

BEFORE THE FLORIDA HOUSING FINANCE CORPORATION

WINTER HAVEN LAKESIDE
TERRACE, LTD., LLLP,

Petitioner

vs.

APPLICATION NO. 2006-057C

FLORIDA HOUSING FINANCE CORP.,

*FHFC Case No:
2007-068VW*

Respondent.

_____ /

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FLORIDA HOUSING
FINANCE CORPORATION

**PETITION FOR VARIANCE OF THE 2006 QUALIFIED
ALLOCATION PLAN REQUIREMENTS FOR RETURNING
HOUSING CREDIT ALLOCATIONS AND FOR AN
IMMEDIATE ALLOCATION OF 2008 HOUSING CREDITS AND
FOR WAIVER OF RULE 67-48.004(14)(E), FLORIDA ADMINISTRATIVE CODE**

WINTER HAVEN LAKESIDE TERRACE, LTD., LLLP, a Florida limited liability limited partnership (“Petitioner”), by and through its undersigned counsel, hereby petitions the Florida Housing Finance Corporation (the “Corporation”) for a variance of the Corporation’s requirement that an applicant (such as the Petitioner) wait until the last calendar quarter of the year in which such applicant is otherwise required to place its project in service in order to return a housing credit allocation and obtain a reservation for an allocation in the subsequent year. The return of its Housing Credits is required before the Corporation may reserve an allocation of Housing Credits, and immediately provide a binding commitment for an allocation of 2008 Housing Credits to Petitioner. See Rules 67-48.002(83) and 67-48.025, Florida Administrative Code (collectively the “Rules”), and Qualified Allocation Plan. Petitioner also seeks a waiver of Rule 67-48.004(14)(e), Florida Administrative Code (F.A.C.). This Petition is filed pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code.

THE PETITIONER

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

Winter Haven Lakeside Terrace, Ltd., LLLP
c/o Winter Haven Housing Authority
2670 Avenue C. SW
Winter Haven, FL 33880
Attention: Mark Thomas, Executive Director

2. The address, telephone number and facsimile number of Petitioner's counsel is:

Maureen McCarthy Daughton
Broad and Cassel
215 S. Monroe Street, Suite 400
Tallahassee, FL 32301
(850) 681-6810
(850) 521-1478 Facsimile

3. Petitioner successfully applied for financing from the Competitive 9% Housing Tax Credit ("HC") program in the 2006 Universal Application Cycle – Multifamily Mortgage Revenue Bonds (MMRB) Program; State Apartment Incentive Loan (SAIL) Program; Home Investment Partnership (HOME) Rental Program and Housing Credit (HC) Program (the "Universal Cycle") that the Corporation administers pursuant to Chapter 67-48, Florida Administrative Code. The Petitioner's application number is 2006-057C (the "Application"). Petitioner applied for HC Funds to finance a portion of the costs to develop an 84-unit apartment rental development in Polk County, Florida, to be known as Lakeside Terrace Senior Apartments (the "Development"). The Winter Haven Housing Authority (the "Authority") is the Petitioner's current limited partner, and an affiliate of the Authority is the general partner of the Applicant's general partner. The Development is to be located on the site of Orrin Circle Apartments ("Orrin Circle"), an existing, occupied Development currently operated by the Authority as public housing. Orrin Circle, which has provided low-income housing for more than twenty (20) years, will be demolished and redeveloped to serve the needs of the elderly in the City of Winter

Haven. On January 5, 2007, the Corporation issued its Preliminary Allocation of Housing Credits reserved in the amount of \$1,235,623.00 (“Preliminary Allocation Certificate”). As permitted by Rule 67-48.028, F.A.C., Lakeside Terrace and the Corporation entered into a Carryover Allocation Agreement (“Carryover Agreement”). Under the Carryover Agreement the Development’s placed-in-service date is December 31, 2008.

4. Numerous factors outside of Petitioner’s control have delayed the development process. As a result of these delays, Petitioner anticipates it will be unable to complete the Development before its Placed-in-Service Date.

5. As set forth more fully below, Petitioner seeks to return its 2006 Housing Credit Allocation now, rather than wait to the last calendar quarter of 2008, as required under the QAP, and to immediately receive an allocation of 2008 Housing Credits from Florida Housing, instead of an allocation reservation in 2009, the year after the current Placed-in-Service Date. Petitioner also seeks a waiver from Rule 67-48.004(14)(e), F.A.C. since the legal description of the property upon which the Development will be built has changed.

