

STATE OF FLORIDA  
FLORIDA HOUSING FINANCE CORPORATION

FHFC CASE NO. 2008-0780W  
Application No. 2007-126CS

SEA GRAPE II, LTD.,

Petitioner,

vs.

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

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FLORIDA HOUSING FINANCE CORPORATION

**PETITION FOR WAIVER OF RULE 67-48.004(14)(e) TO CHANGE  
THE SITE OF THE SEA GRAPE II DEVELOPMENT**

Petitioner Sea Grape II, Ltd., a Florida limited partnership ("Sea Grape II"), petitions Respondent Florida Housing Finance Corporation ("Florida Housing") for a waiver of restrictions on changing a development's site. *See* Rule 67-48.004(14)(e), F.A.C. (2007) (the "Site Rule").

Pursuant to Section 120.542, Fla. Stat. (2007), and Rule 28-104.001 through 28-104.006, F.A.C. (2007), Sea Grape II requests a waiver of the Site Rule to allow for a change of its development site.

Florida Housing has the authority pursuant to Section 120.542(1), Florida Statutes and Chapter 28-104, F.A.C., to grant waivers to its rule requirements when strict application of these rules would lead to unreasonable, unfair and unintended consequences in particular instances.

Waivers shall be granted when the person who is subject to the rule demonstrates that the application of the rule would (1) create a substantial hardship or violate principles of fairness<sup>1</sup>, and (2) the purpose of the underlying statute has been or will be achieved by other means by the person. § 120.542(2), Fla. Stat. (2007).

**A. The Petitioner and the Development**

1. The name, address, and telephone and facsimile numbers for Sea Grape II and its qualified representative are:

Sea Grape II, Ltd.  
c/o CDG Sea Grape II, LLC  
Attention: Liz Wong  
2937 S.W. 27<sup>th</sup> Avenue, Suite 200  
Miami, Florida 33133  
Telephone: 305-476-8118  
Facsimile: 305-476-1557

2. The name, address, telephone and facsimile numbers, and e-mail addresses of Sea Grape II's attorneys, for purposes of this Petition, are:

Brian J. McDonough, Esquire  
Patricia K. Green, Esquire  
STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A.  
150 West Flagler Street, Suite 2200  
Miami, Florida 33130  
Telephone: 305-789-3200  
Facsimile: 305-789-3395  
E-mail: [bmcDonough@swmwas.com](mailto:bmcDonough@swmwas.com)  
[pgreen@swmwas.com](mailto:pgreen@swmwas.com)

3. Pursuant to Florida Housing's 2007 Universal Cycle, Sea Grape II was a successful applicant under its 2007 Universal Application ("Universal Application")<sup>2</sup> for a loan of up to \$2,215,000 under the State Apartment Incentive Loan ("SAIL") Program. The SAIL funds will be used to finance a portion of the costs of the development of Phase II of the Sea Grape Apartments, said second phase being a new 28-unit multi-building apartment development (the "Development") intended to serve extremely low and low income individuals and/or families in the City of Marathon, Monroe County, Florida.

4. In its Universal Application, Sea Grape II also applied for housing tax credits ("Housing Credits") under the Low Income Housing Tax Credit program, with the equity raised from Housing Credits also being used for the Development.

5. Florida Housing has issued its Preliminary Allocation of Housing Credits reserved in the amount of up to \$700,000, and it is anticipated that there will be a Final Housing Credit Allocation granted to Sea Grape II in accordance with Florida Housing's final allocation procedures.

6. The requested waiver will ensure the ability of Sea Grape II to construct the Development, so as to provide desperately needed affordable housing in Monroe County, Florida. Further, the requested waiver will not adversely affect the Development, would not have affected consideration by Florida Housing of Sea Grape II's Application, and would not have altered the scoring by Florida Housing that qualified Sea Grape II for Housing Credits or

codes and ordinances as to vehicular ingress and egress; (b) would result in substantial economic hardship to Sea Grape II; (c) could deprive Monroe County of essential affordable housing units in a timely manner; and (d) would violate principles of fairness. § 120.542(2), Fla. Stat. (2007).

7. The waiver being sought is permanent in nature.

**B. Rule from Which Relief is Requested and Statute Implemented by the Rule**

8. Sea Grape II requests a waiver of Rule 67-48.004(14)(c). As applied to applications for Housing Credits and SAIL loans, the Site Rule identifies certain non-curable matters and includes the following:

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 ... Those items are as follows:

(e) Site for the Development;

9. The Site Rule for which the waiver pertaining to the site location is requested implements Florida Housing Finance Corporation Act's statute that created the Housing Credits Program. § 420.5099, Fla. Stat. (2007).<sup>3</sup> The Act designates Florida Housing 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, Florida Housing is responsible for and is authorized to establish procedures for the allocation and distribution of low-income housing tax credits. §§420.5099(1) and (2), Fla. Stat. (2007). Accordingly, the Site Rule for which the

**C. Justification for Sea Grape II's Request to Change Its Development's Site**

10. Sea Grape II's Development is the second phase of a two-phase project for affordable housing in Monroe County, Florida. Phase I of the Sea Grape Apartments ("Phase I") lies adjacent to the Development.

11. When Sea Grape II submitted its Universal Application, the legal description contained therein encompassed a site location anticipated to be suitable for every aspect of the Development.

12. During the process of finalizing its site plan and commencing the permitting process for the Development, Sea Grape II determined that as a consequence of the location of a large, concrete utility pole situated immediately east of the Development's proposed entranceway, the original plan would not satisfy certain sight-line requirements and more importantly, was not amenable to vehicular access in the only portion of the Development suitable for a driveway. Without alternate access the Development could have been land-locked. To remedy this issue, Sea Grape II sought an easement from the adjoining property owner to widen the Development's driveway. The adjoining property owner was unwilling to provide the easement; however, it offered to "swap" a portion of its adjacent property for a portion of the Sea Grape II Development site. Accordingly, the southernmost portion of the original Sea Grape II Development site was swapped for a parcel of land lying adjacent to, and immediately north of Phase I.

