification included a Tie-Breaker Measurement Point and listed the following services: Grocery Store, Medical Facility, Senior Center, Public Park, Community Center, Pharmacy, Public Library and Bus Transfer Stop. (See Attachment B)

16. After conducting its Preliminary and NOPSE review of Nova's Application Florida Housing in its Scoring Summary dated February 22, 2012, awarded Nova 29 Tie-Breaker Proximity Points but made the following scoring decisions regarding Tie-Breaker Proximity Points.

A Surveyor Affidavit provided in a NOPSE revised the latitude and longitude coordinates of the Public Library. This revision reduces the proximity tie-breaker score by 0.25 points.

In essence Florida Housing accepted the NOPSE which questioned the location of the Tie-Breaker Measurement Point selected for the Public Library as not being on the front door threshold.

17. In response to this scoring issue Nova provided as a CURE a revised Surveyor Certification Form which addressed the location of the Public Library

Tie-Breaker Point and further revised the initial Tie-Breaker Measurement Point on its site in an attempt to maximize Tie-Breaker Measurement Points.

(See Attachment C)

18. In response to a NOAD which attacked Nova's CURE filed by apparently Atlantic Housing, Florida Housing found that while the issue concerning the Public Library Tie-Breaker Point had been addressed Nova's Tie-Breaker Points were nonetheless reduced for the following reasons.

In an attempt to achieve additional proximity tie-breaker points, the Applicant provided a revised Surveyor Competitive HC Applications form and a new Tie-Breaker Measurement Point. Evidence provided in a NOAD demonstrates that the revised Tie-Breaker Measurement Point is not a single point on the proposed Development site. Because of this, the form was not considered and the Applicant did not receive any proximity tie-breaker points for any Transit, Tier 1 or Tier 2 Services.

19. Florida Housing's conclusion regarding the placement of Nova's proximity point is erroneous for several reasons. Initially, the Universal Application Instructions provide at Page 39 what documentation must be provided by an applicant who wishes to notify Florida Housing of an inaccurate latitude and longitude coordinate related to the measurement of Tie-Breaker Measurement Points. The documentation in essence must include a "Certification" from another licensed surveyor which shows the inaccuracy, explains the method used to discover the inaccuracy and a sketch which illustrates the inaccuracy.

20. As a procedural matter Florida Housing erred by relying on incomplete NOAD information. In the instant case the NOAD upon which Florida Housing relies fails to explain how the surveyor reached his conclusion. This same Surveyor filed numerous NOPSE and NOADS during this year's cycle. The actual "conclusion" reached is that the Tie-Breaker Point "appears" to not be on the site. There is no affirmative statement made by the challenger that Nova's Tie-Breaker Measure Point is not where Nova says it is only that it "appears" not to be. Lastly, the sketch provided with the NOAD and allegedly relied on at Exhibit 3 is not signed or sealed and as indicated on the sketch at the Surveyors Note is not valid unless signed and sealed. In fact the sketch was not even prepared by the Surveyor who prepared the Affidavit included with the NOAD. (See Attachment D)

21. With the complexities and precise measurements required to satisfy the Tie-Breaker Measure Point rule requirements, for Florida Housing to rely on documentation that fails to conclusively challenge the location of a Tie-Breaker Measurement Point is unreasonable.

22. Factually the Tie-Breaker Measurement Point selected by Nova in its CURE is on the Development Site as required by the Universal Application. The Tie-Breaker Measurement Point is not 1.8 feet off the Development Site. Additionally the Tie-Breaker Measurement Point is truncated as required by the Universal Application Instructions. With this Petition are two Affidavits from

licensed Florida Surveyors that independently affirm that the Tie-Breaker Measurement Point is not 1.8 feet off the Development Site but is in fact on the Development Site. (See Attachment E)

23. The Affidavits explain in detail the methodologies used and the conclusions reached all using professionally accepted surveying methodologies. The affidavits also include sketches which illustrate the conclusion reached.

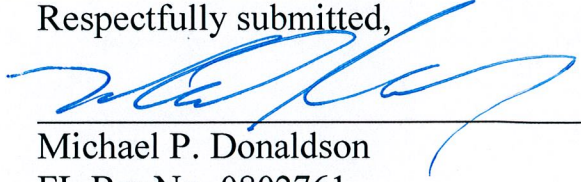
24. The Affidavit of Mr. Elliot further concludes that it does not appear that anyone had actually gone to the Development Site to actually locate the Tie-Breaker Measurement Point contrary to the allegations disclosed in the NOAD. It may well be that the challenging surveyor only used GPS Measurement Points that were not actually confirmed by making an actual inspection of the point itself. This could explain the suggested variance in the location of the point by the challenger.

25. Nova's selected Tie-Breaker Measurement is on the Development Site as required by the Universal Application Instructions and Rule.

WHEREFORE, Nova requests that it be granted an administrative proceeding to contest Florida Housing's erroneous scoring decisions. To the extent there are disputed issues of fact, this matter should be forwarded to the Division of Administrative Hearings. Ultimately, Nova requests the entry of a

Recommended and Final Order which finds that it has met threshold and awards
Nova all applicable points.

Respectfully submitted,



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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 a copy furnished to
Wellington H. Meffert, II, Esq., Florida Housing Finance Corporation, 227 N.
Bronough St., Suite 5000, Tallahassee, FL 32301, this 18th day of April, 2012.



MICHAEL P. DONALDSON

Scoring Summary Report

File #: 2011-135C Development Name: Magnolia Place Apartments

As of: 03/27/2012

	Maximum Points/Eligibility	Preliminary	NOPSE	Final	Final Ranking
Met Threshold	Y/N	Y	N	Y	
Total Points	79	73.00	72.00	79.00	
Ability to Proceed Tie-Breaker Points	6	6.00	5.00	6.00	
Proximity Tie-Breaker Points	37	29.25	29.00	10.00	
Eligible for 1/8th Mile Ranking Preference	Y/N	N	N	N	
Eligible for Age of Development Tie-Breaker Ranking Preference	Y/N	N	N	N	
Eligible for Concrete Construction Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
Eligible for Florida General Contractor Tie-Breaker Ranking Preference	Y/N	Y	Y	Y	
RA Level Classification (preference given to the lowest RA Level Classification)	1 - 6	6	6	6	

Scores:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
Developer									
1S	II.	B.	1.c.	Housing Credit Development Experience	3.00	3.00	3.00	3.00	
Construction Features and Amenities									
2S	III.	B.	3.a.	Optional - NC & Rehab. Units	9.00	9.00	9.00	9.00	
3S	III.	B.	3.b.	Optional - All Developments Except SRO	12.00	12.00	12.00	12.00	
3S	III.	B.	3.c.	Optional - SRO Developments	12.00	0.00	0.00	0.00	
4S	III.	B.	3.d.	Optional - Universal Design & Visitability	10.00	10.00	10.00	10.00	
5S	III.	B.	5.a.(1)	Green Building Features (NC & Redev.)	7.00	0.00	0.00	0.00	
5S	III.	B.	5.a.(2)	Green Building Certification (NC & Redev.)	10.00	10.00	10.00	10.00	
5S	III.	B.	5.b.	Green Building Features (Rehab. & Preserv.)	10.00	0.00	0.00	0.00	
Set-Aside Commitments									
6S	III.	E.	1.b.(2)	Special Needs Households	4.00	4.00	4.00	4.00	
7S	III.	E.	1.b.(3)	Total Set-Aside Commitment	3.00	3.00	3.00	3.00	
8S	III.	E.	3.	Affordability Period	5.00	5.00	5.00	5.00	
Resident Programs									
9S	III.	F.	1.	Programs for Non-Elderly & Non-Homeless	6.00	0.00	0.00	0.00	
9S	III.	F.	2.	Programs for Homeless (SRO & Non-SRO)	6.00	0.00	0.00	0.00	
9S	III.	F.	3.	Programs for Elderly	6.00	6.00	6.00	6.00	
10S	III.	F.	4.	Programs for All Applicants	8.00	8.00	8.00	8.00	
Local Government Contributions									
11S	IV.	A.		Contributions	5.00	0.00	0.00	5.00	
Local Government Incentives									
12S	IV.	B.		Incentives	4.00	3.00	2.00	4.00	

Reason(s) Scores Not Maxed:

Item #	Reason(s)	Created As Result	Rescinded As Result
11S	The Applicant failed to provide any of the Local Government Contributions forms and the Application does not qualify for automatic points. Therefore, the Applicant received zero points for Local Government Contributions.	Preliminary	Final
12S	The Applicant did not submit the Local Government Verification of Affordable Housing Incentives – Impact of Policies, Ordinances, Regulations or Plan Provisions on Cost of Affordable Housing Properties or Developments form. Therefore, no point was awarded for this incentive.	Preliminary	Final
12S	Information provided in a NOPSE indicates that the policy cited on the Local Government Incentives – Expedited Permitting form (Ex: 40) does not cover expedited permitting for affordable housing. Therefore, zero points are awarded for this incentive.	NOPSE	Final

Threshold(s) Failed:

Item #	Part	Section	Subsection	Description	Reason(s)	Created as Result of	Rescinded as Result of
1T	III.	C.	1.	Site Plan Approval/Plat Approval	The Application proposes that there will be four (4) buildings. However, based on evidence provided in a NOPSE, the concept plan submitted to the City was for a single building. This calls into question whether site plan approval has been demonstrated for the Development proposed in this Application.	NOPSE	Final
2T	V.	D.	2.	HC Equity	The Applicant provided an equity commitment letter from PNC Real Estate (Exhibit 47). Exhibit 9 identifies the ownership of the Limited Liability Company as 99.99%. The letter identifies an Investor Member and a Special Investor Member. The equity letter indicated the Limited Partner will purchase 99.99% of the HC allocation. The ownership interest cannot be determined for the Special Limited Partner. Therefore, the equity commitment cannot count as a source of financing.	NOPSE	Final
3T	V.	B.		Construction/Rehab. Analysis	The Applicant has a construction financing shortfall of \$7,172,337.	NOPSE	Final
4T	V.	B.		Permanent Analysis	The Applicant has a permanent financing shortfall of \$9,722,337.	NOPSE	Final

Ability To Proceed Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
1A	III.	C.	1.	Site Plan/Plat Approval	1.00	1.00	0.00	1.00	
2A	III.	C.	3.a.	Availability of Electricity	1.00	1.00	1.00	1.00	
3A	III.	C.	3.b.	Availability of Water	1.00	1.00	1.00	1.00	
4A	III.	C.	3.c.	Availability of Sewer	1.00	1.00	1.00	1.00	
5A	III.	C.	3.d.	Availability of Roads	1.00	1.00	1.00	1.00	
6A	III.	C.	4.	Appropriately Zoned	1.00	1.00	1.00	1.00	

Reason(s) for Failure to Achieve Selected Ability To Proceed Tie-Breaker Points:

Item #	Reason(s)	Created As Result	Rescinded As Result
1A	The Application is not eligible for 1 Ability to Proceed Tie-Breaker Point for site plan approval. See Item 1T above.	NOPSE	Final

Proximity Tie-Breaker Points:

Item #	Part	Section	Subsection	Description	Maximum Available Points	Preliminary	NOPSE	Final	Final Ranking
Transit Services									
1P	III.	A.	10.a	Public Bus Stop	2.00	0.00	0.00	0.00	
1P	III.	A.	10.a	Public Bus Transfer Stop or Public Bus Transit Stop	6.00	3.50	3.50	0.00	
1P	III.	A.	10.a	Public Rail Station	7.00	0.00	0.00	0.00	
Tier 1 Services									
2P	III.	A.	10.a	Grocery Store	4.00	4.00	4.00	0.00	
3P	III.	A.	10.a	Public School	4.00	0.00	0.00	0.00	
3P	III.	A.	10.a	Senior Center	4.00	4.00	4.00	0.00	
4P	III.	A.	10.a	Medical Facility	4.00	4.00	4.00	0.00	
Eligible for Tier 1 Service Score Boost (Yes/No)						N	N	N	
Total Tier 1 Service Score					12.00	12.00	12.00	0.00	
Tier 2 Services									
5P	III.	A.	10.a	Public Park	2.00	2.00	2.00	0.00	
6P	III.	A.	10.a	Community Center	2.00	2.00	2.00	0.00	
7P	III.	A.	10.a	Pharmacy	2.00	2.00	2.00	0.00	
8P	III.	A.	10.a	Public Library	2.00	1.75	1.50	0.00	
FHFC Proximity List									
9P	III.	A.	10.b	Proximity to Developments on FHFC Development Proximity List	10.00	6.00	6.00	10.00	

Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points:

