

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE**

**AGENDA
(AMENDED)**

December 20, 2010

7:00 P.M.

- A. **CALL TO ORDER**
- B. **INVOCATION AND PLEDGE OF ALLEGIANCE**
- C. **ADJOURN MEETING AND RECONVENE IN EXECUTIVE SESSION**

EXECUTIVE SESSION PURSUANT TO F.S. CHAPTER 286.011(8)

The purpose of the Executive Session is to discuss settlement options and litigation strategy for pending City actions. The persons attending the meeting will be Council Members Joe Bernardini, Lara Bradburn, Frankie Burnett, Joe Johnston & Emory Pierce; Attorney's for the City of Brooksville, Thomas S. Hogan, Jr., Debbie Hogan and Jennifer Rey; City Manager, T. Jennene Norman-Vacha; and court reporter C. Gail Donato of Carolyn F. Engle & Associates. The meeting is expected to last approximately thirty minutes.

ADJOURN EXECUTIVE SESSION & RECONVENE COUNCIL MEETING

- D. **COUNCIL MEMBER RECOGNITION**
 - 1. **Mayoral Plaque to Lara Bradburn for 2010.**

Presentation: City Council

- E. **CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS**

- 1. **Beautification Board - Holiday Decoration Contest**
Recognition of annual decoration contest winners for the best City of Brooksville Residential and Commercial Displays for the 2010 Holiday Season.
[Note: Winners to be announced at meeting.]

Presentation: Board Chair
Attachments: None [Names, Plaques & prizes to be distributed at meeting.]

- 2. **2nd Annual Christmas Cookie Bake-off Winners**
Presentation of Certificates of Recognition for 1st, 2nd and 3rd place winners featuring the Hernando County Culinary Arts Programs at Central High, Hernando High and Nature Coast High Schools.

Presentation: Rhonda Hancock, Art Gallery Curator
Attachments: None [Names, Certificates & prizes to be distributed at meeting.]

REGULAR COUNCIL MEETING - DECEMBER 20, 2010

3. Certificates of Recognition – Council Christmas Parade Float

Presentation of Certificates of Recognition to Tina Nichols and Audrey Williams for their efforts in putting together the 1st Place Prize winning float for the 2010 Kiwanis Christmas Parade.

Presentation: Mayor
Attachments: Certificates

F. CITIZEN INPUT

G. PUBLIC HEARINGS (*Board Sitting in its Quasi-Judicial Capacity*)

- Entry of Proof of Publication into the Record
- Poll Council Members for Ex-Parte Communications
- Administering of Oath to All Persons Intending to Speak [Expert Witness Credentials]
- Adoption of the Agenda Back-up Materials into Evidence

****1. Diamonds Childcare Center, Cortez Blvd./Barnett Road**

Consideration of special exception use petition for a daycare center in a C-2, commercial highway zoning district located at the southeast quadrant of the intersection of Cortez Boulevard (S.R. 50) and Broad Street (U.S. Highway 41).

Presentation: City Planner
Recommendation: Approval
Attachments: Memo from Director of Community Development & City Planner dated 12/20/10, Petition, Location Map and Correspondence

H. REGULAR AGENDA

1. Ordinance No. 815 – City of Brooksville on behalf of Sea Gate Land Holdings, Inc./Sea Gate Village Homeowner’s Association, Inc., and Hernando County

Consideration of voluntary annexation of 77 acres, located south of Wiscon Road and north of Mason Smith Road.

Presentation: Director of Community Development
Recommendation: Approval of **First Reading** of Ordinance No. 815 upon roll call vote and schedule second reading for 01/03/11
Attachments: Memo from Director of Community Development & City Planner dated 12/20/10, Annexation Petition, Utility Services Agreement, Proposed Ordinance, Map and Correspondence

REGULAR COUNCIL MEETING - DECEMBER 20, 2010

2. Advisory Board Appointments

Appointment of advisory board members whose terms expire December 31, 2010.

a) Beautification Board

Two (2) Full-time positions to fill expiring 4-year terms of office through December 31, 2014. City residency is not required.

Kim Lemon	New Applicant
Scott Renz	Reapplying (Expiring Term)

b) Cemetery Advisory Committee

Two (2) Full-time positions to fill expiring 4-year terms of office through December 31, 2014. Applicants must be a City resident or have a documented tie to the Brooksville Cemetery.

Jeff D. Cannon	New Applicant
Luther E. Cason	Reapplying (Expiring Term)
Jan Knowles	Reapplying (Expiring Term)

All applicants have indicated that they are not City residents but have presented their documented tie within their applications.

c) Parks and Recreation Advisory Board

One (1) Full-time board position to fill an expiring 4-year term of office through December 31, 2014
One (1) Alternate board position to fill an expiring 4-year term of office through December 31, 2014
One (1) Full-time board position to fill an unexpired 4-year term of office through December 31, 2013.

City Residency not required.

Richard Gant	Reapplying (Expiring Term)
Richard Howell	New Applicant
Ronald Lawson	New Applicant
Toni Maletta	Reapplying (Expiring Alternate Term)
Sue Rupe	New Applicant

d) Planning & Zoning Commission

One (1) Full-time board position to fill a 4-year term of office through December 31, 2014.

City residency is required.

George Rodriguez	Reapplying (Expiring Term)
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Presentation:	City Clerk
Recommendation:	Appointment of Board Members
Attachments:	Memo from City Clerk dated 12/20/10; Applications

REGULAR COUNCIL MEETING - DECEMBER 20, 2010

3. Intergovernmental, Board Assignments and Organizations - City Council

Appointments to various Boards and Committees.

<u>City Boards/Committees</u>	<u>Current Council Representative</u>
Beautification Board	Joe Bernardini
Brooksville Cemetery Advisory Board	_____
CDBG Citizens Task Force	Joe Johnston
Good Neighbor Trail Advisory Committee	Lara Bradburn
Parks and Recreation Advisory Board	Joe Bernardini

<u>External Boards/Committees</u>	<u>Current Council Representative</u>
Anti Drug Coalition	_____
Brooksville Business Alliance	Lara Bradburn
Community Alliance	_____
Florida League of Cities Legislative Action Committees:	
Intergovernmental Committee	Joe Johnston
Energy & Environmental Committee	No Representative
Finance & Taxation Committee	No Representative
Growth Management & Transportation	Lara Bradburn
Urban Administration Committee	No Representative
Metropolitan Planning Organization	Lara Bradburn
Take Stock in Children	_____
Tourist Development Council	_____
Withlacoochee Regional Water Supply Authority	Joe Bernardini
Youth and Family Alternatives	_____

Presentation: City Clerk
Recommendation: Appointments
Attachment: Memo from City Clerk dated 12/20/10

4. Brooksville Housing Authority – Inventory Removal Application

Consideration to authorize the Mayors signature on letter of support for inventory removal application.