13. On September 26, 2007, Sea Grape II submitted a Petition for Rule Waiver to

14. The 2007 Petition did not specifically identify the new configuration of the Development as a “scattered site” within the meaning of Rule 67-48.002(98) F.A.C. (2007) (the “Scattered Site Rule”), which defines a “Scattered Site” as:

a Development consisting of real property in the same county (i) any part of which is non-contiguous (“non-contiguous parts”) or (ii) any part of which is divided by a street or easement (“divided parts”) and (iii) it is readily apparent from the proximity of the non-contiguous parts or the divided parts of the real property, chain of title, or other information available to the Corporation that the non-contiguous parts or the divided parts of the real property are a part of a common or related scheme of development.

Even though possibly “scattered,” the two parcels comprising the Development will be connected to each other via an appurtenant easement to be granted by the owner of the Phase I development (the “Easement”) for ingress and egress, with one building for the Development located on a site directly north of Phase I and the remaining residential building located on a portion of the originally-approved site for the Development that is directly south of the Phase I site. The north parcel of the Development will include 12 units and the south parcel will include 16 units.

15. The Easement will link the north and south parcels of the Development, to create continuous and unimpeded access between the parcels via a perpetual, insurable real property interest. There is no road or easement “separating” the parcels within the technical meaning of the Scattered Site Rule; the Easement will link the parcels together to create one legally unified tract. The Easement area is as critical to the configuration, success and operation of the

access thereto may be had without traversing Phase I (except to the extent of the Easement area) or the lands of any third party.

16. Moreover, the land swapped with the neighboring landowner to create the north parcel of the Development is immediately adjacent to Phase I and will be integrated into the overall site in a seamless fashion to create the appearance of a single, unified community.

17. Applying the Scattered Site Rule in strict fashion would not adversely affect the Development, would not have affected consideration by Florida Housing of Sea Grape II's Application, and would not have altered the scoring by Florida Housing that qualified Sea Grape II for Housing Credits or the SAIL Loan. The Development satisfies all of the applicable requirements to qualify as a Scattered Site. The Tie-Breaker Measurement Point ("TBMP"), identified in Exhibit 25 to Sea Grape II's Universal Application is located on the south parcel, which is the portion of the Development having the greatest number of units, and remains within 100 feet of a residential building to be constructed as part of the Development. Sea Grape II intends to construct each feature and amenity that is not unit-specific (i) on each of the parcels or (ii) no more than 1/16 of a mile from the TBMP, or a combination of both. A part of the boundary of each of the north and south parcels of the Development lies within one-half mile of the TBMP. See Affidavit and Certification of Surveyor attached hereto as Exhibit A, and the legal description attached hereto as Exhibit B, which includes the appurtenant easement. Further, all information provided by Sea Grape II to Florida Housing in support of its

18. Additionally, because the Development's TBMP remains the same, the 7.25 Proximity Tie-Breaker Points awarded to Sea Grape II would not have changed.

19. The requested change to the Development's site location would not have impacted the scoring of Sea Grape II's Universal Application, and would not have provided Sea Grape II with an unfair advantage over other applicants.<sup>4</sup>

20. The requested waiver will not prejudice the Development or the affordable housing market to be served by the Development. It will allow construction pursuant to the only feasible site plan for access to the Development.

21. Without the requested waiver of the Site Rule, Sea Grape II will be unable to provide a practical means of vehicular access to the Development, and will be essentially frustrated in its legal and practical ability to construct the Development. As a result, Sea Grape II would suffer a substantial economic and legal hardship. The purpose of this Petition is to verify the approval of the 2007 Petition in light of the possible assessment of the Development as a Scattered Site.

**D. Conclusion**

22. The requested waiver will not adversely impact the Development or Florida Housing, and will ensure that 28 new affordable housing units will be available in Monroe County, Florida.

23. Controlling statutes and Florida Housing's Rules are designed to allow the flexibility necessary to provide relief for changed circumstances that arise through no fault of an



of an application or otherwise allow an applicant to obtain a possible unfair competitive advantage.

24. The requested waiver serves the purposes of Section 420.5099, Florida Statutes (2007), and the Act, as a whole, because one of their primary goals is to facilitate the availability of decent, safe and sanitary housing within 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.

§ 420.5099(2), Fla. Stat. (2007).

25. The requested waiver also serves the purposes of Section 420.5087, Florida Statutes (2007), and the Act as a whole, because the purpose of the SAIL Program is to provide “first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons,” including those persons residing in Monroe County, Florida.

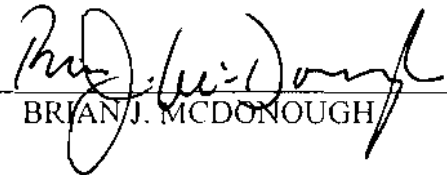
26. Finally, by granting the requested waiver, Florida Housing would recognize the economic realities and principles of fundamental fairness in the development of affordable rental housing. This recognition would promote participation by experienced developer entities in

WHEREFORE, Petitioner Sea Grape II, Ltd., respectfully requests that the Florida Housing Finance Corporation grant the Petition and provide the following relief:

- A. Grant the Petition and all the relief requested herein;
- B. Waive the prohibition on changing a development's site location after submission of the Universal Application;
- C. Allow Sea Grape II's Development to be developed on the site identified in Exhibit B to this Petition; and
- D. Grant such other and further relief deemed appropriate.