Item #	Reason(s)	Created As Result	Rescinded As Result
1P-8P	In an attempt to achieve additional proximity tie-breaker points, the Applicant provided a revised Surveyor for Competitive HC Applications form and a new Tie-Breaker Measurement Point. Evidence provided in a NOAD demonstrates that the revised Tie-Breaker Measurement Point is not a single point on the proposed Development site. Because of this, the form was not considered and the Applicant did not receive any proximity tie-breaker points for any Transit, Tier 1 or Tier 2 Services.	Final	
8P	A Surveyor Affidavit provided in a NOPSE revised the latitude and longitude coordinates of the Public Library. This revision reduces the proximity tie-breaker score by 0.25 points.	NOPSE	Final
9P	Although the Applicant stated that it was eligible for automatic proximity tie-breaker points at Part III.A.10.b.(2) of the Application, the Development does not qualify for this selection because it does not qualify as an Urban In-Fill Development (see Item 2C). The Applicant received the maximum score it was eligible for based on its location.	Preliminary	Final

Additional Application Comments:

Item #	Part	Section	Subsection	Description	Comment(s)	Created as Result of	Rescinded as Result of
1C	V.	D.	1.	Non-Corporation Funding	Although the Applicant listed a grant from Pasco County in the amount of \$75,000 as a source of financing, no commitment for this grant has been provided. Therefore, the grant amount cannot be counted as a source of financing. This had no material impact on the Development's financing.	Preliminary	Final
2C	III.	A.	2.d.	Urban In-Fill	The Local Government Verification of Qualification as Urban In-Fill Development form provided in the Application is incomplete. The Development Location stated on the form reflects only one (1) Address (6709 Congress Street), whereas elsewhere in the Application the Development Location is reflected as 6709, 6711, 6713, 6645, 6701, and 6703 Congress Street and 6604 Champor Drive.	Preliminary	Final
3C	V.	B.		Pro Forma	The loan commitment provided states a loan commitment fee of 1% of both the construction and permanent loan amounts. However, the amounts listed on the proforma for loan origination fees exceed these amounts. Therefore, the Total Development Cost was reduced by \$35,500.	NOPSE	Final
4C	V.	B.		Pro Forma	The maximum Developer fee of 16 percent was exceeded by \$5,427. Therefore, the Developer fee and Total Development Cost were reduced by this amount.	NOPSE	Final
5C	III.	A.	10.b.	Proximity to FHFC Developments on Proximity List	The Application qualifies for 10 automatic proximity points at Part III.A.10.b.(2) of the Application.	Final	

Exhibit 25

¹ 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. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units.

² If the proposed Development meets the definition of Scattered Sites, a part of the boundary of each Scattered Site must be located within 1/2 mile of the Scattered Site with the most units. "Scattered Sites," as applied to a single Development, means a Development site that, when taken as a whole, is comprised of real property that is not contiguous (each such non-contiguous site within a Scattered Site Development, a "Scattered Site"). For purposes of this definition "contiguous" means touching at a point or along a boundary. Real property is contiguous if the only intervening real property interest is an easement provided the easement is not a roadway or street. (See Rule 67-48.002, F.A.C.)

³ The latitude and longitude coordinates for all Proximity Services must represent a point as outlined below. The coordinates for each service must be stated in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds truncated after one decimal place. If the degrees and minutes are not stated as whole numbers and the seconds are not truncated after one decimal place, the Applicant will not be eligible for proximity tie-breaker points for that service.

The Corporation will utilize Street Atlas USA 2010, published by DeLorme, using the method described below, to determine the proximity of an eligible service to the proposed Development's Tie-Breaker Measurement Point.

Service	Location where latitude and longitude coordinates must be obtained																										
Grocery Store, Public School, Medical Facility, Community Center, Senior Center, Public Library and Pharmacy	Coordinates must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located.																										
Public Park	Coordinates must represent a point that is on the premises; however, the point may not be located in the parking lot, street, or any area that is not intended for recreational activities. Additionally, if the area intended for recreational activities is enclosed, the coordinates must represent the public ingress/egress point of entry to the enclosed area.																										
Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop and Public Rail Station	With the exception of SunRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the bus or train. SunRail Rail Stations coordinates must represent the coordinates listed below: <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Station Name</th> <th style="text-align: left;">Latitude/Longitude Coordinates</th> </tr> </thead> <tbody> <tr> <td>Altamonte Springs Station</td> <td>N 28 39 50.1, W 81 21 23.4</td> </tr> <tr> <td>Church Street Station</td> <td>N 28 32 28.3, W 81 22 50.6</td> </tr> <tr> <td>DeBary Station</td> <td>N 28 51 26.3, W 81 19 24.1</td> </tr> <tr> <td>Florida Hospital Station</td> <td>N 28 34 21.8, W 81 22 17.4</td> </tr> <tr> <td>Lake Mary Station</td> <td>N 28 45 31.8, W 81 19 04.3</td> </tr> <tr> <td>Longwood Station</td> <td>N 28 42 04.1, W 81 20 43.4</td> </tr> <tr> <td>LYNX Central Station</td> <td>N 28 32 52.2, W 81 22 51.0</td> </tr> <tr> <td>Maitland Station</td> <td>N 28 38 03.7, W 81 21 44.7</td> </tr> <tr> <td>Orlando Amtrak/ORMC Station</td> <td>N 28 31 39.5, W 81 22 55.6</td> </tr> <tr> <td>Sand Lake Road Station</td> <td>N 28 27 11.3, W 81 22 1.0</td> </tr> <tr> <td>Stanford/SR46 Station</td> <td>N 28 48 49.8, W 81 17 56.9</td> </tr> <tr> <td>Winter Park/Pack Ave Station</td> <td>N 28 35 51.5, W 81 21 6.0</td> </tr> </tbody> </table>	Station Name	Latitude/Longitude Coordinates	Altamonte Springs Station	N 28 39 50.1, W 81 21 23.4	Church Street Station	N 28 32 28.3, W 81 22 50.6	DeBary Station	N 28 51 26.3, W 81 19 24.1	Florida Hospital Station	N 28 34 21.8, W 81 22 17.4	Lake Mary Station	N 28 45 31.8, W 81 19 04.3	Longwood Station	N 28 42 04.1, W 81 20 43.4	LYNX Central Station	N 28 32 52.2, W 81 22 51.0	Maitland Station	N 28 38 03.7, W 81 21 44.7	Orlando Amtrak/ORMC Station	N 28 31 39.5, W 81 22 55.6	Sand Lake Road Station	N 28 27 11.3, W 81 22 1.0	Stanford/SR46 Station	N 28 48 49.8, W 81 17 56.9	Winter Park/Pack Ave Station	N 28 35 51.5, W 81 21 6.0
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If there is no exterior public entrance to the Tier 1 or Tier 2 Service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service. For example, for a Pharmacy located within an enclosed shopping mall structure that does not have a direct public exterior entrance, the latitude and longitude coordinates at the doorway threshold of the exterior public entrance to the enclosed shopping mall that provide the shortest walking distance to the doorway threshold of the interior entrance to the Pharmacy would be used.

The Applicant may not use any other Tier 1 or Tier 2 Service for multiple point items unless they are separate functioning services that are housed at the same location. For instance, an Applicant may not use a Senior Center as both a Senior Center and a Community Center. However, Applicants may use the same latitude and longitude coordinates for the Grocery Store, Medical Facility and/or Pharmacy if the Grocery Store, Medical Facility and/or Pharmacy is housed at the same location.

2011 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. 2011-135C** and pertains to:

Part III Section A Subsection 10.9 Exhibit No. 25 (if applicable)

The attached information is submitted in response to the 2011 Universal Scoring Summary Report because:

1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

	2011 Universal Scoring Summary Report	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 Ability to Proceed Score Not Maxed	Item No. ____A	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reason Failed Threshold	Item No. ____T	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Reason Proximity Points Not Maxed	Item No. <u>8</u> P	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Additional Comment	Item No. ____C	<input type="checkbox"/>	<input type="checkbox"/>

2. 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 No. 2011-135C**

Provide a separate brief statement for each Cure

As a result of NOPSE Scoring the Applicants score was reduced by 0.25 points for the proximity to a Public Library due to submission of a NOPSE raising question to the accuracy of the coordinates submitted in the applicants survey certification form.

Applicant submits a revised surveyor certification form reflecting a revised and corrected library doorway coordinate as well as a revised site tie breaker measurement point. Also submitted is an affidavit from a second third party licensed surveyor that confirms the location of the library proximity point being submitted on the revised surveyor certification form is correct.

As a result of using the revised site tiebreaker measurement point, the library door coordinates are within 0.5 miles of the site tiebreaker measurement point and the applicant is eligible for 1.75 points for proximity to the library.

2011 UNIVERSAL CYCLE - SURVEYOR CERTIFICATION FOR COMPETITIVE HC APPLICATIONS

Name of Developer: Magnolia Place Apartments
(Part III.A.1. of the 2011 Universal Cycle Application)

Development Location *: 6709, 6711, 6713, 6645, 6701, 6703 Congress Street and 6604 Champor Drive, New Port Richey, FL
(At a minimum, provide the address assigned by the United States Postal Service, including the address number, street name and city, or if the address has not yet been assigned, provide (i) the street name, closest designated intersection and city if located within a city or (ii) the street name, closest designated intersection and county if located in the unincorporated area of the county.) * If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site where the Tie-Breaker Measurement Point is located.)

The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 61G17-6, F.A.C.:

State the Tie-Breaker Measurement Point. ¹	N <u>28</u> Degrees	<u>15</u> Minutes	<u>16.7</u> Seconds (truncated after 1 decimal place)	W <u>82</u> Degrees	<u>42</u> Minutes	<u>33.7</u> Seconds (truncated after 1 decimal place)
---	---------------------	-------------------	---	---------------------	-------------------	---

If the Development consists of Scattered Sites, is a part of the boundary of each Scattered Site located within 1/2 mile of the Scattered Site with the most units?
 Yes or No (Must check one if Development consists of Scattered Sites.)²

To be eligible for proximity tie-breaker points, Degrees and Minutes must be stated as whole numbers and Seconds must be truncated after 1 decimal place. The Corporation will utilize Street Atlas USA 2010, published by DeLorme, to determine the proximity of an eligible service to the proposed Development's Tie-Breaker Measurement Point.

Transit Service - State the latitude and longitude coordinates for one (1) Transit Service on the chart below.³


	Latitude			Longitude		
	N Degrees	Minutes	Seconds (truncated after 1 decimal place)	W Degrees	Minutes	Seconds (truncated after 1 decimal place)
Public Bus Stop						
Public Bus Transfer Stop or Public Bus Rapid Transit Stop	N <u>28</u> Degrees	<u>14</u> Minutes	<u>30.3</u> Seconds (truncated after 1 decimal place)	W <u>82</u> Degrees	<u>43</u> Minutes	<u>44.9</u> Seconds (truncated after 1 decimal place)
Public Rail Station	N _____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)	W _____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)

Tier 1 and Tier 2 Services - State the Name, Address and latitude and longitude coordinates of the closest service(s) on the chart below.³

	Latitude			Longitude		
	N Degrees	Minutes	Seconds (truncated after 1 decimal place)	W Degrees	Minutes	Seconds (truncated after 1 decimal place)
Tier 1 Services:						
Grocery Store: Name - <u>Sweetbay Supermarket & Pharmacy</u> Address - <u>6400 Massachusetts</u>	N <u>28</u> Degrees	<u>15</u> Minutes	<u>27.8</u> Seconds (truncated after 1 decimal place)	W <u>82</u> Degrees	<u>42</u> Minutes	<u>31.8</u> Seconds (truncated after 1 decimal place)
Public School: Name - _____ Address - _____	N _____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)	W _____ Degrees	_____ Minutes	_____ Seconds (truncated after 1 decimal place)
Medical Facility: Name - <u>Premier Community Healthcare Grp</u> Address <u>6636 Forest Avenue</u>	N <u>28</u> Degrees	<u>15</u> Minutes	<u>17.0</u> Seconds (truncated after 1 decimal place)	W <u>82</u> Degrees	<u>42</u> Minutes	<u>47.9</u> Seconds (truncated after 1 decimal place)
Senior Center: Name - <u>Claude Peoper Senior Center</u> Address - <u>6640 Van Buren Street</u>	N <u>28</u> Degrees	<u>15</u> Minutes	<u>17.0</u> Seconds (truncated after 1 decimal place)	W <u>82</u> Degrees	<u>42</u> Minutes	<u>38.2</u> Seconds (truncated after 1 decimal place)
Tier 2 Services:						
Public Park: Name - <u>New Port Richey Rec & Aquatic Ctr</u> Address - <u>6630 Van Buren Street</u>	N <u>28</u> Degrees	<u>15</u> Minutes	<u>23.3</u> Seconds (truncated after 1 decimal place)	W <u>82</u> Degrees	<u>42</u> Minutes	<u>39.8</u> Seconds (truncated after 1 decimal place)
Community Center: Name - <u>New Port Richey Rec & Aquatic Ctr</u> Address - <u>6630 Van Buren Street</u>	N <u>28</u> Degrees	<u>15</u> Minutes	<u>21.1</u> Seconds (truncated after 1 decimal place)	W <u>82</u> Degrees	<u>42</u> Minutes	<u>38.0</u> Seconds (truncated after 1 decimal place)
Pharmacy: Name - <u>Sweetbay Supermarket & Pharmacy</u> Address - <u>6400 Massachusetts</u>	N <u>28</u> Degrees	<u>15</u> Minutes	<u>27.8</u> Seconds (truncated after 1 decimal place)	W <u>82</u> Degrees	<u>42</u> Minutes	<u>31.8</u> Seconds (truncated after 1 decimal place)
Public Library: Name - <u>New Port Richey Library</u> Address <u>5939 Main Street</u>	N <u>28</u> Degrees	<u>15</u> Minutes	<u>01.6</u> Seconds (truncated after 1 decimal place)	W <u>82</u> Degrees	<u>42</u> Minutes	<u>57.7</u> Seconds (truncated after 1 decimal place)