THE RULES FROM WHICH VARIANCE IS SOUGHT

6. Rule 67-48.002(83)(2006) defines the “Qualified Allocation Plan” (QAP) as follows:

“QAP” or “Qualified Allocation Plan” means, with respect to the HC Program, the 2006 Qualified Allocation Plan which is adopted and incorporated herein by reference, effective upon approval by the Governor of the State of Florida, pursuant to Section 42(m)(1)(B) of the IRC and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits.

7. Section 10 of the 2006 QAP provides that Housing Credits may be returned only in the last calendar quarter of the year (October through December) in which it is required to be placed in service,

. . . where a Development has not been placed in service by the date required or it is apparent that a Development will not be placed in service by the date required, such failure is due to circumstances beyond the Applicant's control, and the Applicant has returned its Housing Credit Allocation in the last calendar quarter of the year in which it was otherwise required to be placed in service, the Corporation may reserve allocation in an amount not to exceed the amount of Housing Credits returned, and may allocate such Housing Credits to the Applicant for the year after the year in which the Development was otherwise required to be placed in service, provided the following conditions have been met

2006 QAP at p. 12.

8. The requested variance will ensure the availability of Housing Credits for the Development which might otherwise be lost as a consequence of development delays caused by factors outside its control.

9. The following facts demonstrate the economic hardship and other circumstances which justify Petitioner's request for Rule variances:

(a) Petitioner timely submitted its Universal Application to the Corporation for its Housing Credits Program;

(b) The Corporation issued its Preliminary Allocation on January 5, 2007 which is significantly later than customary allocations;

(c) The Preliminary Allocation reserved \$1,235,623.00 for Housing Credits.

(d) As a result of the Carryover Agreement, the Development's Placed-in-Service Date is December 31, 2008.

(e) Since 2001, the Authority has held a “troubled agency” designation under HUD’s Public Housing Assessment System (“PHAS”) and the Section 8 Management Assessment Program (“SEMAP”), and under its memorandum of agreement with HUD, the Authority is responsible for extensive monthly reporting requirements demonstrating progress the agency has made with respect to certain benchmarks.

(f) On October 16, 2006 the Director of the Miami Office of the U.S. Department of Housing and Urban Development submitted correspondence to the Authority alleging mismanagement and expressed concern regarding the continued trouble performance of the Authority. HUD cited several reasons for their concern including high vacancy rates at properties owned and managed by the Authority, specifically 79 units out of 229, or 34% of the units; field conditions which indicated inadequate maintenance services of the units; small or limited staff available to maintain the properties in good repair; and units and buildings that suffered damage due to the 2004 hurricanes still in need of repair.

(g) In general, HUD’s concerns centered on their perception of the Executive Director’s lack of capacity or inclination to responsibly manage and administer the HUD programs.

(h) Although HUD expressed concern about the Authority’s troubled status and current conditions, HUD was fully aware of the Authority’s efforts to redevelop Orrin Circle and reiterated its support for the Authority to pursue tax credits as a means to accomplish this redevelopment.

(i) In the latter part of 2006, HUD officials advised the Authority and the City of Winter Haven officials that they would take steps necessary to place the Authority into a receivership if the then Executive Director, Mark Home, was not removed. To aid with the

Housing Authority's efforts to move away from its troubled status, Mr. Horne agreed to resign from his position in January of 2007.

(j) Simultaneous to Mr. Horne's departure from the Authority, Winter Haven City officials offered the assistance of Deric Feacher, Assistant City Manager for City of Winter Haven, as Interim Executive Director of the Authority. Mr. Feacher was appointed by the Authority board of commissioners and assumed the duties of Executive Director of the Authority in addition to his responsibilities as Assistant City Manager. As well, David Dickey, Director of Community Development for City of Winter Haven was asked to assist with the responsibility of oversight of the redevelopment efforts to transform Orrin Circle into Lakeside Terrace, in addition to his role as *ex officio* Board Member of the Authority and full-time responsibilities as Director of Community Development.

(k) In May of this year HUD contracted with Nelrod, a third party advisor, to serve as the Authority advisor in the interim period to try to help the Authority shed its "troubled agency" status. Nelrod has not been involved with the Authority's efforts with respect to Lakeside Terrace.