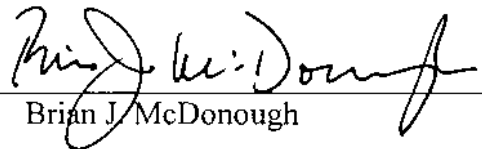
Respectfully submitted,

STEARNS WEAVER MILLER WEISSLER  
ALHADEFF & SITTERSON, P.A.  
Counsel for Sea Grape II, Ltd.  
150 West Flagler Street, Suite 2200  
Miami, Florida 33131  
Tel: 305-789-3350  
Fax: 305-789-3395  
E-mail: bmcdonough@swwmwas.com

By:   
BRIAN J. MCDONOUGH

**CERTIFICATE OF SERVICE**

The original Petition is being served by overnight delivery, with a copy served by electronic transmission for filing with the Corporation Clerk for the Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, with copies served by overnight delivery on the Joint Administrative Procedures Committee, Room 120, The Holland Building, Tallahassee, Florida 32399-1300, this \_\_\_\_ day of September, 2008.

By:   
Brian J. McDonough

**Affidavit and Certification of Kenneth C. Jackson**

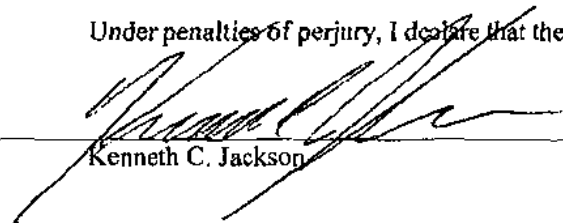
BEFORE ME, the undersigned authority, personally appeared Kenneth C. Jackson, who being duly sworn, states that he personally knows the following facts and that the same are true and accurate.

My name is Kenneth C. Jackson, and I am licensed by the State of Florida as a Professional Surveyor. My license number is 4549. I am the Vice President of Sea Diversified, Inc. I am submitting this *Affidavit and Certification on behalf of Sea Grape II, Ltd. (2007-126CS)*, the "Applicant", and I am not related to the Applicant or any Principals or Financial Beneficiaries of the Applicant.

On or about March 24, 2007, representatives of Sea Diversified, Inc. visited the location described on the legal description attached as Exhibit A. I reviewed the Surveyor Certification dated March 28, 2007 and accompanying Sketches prepared by our office that were submitted with the 2007 Universal Application No 2007-126CS attached as Exhibit B. Pursuant to Rule Chapter 67-48 F.A.C. the Florida Housing Finance Corporation has determined that the proposed development is a Scattered Site therefore a new Surveyor Certification form was completed on August 22, 2008 and is attached as Exhibit C.

The field work conducted under my direction on March 24, 2007, confirms that the Tie-Breaker Measurement Point, "TBMP", originally identified in Exhibit 25 remains the same. In addition the TBMP is located within 100 feet of the residential building to be constructed as part of the proposed Development and the boundary of each of the scattered sites are located within 1/2 mile of the TBMP.

Under penalties of perjury, I declare that these statements are true and correct.

  
\_\_\_\_\_  
Kenneth C. Jackson

8/22/2008  
\_\_\_\_\_  
Date

STATE OF FLORIDA  
COUNTY OF Palm Beach

Sworn to and subscribed before me this 22 day of August, 2008 by Kenneth C. Jackson, who  
is personally known to me or has produced \_\_\_\_\_ as identification. WITNESS my hand  
and official seal, this 22 day of August, 2008.

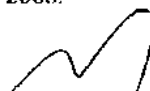


EXHIBIT "A" TO SURVEYOR'S AFFIDAVIT

PARCEL 1

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

Begin at the intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South along the said East line of Section 11 for 285.00 feet; thence West for 231.55 feet; thence North 190.74 feet to the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence North  $67^{\circ} 51' 00''$  East, along the said Southeasterly Right of way line of U.S. Highway No. 1 for 250.00 feet back to the Point of Beginning.

AND

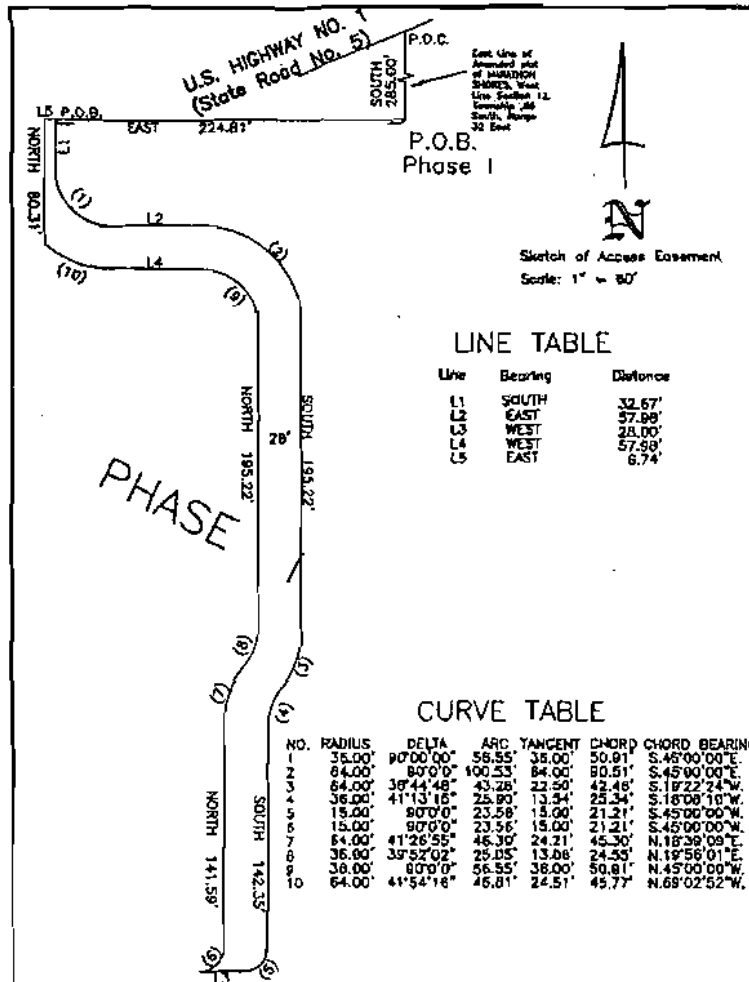
A strip of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