If the Corporation discovers that there are any false statements made in this certification, the Corporation 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: 
EDWARD C. ELLIOTT
PROFESSIONAL SURVEYOR & MAPPER
3983 Florida License Number
300A S. BELCHER RD., CLEARWATER, FL 33765
(727) 474-3751
Address (street address, city, state) Telephone Number (including area code)

UA1016 (Rev. 2-11) 67-48.004(1)(a); 67-21.003(1)(a), F.A.C. Provide Behind a Tab Labeled "Exhibit 25"
This certification, consists of 2 pages. 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 be eligible to receive proximity tie-breaker points. If this certification contains corrections or 'white-out', or if it is scanned, signed, altered, or retyped, the Application will not be eligible to receive proximity tie-breaker points. The Application may still be eligible for automatic points. The certification may be photocopied. To be considered for scoring purposes, at least page 1 of this 2 page certification form must be provided by the Applicant.

¹ 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. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units.

² If the proposed Development meets the definition of Scattered Sites, a part of the boundary of each Scattered Site must be located within 1/2 mile of the Scattered Site with the most units. "Scattered Sites," as applied to a single Development, means a Development site that, when taken as a whole, is comprised of real property that is not contiguous (each such non-contiguous site within a Scattered Site Development, a "Scattered Site"). For purposes of this definition "contiguous" means touching at a point or along a boundary. Real property is contiguous if the only intervening real property interest is an easement provided the easement is not a roadway or street. (See Rule 67-48.002, F.A.C.)

³ The latitude and longitude coordinates for all Proximity Services must represent a point as outlined below. The coordinates for each service must be stated in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds truncated after one decimal place. If the degrees and minutes are not stated as whole numbers and the seconds are not truncated after one decimal place, the Applicant will not be eligible for proximity tie-breaker points for that service.

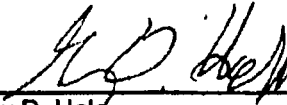
The Corporation will utilize Street Atlas USA 2010, published by DeLorme, using the method described below, to determine the proximity of an eligible service to the proposed Development's Tie-Breaker Measurement Point.

Service	Location where latitude and longitude coordinates must be obtained																										
Grocery Store, Public School, Medical Facility, Community Center, Senior Center, Public Library and Pharmacy	Coordinates must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located.																										
Public Park	Coordinates must represent a point that is on the premises; however, the point may not be located in the parking lot, street, or any area that is not intended for recreational activities. Additionally, if the area intended for recreational activities is enclosed, the coordinates must represent the public ingress/egress point of entry to the enclosed area.																										
Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop and Public Rail Station	With the exception of SunRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the bus or train. SunRail Rail Stations coordinates must represent the coordinates listed below: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Station Name</th> <th>Latitude/Longitude Coordinates</th> </tr> </thead> <tbody> <tr> <td>Altamonte Springs Station</td> <td>N 28 39 50.1, W 81 21 23.4</td> </tr> <tr> <td>Church Street Station</td> <td>N 28 32 20.3, W 81 22 50.6</td> </tr> <tr> <td>DeBary Station</td> <td>N 28 51 20.3, W 81 19 24.1</td> </tr> <tr> <td>Florida Hospital Station</td> <td>N 28 34 21.8, W 81 22 17.4</td> </tr> <tr> <td>Lake Mary Station</td> <td>N 28 45 31.8, W 81 19 04.3</td> </tr> <tr> <td>Longwood Station</td> <td>N 28 42 04.1, W 81 20 43.4</td> </tr> <tr> <td>LYNX Central Station</td> <td>N 28 32 52.2, W 81 22 51.0</td> </tr> <tr> <td>Maitland Station</td> <td>N 28 38 03.7, W 81 21 44.7</td> </tr> <tr> <td>Orlando Amtrak/ORMC Station</td> <td>N 28 31 39.5, W 81 22 55.6</td> </tr> <tr> <td>Sand Lake Road Station</td> <td>N 28 27 11.3, W 81 22 1.0</td> </tr> <tr> <td>Sanford/SR46 Station</td> <td>N 28 48 49.8, W 81 17 56.9</td> </tr> <tr> <td>Winter Park/Park Ave Station</td> <td>N 28 35 51.5, W 81 21 6.0</td> </tr> </tbody> </table>	Station Name	Latitude/Longitude Coordinates	Altamonte Springs Station	N 28 39 50.1, W 81 21 23.4	Church Street Station	N 28 32 20.3, W 81 22 50.6	DeBary Station	N 28 51 20.3, W 81 19 24.1	Florida Hospital Station	N 28 34 21.8, W 81 22 17.4	Lake Mary Station	N 28 45 31.8, W 81 19 04.3	Longwood Station	N 28 42 04.1, W 81 20 43.4	LYNX Central Station	N 28 32 52.2, W 81 22 51.0	Maitland Station	N 28 38 03.7, W 81 21 44.7	Orlando Amtrak/ORMC Station	N 28 31 39.5, W 81 22 55.6	Sand Lake Road Station	N 28 27 11.3, W 81 22 1.0	Sanford/SR46 Station	N 28 48 49.8, W 81 17 56.9	Winter Park/Park Ave Station	N 28 35 51.5, W 81 21 6.0
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If there is no exterior public entrance to the Tier 1 or Tier 2 Service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service. For example, for a Pharmacy located within an enclosed shopping mall structure that does not have a direct public exterior entrance, the latitude and longitude coordinates at the doorway threshold of the exterior public entrance to the enclosed shopping mall that provide the shortest walking distance to the doorway threshold of the interior entrance to the Pharmacy would be used.

The Applicant may not use any other Tier 1 or Tier 2 Service for multiple point items unless they are separate functioning services that are housed at the same location. For instance, an Applicant may not use a Senior Center as both a Senior Center and a Community Center. However, Applicants may use the same latitude and longitude coordinates for the Grocery Store, Medical Facility and/or Pharmacy if the Grocery Store, Medical Facility and/or Pharmacy is housed at the same location.

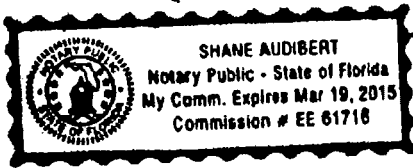
FURTHER AFFIANT SAYETH NAUGHT



Guy D. Hale

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this Feb. 28th 2012
by Guy D. Hale who is personally known to me or has produced a Florida Driver's License as
identification and who did take an oath.

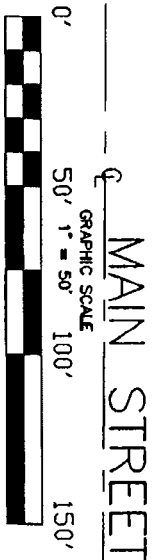
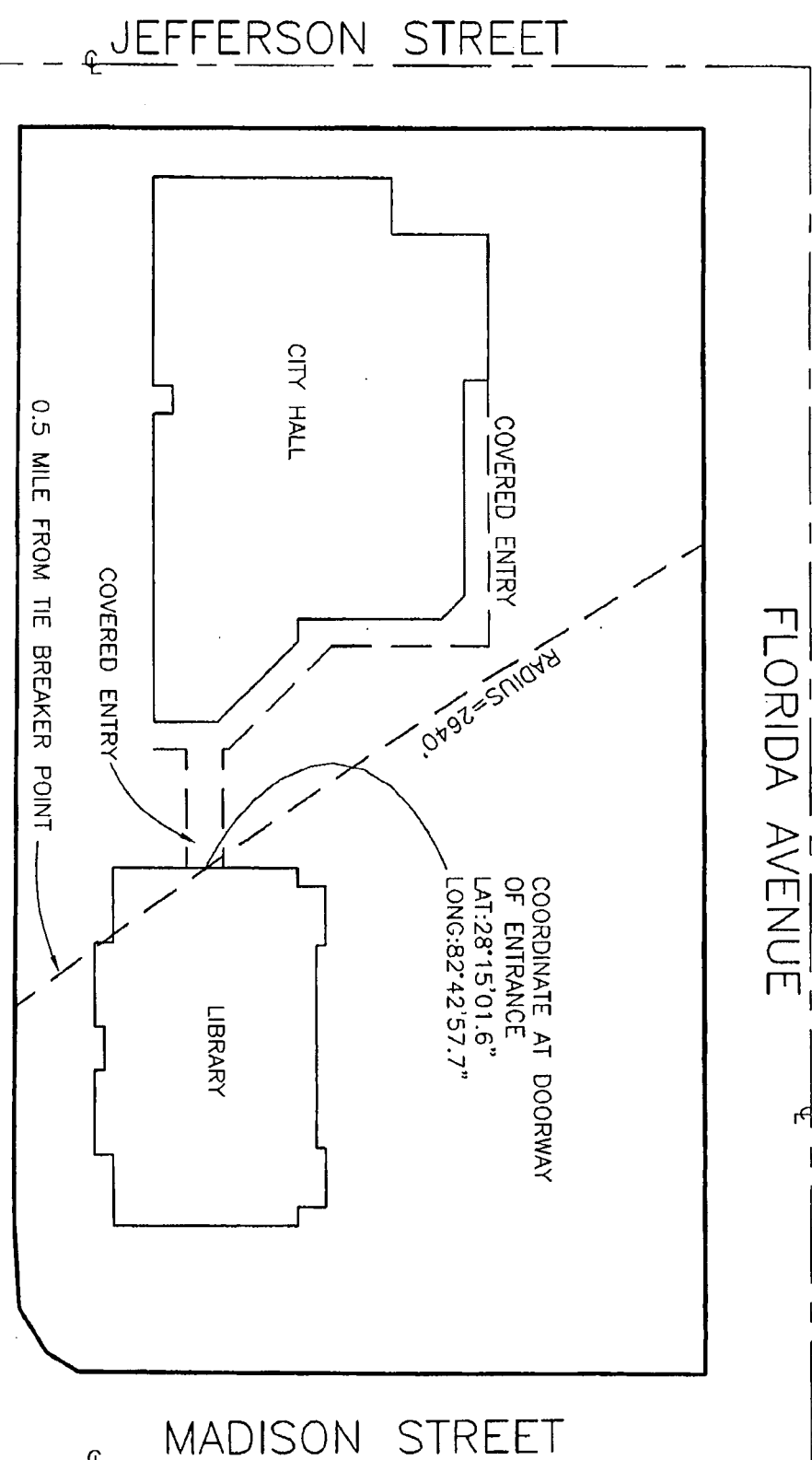




Notary Public

SPECIFIC PURPOSE SURVEY SECTION 5, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA
 TO DELINEATE THE COORDINATE LOCATION OF THE ENTRANCE TO NEW PORT RICHEY PUBLIC LIBRARY, 5939 MAIN STREET, NEW PORT RICHEY, FLORIDA 34653, TO THE SOUTHWEST CORNER OF THE MAGNOLIA PLACE PROJECT.

FLORIDA AVENUE



SYMBOL & ABBREVIATION LEGEND
 P.G. (S) - PAGE
 O.R. - OFFICIAL RECORD
 P.C. - PLAT RECORD
 P.O. - PORT OF OPENING
 L.A. - LOCAL AUTHORITY
 L.N. - NORTH LINE
 L.W. - WEST LINE

SURVEYOR'S NOTES:
 LATITUDE AND LONGITUDE COORDINATES SHOWN HEREON ARE BASED ON GEODETIC CONTROL POINT "X 108", THE SOUTHWEST CORNER OF MAGNOLIA PLACE PARCEL.
 LAT: 28°15'16.7" LONG: 82°42'33.7"

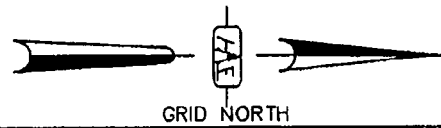
CERTIFICATION:
 CERTIFIED AS A SPECIFIC PURPOSE SURVEY UNLESS IT BEARS THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR. THIS DRAWING, SKETCH, PLAN OR MAP IS FOR THE PURPOSES ONLY AND IS NOT VALID FOR ANY OTHER PURPOSES.