Presentation: Brooksville Housing Authority
Executive Director
Attachment: Letter from Executive Director dated 11/30/10, Sample Mayoral Letter of Support, Application

I. CITIZEN INPUT

J. ITEMS BY COUNCIL

K. ADJOURNMENT

CORRESPONDENCE TO NOTE

REGULAR COUNCIL MEETING - DECEMBER 20, 2010

***Items identified with a double asterisk (**) are quasi-judicial functions of the City Council other than land use; the Council Members disclose any ex parte communications.*

Meeting agendas and supporting documentation are available from the City Clerk's office, and on line at www.cityofbrooksville.us. Persons with disabilities needing assistance to participate in any proceedings should contact the City Clerk's office 48 hours in advance of the meeting at 352/540-3810.

Any person desiring to appeal any decision with respect to any matter considered at this meeting, may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and therefore must make arrangements for a court reporter to ensure that a verbatim record of the proceedings is made.

City of Brooksville Certificate of Appreciation

Presented To

TINA NICHOLS

In recognition of your creativity and originality for designing a

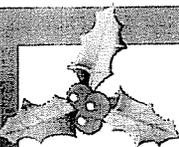
1st PLACE Commercial

award winning float in the 36th Annual Kiwanis Club of Brooksville Christmas Parade
on December 11, 2010. Your hard work has not gone unnoticed and the

City of Brooksville appreciates your dedication and commitment

Frankie Burnett, Mayor

Presented this 20th day of December, 2010.



City of Brooksville Certificate of Appreciation

Presented To

AUDREY WILLIAMS

In recognition of your creativity and originality for designing a

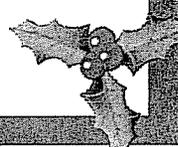
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City of Brooksville appreciates your dedication and commitment

Frankie Burnett, Mayor

Presented this 20th day of December, 2010.



MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager 
Via:	Bill Geiger, Community Development Director 
From:	Steve Gouldman, AICP, City Planner 
Subject:	SE2010-02 - Special Exception Use approval for a Daycare facility.
Petitioner:	Jeralynn and Eric Kincade
Location:	Southeast quadrant of the intersection of Cortez Boulevard (State Road 50) and Broad Street (U.S. Highway 41).
Date:	December 20, 2010

INTRODUCTION

The request is for a Special Exception Use approval to allow for the establishment of a Daycare facility.

LAND USE/ZONING

The subject site is located within an existing shopping center located at the southeast corner of the intersection of Cortez Boulevard (State Road 50) and Broad Street (U.S. Highway 41). The property has a C-2 zoning designation and, with the exception of property developed with a manufactured/mobile home community to the south, is adjacent to C-2 zoning and uses to the east as well as to the north across Cortez Boulevard and to the west across Broad Street.

STAFF FINDINGS

The petitioner requests approval for a Daycare facility that will potentially accommodate up to 50 children. Historically, the City has classified Daycare facilities as an educational/boarding house use in considering such requests. Pursuant to the City's Land Development Regulations, such facilities require Special Exception Use approval to operate in a C-2 zoning district. The regulations define a Special Exception Use to be a use which is essential or would promote the public health, safety or welfare in one or more districts, but which would impair the integrity and character of the district in which it is located or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those required by the Land Development Regulations. However, considering the zoning and existing land use as well as the zoning and development of the immediate area, no compatibility issues appear to necessitate additional conditions to ensure no negative off-site impacts occur.

BUDGET STATEMENT

Direct costs incurred by the City in processing this petition are absorbed in the petition fee structure.

LEGAL NOTE

Pursuant to home rule authority provided for by Article VII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, Section 1.03 of the Charter of the City of Brooksville and Article II, Section 137-43 of the City of Brooksville's Code of Ordinances, the City Council has the power to conduct municipal functions and to approve Special Exception Use petitions.

PLANNING & ZONING COMMISSION/STAFF RECOMMENDATION

At their meeting on December 8, 2010, the Planning & Zoning Commission concurred with Staff to recommend that City Council approve the Special Exception Use request for a Daycare facility located in the southeast quadrant of the intersection of Cortez Boulevard and Broad Street.

- Attachments: 1) Rezoning/Special Exception Use Petition
 2) Area map
 3) Opposition and Support Letters

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ATTACHMENT 1

PETITION

September 10, 2010

City of Brooksville
201 Howell Avenue
Brooksville, Fl. 34601

Eric & Jeralynn Kincade (Petitioner)
Diamonds Childcare Center, LLC
P.O. Box 253
Brooksville, Fl. 34605

Re: Special Exception Petition

To Council Members and all those in their respected places:

My name is Jeralynn Kincade along with my husband Eric Kincade are natives of Brooksville, Florida. This is the birthplace of many of our ancestors dated years back. My husband and I consider it a privilege to call Brooksville, Florida home. Where we raise two beautiful girls Taleaha Katelyn 8, and Eriana Kandice 5.

I am writing this letter to explain to all who reads, why Diamonds Childcare Center is in need of the "Special Exception petition". Let me give a brief background; My husband graduated from Hernando High School – Class of 1998. There he excelled academically and socially. Voted best all-around, best dressed, MVP in 96-97 Varsity football, and Homecoming King 96'. Graduated from Ft. Valley State University, majored in Mechanical Engineering. Has received numerous awards and recognition of achievements. As for myself, I attended Hernando High, Class of 1999, there I excelled academically, socially, and in extra-curricular activities. Former alumni of Hernando High's Royal Regiment band. Member of FBLA (Future Business Leaders of America). Attended Bethune Cookman University, where I majored in Business Administration.