Commencing at the intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South  $67^{\circ} 51' 00''$  West, along the Southeasterly Right-Of-Way line, for 250.00 feet to the Point of Beginning; thence South, parallel to said East line of Section 11 for 344.62 feet; thence West for 20.00 feet; thence North 336.48 feet to said Southeasterly Right-Of-Way line; thence North  $67^{\circ} 51' 00''$  East, along said Southeasterly Right-Of-Way line for 21.59 feet to the Point of Beginning.

PARCEL 2:

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

Commence at the intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South along the said East line of Section 11 for 859.00 feet to the Point of Beginning; thence continue South along the said East line of Section 11 for 70.23 feet; thence West for 231.55 feet; thence North for 94.84 feet; thence East for 140.00 feet; thence South for 24.61 feet; thence East for 91.55 feet back to the Point of Beginning.



**Legal Description: Sea Grape Apartments to Sea Grape II Access Easement:**

A parcel of land in Section 11, Township 66 South, Range 32 East, Key West, Monroe County, Florida, more particularly described as follows:  
Commence at the intersection of the East line of said Section 11 and the ;  
thence SOUTH and along Southeastery-right of way line of U.S. Highway 1  
said East line of Section 11, a distance of 285.00 feet; thence WEST, a  
distance of 224.81 feet to the Point of Beginning; ; thence SOUTH, a  
distance of 32.67 feet to the point of curvature of a curve to the left,  
having: a radius of 36.00 feet, a central angle of 90°00'00", a chord bearing  
of S.45°00'00"E, and a chord length of 50.91 feet; thence along the arc of  
said curve, an arc length of 58.55 feet to the point of tangency of said  
curve; thence EAST, a distance of 57.88 feet to the point of curvature of a  
curve to the right, having: a radius of 84.00 feet, a central angle of 90°  
00'00", a chord bearing of S.45°00'00"E, and a chord length of 80.51 feet;  
thence along the arc of said curve, an arc length of 100.53 feet to the  
point of tangency of said curve; thence SOUTH, a distance of 195.22 feet  
to the point of curvature of a curve to the right, having: a radius of 84.00  
feet, a central angle of 38°44'48", a chord bearing of E.18°22'24"W, and a  
chord length of 42.46 feet; thence along the arc of said curve, an arc  
length of 43.28 feet to the point of reverse curvature of a curve to the left,  
having: a radius of 36.00 feet, a central angle of 41°13'15", a chord bearing  
of S.18°08'10"W, and a chord length of 25.34 feet; thence along the arc of  
said curve, an arc length of 25.80 feet to the end of said curve; thence  
SOUTH, a distance of 142.35 feet to the point of curvature of a curve to  
the right, having: a radius of 15.00 feet, a central angle of 90°00'00", a  
chord bearing of S.45°00'00"W, and a chord length of 21.21 feet; thence  
along the arc of said curve, an arc length of 23.56 feet to the point of  
tangency of said curve; thence WEST, a distance of 28.00 feet to the point  
of curvature of a curve to the left, having: a radius of 28.00 feet, a central  
angle of 90°00'00", a chord bearing of N.45°00'00"E, and a chord length of  
21.21 feet; thence along the arc of said curve, an arc length of 23.56 feet  
to the point of tangency of said curve; thence NORTH, a distance of 141.59  
feet to a point on a curve to the right, having: a radius of 64.00 feet, a  
central angle of 41°26'55", a chord bearing of N.18°39'09"E, and a chord  
length of 45.30 feet; thence along the arc of said curve, an arc length of  
46.30 feet to a point on a curve to the left, having: a radius of 36.00 feet,  
a central angle of 37°37'33", a chord bearing of N.18°48'45"E, and a chord  
length of 23.22 feet; thence along the arc of said curve, an arc length of  
23.54 feet to the point of tangency of said curve; thence NORTH, a  
distance of 195.22 feet to the point of curvature of a curve to the left,  
having: a radius of 36.00 feet, a central angle of 90°00'00", a chord bearing  
of N.45°00'00"W, and a chord length of 50.91 feet; thence along the arc of  
said curve, an arc length of 58.55 feet to the point of tangency of said  
curve; thence WEST, a distance of 57.88 feet to the point of curvature of a  
curve to the right, having: a radius of 84.00 feet, a central angle of 41°  
54'18", a chord bearing of N.68°02'52"W, and a chord length of 45.77 feet,  
thence along the arc of said curve, an arc length of 46.81 feet to the end  
of said curve; thence NORTH, a distance of 80.31 feet; thence EAST, a  
distance of 6.74 feet back to the Point of Beginning.  
Parcel contains 17350 square feet or 0.40 acres, more or less.

EXHIBIT "B" TO SURVEYOR'S AFFIDAVIT

Exhibit 25

2007 UNIVERSAL CYCLE - SURVEYOR CERTIFICATION

South of Overpass Hwy. B between 70th St. Ocean and 72nd St. Ocean, Marathon, FL 34030

For the purpose of this application, the applicant certifies that the information provided herein is true and correct to the best of their knowledge and belief, and that the applicant is not aware of any facts or circumstances which would render the information provided herein false or misleading.