Guy D. Hale
 GUY D. HALE PLS # 4626
 JOB # 592012015

DATE: 02/25/2012

GUY D. HALE LAND SURVEYING

PROFESSIONAL SURVEYOR & MAPPER
 17th FOREST LAKES BOULEVARD
 OLDSMAR, FLORIDA 34617
 (727) 734-4266 FAX (727) 734-3228



**Brief Statement of Explanation regarding
Application No. 2011-135C**

Provide a separate brief statement for each NOAD

The Applicant submitted an Exhibit 25 with its original submission certified to under penalties of perjury by a licensed Florida surveyor. This originally submitted Exhibit 25 provided coordinates for the Applicant's Tie Breaker Measurement Point ("TBMP") as well as location coordinates for the Applicant's claimed Public Library of New Port Richey Library. Based upon a NOPSE filed against the accuracy of the location coordinates used in the Applicant's original Exhibit 25 for the purported Public Library, Florida Housing correctly concluded in the NOPSE Scoring Summary Report:

"8P - A Surveyor Affidavit provided in a NOPSE revised the latitude and longitude coordinates of the Public Library. This revision reduces the proximity tie breaker score by 0.25 points."

The NOPSE filed included an affidavit from a licensed surveyor which concluded the library coordinates were 20.54 feet away from the threshold of the entrance to the library.

Now, as a result of the NOPSE resulting in a reduction of proximity points for the Public Library, the Applicant has submitted a revised Exhibit 25 which has both a revised TBMP as well as revised coordinates for the public library. As explained later in detail, the Applicant's revised coordinates for both its TBMP and the Public Library have not been truncated (they were rounded) in accordance with Florida Housing's rules.

Florida Housing Rules

Florida Housing rules set forth in the application instructions are very specific as follows:

"The latitude and longitude coordinates for all Proximity Services must represent a point as outlined below. The coordinates for each service must be stated in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds truncated after one decimal place. If the degrees and minutes are not stated as whole numbers and the seconds are not truncated after one decimal place, the Applicant will not be eligible for proximity tie-breaker points for that service."

TBMP

As stated above, the Applicant has submitted a revised TBMP. The original TBMP was the farthest southwest point they could have utilized that was still on the site and now, in apparent desperation, the TBMP has been revised and moved further southwest and outside the site's legal description boundary limits in order to make it closer to the Public Library. Attached hereto, as Exhibit A, is an affidavit from William H. Abel, Jr., a Florida licensed surveyor, confirming that the revised TBMP submitted with the Applicant's "cure" documentation is outside the boundaries of the Applicant's site by 1.80 feet. It appears, based on upon Mr. Abel's affidavit, the longitude coordinates for the revised TBMP were apparently rounded (instead of truncated) up after one decimal place, whereas the latitude coordinates were correctly truncated. Mr. Abel concludes that there is no point on the Applicant's site that, when the longitude is truncated after one decimal place, will result in the revised TBMP coordinates. Notably, the Applicant submitted an affidavit from a purported second third party licensed surveyor to confirm the accuracy of its revised coordinates used for the Public Library, but this second surveyor's affidavit does not confirm that the revised TBMP is on the Applicant's site.

The revised TBMP is not within the boundary of the Applicant's site. The longitude coordinates were not truncated after one decimal place as required by Florida Housing rules but were rounded, seemingly to put the revised TBMP closer to the claimed Public Library.

Public Library

The Applicant also revised the location coordinates for the Public Library as a result of the NOPSE. Set forth in an attachment to the NOPSE was also an affidavit from Mr. Abel which provided accurate coordinates for the Public Library as N28 15 01.5, W82 42 57.7. Attached to this NOAD is another affidavit from Mr. Abel which once again confirms these are the correct coordinates for the Public Library in accordance with Florida Housing requirements of truncating (not rounding) the coordinates after one decimal place. Importantly, as set forth in the affidavit attached to this NOAD, the method utilized by Mr. Abel in determining the coordinates for the Public Library adhered to Florida Housing's requirements at Pages 37 and 38 of the application instructions:

"...with the coordinates stated in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds truncated to one-decimal place. If the degrees and minutes are not stated as whole numbers and the second

not truncated after one decimal place, the Applicant will not be eligible for proximity tie-breaker points for that service.” (underline emphasis added)

The Applicant’s revised Exhibit 25 provides very close but still different coordinates of N28 15 01.6, W82 42 57.7 for the claimed Public Library, which are 1.5 feet away from the doorway threshold of an exterior entrance that provide direct public access to the building where the service is located when the coordinates are truncated. Mr. Abel’s affidavit attached hereto suggests the Applicant’s revised Public Library coordinates were determined by rounding (not truncating) the latitude coordinates, which are not in accordance with Florida Housing requirements.

As set forth in the affidavit attached hereto as Exhibit A, it seems that if the latitude coordinates for the Public Library would have been truncated, as required by the above stated Florida Housing rules, instead of rounded, the Applicant would have had latitude coordinates of N28 15 01.5, not the Applicant’s revised coordinates of N28 15 01.6. Thus, it seems the Applicant has rounded instead of truncated the latitude coordinates for the Public Library up after one decimal point, but correctly truncated the longitude after one decimal (correctly in accordance with Florida Housing rules).

We would like to note that the Applicant submitted an affidavit with its “cure” from a second surveyor to confirm the library coordinates. Please note the second surveyor’s affidavit does not indicate the coordinates were truncated in accordance with Florida Housing’s requirements and the second surveyor does not confirm the revised TBMP is on the Applicant’s site. The second surveyor’s affidavit goes into elaborate detail of the methods of confirming the coordinates, but nowhere does it claim they were determined in accordance with Florida Housing requirements of truncating after one decimal place.

In summary, based on the foregoing, the Applicant should not receive any proximity tie breaker points because its revised TBMP is not on the Applicant’s site. The revised TBMP coordinates were not determined in accordance with Florida Housing requirements in that the longitude coordinates were rounded and not truncated after one decimal place. Secondly, even if Florida Housing determines the Applicant’s TBMP is valid, the Applicant should not receive any proximity points for the Public Library because the coordinates claimed for the Public Library have not been determined in accordance with Florida Housing rules, specifically the latitude coordinates appear to have been rounded instead of truncated up after one decimal point, and if

the coordinates would have been properly truncated, the Public Library point would have been 1.5 feet away from the Applicant's claimed point.

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ORANGE

BEFORE ME, the undersigned authority, personally appeared William H. Abel, Jr., who produced a Florida driver's license as identification and who being first duly sworn deposes and says:

1. My name is William H. Abel, Jr. and I am a professional surveyor and mapper in the State of Florida. Current Florida license number 6165, expiration February 2013.
2. I have reviewed the legal description submitted behind Exhibit 27 for Magnolia Place Apartments 2011-135C (the "Applicant") attached hereto as Exhibit 1.
3. I have reviewed the documentation submitted as a "cure" with regard to the Applicant's revised Exhibit 25 attached hereto as Exhibit 2.
4. I personally visited the Applicant's site at the location of the legal description attached as Exhibit 1 in the city of New Port Richey, Florida. I located the revised Tie Breaker Measurement Point ("TBMP") coordinates (N28 15 16.7, W82 42 33.7) on the revised Exhibit 25 attached hereto as Exhibit 2.
5. I have reviewed a sketch prepared by Allen & Company, Inc. The sketch is based on field information I collected in the field and is attached hereto as Exhibit 3, which depicts the area covered by the legal description for the Applicant's site attached as Exhibit 1 and the TBMP on the revised Exhibit 25 attached hereto as Exhibit 2.
6. Based on my review of the Applicant's legal description and boundary lines and the location of the revised TBMP, the revised TBMP on the revised Exhibit 25 attached hereto as

EXHIBIT A, p. 1 of 3

Exhibit 2 is not on the Applicant's site. The TBMP appears to be 1.80 feet West of and not within the boundary of the Applicant's site.

7. In order for the Applicant to arrive at the TBMP coordinates as shown on their revised Exhibit 25 attached as Exhibit 2, the Applicant would need to select a point on the site, and round (instead of truncate) the longitude up to one decimal point, and truncate the latitude to one decimal. There is no point on the Applicant's site that, when the longitude is truncated to one decimal place, result in the TBMP coordinates on the Applicants revised Exhibit 25.

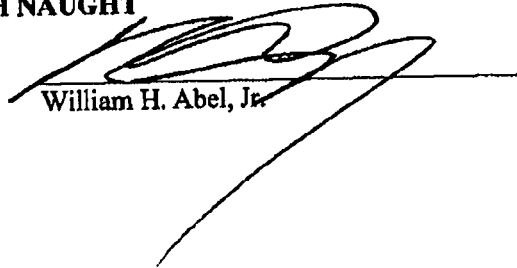
8. I have also reviewed the revised coordinates on the revised Exhibit 25 attached as Exhibit 3 for the New Port Richey Library located at 5939 Main Street, New Port Richey, Florida (the "Library") (N28 15 01.6, W82 42 57.7). I visited the location of the Library and determined that the coordinates were not located at a point that is on the doorway threshold of an exterior entrance that provides public access to the building. I was able to determine accurate coordinates (N28 15 01.5, W82 42 57.7) representing the doorway threshold into the building and these coordinates are truncated per the rules as set forth by Florida Housing Finance Corporation Universal Application.

9. In order for the Applicant to arrive at the Library coordinates as shown on the Applicant's revised Exhibit 25, they would need to select a point on the doorway threshold, and round (instead of truncate) the latitude up to one decimal point, and truncate the longitude to one decimal. If the latitude was truncated, as required by the rules, they would arrive at a latitude of N 28° 15' 01.5", not N 28° 15' 01.6". There is no point on the doorway threshold that, when truncated to one decimal place, will give you the Library coordinates on the Applicants revised Exhibit 25.

EXHIBIT A, p. 2 of 3

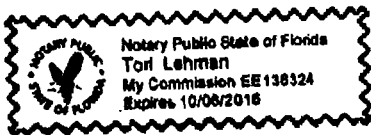
9. The distance between the inaccurate Library coordinates provided by the Applicant in the revised Exhibit 25 with that of the accurate coordinates representing the doorway threshold into the Library is 1.5 feet.

FURTHER AFFIANT SAYETH NAUGHT


William H. Abel, Jr.

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me this 6 day of March, 2012, by William H. Abel who is personally known to me or has produced a Florida license's license as identification and who did take an oath.



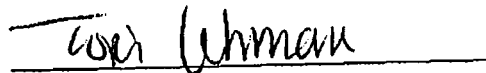

Notary Public

EXHIBIT A, P. 3 OF 3

Exhibit A

Legal Description

04-26-16-0190-00000-0040

Assessed in Section 04, Township 26 South, Range 16 East
of Pasco County, Florida

ORANGEBROOK UNRECORDED PLAT LOT 4 DESC AS SOUTH
100.00 FT OF NORTH 226.70 FT OF EAST 90.00 FT OF TRACT 9 T
DEVHRIES PB 2 PG 19 EAST 10.00 FT THEREOF SUBJECT TO
EASEMENT FOR RD R/W OR 8368 PG 1264

8

AP c/ez/11
A-Z 6/20/11

EXHIBIT 1, p. 1 of 3

Exhibit A

Legal Description

04-26-16-0190-00000-0030

Assessed in Section 04, Township 26 South, Range 16 East
of Pasco County, Florida

ORANGEBROOK UNRECORDED PLAT LOT 3 DBSC AS SOUTH
100.00 FT OF NORTH 126.70 FT OF EAST 90.00 FT OF TRACT 9 T
DEVHRIES SUBDIVISION PB 2 PG 19 EAST 10.00 FT THEREOF
SUBJECT TO AN EASEMENT FOR RD R/W OR 8358 PG 413