My husband and I have always envisioned ourselves being business owners. So, we partnered together to open a childcare facility. The location is 20080 Cortez Boulevard, Brooksville, Fl. 34601. The childcare facility will target infant to 4years. Our goal is to empower the youth no matter the age, color, gender, or creed. We are dedicated to embrace the view that each child is a unique person with an individual pattern and timing of social, emotional, physical, and intellectual development. Diamonds Childcare Center (D.C.C) will offer a "hands on" approach to learning. The center will exemplify respect for all parents and children; regardless of any and all walks of life. At D.C.C, we will strive to encourage each child to think, make decisions, work toward their own positive solutions, and express their own ideas and feelings.

Diamonds Childcare Mission Statement:

At Diamonds Childcare Center our goal is to give each child a warm environment that encourages the development of socialization skills, independence, and a positive outlook for the future.

My husband and I know that each child is a unique person with an individual pattern of learning. We welcome all children. We recognize and foster an active partnership between home and school.

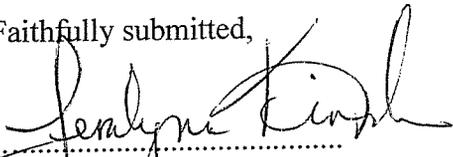
Here are some of the added benefits Diamonds Childcare Center (DCC) will provide to the Hernando County area:

- Provide opportunity for our children-- to build academic learning, physical strength and positive social skills.
- Provide opportunity for our parents-- to secure competent care for their child (ren) while they pursue careers or other interests.
- Provide opportunity for staff-- to work with children in a developmentally appropriate setting.
- Provide opportunity for the community-- to help meet the need for the quality early childhood education facility to promote our most youngest citizens.

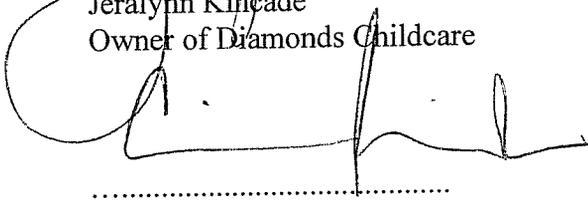
In closing, I ask that you open your hearts, minds, and souls when the councils decide on the fate of Diamonds Childcare Center. My husband and I are devoted christian family with strong moral values. We are delighted to have been given the opportunity to enlighten The City of Brooksville; and those in their respected places, in our business endeavor.

Thank you so much for your time in this matter at hand.