(l) Pursuant to the efforts of the Authority's Executive Director Search Committee, Mark Thomas, former Director of the Indian River Housing Authority, began as the Director of the Winter Haven Housing Authority on August 6, 2007.

(m) Since January 2007 the Authority has focused on responding to HUD's allegations while successfully improving the living conditions of the existing communities and reducing vacancy rates. At the same time, the Authority has diligently pursued the appointment of an experienced Executive Director, so the agency will be able to re-focus its efforts on the

Lakeside Terrace redevelopment, a crucial part of its long-term plans to emerge from and stay out of “troubled” status with HUD.

(n) The upheaval surrounding the ouster of Mr. Horne was, by necessity, followed by an agency focus on reducing the number of unit vacancies, and managing a government agency without a full-time Executive Director. As a result, the Authority has not until recently had adequate resources to devote to matters related to the redevelopment of Orrin Circle. While the Authority’s Development Partner, Picerne Affordable Development, LLC (“Picerne”) is responsible for managing the development efforts, the Authority is required to be involved in appropriate aspects of the redevelopment, such as relocation of existing residents, and the extensive drafting, preparation, review and filing of required HUD evidentiaries pivotal to the success of the project.

(o) With the installation of a new Executive Director and improved relations with HUD, the Authority’s commitment to this Development is renewed, and remains strong notwithstanding the numerous setbacks it has encountered in the past eight months.

(p) The Demolition Disposition application, while pending has not yet been approved by HUD. The Authority’s Relocation Plan was approved by HUD, the ninety (90) day Notice to Tenants has been sent, and Petitioner hopes to complete Tenant relocation by February 15, 2008 assuming the Demolition Disposition approval is forthcoming. As of the filing of this Petition the scheduled completion of the demolition is April 30, 2008 and completion of the new construction is scheduled for June 30, 2009.

(q) The tax creditor syndicator, Centerline, f/k/a Charter Mac, has indicated an unwillingness to undertake the initial closing of the equity financing necessary to commence construction, in view of the risk that the Development will not be completed by December 31,

2008, the placed-in-service deadline. The tax credit syndicator (and likely any other tax credit investor in the current marketplace) will not permit, faced with the aforementioned placed in service risk, the equity closing and the commencement of construction to occur unless the Petitioner first obtains an extension of the placed in service requirement.

(q) A denial of this requested variance will result in substantial hardship to the Petitioner. Without the assurance of a 2008 Housing Credit Allocation from the Corporation, Petitioner's tax credit investor will not proceed forward with an equity closing and permit commencement of construction until such time as such relief is granted. The Petitioner at that point would be unable to close on its debt and equity financing, with no assurance that such relief will be subsequently available. Failure to close the debt and equity financing for the subject transaction would place the Petitioner in danger of failing to meet the foregoing placed in service deadline. This would result in the inability to obtain critical financing necessary to provide apartment rental units that are needed for senior low income tenants in Winter Haven, Polk County, Florida.

THE RULE FROM WHICH WAIVER IS SOUGHT

10. Rule 67-48.004(14)(e) provides in part:

14. Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application deadline. Failure to submit these items in the Application at the time of the Application deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

* * *

(e) Site for the Development;

11. The redevelopment will involve demolition of the existing Orrin Circle development consisting of multiple buildings on the 8.44 acre site and replacing it with a single building.

12. The location of the Development on the existing site has not changed from what was submitted in the application thus the location of the tie breaker measurement has not changed either. The legal description of the entire site has however changed. The legal description provided in the Application and the new legal descriptions are attached hereto as Exhibits 1 and 2. These changes are a direct result of a right-of-way and a plat of the property associated with the development of Orrin Circle being vacated by the City of Winter Haven. Resolutions of the City of Winter Haven memorializing these actions have been attached hereto as Exhibits 3 and 4.

13. In light of the considerable time that it takes to develop multi-family rental housing the Corporation's rules and statutes are designed to allow the flexibility necessary to respond to changed circumstances, particularly those that arise through no fault of the Petitioner which might necessitate a modification in a Development. FHFC routinely approves such changes when they would not have otherwise affected the scoring of the Application, because the Applicant derives no unfair advantage over its competitors in the application cycle. Indeed the specific purpose of Rule 67-48.004(14) is to prevent an application from changing key elements in its application after reviewing the Applications of its competitors, thereby allowing the Applicant to gain a possible competitive advantage. The Petitioner has not received any unfair advantage over its competitors.