8

Bf 6/22/11

EXHIBIT 1 s p. 2 of 3

EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF TRACTS 7, 8, 9, AND 10 OF T. DEVRIES SUBDIVISION AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 2, PAGE 19 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 20 SOUTH RANGE 18 EAST, PASCO COUNTY, FLORIDA; THENCE RUN ALONG THE EAST BOUNDARY LINE OF THE NORTHWEST 1/4 OF SAID SECTION 4, NORTH 0 DEGREES 14 MINUTES 08 SECONDS WEST, A DISTANCE OF 18.00 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 38 SECONDS WEST, A DISTANCE OF 18.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 9; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID TRACTS 8 AND 10, NORTH 89 DEGREES 57 MINUTES 38 SECONDS WEST, A DISTANCE OF 421.27 FEET; THENCE PARALLEL WITH THE WEST BOUNDARY LINE OF SAID TRACT 10, NORTH 0 DEGREES 17 MINUTES 42 SECONDS WEST, A DISTANCE OF 188.00 FEET; THENCE PARALLEL WITH THE SOUTH BOUNDARY LINE OF SAID TRACT 10, NORTH 89 DEGREES 57 MINUTES 38 SECONDS WEST, A DISTANCE OF 220.00 FEET TO THE WEST BOUNDARY LINE OF SAID TRACT 10; NORTH 0 DEGREES 17 MINUTES 42 SECONDS WEST, A DISTANCE OF 280.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 0 DEGREES 17 MINUTES 42 SECONDS WEST, 519.57 FEET; THENCE ALONG THE NORTH BOUNDARY LINE OF THE SOUTH 1/2 OF SAID TRACT 7, SOUTH 89 DEGREES 57 MINUTES 23 SECONDS EAST, A DISTANCE OF 128.25 FEET; THENCE SOUTH 0 DEGREES 12 MINUTES 42 SECONDS EAST, A DISTANCE OF 48.98 FEET; THENCE SOUTH 29 DEGREES 06 MINUTES 06 SECONDS EAST, A DISTANCE OF 150.00 FEET; THENCE A DISTANCE OF 35.34 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 75.00 FEET AND A CHORD OF 38.02 FEET WHICH BEARS NORTH 75 DEGREES 23 MINUTES 58 SECONDS EAST; THENCE NORTH 88 DEGREES 53 MINUTES 84 SECONDS EAST, A DISTANCE OF 104.02 FEET; THENCE SOUTH 10 DEGREES 19 MINUTES 04 SECONDS WEST, A DISTANCE OF 147.20 FEET; THENCE SOUTH 72 DEGREES 06 MINUTES 06 SECONDS EAST, A DISTANCE OF 150.00 FEET; THENCE NORTH 17 DEGREES 53 MINUTES 54 SECONDS EAST, A DISTANCE OF 88.00 FEET; THENCE SOUTH 72 DEGREES 06 MINUTES 06 SECONDS EAST, A DISTANCE OF 113.12 (113.22 CALC) FEET; THENCE PARALLEL WITH THE EAST BOUNDARY LINE OF SAID TRACT 8, SOUTH 0 DEGREES 4 MINUTES 08 SECONDS EAST, A DISTANCE OF 279.25 (279.19 CALC) FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 52 SECONDS WEST, 95.00 FEET; THENCE NORTH 00 DEGREES 14 MINUTES 08 SECONDS WEST, 40.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 52 SECONDS WEST, 123.00 FEET; THENCE NORTH 87 DEGREES 44 MINUTES 33 SECONDS WEST, 72.22 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 18 SECONDS WEST, 283.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.57 ACRES M.O.L.

ERIC DR. NEW PORT RICKEY, FL

SURVEYORS REPORT

1) THIS IS A BOUNDARY SURVEY.
 2) THE SURVEY REPRESENTS THE PROPERTY ACRES THE ADJACENT RECORDS OF PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.
 3) THE SURVEY REPRESENTS THE PROPERTY ACRES THE ADJACENT RECORDS OF PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.
 4) THE SURVEY REPRESENTS THE PROPERTY ACRES THE ADJACENT RECORDS OF PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.
 5) THE SURVEY REPRESENTS THE PROPERTY ACRES THE ADJACENT RECORDS OF PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.
 6) THE SURVEY REPRESENTS THE PROPERTY ACRES THE ADJACENT RECORDS OF PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.
 7) THE SURVEY REPRESENTS THE PROPERTY ACRES THE ADJACENT RECORDS OF PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.
 8) THE SURVEY REPRESENTS THE PROPERTY ACRES THE ADJACENT RECORDS OF PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.
 9) THE SURVEY REPRESENTS THE PROPERTY ACRES THE ADJACENT RECORDS OF PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.
 10) THE SURVEY REPRESENTS THE PROPERTY ACRES THE ADJACENT RECORDS OF PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.

PREPARED BY:
SIGNATURE LAND DEVELOPMENTS, INC.

ABBREVIATION LEGEND

CL - Contour Line	CP - Center Line	CS - Center of Gravity	CT - Curve to the Right	CT - Curve to the Left	CT - Curve to the Right
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Exhibit 1, p. 3 of 3

**Brief Statement of Explanation regarding
Application No. 2011-135C**

Provide a separate brief statement for each Cure

As a result of NOPSE Scoring the Applicants score was reduced by 0.25 points for the proximity to a Public Library due to submission of a NOPSE raising question to the accuracy of the coordinates submitted in the applicants survey certification form.

Applicant submits a revised surveyor certification form reflecting a revised and corrected library doorway coordinate as well as a revised site tie breaker measurement point. Also submitted is an affidavit from a second third party licensed surveyor that confirms the location of the library proximity point being submitted on the revised surveyor certification form is correct.

As a result of using the revised site tiebreaker measurement point, the library door coordinates are within 0.5 miles of the site tiebreaker measurement point and the applicant is eligible for 1.75 points for proximity to the library.

2011 UNIVERSAL CYCLE - SURVEYOR CERTIFICATION FOR COMPETITIVE HC APPLICATIONS

Name of Developer: Magnolia Place Apartments
(Per H.A. 1. of the 2011 Universal Cycle Application)

Development Location*: 6709, 6711, 6713, 6645, 6701, 6703 Congress Street and 6604 Champer Drive, New Port Richey, FL
(All addresses, provide the address assigned by the United States Postal Service, including the Address number, street name and city, or if the address has not yet been assigned, provide (a) the street name, closest designated intersection and city if located within a city or (b) the closest street, closest designated intersection and county if located in the unincorporated area of the county.) * If the Development consists of Scattered Sites, the Development Location stated above must reflect the Scattered Site where the Tie-Breaker Measurement Point is located.)
 The undersigned Florida licensed surveyor confirms that the method used to determine the following latitude and longitude coordinates conforms to Rule 61G17-6, F.A.C.:

State Tie-Breaker Measurement Point:	N 28 Degrees	15 Minutes	18.1 Seconds <small>(truncated after 1 decimal place)</small>	W 82 Degrees	42 Minutes	31.7 Seconds <small>(truncated after 1 decimal place)</small>
--------------------------------------	-----------------	---------------	---	-----------------	---------------	---

If the Development consists of Scattered Sites, is a part of the boundary of each Scattered Site located within 1/2 mile of the Scattered Site with the most units?
 Yes or No (Must check one if Development consists of Scattered Sites.)

To be eligible for proximity tie-breaker points, Degrees and Minutes must be stated in whole numbers and Seconds must be truncated after 1 decimal place. The Corporation will utilize Street Atlas USA 2010, published by DeLorme, to determine the proximity of a eligible service to the proposed Development's Tie-Breaker Measurement Point.

Transit Service - State the latitude and longitude coordinates for one (1) Transit Service on the chart below:

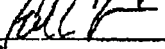
Public Bus Stop	Latitude			Longitude		
	N Degrees	Minutes	Seconds <small>(truncated after 1 decimal place)</small>	W Degrees	Minutes	Seconds <small>(truncated after 1 decimal place)</small>
Public Bus Transfer Stop or Public Bus Rapid Transit Stop	N 28 Degrees	14 Minutes	30.3 Seconds <small>(truncated after 1 decimal place)</small>	W 82 Degrees	43 Minutes	44.9 Seconds <small>(truncated after 1 decimal place)</small>
Public Rail Station	N Degrees	Minutes	Seconds <small>(truncated after 1 decimal place)</small>	W Degrees	Minutes	Seconds <small>(truncated after 1 decimal place)</small>

Tier 1 and Tier 2 Services - State the Name, Address and latitude and longitude coordinates of the closest service(s) on the chart below:

Tier 1 Services:	Latitude			Longitude		
	N Degrees	Minutes	Seconds <small>(truncated after 1 decimal place)</small>	W Degrees	Minutes	Seconds <small>(truncated after 1 decimal place)</small>
Grocery Store: Name - <u>Swastley Supermarket & Pharmacy</u> Address - <u>6400 Massachusetts</u>	N 28 Degrees	15 Minutes	27.8 Seconds <small>(truncated after 1 decimal place)</small>	W 82 Degrees	42 Minutes	31.8 Seconds <small>(truncated after 1 decimal place)</small>
Public School: Name - _____ Address - _____	N Degrees	Minutes	Seconds <small>(truncated after 1 decimal place)</small>	W Degrees	Minutes	Seconds <small>(truncated after 1 decimal place)</small>
Medical Facility: Name - <u>Procter Community Healthcare Gap</u> Address <u>6638 Forest Avenue</u>	N 28 Degrees	15 Minutes	17.0 Seconds <small>(truncated after 1 decimal place)</small>	W 82 Degrees	42 Minutes	47.9 Seconds <small>(truncated after 1 decimal place)</small>
Senior Center: Name - <u>Chando Posen Senior Center</u> Address - <u>6640 Van Buren Street</u>	N 28 Degrees	15 Minutes	17.0 Seconds <small>(truncated after 1 decimal place)</small>	W 82 Degrees	42 Minutes	38.2 Seconds <small>(truncated after 1 decimal place)</small>
Tier 2 Services:	Latitude			Longitude		
Public Park: Name - <u>New Port Richey Rac & Aquatic Ctr</u> Address - <u>6630 Van Buren Street</u>	N 28 Degrees	15 Minutes	23.3 Seconds <small>(truncated after 1 decimal place)</small>	W 82 Degrees	42 Minutes	39.8 Seconds <small>(truncated after 1 decimal place)</small>
Community Center: Name - <u>New Port Richey Rac & Aquatic Ctr</u> Address - <u>6630 Van Buren Street</u>	N 28 Degrees	15 Minutes	21.1 Seconds <small>(truncated after 1 decimal place)</small>	W 82 Degrees	42 Minutes	38.0 Seconds <small>(truncated after 1 decimal place)</small>
Pharmacy: Name - <u>Swastley Supermarket & Pharmacy</u> Address - <u>6400 Massachusetts</u>	N 28 Degrees	15 Minutes	27.8 Seconds <small>(truncated after 1 decimal place)</small>	W 82 Degrees	42 Minutes	31.8 Seconds <small>(truncated after 1 decimal place)</small>
Public Library: Name - <u>New Port Richey Library</u> Address <u>3828 Main Street</u>	N 28 Degrees	15 Minutes	01.6 Seconds <small>(truncated after 1 decimal place)</small>	W 82 Degrees	42 Minutes	57.7 Seconds <small>(truncated after 1 decimal place)</small>

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

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

Signature: 
 EDWARD C. ELLIOTT
Print or Type Name and Title of Signatory
 300A S. BELCHER RD., CLEARWATER, FL 33765
Name of Surveyor Address (street address, city, state)
 3363
 Florida License Number
 (727) 474-3751
 Telephone Number (including area code)

UA1016 (Rev. 2-11) 67-48.004(1)(a); 67-21.003(1)(a) F.A.C. Provide Behind a Tab Labeled "Exhibit 25"
 This certification, consists of 2 pages. 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 be eligible to 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 not be eligible to receive proximity tie-breaker points. The Application may still be eligible for automatic points. This certification may be photocopied. To be considered for scoring purposes, at least page 1 of this 2 page certification form must be provided by the Applicant.

EXHIBIT 2, p. 2 of 7

¹ 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. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units.

² If the proposed Development meets the definition of Scattered Sites, a part of the boundary of each Scattered Site must be located within 1/2 mile of the Scattered Site with the most units. "Scattered Sites," as applied to a single Development, means a Development site that, when taken as a whole, is comprised of real property that is not contiguous (each such non-contiguous site within a Scattered Site Development, a "Scattered Site"). For purposes of this definition "contiguous" means touching at a point or along a boundary. Real property is contiguous if the only intervening real property interest is an easement provided the easement is not a roadway or street. (See Rule 67-48.002, F.A.C.)

³ The latitude and longitude coordinates for all Proximity Services must represent a point as outlined below. The coordinates for each service must be stated in degrees, minutes and seconds, with the degrees and minutes stated as whole numbers and the seconds truncated after one decimal place. If the degrees and minutes are not stated as whole numbers and the seconds are not truncated after one decimal place, the Applicant will not be eligible for proximity tie-breaker points for that service.

The Corporation will utilize Street Atlas USA 2010, published by DeLorme, using the method described below, to determine the proximity of an eligible service to the proposed Development's Tie-Breaker Measurement Point.