Faithfully submitted,



.....
Jeralynn Kincade
Owner of Diamonds Childcare

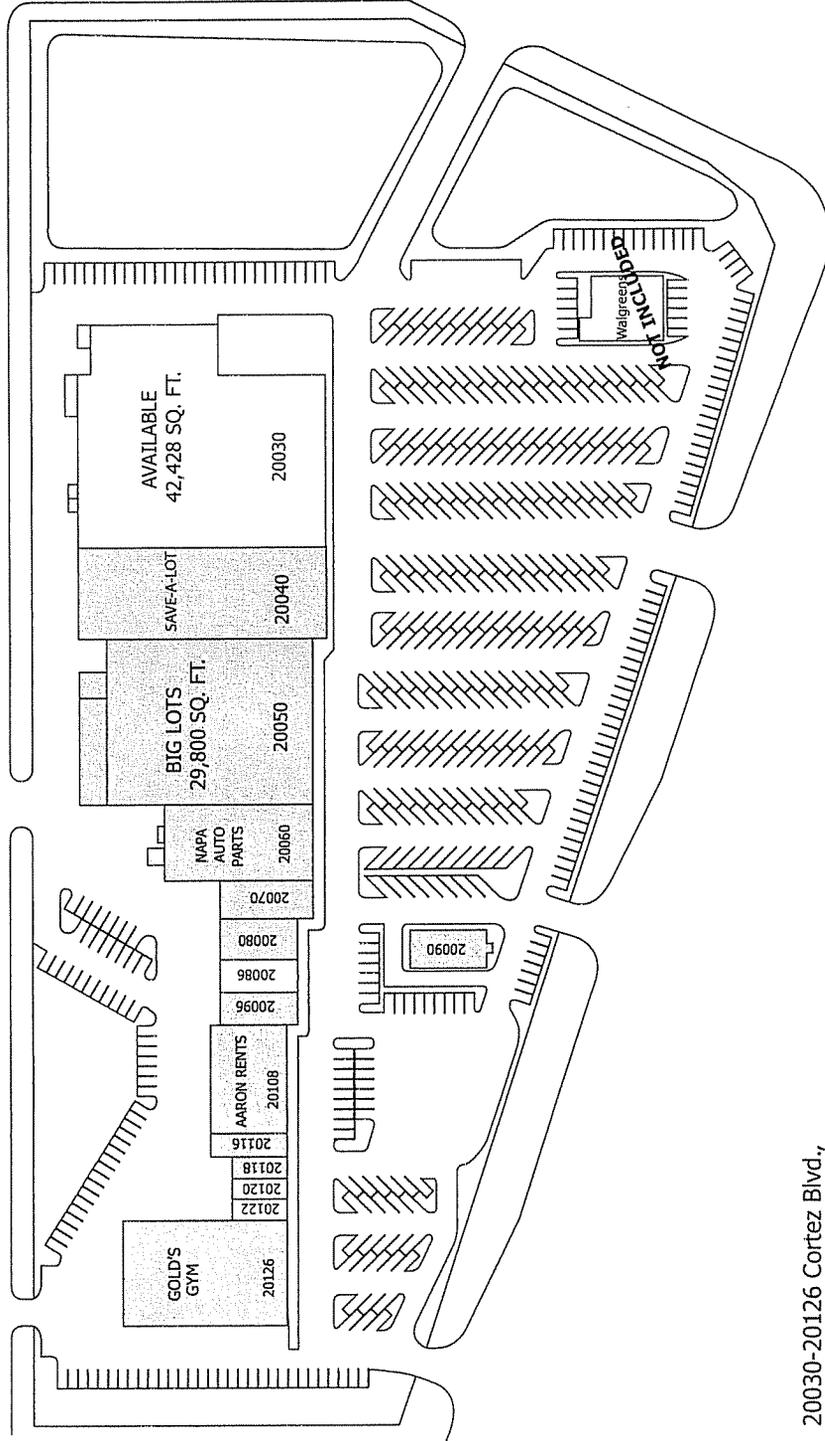


.....
Eric Kincade
Owner of Diamonds Childcare



South Square Shopping Center Brooksville, Florida

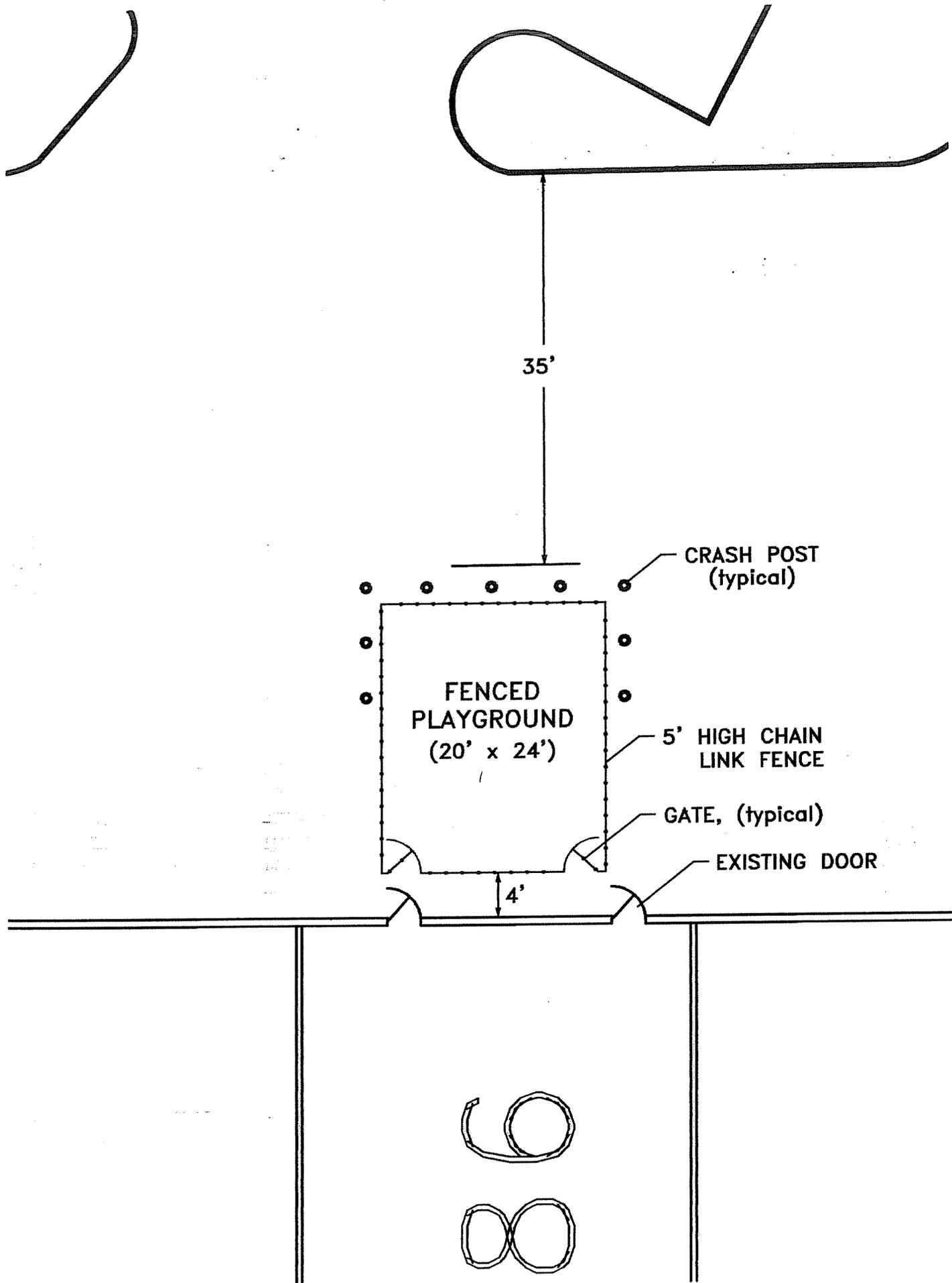
SOUTH SQUARE - EXHIBIT "A"



20030-20126 Cortez Blvd.,
Brooksville, FL 34601

BAY #	TENANT	S.F.
20126	Gold's Gym	15,000
20122	Available	1,000
20120	Available	1,000
20118	The Jewelerman	1,000
20116	Florida Insurance Brokers	1,400
20108	Aaron Rents	7,000
20096	H & R Block	2,150
20090	Applebee's	5,040
20086	Available	2,100
20080	Diamond Day Care	2,850
20070	Porter Paints	2,925
20060	Napa Auto Parts	10,069
20050	Big Lots	29,800
20040	Save-A-Lot	18,414
20030	Available	42,428