STATUTES IMPLEMENTED BY THE RULES

14. The Rules implement, among other sections of the Florida Housing Finance Corporation Act,¹ the statute that created the Housing Credits Program. See §420.5093, Florida Statutes. The Act designates the Corporation as the State of Florida's housing credit agency within the meaning of Section 42(h)(7)(A) of the Internal Revenue Code of 1986. As the designated agency, the Corporation is responsible for and is authorized to establish procedures for the allocation and distribution of low-income housing tax credits ("Allocation Procedures"). Section 420.5099(1) and (2), Florida Statutes. Accordingly, the Rules subject to Lakeside Terrace's variance and waiver requests are implementing, among other sections of the Act, the statutory authorization for the Corporation's establishment of Allocation Procedures for the HC Program.

15. The pertinent statute regarding granting of waivers provides: "Waivers shall be granted when the applicant demonstrates that application of the rule would create a substantial hardship or would violate principles of fairness." Section 120.542(2), Florida Statutes. "Substantial Hardship" is defined as a demonstrated economic, technological, legal or other type of hardship "to the applicant." The hardship in this case is that the Petitioner will not be able to close with this Syndicator, construction will be significantly delayed resulting in increased risk to this Development including increased construction costs. It is likely that without the requested relief construction of the Development and the Authority's redevelopment plans may not occur. Additionally, principles of fairness would be violated by strict compliance to the provisions of Rule 67-48.004(14), F.A.C.

¹ The Florida Housing Finance Corporation Act is set forth in Sections 420.501 through 420.516 of the Florida Statutes.

**VARIANCE AND WAIVE WILL SERVE THE
UNDERLYING PURPOSE OF THE STATUTE**

16. Petitioner believes that a variance of these rules will serve the purposes of Section 420.5099 and the Act which is implemented by the rule, because one of their goals is to facilitate the availability of decent, safe and sanitary housing in the State of Florida to low-income persons and households by ensuring:

The maximum use of available tax credits in order to encourage development of low-income housing in the State, taking into consideration the timeliness of the application, the location of the proposed housing project, the relative need in the area for low-income housing and the availability of such housing, the economic feasibility of the project, and the ability of the Applicant to proceed to completion of the project in the calendar year for which the credit is sought.

Section 420.5099(2), Florida Statutes (2006).

The Florida Housing Finance Corporation Act (Section 420.501, et seq.) was passed in order to encourage private and public investment in persons of low income. The creation of the Housing Tax Credit Program was to stimulate creative private sector initiatives to increase the supply of affordable housing. By granting this variance the Corporation would recognize the goal of increasing the supply of affordable housing through private investment in persons of low-income. The recognition would provide participation by experienced developer entities, such as Petitioner, in meeting the purposes of the Act regardless of the possible delays from factors outside their control.

17. The requested variance and waiver will not adversely impact the Development or the Corporation.

TYPE OF VARIANCE AND WAIVER

18. The variance and waiver being sought are permanent in nature.

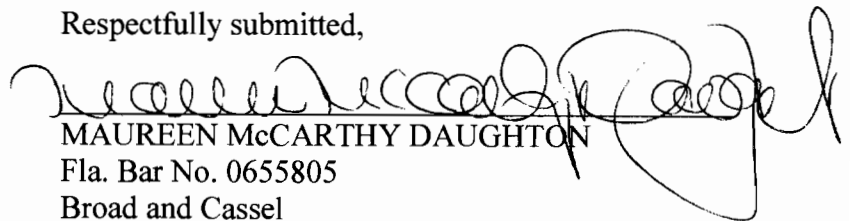
19. Should the Corporation have questions or require any additional information, Petitioner is available to provide any additional information necessary for consideration of the Petition.

ACTION REQUESTED

20. Petitioner requests the following:
- a. Grant the Petition and all the relief requested here;
 - b. That the Corporation provide a variance from the 2006 Qualified Allocation Plan's prohibition from returning Housing Credits prior to the last quarter of 2008;
 - c. Allow the immediate return of the Petitioner's 2006 Housing Credit Allocation; and
 - d. Immediately provide an allocation of 2008 Housing Credits to Petitioner in an amount not to exceed the amount of its Housing Credit Allocation.
21. That the Corporation provide a waiver to Rule 67-48.004(14)(e), F.A.C.
22. A copy of the Petition has been provided to the Joint Administrative Procedures Committee, Room 120, The Holland Building, Tallahassee, FL 32399-1300.