Service	Location where latitude and longitude coordinates must be obtained																										
Grocery Store, Public School, Medical Facility, Community Center, Senior Center, Public Library and Pharmacy	Coordinates must represent a point that is on the doorway threshold of an exterior entrance that provides direct public access to the building where the service is located.																										
Public Park	Coordinates must represent a point that is on the premises; however, the point may not be located in the parking lot, street, or any area that is not intended for recreational activities. Additionally, if the area intended for recreational activities is enclosed, the coordinates must represent the public ingress/egress point of entry to the enclosed area.																										
Public Bus Stop, Public Bus Rapid Transit Stop, Public Bus Transfer Stop and Public Rail Station	With the exception of SunRail Rail Stations, coordinates must represent the location where passengers may embark and disembark the bus or train. SunRail Rail Stations coordinates must represent the coordinates listed below:																										
	<table border="1"> <thead> <tr> <th>Station Name</th> <th>Latitude/Longitude Coordinates</th> </tr> </thead> <tbody> <tr> <td>Altamonte Springs Station</td> <td>N 28 39 50.1, W 81 21 23.4</td> </tr> <tr> <td>Church Street Station</td> <td>N 28 31 20.3, W 81 22 50.6</td> </tr> <tr> <td>DeBary Station</td> <td>N 28 31 20.3, W 81 19 24.1</td> </tr> <tr> <td>Florida Hospital Station</td> <td>N 28 34 21.8, W 81 22 17.4</td> </tr> <tr> <td>Lake Mary Station</td> <td>N 28 45 31.8, W 81 19 04.3</td> </tr> <tr> <td>Longwood Station</td> <td>N 28 42 04.1, W 81 20 43.4</td> </tr> <tr> <td>LYNK Central Station</td> <td>N 28 33 52.2, W 81 22 51.0</td> </tr> <tr> <td>Maitland Station</td> <td>N 28 38 03.7, W 81 21 44.7</td> </tr> <tr> <td>Orlando Amtrak/ORMC Station</td> <td>N 28 31 39.5, W 81 22 55.6</td> </tr> <tr> <td>Sand Lake Road Station</td> <td>N 28 27 11.3, W 81 22 1.0</td> </tr> <tr> <td>Winter Park/US46 Station</td> <td>N 28 48 49.8, W 81 17 54.9</td> </tr> <tr> <td>Winter Park/Park Ave Station</td> <td>N 28 35 51.5, W 81 21 6.0</td> </tr> </tbody> </table>	Station Name	Latitude/Longitude Coordinates	Altamonte Springs Station	N 28 39 50.1, W 81 21 23.4	Church Street Station	N 28 31 20.3, W 81 22 50.6	DeBary Station	N 28 31 20.3, W 81 19 24.1	Florida Hospital Station	N 28 34 21.8, W 81 22 17.4	Lake Mary Station	N 28 45 31.8, W 81 19 04.3	Longwood Station	N 28 42 04.1, W 81 20 43.4	LYNK Central Station	N 28 33 52.2, W 81 22 51.0	Maitland Station	N 28 38 03.7, W 81 21 44.7	Orlando Amtrak/ORMC Station	N 28 31 39.5, W 81 22 55.6	Sand Lake Road Station	N 28 27 11.3, W 81 22 1.0	Winter Park/US46 Station	N 28 48 49.8, W 81 17 54.9	Winter Park/Park Ave Station	N 28 35 51.5, W 81 21 6.0
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If there is no exterior public entrance to the Tier 1 or Tier 2 Service, then a point should be used that is at the exterior entrance doorway threshold that is the closest walking distance to the doorway threshold of the interior public entrance to the service. For example, for a Pharmacy located within an enclosed shopping mall structure that does not have a direct public exterior entrance, the latitude and longitude coordinates at the doorway threshold of the exterior public entrance to the enclosed shopping mall that provides the shortest walking distance to the doorway threshold of the interior entrance to the Pharmacy would be used.

The Applicant may not use any other Tier 1 or Tier 2 Service for multiple point items unless they are separate functioning services that are housed at the same location. For instance, an Applicant may not use a Senior Center as both a Senior Center and a Community Center. However, Applicants may use the same latitude and longitude coordinates for the Grocery Store, Medical Facility and/or Pharmacy if the Grocery Store, Medical Facility and/or Pharmacy is housed at the same location.

EXHIBIT 2, p. 3 of 7

BEFORE THE STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

MAGOLIA PLACE APARTMENTS,

Petitioner,

v.

Application No. 2011-135C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

SWORN CLARIFICATION AND
AFFIDAVIT OF GUY D. HALE

BEFORE ME, the undersigned authority, personally appeared Guy D. Hale, who provided a Florida Driver's License as identification and who being duly sworn states as follows:

1. My name is Guy D. Hale and I am a licensed Professional Surveyor and Mapper in the State of Florida (LS4626). I am the Owner of Guy Hale, Land Surveying in Oldsmar, Florida.
2. I am over the age of 18 years old and have knowledge of the facts and conclusions presented in this affidavit.
3. On or about February 25, 2012, my company prepared at the direction of the developers a specific purpose survey for a development site for the proposed Magnolia Place Apartments in New Port Richey, Florida. The specific purpose survey was to determine the location of the entrance door of New Port Richey Library to the Southwest boundary corner of said proposed Magnolia Place Apartments.
4. The actual measurement points were generated using a real time kinematic GPS system. We occupied a point with published Latitude and Longitude data as well as

22187577.1

1.

EXHIBIT 2, p. 4 of 7

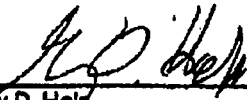
ATTACHMENT D - NO. 2011-135C

Florida West Zone Plane Coordinates (as published on www.fabin.org and known as X-108 on the NGS Data Sheets).

5. From this known point, using standard surveying procedures we produced control points to locate the Southwesterly boundary corners of the site as well as the locations of the previously mentioned Public Library. Standard survey equipment was then used to locate the southwest corner of said parcel and the entrance of said library. The traverse was closed and adjusted in accordance with the Minimum Technical Standards for Surveying found in Chapter 5J-17 of the Florida Statutes. This method provided us with State Plane Coordinates for the Public Facilities.
6. We then used Corpscon6, a program provided by the National Geodetic Survey Branch of NOAA to convert the State Plane Coordinates of the Public Facilities entrances to Latitudes and Longitudes.
7. On February 27, 2012 we reoccupied all control points with static GPS and verified all set control points to be within 0.02 of a foot of accuracy.
8. The location of the Public Library on the doorway threshold of an exterior entrance that provides public access as required and the distance between the development site and the Library lies within ¼ mile of the tie breaker point..
9. A Specific Purpose Survey is attached..

EXHIBIT 2, P. 5 of 7

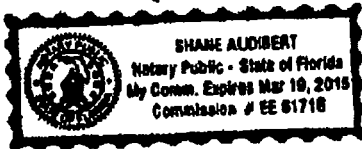
FURTHER AFFIANT SAYETH NAUGHT



Guy D. Hale

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me this Feb. 29th 2012
by Guy D. Hale who is personally known to me or has produced a Florida Driver's License as
identification and who did take an oath.

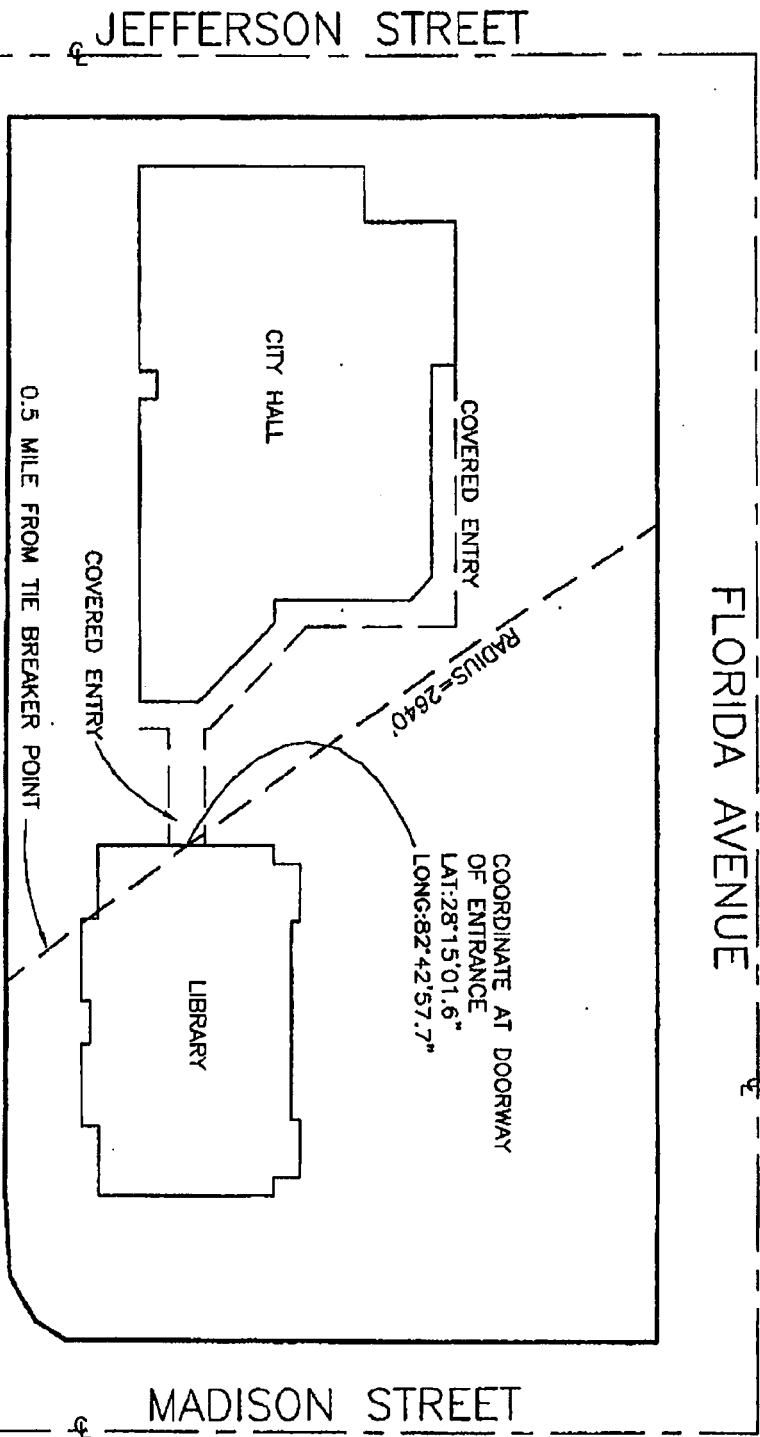




Notary Public

EXHIBIT 2, p. 6 of 7

SPECIFIC PURPOSE SURVEY SECTION 5, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA
 TO DELINEATE THE COORDINATE LOCATION OF THE ENTRANCE TO NEW PORT RICHEY PUBLIC LIBRARY, 5939 MAIN STREET, NEW PORT RICHEY, FLORIDA 34653, TO THE SOUTHWEST CORNER OF THE MAGNOLIA PLACE PROJECT.



STANDARD ABBREVIATION LEGEND

PT. 1 - PERMANENT
 PT. 2 - PERMANENT
 PT. 3 - PERMANENT
 PT. 4 - PERMANENT
 PT. 5 - PERMANENT
 PT. 6 - PERMANENT
 PT. 7 - PERMANENT
 PT. 8 - PERMANENT
 PT. 9 - PERMANENT
 PT. 10 - PERMANENT
 PT. 11 - PERMANENT
 PT. 12 - PERMANENT
 PT. 13 - PERMANENT
 PT. 14 - PERMANENT
 PT. 15 - PERMANENT
 PT. 16 - PERMANENT
 PT. 17 - PERMANENT
 PT. 18 - PERMANENT
 PT. 19 - PERMANENT
 PT. 20 - PERMANENT

CERTIFICATION:
 I, *[Signature]*, being duly sworn, certify that the foregoing is a true and correct copy of the original survey as shown to me by the client, and that the same is in accordance with the laws of the State of Florida, and that the same is not in violation of any law or ordinance of any city or county in the State of Florida.