TOTAL SQUARE FOOTAGE: 142,226

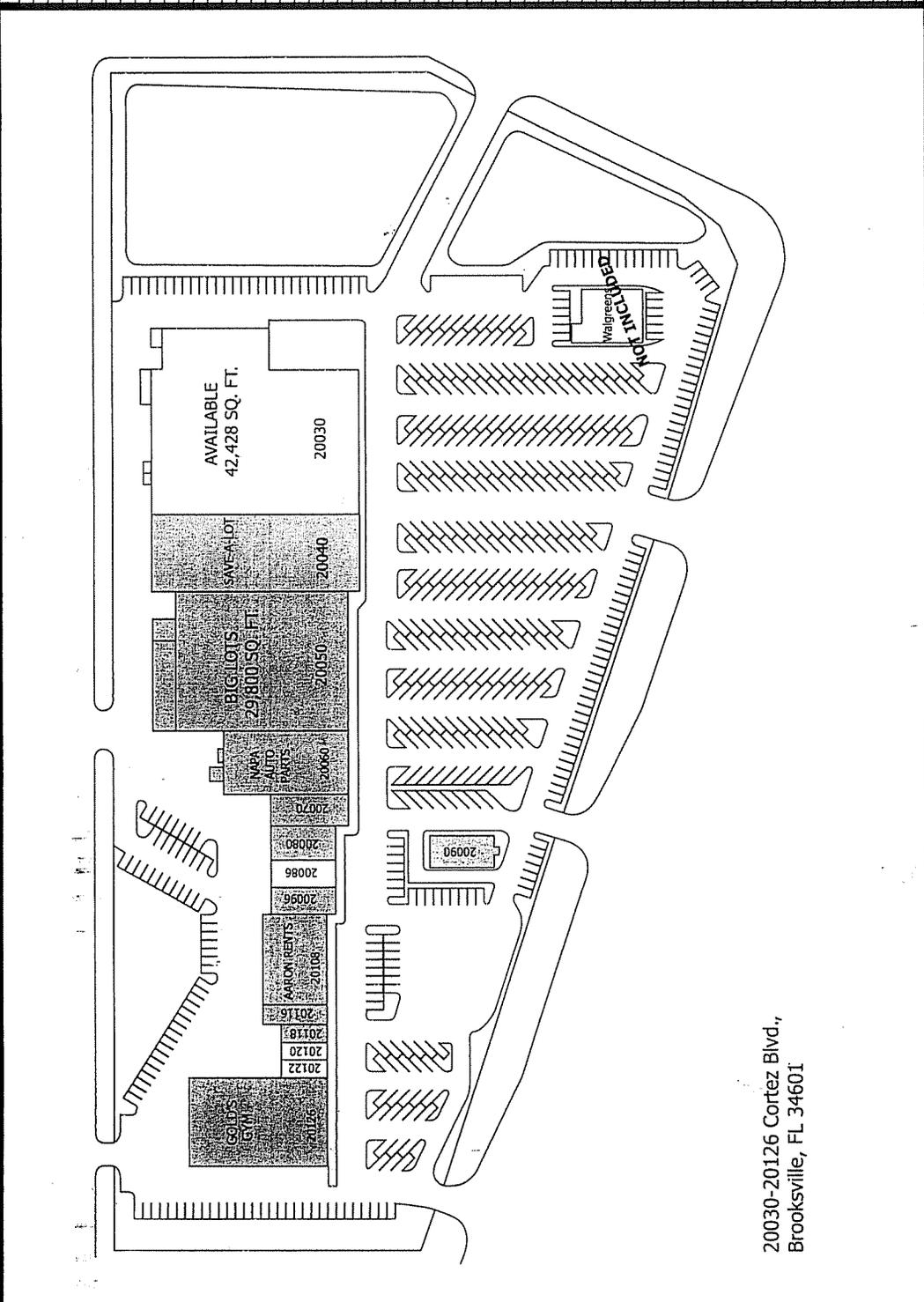




South Square Shopping Center Brooksville, Florida

BAY # TENANT S.F.

20126	Gold's Gym	15,000
20127	Available	4,000
20128	Available	4,000
20118	The Jewelerman	1,000
20116	Florida Insurance Brokers	1,500
20108	Paron Rents	7,000
20096	H & K Block	2,150
20090	Amplibes's	5,040
20086	Available	2,100
20080	Diamond Day Care	2,850
20070	Porter Parts	2,975
20060	Napa Auto Parts	10,069
20050	Big Lots	29,800
20040	Save-A-Lot	18,414
20030	Available	42,428
TOTAL SQUARE FOOTAGE:		192,226



20030-20126 Cortez Blvd.,
Brooksville, FL 34601

SOUTH SQUARE - EXHIBIT "A"

Parcel Key # 359310



**CITY OF BROOKSVILLE
SPECIAL EXCEPTION
PETITION CHECKLIST**

Diamonds Child Care Ctr. LLC

Petitioner: *Eric & Jeralyn Krcul* Petition# *SE-2010-02*
Address: *City Block / Barrett Rd* Phone# *942-0899*

TO BE PROVIDED BY PETITIONER

- XX Cover letter of explanation (Written by petitioner)
- XX Appointment of Agent (Use if petitioner is not landowner and/or the Petitioner has named another party to present or represent the Petition to the Board)
- XX Petition (Standard form attached)
- Pictures (Optional)
- XX Proof of Ownership (i.e., Copy of Deed-Clerk of Circuit Court)
- XX Owner or Agent Affidavit (Standard form enclosed, verifies ownership)
- XX Sketch of adjacent properties located within 150 feet of subject site, also typewritten list of addresses for all adjacent property owners.) (Obtain this information from the Property Appraiser's office, fee charged.)

XX Site Plan x Parcel Plat/Drawing(Annexation)
 x Parcel Dimensions x Streets
 x Building Sizes x Setbacks
 x Parking/Circulation x Buffer Areas
 x Landscaping x Flood Zone

Showing layout of stores and identifying each store. (This can be hand drawn.)

(Newspaper will bill petitioner directly).

Petitioner's Portion Complete

Reviewed for sufficiency completed by: _____ Date: _____

Appeal fees:

Appeals of Administrative Decisions - - - - \$100.00 + Administrative Costs
Appeals (Planning and Zoning Commission action) to City Council - - \$500.00 +
Administrative Costs

Administrative Costs:

Certified Letters Cost: \$1.00 Administrative Cost + Certified/Return Receipt +
postage per letter
Recording fees based on document, (if applicable).
Legal advertisements will be billed to petitioner by newspaper.

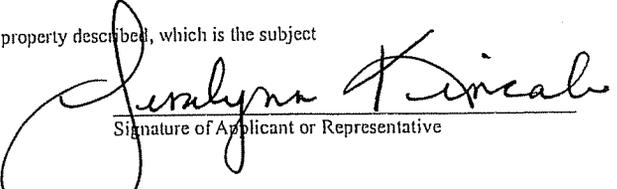
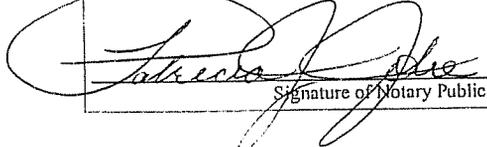
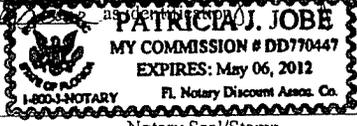
NOTE: The Special Exception Use review process is a land use determination which does not constitute a permit for either construction on or use of the property. Nor is the action considered a Certificate of Concurrence. Prior to use of or construction on the property, the petitioner must receive approvals from the appropriate City Departments and/or other governmental agencies that may have regulatory authority over the proposed use/development.

The granting of a land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed City land use ordinances. Homeowner's associations or architectural review committees may require submission of plans for their review and approval. The applicant for this land use request should contact the local association (if there is one) and review the Public Records for all restrictions that may be applicable to this property.

