

BEFORE THE STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PINNACLE RIO, LLC,

Petitioner,

vs.

DOAH Case Nos. 14-1398BID
14-1399BID
14-1400BID
14-1425BID
14-1426BID
14-1427BID
14-1428BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

ALLAPATTAH TRACE APARTMENTS,
LTD.,

Intervenor.

ALLAPATTAH TRACE APARTMENTS, LTD. RESPONSES TO
TOWN CENTER PHASE TWO, LLC'S FIRST REQUEST FOR ADMISSIONS

Allapattah Trace Apartments, Ltd. ("ATA"), by and through its undersigned, hereby provides this response to Town Center Phase Two, LLC's ("Town Center") First Request for Admissions served April 14, 2014.

REQUEST FOR ADMISSIONS

1. Admit that the Application Deadline for RFA 2013-003 was November 12, 2013.

RESPONSE:

Admitted.

2. Admit that RFA 2013-003 requires an Applicant to certify that infrastructure including sewer capacity was available as of the Application Deadline.

RESPONSE:

Admitted that RFA 2013-003 provides:

“(2) Within 21 Calendar Days of the date of the invitation to enter credit underwriting:

* * * *

(b) Certification confirming the availability of the following for the entire Development site, including confirmation that these items were in place as of the Application Deadline: electricity, water, sewer service, and roads for the proposed Development, as outlined in Item 13 of Exhibit C of the RFA;”

and goes on to provide:

“13. Certification of Ability to Proceed:

Within 21 Calendar Days of the date of the invitation to enter credit underwriting, the following information must be provided to the Corporation:

* * * *

c. Evidence from the Local Government or service provider, as applicable, of the availability of infrastructure as of Application Deadline, as follows:

* * * *

(3) Sewer: Submission of the completed and executed 2013 Florida Housing Finance Corporation Verification of Availability of Infrastructure – Sewer Capacity, Package Treatment, or Septic Tank form or a letter from the service provider which is dated within 12 months of the Application Deadline, is Development specific, and specifically states that sewer service is available to the proposed Development as of the Application Deadline.”
The Request is otherwise denied.

3. Admit that as of the Application Deadline the proposed ATA Development site was served by County Pump Station 30-0054.

RESPONSE:

Admitted that as of the Application Deadline, County Pump Station 30-0054 is the Miami-Dade County pump station that would serve the ATA Development site if sewer is to be made available to the proposed ATA project using the Miami-Dade County pump station. However, there were other options also available as of the Application Deadline. The Request is otherwise denied.

4. Admit that as of the Application Deadline Pump Station 30-0054 was under an Initial Moratorium implemented by Miami-Dade County.

RESPONSE:

Admitted.

5. Admit that Miami-Dade County is the provider of sewer service to the ATA Development Site.

RESPONSE:

Admitted that Miami-Dade County is the provider of sewer service, exclusive of pump station services at the ATA Development Site. Miami-Dade County is not the exclusive provider of pump station services necessary to access the sewer service made available by Miami-Dade County at the ATA Development Site. The Request is otherwise denied.

6. Admit that because of the Initial Moratorium no sewer capacity certification was available for any increase to the ATA Development Site as of the Application Deadline.

RESPONSE:

Denied.

7. Admit that as of the Application Deadline ATA could not connect to the existing sanitary sewer system operated by Miami-Dade County.

RESPONSE:

Denied.

8. Admit that the letter attached to these Requests as Exhibit 1 from the Miami-Dade County Water and Sewer Development acknowledges the Initial Moratorium and that the owner ATA cannot increase the flow of sewer to the gravity system.

RESPONSE:

Admitted that the referenced letter states:

“Because the County's Sewage Pumping Station No. 30 -0054 (PS 54) serving the abutting gravity sewer basin is reported under Initial Moratorium by Miami -Dade Department of Regulatory and Economic Resources (RER), the Owner cannot increase the flow to the gravity system that the property is already connected to. If at the time this project is ready for construction PS 54 is still in Moratorium Status, thence a private pump station is acceptable, as long as all legal requirements are met. The Owner shall connect to an existing eighteen (18) inch force main in N.W. 22 Avenue at N.W. 34 Street, and extend an eight (8) inch force main within the public right -of -way to a point as required to provide sewer service to the subject property. If unity of title does not apply, then any gravity sewer within the property shall be public and eight (8) inch minimum in diameter. Other points of connection may be established subject to approval of the Department.”

The Request is otherwise denied.

9. Admit that the private pump station referenced in Exhibit 1 to these Requests had not been built as of the Application Deadline.

RESPONSE:

Admitted.

DATED this 21st day of April, 2014.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been furnished by eALJ to Administrative Law Judge F. Scott Boyd, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida, 32399-3060; and copies have been furnished by Electronic Mail to the following this 21st day of April, 2014.

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