Dated this 19 day of December, 2007.

Respectfully submitted,



MAUREEN McCARTHY DAUGHTON
Fla. Bar No. 0655805
Broad and Cassel
215 S. Monroe Street, Suite 400
Tallahassee, FL 32301
Telephone: (850) 681-6810
Facsimile: (850) 521-1478

Counsel for Petitioner
WINTER HAVEN LAKESIDE
TERRACE, LTD., LLLP

EXHIBIT A
LEGAL DESCRIPTION OF PREMISES

Lots 5 and 6 in Block 1, and Lots 8 and 9 in Block 2 of HESS AND NAGEL SUBDIVISION, as per map plat thereof recorded in Plat Book 32, page 10, public records of Polk County, Florida. Lots 1 through 23 inclusive of SEGO SUBDIVISION, a subdivision in Winter Haven, Polk County, Florida, lying and being in the N1/2 of the NW1/4 of Section 21, TOWNSHIP 28 SOUTH, RANGE 26 EAST, Polk County, Florida, as per map or plat thereof recorded in Plat Book 69, page 16, public records of Polk County, Florida. From the NE corner of Lot 6 in Block 3 of HESS AND NAGEL SUBDIVISION, as per map or plat thereof recorded in Plat Book 32, page 10, public records of Polk County, Florida, run South along the East line of said Lot 6, a distance of 90 feet to a point; thence run North 89°07'53" West 104.55 feet for a point of beginning; thence run South 00°00'24" East a distance of 267.14 feet to a point; thence run South 86°53'24" West a distance of 370 feet to a point on the Southeast corner of Lot 9 of Block 2 of HESS AND NAGEL SUBDIVISION; thence run North 00°00'24" East along the East boundary lines of Lots 8 and 9 of said Block 2 a distance of 160 feet to a point; thence run East parallel to the South line of Lot 6 in Block 1 of HESS AND NAGEL SUBDIVISION a distance of 50 feet to a point; thence run North 00°00'24" East along the Eastern boundary line of Lot 6 in Block 1, a distance of 123.6 feet to a point; thence run North 89°07'53" East a distance of 320 feet, more or less, to the point of beginning. The above now being a part of REPLAT OF SEGO SUBDIVISION, according to plat thereof recorded in Plat Book 73, page 5, public records of Polk County, Florida.



A TRACT OR PARCEL OF LAND FORMERLY KNOWN AS "REPLAT OF SEGA SUBDIVISION" AS RECORDED IN PLAT BOOK 73 AT PAGE 5 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA AND VACATED BY RESOLUTION R-07-45, INSTRUMENT NUMBER 2007220327 AS RECORDED IN OFFICIAL RECORD BOOK 7465 AT PAGES 1069-1072 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 7, BLOCK 5, HESS AND NAGLE SUBDIVISION AS RECORDED IN PLAT BOOK 32 AT PAGE 10 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE RUN N00°00'24"E FOR 283.60 FEET; THENCE RUN N89°07'53"E FOR 524.55 FEET; THENCE RUN N00°45'04"E FOR 5.00 FEET; THENCE RUN N89°07'53"E FOR 795.00 FEET MORE OR LESS TO THE WATERS OF LAKE MAUD; THENCE SOUTHEASTERLY ALONG THE WATERS OF SAID LAKE MAUD WITH A SURVEY TIE-LINE BEARING S39°01'26"E FOR 155.46 FEET; THENCE S45°38'06"W LEAVING THE WATERS OF SAID LAKE MAUD FOR 191.00 FEET TO A POINT ON A CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF A NON-TANGENTIAL CURVE TO RIGHT OF RADIUS 75.00 FEET (DELTA 01°09'29") (CHORD BEARING S01°54'23"E) (CHORD 1.52 FEET) FOR 1.52 FEET TO THE POINT OF TANGENCY; THENCE RUN S01°19'38"E FOR 10.00 FEET; THENCE RUN S88°40'22"W FOR 151.97 FEET; THENCE S88°40'22"W FOR 709.80 FEET; THENCE S86°53'24"W FOR 420.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.44 ACRES, MORE OR LESS.