CITY OF BROOKSVILLE SPECIAL EXCEPTION USE PETITION
Application for Public Hearing

Date: 9-14-2010

Print or Type all information. If you need any assistance, call the Community Development Department at (352) 544-3810.

APPLICANT: <u>JERALYNN + ERIC KINCADE</u>		
Mailing Address: <u>P.O. Box 253</u>		
Daytime Telephone: <u>352-942-0899</u>	FAX No:	E-Mail Address: <u>jeralynn.bell@gmail.com</u>
REPRESENTATIVE: <u>N/A</u>		
Mailing Address:		
Daytime Telephone:	FAX No:	E-Mail Address:
PUBLIC CONTACT PERSON: <u>JERALYNN KINCADE</u>		
Daytime Telephone: <u>352-942-0899</u>	FAX No:	E-Mail Address: <u>jeralynn.bell@gmail.com</u>
Will Expert Witness be utilized during the public hearings?		
Legal Description: Write below the complete legal description of the property Include Section, Township and Range; and if applicable, Subdivision Name, Lot, Block, and Unit Number Attach additional sheet if necessary <u>see attached documents</u>		
Size of Area Covered by Application: <u>2850 sqft.</u>		
Highway and Street Boundaries: <u>Cortez + Barnett</u>		
Current Zoning Classification: <u>C2</u>		
Special Exception Requested: <u>Daycare business in a shopping plaza.</u>		
Has a public hearing been held on this property within the past twelve months?		
ACKNOWLEDGMENT		
This acknowledgment must be signed in the presence of a Notary Public.		
I, <u>Jeralynn Kincaide</u> , hereby state and affirm that all information submitted within this petition is in all respects true and correct to the best of my knowledge and belief and that:		
<input type="checkbox"/> I am the owner of the property covered under this application. <input checked="" type="checkbox"/> I am the legal representative of the owner or lessee of the property described, which is the subject matter of this application		
		 Signature of Applicant or Representative
STATE OF FLORIDA COUNTY OF HERNANDO		
The foregoing instrument was acknowledged before me this <u>14th</u> day of <u>September</u> , 2010, by <u>Jeralynn Kincaide</u> who is personally known to me or who has produced <u>her identification</u> as <u>Jeralynn Kincaide</u>		
 Signature of Notary Public		 Notary Seal/Stamp

APPOINTMENT OF AGENT

**CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA**

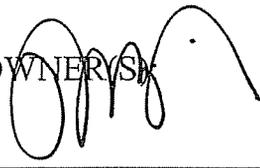
I, Larry Bernick, owners agent, the owner(s) in fee simple of the below described real property hereby appoint Jim Hanson & Donna Moser as my (our) agent to file required petitions, sign required documents, make representations as to issues of fact and to appear, as may be necessary, before the appropriate City of Brooksville authority. My agent shall also have the authority to commit myself as owner to the necessary future performance conditions as may be directed by the appropriate City authority as a condition of granting my petition.

(Insert Legal Description Below)

Dated: 12/22/10

Signed in the presence of:

WITNESSES:

LANDOWNER(S) 

Signature Karissa J. Vickery
Print Name KARISSA L. VICKERY

Signature _____
Print Name Larry Bernick as agent
Woolbriant Group Inc

Signature Keisha Busa
Print Name Keisha Busa

Signature _____
Print Name _____

Signature _____
Print Name _____

Signature _____
Print Name _____

OWNER OR AGENT AFFIDAVIT

**CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA**

I, Larry Bernick, being duly sworn, hereby depose and say SOSA Property Investment, Inc is the owner of the herein described property to-wit:

(Insert Legal Description Below)

EXHIBIT "D"**Legal Description of Property**

DESCRIPTION: That part of the E ½ of the SE ¼ of Section 28 T-225, R 19E, that is lying north of Barnett Road, east of U.S. Highway 41 and south of State Road 577; being more particularly described as follows: Commence at the SW corner of the E ½ of SE ¼ of Section 28 T-225, R 19E, run thence N. 0° 04' 22" E. along the west line of said E ½ of SE ¼ a distance of 1410.43' to the north side of Barnett Road and P.O.B: Thence continue N. 0° 04' 22" E. along said line 342.69 to the easterly R/W of US Highway 41, thence N. 26° 41' 13" E. 343.65' along said R/W, thence continuing along said R/W N. 66° 26' 15" E. 65.20 to the intersection of the southerly R/W of State Road 577, thence S. 74° 19' 07" E. along said southerly R/W 253.55', thence continuing along said R/W S. 72° 03' 30" E. 695.65' to a point, thence S. 0° 06' 45" W 396.88 to the north side of Barnett Road, thence N. 89° 48' 00" W. along the north side of Barnett Road 1119.70' to, P.O.E.; and containing 13.91 acres.

CITY OF BROOKSVILLE APPEALS PROCEDURES

Per Section 137-43 (d) City Code

Appeals of a Commission Decision. Anyone may appeal a decision of the commission to the city council. In order to appeal a decision, the petitioner must deliver a notice of appeal to the city clerk within ten (10) calendar days of the date of the commission's decision. The notice of appeal must specify the decision being appealed and the specific reasons for the appeal. The notice of appeal shall be placed as an item on the next available regular agenda of the city council. No discussion of the merits of the appeal will be permitted; the mayor will request a vote of council to determine if it wishes to hear the appeal. If a majority of council votes to hear the appeal, a hearing at a special meeting of city council will be scheduled within twenty-one (21) days of the vote by council. The city clerk will publish in a newspaper of local circulation (as defined in Chapter 50, F.S.) a notice of hearing at least three (3) calendar days prior to the hearing. The cost of such publication will be paid by the petitioner. The hearing before the council shall be conducted pursuant to rules and procedures established for such proceedings by city council.

Stay of Proceedings. An appeal to the commission of a decision of the administrative official or an appeal to the city council of a decision of the commission shall cause all matters relating to the appeal to be stayed until the conclusion of the appeal process. However, after receipt of the notice of appeal, the stay may be lifted by the administrative official if, in his opinion, the facts in the notice of appeal would cause imminent peril to life or property.