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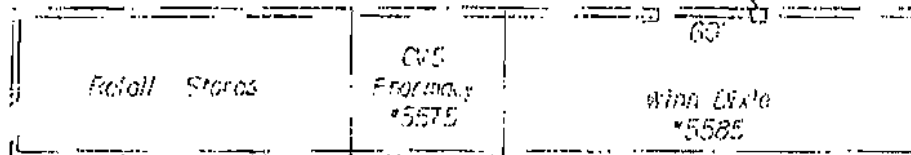


SKETCH OF POINT QUALIFIERS  
 "TIE-BREAKER" MEASUREMENT POINT  
 Marathon, Florida

47-800 FEET SOUTH OF OVERSEAS HIGHWAY,  
 BETWEEN 70th STREET OCEAN AND 72nd STREET OCEAN  
 MARATHON, FL 33070

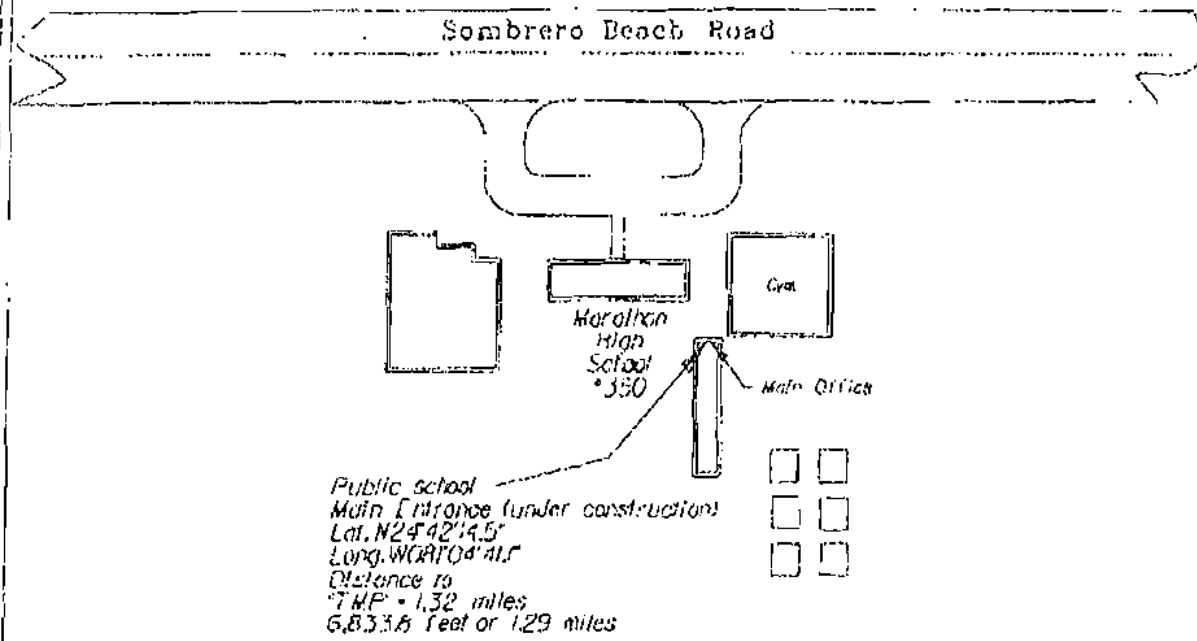
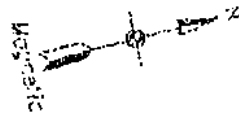


Public Location East  
 Lat. H244236.7  
 Long. W0810674.5  
 Distance 11  
 7180' = 1.54 miles  
 3,757.8 feet



SKETCH OF POINT QUALIFIERS  
 "TIE-BREAKER" MEASUREMENT POINT  
 Marathon, Florida

+/- 800 FEET SOUTH OF OVERSEAS HIGHWAY.  
 BETWEEN 70th STREET OCEAN AND 72nd STREET OCEAN  
 MARATHON, FL 33050



WGS 84 - INDICATES WORLD GEODETIC SYSTEM 1984  
 "T.M.P." INDICATES TIE-BREAKER MEASUREMENT POINT  
 VARIATION FROM TRUE TO MAGNETIC NORTH IS 4.8° WEST

THIS IS NOT A SURVEY.

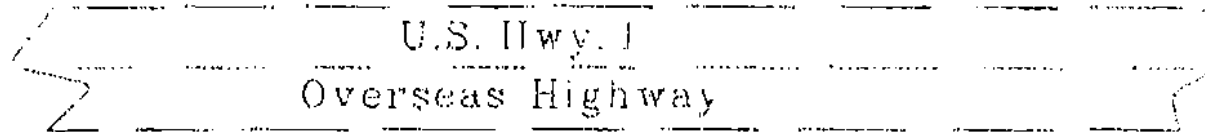
SITE: \_\_\_\_\_

REVISIONS: \_\_\_\_\_

SEA OVERSIEGE INCORPORATED

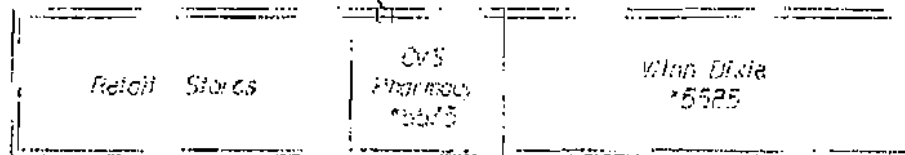
SKETCH OF POINT QUALIFIERS  
 "TIE-BREAKER" MEASUREMENT POINT  
 Marathon, Florida

~1-300 FEET SOUTH OF OVERSEAS HIGHWAY,  
 BETWEEN 10th STREET OCEAN AND 12th STREET OCEAN  
 MARATHON, FL 32960



Only Public Entrance  
 Lat. N 24° 42' 56.4"  
 Long. W 081° 04' 26.1"