R Please Return to:
Barbara McKenzie, City Clerk
City of Winter Haven
451 Third St., NW
P. O. Box 2277
Winter Haven, FL 33883-2277

INSTR # 2007220326
BK 07465 PGS 1065-1068 PG(s)4
RECORDED 10/26/2007 09:17:20 AM
RICHARD M WEISS, CLERK OF COURT
POLK COUNTY
RECORDING FEES 35.50
RECORDED BY J Caceres

RESOLUTION R-07-44

A RESOLUTION VACATING A RIGHT-OF-WAY KNOWN AS ORRIN CIRCLE, NE, EXTENDING NORTHWARD FROM AVENUE O, NE, LYING IN SECTION 21, TOWNSHIP 28 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA (General Location: The Orrin Circle, NE right-of-way generally located north of Avenue O, NE, east of First Street, North.)

WHEREAS, the Petitioner, the Winter Haven Housing Authority, requests that the City Commission of the City of Winter Haven, Florida, a municipal corporation, close, abandon, and vacate a right-of-way known as Orrin Circle, NE consisting of an improved right-of-way extending northward from Avenue O, NE, lying in Section 21, Township 28 South, Range 26 East, Polk County, Florida; and as described on Exhibit "A" attached hereto and made a part hereof, consisting of two (2) pages, the first being a legal description and the second being a map; and

WHEREAS, the Petitioner has also requested that the City renounce and disclaim any right of the City of Winter Haven and the public in and to the said right-of-way and the land in connection therewith;

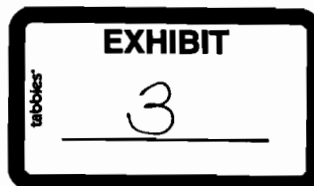
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, FLORIDA:

1. That certain right-of-way described above is hereby vacated, abandoned, and closed and all rights of the City and the public in and to said right-of-way and the land in connection therewith be and they are hereby renounced.

INTRODUCED AND PASSED by the City Commission of the City of Winter Haven, Florida, in regular session, this 22nd day of October, 2007.

CITY OF WINTER HAVEN


MAYOR-COMMISSIONER



Resolution R-07-44
Page 2 of 4

ATTEST:

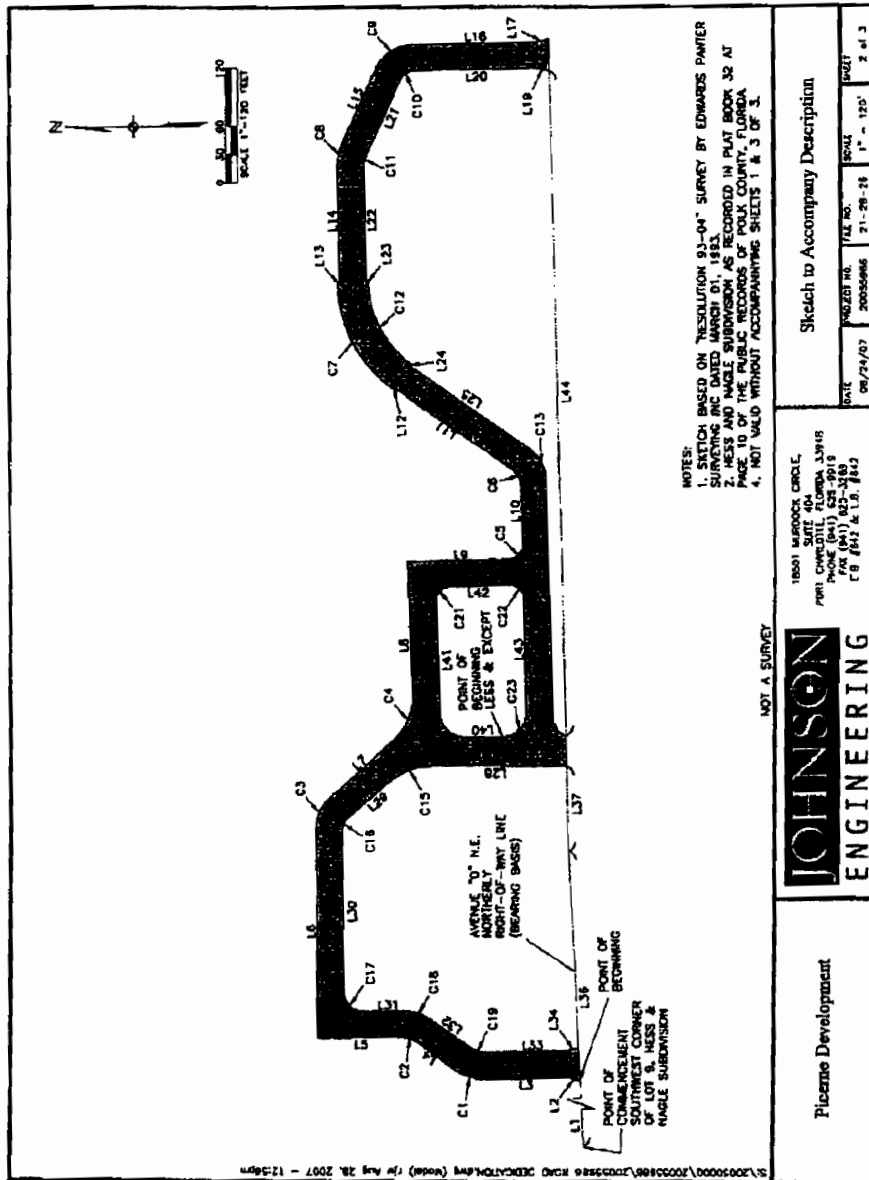
CITY CLERK

Approved as to form:



CITY ATTORNEY

Exhibit "A"
Page 2 of 2



R Please Return to:
Barbara McKenzie, City Clerk
City of Winter Haven
451 Third St., NW
P. O. Box 2277
Winter Haven, FL 33883-2277

INSTR # 2007220327
BK 07465 PGS 1069-1072 PG(s) 4
RECORDED 10/26/2007 09:17:20 AM
RICHARD M WEISS, CLERK OF COURT
POLK COUNTY
RECORDING FEES 35.50
RECORDED BY J Caceres

RESOLUTION R-07-45

A RESOLUTION VACATING, CLOSING, AND ABANDONING THE "REPLAT OF SEGO SUBDIVISION" AS RECORDED IN PLAT BOOK 73, PAGE 5, LYING IN SECTION 21, TOWNSHIP 28 SOUTH, RANGE 26 EAST, WINTER HAVEN, POLK COUNTY, FLORIDA; ESTABLISHING AN EFFECTIVE DATE. (General Location: Subdivision is located on the north side of Avenue O, NE, west of Lake Maude. The area covered by this request is 8.5± acres.)

Whereas, the Winter Haven Housing Authority, the owner of the below described lands has petitioned that certain plat entitled the "Replat of Segoo Subdivision" as recorded in Plat Book 73, Page 5, Public Records of Polk County, Florida, for vacation, closing, and abandonment by the City Commission of the City of Winter Haven in accordance with Chapter 177.101 of the Florida Statutes and Chapter 21 of the City of Winter Haven Code of Ordinances; and

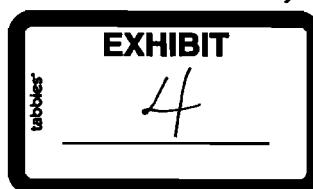
Whereas, the Winter Haven Housing Authority, has complied with all requirements set forth in §177.101 of the Florida Statutes and §21-397 of the Winter Haven Code of Ordinances regarding the vacation, closing, and abandonment of the Replat of Segoo Subdivision;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, FLORIDA:

1. The Plat including all rights-of-way therein known as "Replat of Segoo Subdivision" as recorded in Plat Book 73, Page 5, all lying in Winter Haven, Polk County, Florida, as described on Exhibit "A" attached hereto and made a part hereof, is hereby vacated, closed, and abandoned, returning the subject property into acreage.
2. This Resolution shall take effect immediately upon passage, provided however, that a certified copy of this Resolution shall be filed with the Polk County Board of County Commissioners and with the Clerk of the Circuit Court in and for Polk County, Florida, and duly recorded in the Public Records of Polk County, Florida.

INTRODUCED AND PASSED by the City Commission of the City of Winter Haven, Florida, in regular session this 22nd day of October, 2007.

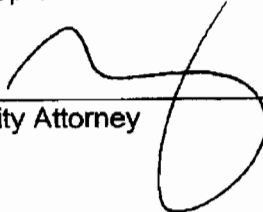

Nathaniel Kelley, Jr.
Mayor-Commissioner



ATTEST:

City Clerk

Approved as to form:



City Attorney

Resolution R-07-45
Page 3 of 4

Exhibit "A"
Page 1 of 2

The Replat of Sege Subdivision, Plat Book 73, Page 5, lying in Section 21, Township
28 South, Range 26 East, Polk County, Florida.