NOTICE OF APPEAL

In accordance with Section 137-43(d) of the City of Brooksville Code, I do hereby file with the City Clerk this Notice of Appeal regarding the decision made by the City of Brooksville _____ on _____, concerning the matter of Petition # _____ Date

Appellant's Name: _____

Board/Individual whose Decision is being Appealed: _____

Petition Reference Number: _____

Petitioner: _____

Subject of Petition: _____

Location of Petition Request: _____

Action Being Appealed: _____

Specific Reasons for Appeal: _____

Appellant Affidavit: *The information provided in this NOTICE OF APPEAL is in all respects true and correct to the best of my knowledge and belief.*

Signature of Appellant: _____

(For office use only below this line)

~~~~~

**Date Notice of Appeal filed with City Clerk:** \_\_\_\_\_

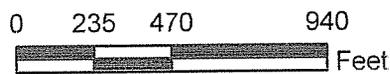
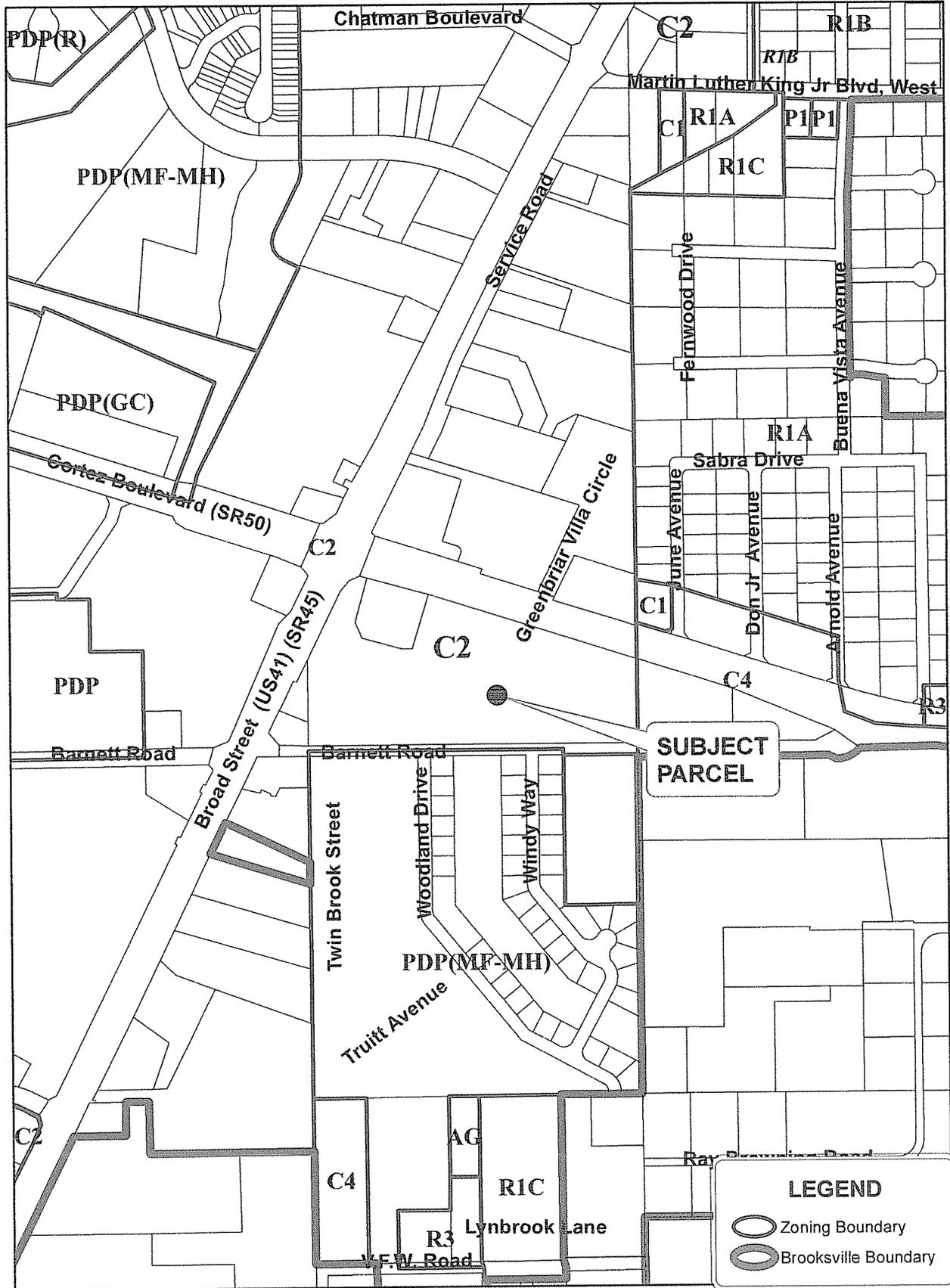
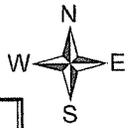
**Date scheduled for City Council Consideration:** \_\_\_\_\_

**Date for Special Meeting for Appeal (if approved by City Council):** \_\_\_\_\_

# ATTACHMENT 2

## AREA MAP

# SE2010-02 Diamonds Childcare Ctr. LLC 20080 Cortez Boulevard



\*Base map information provided by the Hernando County Property Appraiser's office  
 Map created by the Brooksville Community Development Department  
 Disclaimer: This map is intended for planning purposes only, and should

## ATTACHMENT 3

### LETTERS OF SUPPORT/OPPOSITION

## Judith A. Kilgore

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**From:** Jeralynn Kincade [jeralynn.bell@gmail.com]  
**Sent:** Monday, December 06, 2010 9:31 AM  
**To:** Judith A. Kilgore  
**Cc:** Bill Geiger; Steven Gouldman  
**Subject:** Re: Attached Letter Re: Special Exception Petition for a Daycare Center

Judy,

I have received and read the attached letter from Robert Buckner. My attorney will be in contact with him.

My only concern is regarding the square footage from the actual location of Diamonds childcare, versus the Crossroad Plaza - Department of Corrections (DOC office) has never been an issue, as it has never been presented to my husband and I as a potential concern. In our defense, for many years, the Childhood Development Services (CDS) office was located in the same plaza with (DOC) office and there was no major concern. As I am quite sure Mr. Buckner had been receiving top dollar in leasing to a federal funded agency.

Thank you for your time in this matter, as this public email should be copied and distributed to P&Z members and the city attorney.

Regards,  
Jeralynn Kincade  
Diamonds Childcare Coming Soon!!!!  
20080 Cortez Blvd. Brooksville, Fl. 34601

"Where every child will shine"

On Fri, Dec 3, 2010 at 12:59 PM, Judith A. Kilgore <[JKilgore@ci.brooksville.fl.us](mailto:JKilgore@ci.brooksville.fl.us)> wrote:

Jeralynn & Eric Kincade:

Please find attached a letter sent to our office with reference to your upcoming Special Exception Use petition for Diamonds Childcare Center that will be reviewed by the Planning and Zoning Commission on December 8, 2010. A copy of this letter will be distributed to the P&Z members and City Attorney at the meeting. You may wish to contact Robert Buckner and/or the Department of Corrections regarding the recommendation of denial prior to the meeting.

Judy

COMMERCIAL REAL ESTATE • ACREAGE • RESIDENTIAL



December 3, 2010

11 North Main Street  
Brooksville, Florida 34601  
(352) 796-4544  
Fax: (352) 799-0575

Mr. William Geiger  
Director of Community Development Department  
City of Brooksville  
201 Howell Ave.  
Brooksville, FL 34601

RE: Planning and Zoning Commission  
Special Exception Use  
Petitioner: Diamonds Childcare Center, LLC

Dear Mr. Geiger:

Please be advised that the Department of Corrections Probation and Parole (DOC) office is located at 20144 Cortez Blvd. in Crossroads Plaza, and adjacent to the shopping center at the intersection of Cortez Blvd. and Broad Street and the location of the petitioner. The Department of Corrections' clients include individuals on probation for various crimes involving children, and DOC generally has a policy to not establish a location within 1,320 feet of a child care facility or a similar type of business involving children. I believe DOC may have provided the appropriate notice as to their location to appropriate jurisdictional authorities, and the petitioner's location appears to be within 1,320 feet.

Therefore, due to the longstanding location of the DOC office and an existing lease agreement, I hereby respectfully recommend denial of the Special Exception for a childcare facility in the shopping center. Please provide this correspondence to the members of the Planning and Zoning Commission, and I am providing a copy of this correspondence to the Department of Corrections.