Distance to  
 1st MP = 0.65 miles  
 1.3193 Total



2007 UNIVERSAL CYCLE - SURVEYOR CERTIFICATION

I, of Overseas Hwy between 70th St Ocean and 72nd St Ocean, Marathon, FL 33050  
 (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 the street name, chosen designations (intersection and city)

Development Location shall show that reflects the site where the Tie-Breaker Measurement Point is located  
 (The development location shall show that reflects the site where the Tie-Breaker Measurement Point is located)  
 I certify that the method used to determine the following latitude and longitude coordinates conforms to Rule 61G17-6, F.A.C.:

Latitude	Latitude			Longitude		
	N	Minutes	Seconds (truncated after 1 decimal place)	W	Minutes	Seconds (truncated after 1 decimal place)
	N 24	43	12.3 (truncated after 1 decimal place)	W 81	03	48.6 (truncated after 1 decimal place)
	N 24	42	56.7 (truncated after 1 decimal place)	W 81	04	24.6 (truncated after 1 decimal place)
	N 24	42	14.5 (truncated after 1 decimal place)	W 81	04	41.1 (truncated after 1 decimal place)
	N 24	42	56.4 (truncated after 1 decimal place)	W 81	04	26.1 (truncated after 1 decimal place)

The Tie-Breaker Measurement Point is located at the intersection of the boundary of each site located within 1/2 mile of the Tie-Breaker Measurement Point. Yes or No (Must check one if Development consists of scattered sites.)  
 Is a Development consisting of real property in the same county (1) any part of which is not contiguous (non-contiguous parts) or (2) any part of which is divided by a street or easement  
 within the proximity of the non-contiguous parts or the divided parts of the real property, chain of title, or other information available to the Corporation that the non-contiguous parts or the  
 divided parts of the real property are part of the same development. (See Rules 61-48.002 and 61-48.003, F.A.C.)  
 The Corporation will utilize Street Atlas USA 2007, published by Delorme,  
 to the proposed Development's Tie-Breaker Measurement Point.

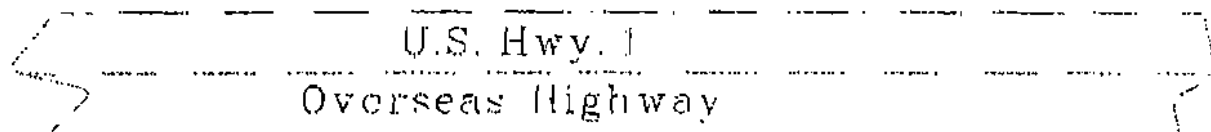
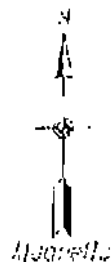
I, Scott Diversified Inc.  
 (Name of Surveyor)  
 4549  
 (Florida License Number)  
 561-243-4920  
 (Telephone Number (including area code))  
 1200 NW 17th Avenue, Suite 3  
 (Address)  
 Delroy Beach, FL 33445

I declare that the foregoing statements are true and correct.  
 Date: 08/22/2008  
 (Date (mm/dd/yyyy))

Applicants, by any related parties of the Applicant, or by any Private or Financial Dependencies of the Applicant. If the certification is inappropriately signed, the Application will not receive proximity  
 corrections or 'white-out', or if it is scanned, imaged, altered, or reprinted, the Application will not receive proximity tie-breaker points and will fail to meet threshold. The Application may still be  
 may be photocopied.

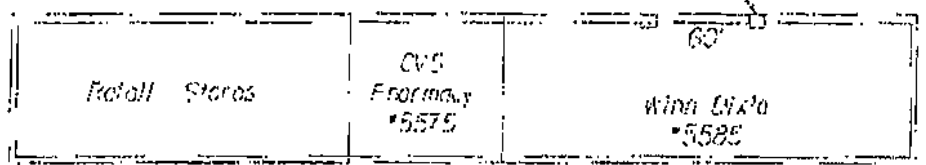
SKETCH OF POINT QUALIFIERS  
 "TIE-BREAKER" MEASUREMENT POINT  
 Marathon, Florida

17-800 FEET SOUTH OF OVERSEAS HIGHWAY,  
 BETWEEN 70th STREET OCEAN AND 72nd STREET OCEAN  
 MARATHON, FL 33060



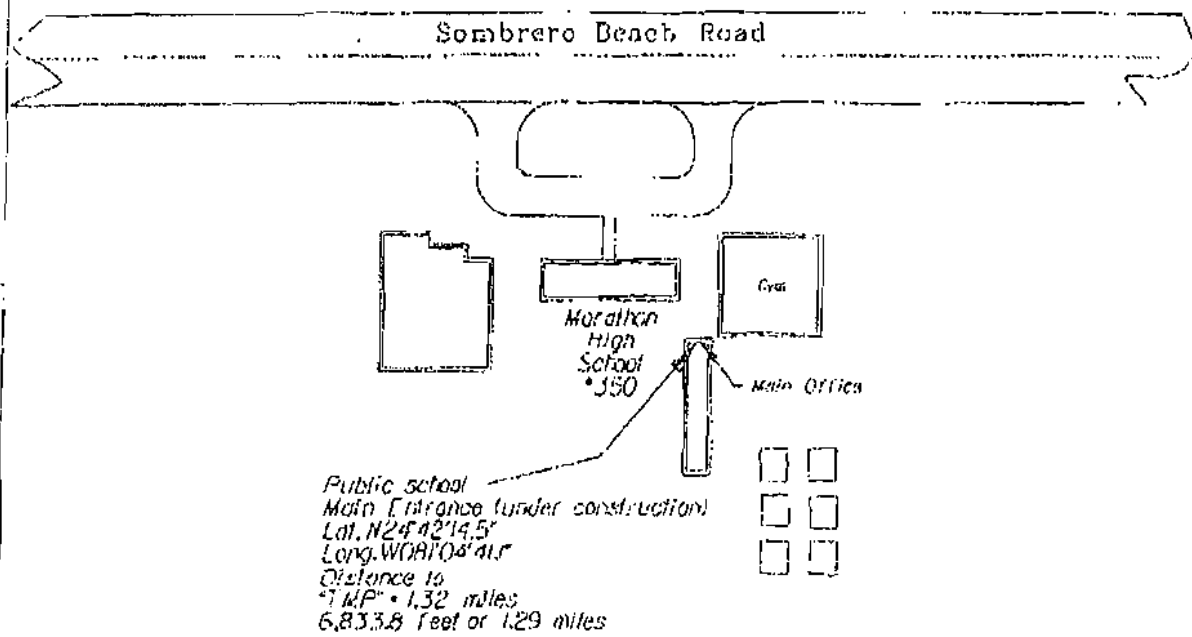
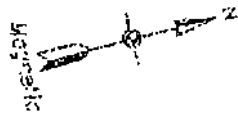
U.S. Hwy. 1  
 Overseas Highway