BY HALE LAND SURVEYING

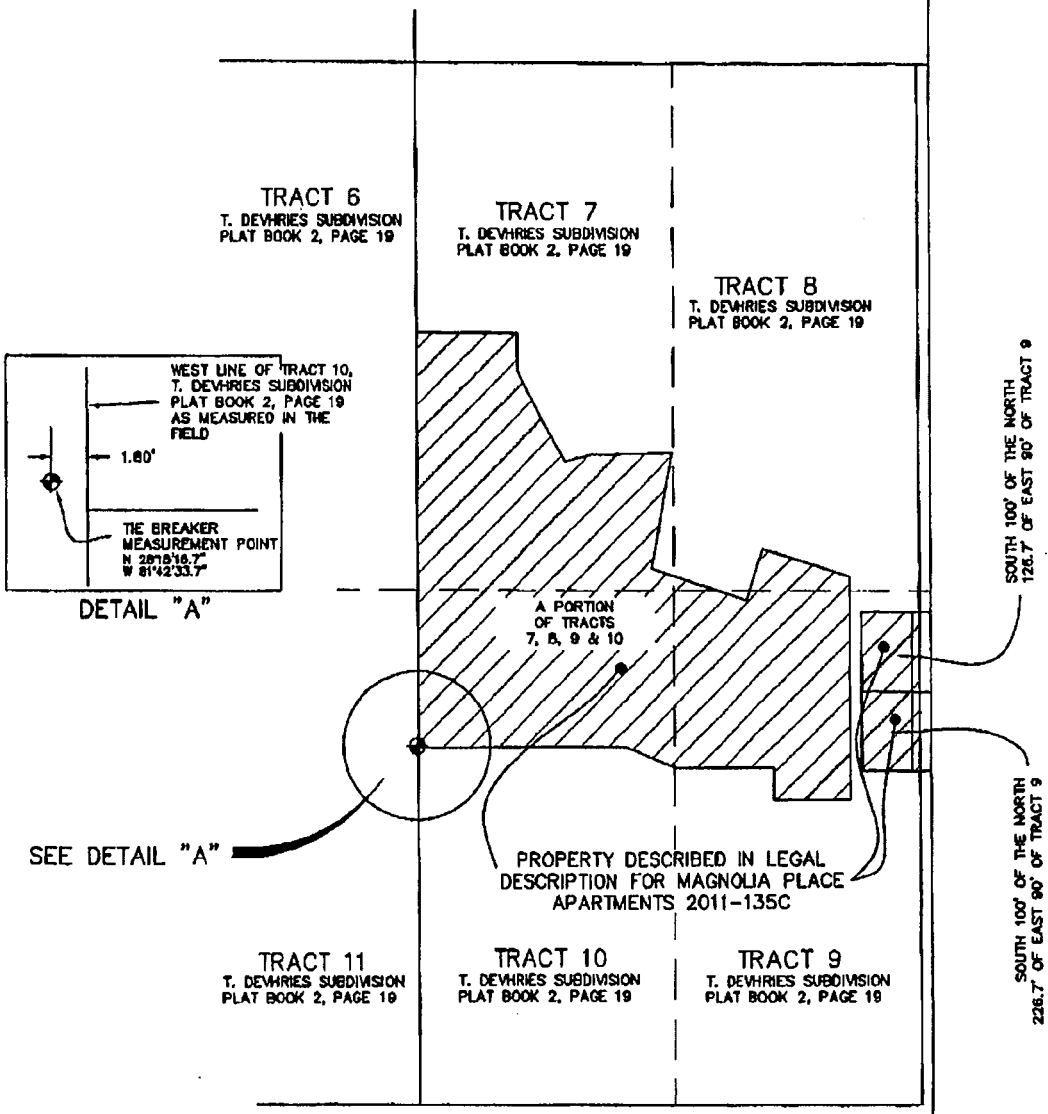
PROFESSIONAL SURVEYOR & MAPPER
 171 FOREST LAKES BOULEVARD
 OLDSMAR, FLORIDA 34677
 (727) 734-4266 FAX (727) 74-3228

DATE: 02/23/2012

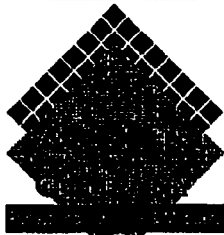
EXHIBIT 2, p. 7 of 7

MAGNOLIA PLACE

SKETCH OF TIE BREAKER MEASUREMENT POINT



Drawing name: L:\Data\23035\PROXIMITY SURVEYS 2011\cd\magnolia place\magnolia place.dwg\magnolia place LIBRARY EXHIBIT.dwg Model



213 S. Duval Street, Suite 210
 Winter Garden, Florida 34787 • (407) 654-5355

SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.

JOB NO. 23035	CALCULATED BY: TDY
DATE: 3/5/2012	DRAWN BY: TDY
SCALE: 1" = 200'	CHECKED BY: JLR
FIELD BY: BA	

FOR THE LICENSED BUSINESS #6723 BY:
 JAMES L. RICKMAN, P.S.M. #5633

EXHIBIT 3, p. 1 of 1

ATTACHMENT D - NO. 2011-135C

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

NOVA OAKS HOUSING
LIMITED PARTNERSHIP,

Petitioner,

v.

Application No.2011-135C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

AFFIDAVIT OF GUY D. HALE

BEFORE ME, the undersigned authority, personally appear Guy D. Hale, who provided a Florida Driver's License as identification and who being duly sworn states as follows:

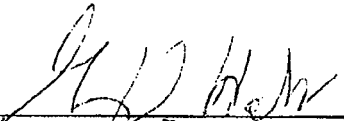
1. My name is Guy D. Hale and I am a licensed Professional Surveyor and Mapper in the State of Florida (LS4626). I am the Owner of Guy Hale, Land Surveying in Oldsmar, Florida.
2. I am over the age of 18 years old and have knowledge of the facts and conclusions presented in this affidavit.
3. On or about April 4, 2012, my company prepared at the direction of the developers of Magnolia Place Apartments in New Port Richey, Florida a Specific Purpose Survey for a Development Site. The Specific Purpose

Survey was to confirm the location of the Tie-Breaker Measurement Point for the Magnolia Place Apartment. In preparation of our Survey we reviewed and discussed the Universal Application Instructions related to the Tie-Breaker Measure Point with the developer of Magnolia Place. We also reviewed the Surveyor Certification Form prepared for the Site which included the coordinates of N28 15 16.7, W82 43 33.7 as the Tie-Breaker Measure Point.

4. On April 4, 2012, we visited the Development Site and located the designated Tie-Breaker Measurement Point. We then confirmed the point using a Real Time Kinematic GPS System. We occupied a point with published Latitude and Longitude data as well as Florida Wet Zone Plane Coordinates (as published on www.labin.org and known as X-108 on the NGS Data Sheets).
5. From this known point, using standard surveying procedures we produced control points to locate the Southwesterly boundary corners of the site. Standard survey equipment was then used to locate the southwest corner of said parcel which is also the Tie-Breaker Measure Point. The traverse was closed and adjusted in accordance with the Minimum Technical Standards for Surveying found in Chapter 5J-17 Florida Administrative Code. This method provided us with State Plane Coordinates for the Public Facilities.

6. We subsequently reoccupied all control points with static GPS and verified all set control points to be within 0.02 of the foot of accuracy.
7. We then using the legal description for the Development Site confirmed the location of the Tie-Breaker Measurement Point s being on the Development Site for the Magnolia Place Apartments.
8. The Specific Purpose Survey we prepared is attached to this Affidavit.
9. Based on our professionally accepted methodologies the selected Tie-Breaker Measurement Point is located on the Development Site.


FURTHER AFFIANT SAYETH NAUGHT



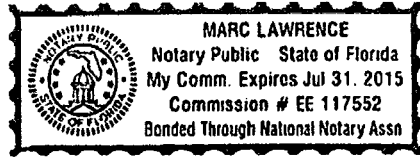
Guy D. Hale

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me this 4/17/12
by Guy D. Hale who is personally known to me or has produced a Florida Driver's
License as identification and who did take an oath.

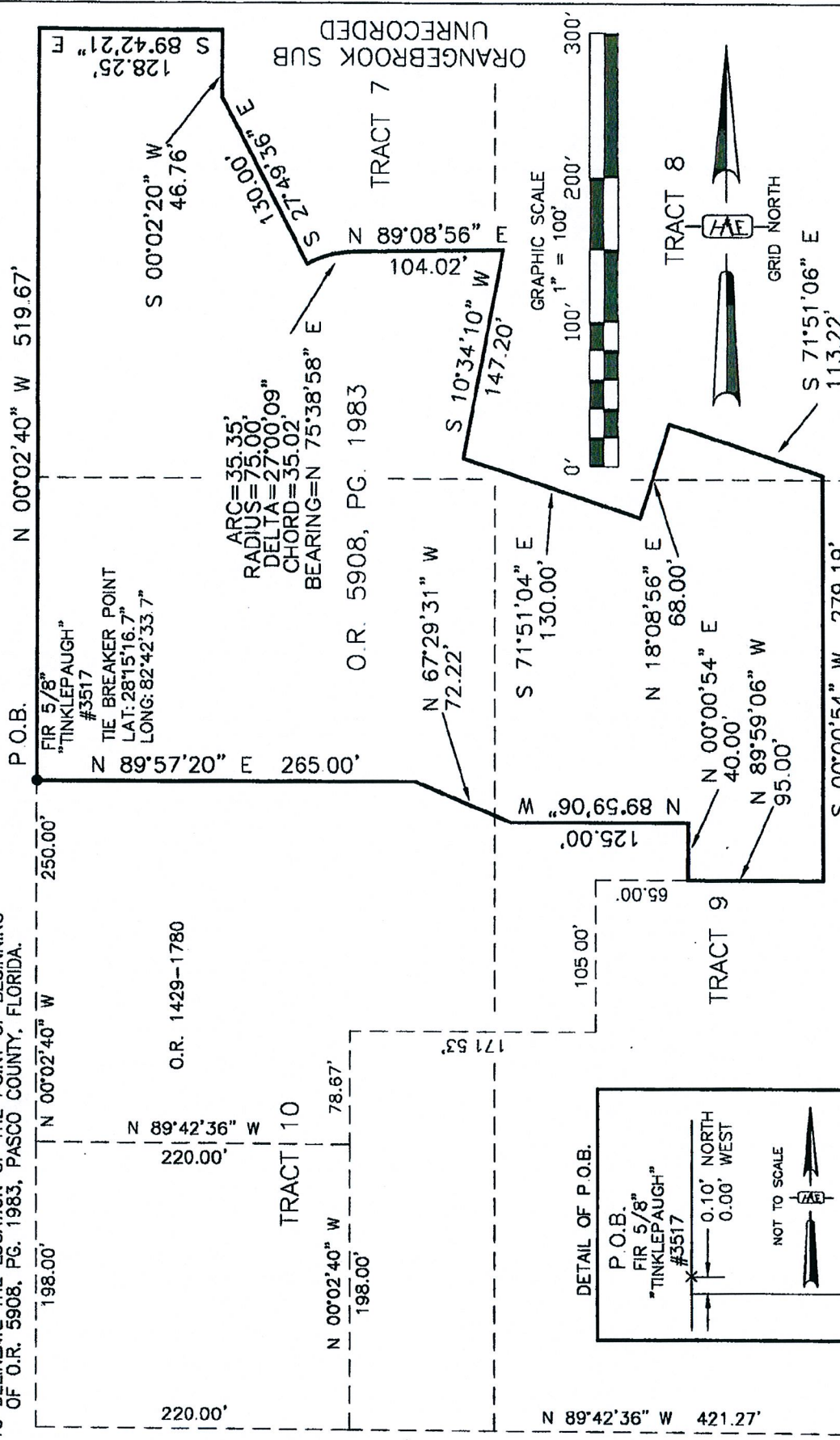


Notary Public



SECTION 4, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY FLORIDA

SPECIFIC PURPOSE SURVEY
TO DELINEATE THE LOCATION OF THE POINT OF BEGINNING OF O.R. 5908, PG. 1983, PASCO COUNTY, FLORIDA.



GUY HALE LAND SURVEYING

PROFESSIONAL SURVEYOR & MAPPER
111 FOREST LAKES BOULEVARD
OLDSMAR, FLORIDA 34677
(727) 734-4266 FAX (727) 734-3228

CERTIFICATION:
CERTIFIED AS A SPECIFIC PURPOSE SURVEY UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER. THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

[Signature]

GUY D. HALE PLS # 4626
JOB NUMBER: 2012015
DATE: 04/03/2012

P.O.C. FOUND RAILROAD SPIKE CERTIFIED CORNER RECORD #4148B

SYMBOL & ABBREVIATION LEGEND
Pg(S) = PAGE RECORD
O.R. = ORIGINAL RECORD
P.O.B. = POINT OF BEGINNEMENT
P.L.S. = PROFESSIONAL LAND SURVEYOR
LAT. = NORTH LATITUDE
LONG. = WEST LONGITUDE

SURVEYOR'S NOTES:
LATITUDE AND LONGITUDE COORDINATES SHOWN HEREON ARE BASED ON GEODETIC CONTROL POINT "X 108"
LAT: 28°11'17.11769" LONG: 82°43'49.38985"
BEARING SHOWN HEREON ARE DEED BEARINGS ROTATED TO GRID BEARINGS.

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

NOVA OAKS HOUSING
LIMITED PARTNERSHIP,

Petitioner,

v.