Public Location East  
 Lat. N24°42'56.7"  
 Long. W081°04'24.6"  
 Distance to  
 YMP = 1.64 miles  
 2,657.8 feet



SKETCH OF POINT QUALIFIERS  
 "TIE-BREAKER" MEASUREMENT POINT  
 Marathon, Florida

\*1-800 FEET SOUTH OF OVERSEAS HIGHWAY,  
 BETWEEN 70th STREET OCEAN AND 72nd STREET OCEAN  
 MARATHON, FL 33050



Public school  
 Main Entrance (under construction)  
 Lat. N24°42'14.5"  
 Long. W081°08'41.1"  
 Distance to  
 "TMP" \* 1.32 miles  
 6,833.8 Feet or 1.29 miles

WGS 84 - INDICATES WORLD GEODETIC SYSTEM 1984  
 "TMP" INDICATES TIE-BREAKER MEASUREMENT POINT  
 VARIATION FROM TRUE TO MAGNETIC NORTH IS 4° WEST

THIS IS NOT A SURVEY.

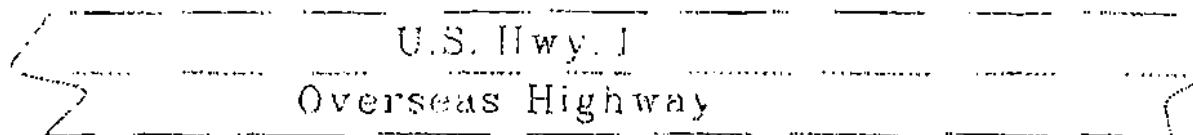
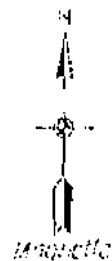
SITE:  
 PWA 09 APR 11

REVISIONS:

STA DIVERSIFIED INCORPORATED

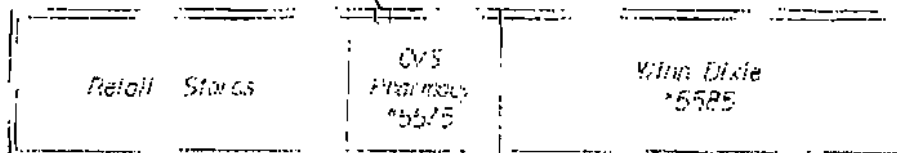
SKETCH OF POINT QUALIFIERS  
"TIE-BREAKER" MEASUREMENT POINT  
Marathon, Florida

-7-800 FEET SOUTH OF OVERSEAS HIGHWAY  
BETWEEN 10th STREET OCEAN AND 12th STREET OCEAN  
MARATHON, FL 33955



Only Public Entrance  
Lat. N24°42'56.4"  
Long. W081°04'26.1"

Distance to  
1st Ave - 0.65 miles  
3,519.3 feet



PARCEL 1

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

Begin at the Intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South along the said East line of Section 11 for 285.00 feet; thence West for 231.55 feet; thence North 190.74 feet to the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence North  $67^{\circ} 51' 00''$  East, along the said Southeasterly Right of way line of U.S. Highway No. 1 for 250.00 feet back to the Point of Beginning.

AND

A strip of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

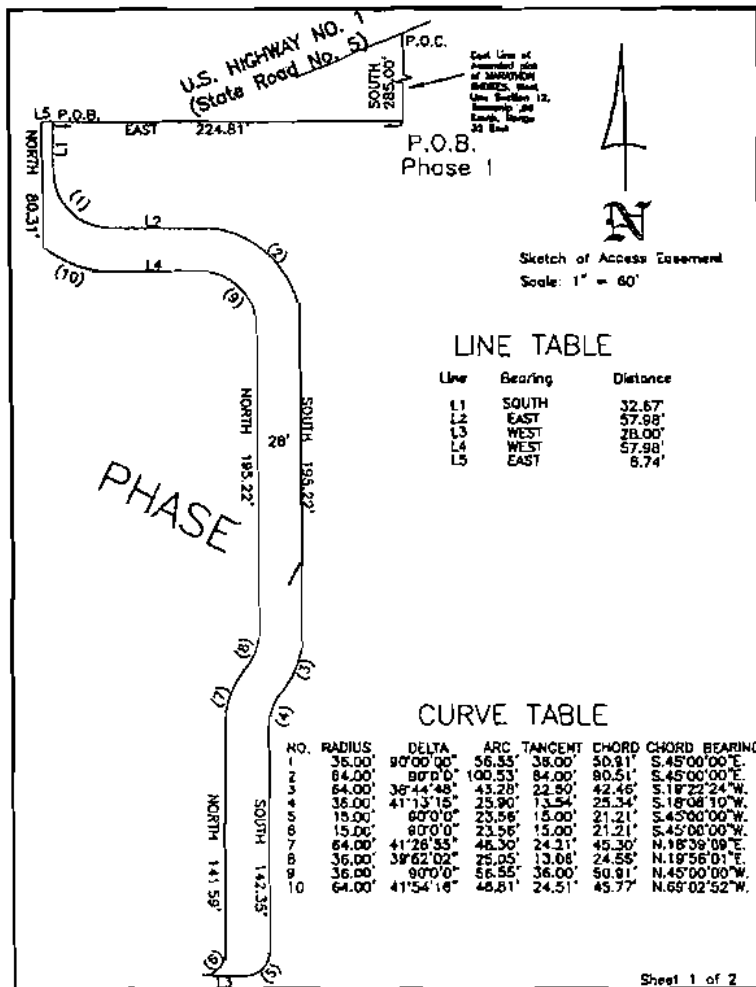
Commencing at the intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South  $67^{\circ} 51' 00''$  West, along the Southeasterly Right-Of-Way line, for 250.00 feet to the Point of Beginning; thence South, parallel to said East line of Section 11 for 344.62 feet; thence West for 20.00 feet; thence North 336.48 feet to said Southeasterly Right-Of-Way line; thence North  $67^{\circ} 51' 00''$  East, along said Southeasterly Right-Of-Way line for 21.59 feet to the Point of Beginning.

PARCEL 2:

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaca, Monroe County, Florida, more particularly described as follows:

Commence at the intersection of the East line of said Section 11 and the Southeasterly Right-Of-Way line of U.S. Highway No. 1; thence South along the said East line of Section 11 for 859.00 feet to the Point of Beginning; thence continue South along the said East line of Section 11 for 70.23 feet; thence West for 231.55 feet; thence North for 94.84 feet; thence East for 140.00 feet; thence South for 24.61 feet; thence East for 91.55 feet back to the Point of Beginning.





Legal Description: Sea Grape Apartments to Sea Grape II Access Easement:

A parcel of land in Section 11, Township 66 South, Range 32 East, Key Vaco, Monroe County, Florida, more particularly described as follows: Commence at the intersection of the East line of said Section 11 and the ; thence SOUTH and along Southeastery right of way line of U.S. Highway 1 said East line of Section 11, a distance of 285.00 feet; thence WEST, a distance of 224.81 feet to the Point of Beginning; ; thence SOUTH, a distance of 32.67 feet to the point of curvature of a curve to the left, having: a radius of 36.00 feet, a central angle of 90°00'00", a chord bearing of S.45°00'00"E. and a chord length of 50.91 feet; thence along the arc of said curve, an arc length of 56.55 feet to the point of tangency of said curve; thence EAST, a distance of 57.98 feet to the point of curvature of a curve to the right, having: a radius of 64.00 feet, a central angle of 90°00'00", a chord bearing of S.45°00'00"E. and a chord length of 80.51 feet; thence along the arc of said curve, an arc length of 100.53 feet to the point of tangency of said curve; thence SOUTH, a distance of 195.22 feet to the point of curvature of a curve to the right, having: a radius of 64.00 feet, a central angle of 36°44'48", a chord bearing of S.18°22'24"W. and a chord length of 42.46 feet; thence along the arc of said curve, an arc length of 43.28 feet to the point of reverse curvature of a curve to the left, having: a radius of 36.00 feet, a central angle of 41°13'15", a chord bearing of S.18°08'10"W. and a chord length of 25.34 feet; thence along the arc of said curve, an arc length of 25.90 feet to the end of said curve; thence SOUTH, a distance of 142.35 feet to the point of curvature of a curve to the right, having: a radius of 15.00 feet, a central angle of 90°00'00", a chord bearing of S.45°00'00"W. and a chord length of 21.21 feet; thence along the arc of said curve, an arc length of 23.56 feet to the point of tangency of said curve; thence WEST, a distance of 28.00 feet to the point of curvature of a curve to the left, having: a radius of 15.00 feet, a central angle of 90°00'00", a chord bearing of N.45°00'00"E. and a chord length of 21.21 feet; thence along the arc of said curve, an arc length of 23.56 feet to the point of tangency of said curve; thence NORTH, a distance of 141.59 feet to a point on a curve to the right, having: a radius of 64.00 feet, a central angle of 41°26'53", a chord bearing of N.18°39'09"E. and a chord length of 45.30 feet; thence along the arc of said curve, an arc length of 46.30 feet to a point on a curve to the left, having: a radius of 36.00 feet, a central angle of 37°37'33", a chord bearing of N.18°48'46"E. and a chord length of 23.22 feet; thence along the arc of said curve, an arc length of 23.64 feet to the point of tangency of said curve; thence NORTH, a distance of 195.22 feet to the point of curvature of a curve to the left, having: a radius of 36.00 feet, a central angle of 90°00'00", a chord bearing of N.45°00'00"W. and a chord length of 50.91 feet; thence along the arc of said curve, an arc length of 56.55 feet to the point of tangency of said curve; thence WEST, a distance of 57.98 feet to the point of curvature of a curve to the right, having: a radius of 64.00 feet, a central angle of 41°54'16", a chord bearing of N.69°02'52"W. and a chord length of 45.77 feet; thence along the arc of said curve, an arc length of 46.81 feet to the end of said curve; thence NORTH, a distance of 80.31 feet; thence EAST, a distance of 6.74 feet back to the Point of Beginning.

Parcel contains 17350 square feet or 0.40 acres, more or less.

## SEA GRAPE II

<u>Address</u>	<u># of Units</u>	<u>Latitude</u>	<u>Longitude</u>
+/- 800 Ft. South of Overseas Highway between 70th Street Ocean and 72nd Street Ocean, Marathon, FL 33050	16		
+/- 100 Ft. South of Overseas Highway between 70th Street Ocean and 72nd Street Ocean, Marathon, FL 33050	12	N24 43 7.7	W81 03 48.6