Application No.2011-135C

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

AFFIDAVIT OF EDWARD C. ELLIOTT

BEFORE ME, the undersigned authority, personally appear Edward C. Elliott, who provided a Florida Driver's License as identification and who being duly sworn states as follows:

1. My name is Edward C. Elliott and I am a licensed Professional Surveyor and Mapper in the State of Florida (LS3983). I am the Vice President of EMME Land Surveying, LLC in Clearwater, Florida.
2. I am over the age of 18 years old and have knowledge of the facts and conclusions presented in this affidavit.
3. On or about March 19, 2012, my company prepared at the direction of the developers a Specific Purpose Survey for a development site proposed for the Magnolia Place Apartments in New Port Richey, Florida. The Specific

Purpose Survey was to confirm the location of the revised Tie-Breaker Measurement Point as that phrase is used by Florida Housing for the Magnolia Place Apartment. It has been alleged that the revised Tie-Breaker Measurement Point is not on the Development Site but appears to be 1.8 feet off the site.

4. I previously located and surveyed the original a Tie-Breaker Measure Point and prepared the Surveyor Certification form submitted with the initial Universal Application on December 6, 2011. The initial Tie-Breaker Measurement Point was near the Southwest corner of the site and was moved several feet further towards the corner of the Development Site in an effort to maximize Tie-Breaker Points as allowed by the process. I also prepared the revised Surveyor Certification.
5. On March 19, 2012, I physically located the revised Tie-Breaker Measurement Point and confirmed its location using a Topcon Total Station Model GTS 223. To further verify the Point, I occupied a point with published Latitude and Longitude data as well as Florida West Zone State Plane Coordinates (as published on www.labin.org and known as X-108 on the NGS Data Sheets).
6. From this known point, using standard surveying procedures I produced control points to locate the Southwesterly boundary corners of the

Development site. Standard survey equipment was then used to locate the southwest corner of said the Development site which is also the Tie-Breaker Measure Point. The traverse was closed and adjusted in accordance with the Minimum Technical Standards for Surveying found in Chapter 5J-17 Florida Administrative Code. This method provided a State Plane Coordinates for the Public Facilities.

7. I subsequently reoccupied all control points with static GPS and verified all set control points to be within 0.02 of the foot of accuracy. Based on these activities I confirmed that the location of the Tie-Breaker Measurement Point is on the proposed Development Site for the Magnolia Place Apartments.
8. The Specific Purpose Survey I prepared is attached to this Affidavit.
9. I have also reviewed the relevant parts of a NOAD prepared by William H. Abel, Jr. which alleges that Mr. Abel visited the Magnolia Place development site, located the point in question and concluded that the point "appeared" to be 1.8 feet (21.6 inches) off the development site.
10. It is difficult to understand Mr. Abel's conclusion because he has not clearly identified the methodology used to reach his conclusion. Further the sketch he uses has not been signed or sealed and on its face should not be used or relied on to make the precise calculation and conclusion

reached. Moreover when we did our follow-up research of the Tie-Breaker Measurement Point on March 19, 2012, it did not appear that anyone had been to the point in some time as I had to get to the site with a machete. The site is heavily wooded and unless you actually physically located the point in question it would be difficult if not impossible to make the precise calculation and point placement called for.

11. Mr. Abel asserts that the revised Tie-Breaker Point was reached by rounding rather than truncation as required by Florida Housing Rules. The Tie-Breaker Measurement Point as stated in the Surveyor Certification submitted as a CURE was not rounded but instead was truncated after one decimal place as required.

12. Based on our professionally accepted methodologies, the revised Tie-Breaker Measurement Point is located on the Development Site.

FURTHER AFFIANT SAYETH NAUGHT



Edward C. Elliott

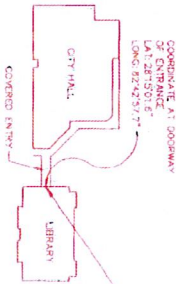
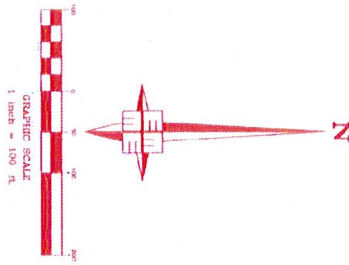
**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me this 17th day of April 2012
by Edward C. Elliott who is personally known to me or has produced a Florida
Driver's License as identification and who did take an oath.



Notary Public



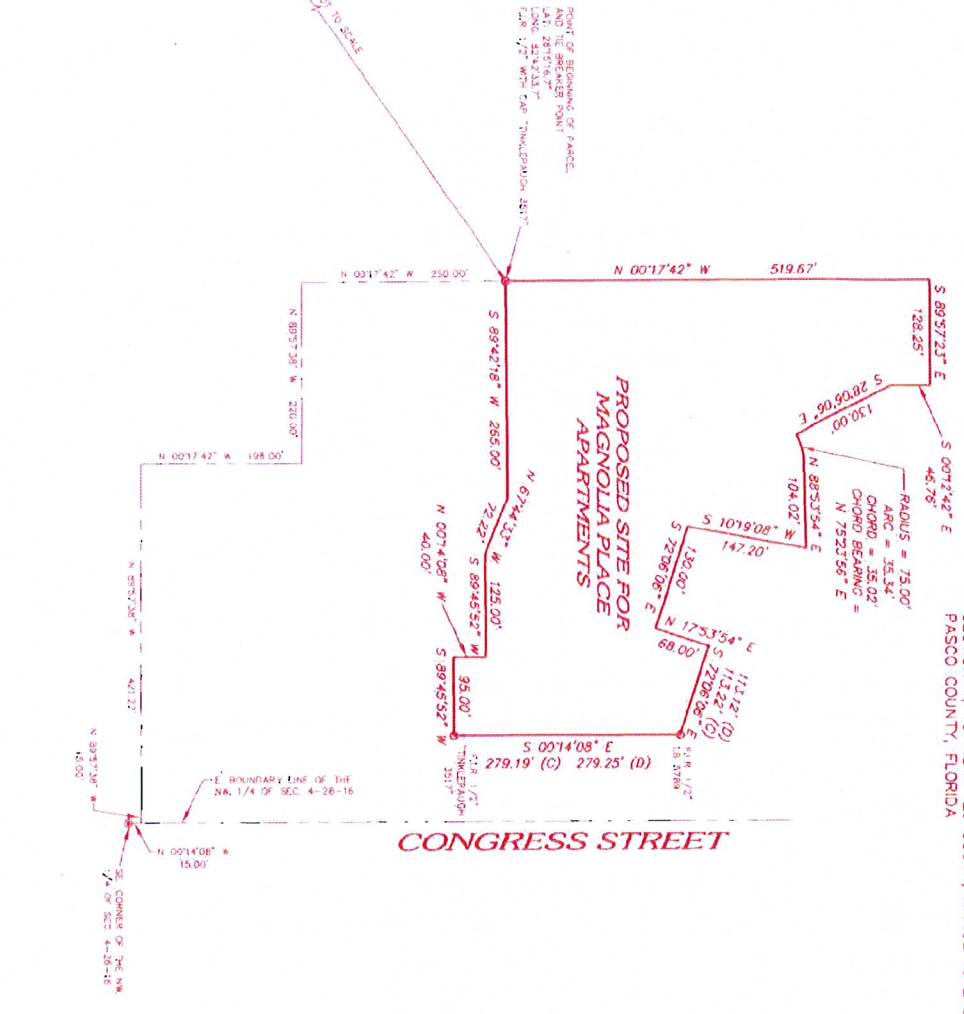


ABBREVIATION LEGEND

17.1	ADJACENT PROPERTY	ADJ	ADJACENT
17.2	ADJACENT PROPERTY	ADJ	ADJACENT
17.3	ADJACENT PROPERTY	ADJ	ADJACENT
17.4	ADJACENT PROPERTY	ADJ	ADJACENT
17.5	ADJACENT PROPERTY	ADJ	ADJACENT
17.6	ADJACENT PROPERTY	ADJ	ADJACENT
17.7	ADJACENT PROPERTY	ADJ	ADJACENT
17.8	ADJACENT PROPERTY	ADJ	ADJACENT
17.9	ADJACENT PROPERTY	ADJ	ADJACENT
17.10	ADJACENT PROPERTY	ADJ	ADJACENT
17.11	ADJACENT PROPERTY	ADJ	ADJACENT
17.12	ADJACENT PROPERTY	ADJ	ADJACENT
17.13	ADJACENT PROPERTY	ADJ	ADJACENT
17.14	ADJACENT PROPERTY	ADJ	ADJACENT
17.15	ADJACENT PROPERTY	ADJ	ADJACENT
17.16	ADJACENT PROPERTY	ADJ	ADJACENT
17.17	ADJACENT PROPERTY	ADJ	ADJACENT
17.18	ADJACENT PROPERTY	ADJ	ADJACENT
17.19	ADJACENT PROPERTY	ADJ	ADJACENT
17.20	ADJACENT PROPERTY	ADJ	ADJACENT
17.21	ADJACENT PROPERTY	ADJ	ADJACENT
17.22	ADJACENT PROPERTY	ADJ	ADJACENT
17.23	ADJACENT PROPERTY	ADJ	ADJACENT
17.24	ADJACENT PROPERTY	ADJ	ADJACENT
17.25	ADJACENT PROPERTY	ADJ	ADJACENT
17.26	ADJACENT PROPERTY	ADJ	ADJACENT
17.27	ADJACENT PROPERTY	ADJ	ADJACENT
17.28	ADJACENT PROPERTY	ADJ	ADJACENT
17.29	ADJACENT PROPERTY	ADJ	ADJACENT
17.30	ADJACENT PROPERTY	ADJ	ADJACENT

SUPPLEMENTARY NOTES:
 1) ALL BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE ORIGINAL SURVEY DATA AND THE ORIGINAL SURVEY RECORDS.
 2) NO UNDEVELOPED LAND OR UNDEVELOPED INTERESTS, FOUNDATIONS OR UTILITIES HAVE BEEN LOCATED OR SHOWN ON THIS SURVEY EXCEPT AS SHOWN HEREON.
 3) THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND THE SURROUNDING AREAS TO VERIFY THE ACCURACY OF THE SURVEY DATA.
 4) THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND THE SURROUNDING AREAS TO VERIFY THE ACCURACY OF THE SURVEY DATA.
 5) THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND THE SURROUNDING AREAS TO VERIFY THE ACCURACY OF THE SURVEY DATA.
 6) THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND THE SURROUNDING AREAS TO VERIFY THE ACCURACY OF THE SURVEY DATA.
 7) A SURVEY PREPARED BY LAND RECEPTION CORPORATION IN NOVEMBER 1978 WAS USED AS THE INFORMATION OF THIS SURVEY.

THE PURPOSE OF THIS SURVEY IS TO SHOW THE DISTANCE BETWEEN THE SOUTHWEST CORNER OF THE SITE (THE BREAKER POINT) AND THE DOORWAY OF THE CLOSEST PUBLIC LIBRARY



DESIGNED AS A SINGLE PURPOSE SURVEY SHOWING
 THE DISTANCE BETWEEN THE SOUTHWEST CORNER OF THE SITE (THE BREAKER POINT) AND THE DOORWAY OF THE CLOSEST PUBLIC LIBRARY
 EDWARD C. ELLIOTT
 FLORIDA PROFESSIONAL SURVEYOR
 AND MAPPER NO. 3983



EMME Land Surveying, LLC.
 3004 SOUTH BELCHER ROAD, CLEARWATER, FLORIDA 33765
 OFFICE (727) 474-3751, FAX (727) 474-3753
 email: emmelandsurveying@gmail.com
 CERTIFICATE OF AUTHORIZATION LB NO. 7895

SCALE
 1" = 100'
 DRAWN BY
 CHECKED BY
 DATE
 2011077

THIS IS A PHOTO TAKEN ON MARCH 19, 2012 SHOWING THE APPROACH TO THE TIE BREAKER POINT IT SHOULD BE OBVIOUS FROM THIS PHOTO THAT NO OTHER SURVEYOR OR SURVEY CREW HAD BEEN TO THIS POINT ANY TIME RECENTLY



THIS PHOTO TAKEN ON MARCH 19, 2012 SHOWS THE LOCATED TIE
BREAKER BOUNDARY CORNER BETWEEN 2 FENCES.



THIS PHOTO TAKEN ON MARCH 19, 2012 SHOWS THE HEAVY TREE CANOPY OVER THE TIE BREAKER POINT THIS HEAVY CANOPY DOES NOT MAKE IT IMPOSSIBLE TO LOCATE THE POINT WITH GPS RTK EQUIPMENT, BUT IT DOES MAKE IT DIFFICULT AS THE ACCURACY LEVEL OF GPS RTK EQUIPMENT IS BASED ON THE NUMBER OF SATELLITES THAT THE EQUIPMENT CAN TRACK.

From the Leica 1200 Owners Manual

7.1.2 Accuracy



Accuracy is dependent upon various factors including the number of satellites tracked, constellation geometry, observation time, ephemeris accuracy, ionospheric disturbance, multipath and resolved ambiguities