Please contact DOC or myself if you have any questions or need additional information.

Sincerely,

Robert A. Buckner

cc: Ms. Tina Herlong  
Department of Corrections  
% Lake Correctional Institution  
19225 Highway 27  
Clermont, FL 34715  
(352) 989-9000

pa: PZ Commission  
Petitioner (Kiscades) - via email  
Steve G.

9-17-10

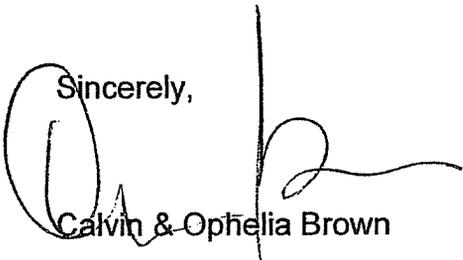
To whom this may concern,

One of the first tough decisions my husband and I had to make as new parents was where to place our daughter in child care, who at the time was 15 months old. Bell's Home Daycare (BHD) came highly recommended to us from many people in the community and fortunately for us, placing her in the care of (BHD) is not a decision we have ever regretted nor one that we ever will.

From day one our daughter bonded with the owner (Rosa Bell) of (BHD). To see the interaction between our daughter and Ms. Bell immediately put us at ease as we saw how she treated our daughter as if she were one of her own. Our daughter truly felt safe and secure in her home due to the warm-loving setting. I must also mention that her home is always immaculate and appropriately childproofed. (BHD) is outstanding at meeting both social and motor skills of all the infants and toddlers who are blessed to be in their care. (BHD) is always filled with fun/educational activities and curriculum, music, dancing, healthy snacks and meals and happy children. Even more impressive is that (BHD) also reinforces mutual respect and care for others.

Now, two years later, our daughter has entered pre-school and it is evident that (BHD) has provided her with all the life, learning and discipline skills necessary to thrive in pre-school and beyond. Overall, I highly recommend (BHD) as a child care provider for any other family in need of the best day care services. (BHD's) background experience and strong ability to connect with children, it can definitely offer everything and more that a family would be looking for in a provider.

Sincerely,



Calvin & Ophelia Brown

Copy: PZ members  
City Staff  
" Attorney  
HCSB Rep

October 10, 2010

To whom this may concern,

It is with pleasure that I write this letter of character reference for Ms. Rosa Bell. I have known Ms. Bell in the childcare capacity at which time she was introduced to me through a close friend in 2006. By me being from out of town my husband and I were researching in home childcare services for my son. In checking around and asking people that I trusted for recommendations, Ms. Bell's name came highly recommended by everyone the I asked about her; no one had anything negative to report concerning her. Needless to say upon interviewing with her, myself and my family felt confident that she was the one to take care of my son.

Not only has Ms. Bell gone above and beyond the services that she has indicated on her contract, she and her family have made my family and I feel like we are more than just clients. I cannot begin to name the countless ways that Ms. Bell has demonstrated kindness and genuine good heartedness to both my son and my husband and I.

In her endeavors to expand her childcare establishment, it would be a great disservice to the city of Brooksville not to allow such a business woman like Ms. Bell's to do so. She is truly dedicated to caring for children with a firm but fair attitude and she is committed to educating those in her care, from birth and beyond. Her home place of business is probably one of the cleanest/ sanitary that you will find in the area.

In closing, I highly recommend Ms. Rosa bell as she so many others had done to me in the past. As well, I hope that the governing entity that is responsible for licensing, make it their priority to support Ms. Rosa Bell and her efforts to continue to provide the best care possible to the children of Hernando County.

Sincerely,

Miyoshia Plummer, MA (Registered Mental Health Intern)



**MEMORANDUM**

|                    |                                                                                                                                  |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>To:</b>         | Honorable Mayor and City Council                                                                                                 |
| <b>Via:</b>        | T. Jennene Norman-Vacha, City Manager          |
| <b>Via:</b>        | Bill Geiger, Community Development Director    |
| <b>From:</b>       | Steven E. Gouldman, AICP, Planner               |
| <b>Subject:</b>    | AX2010-05; City-initiated annexation of 77.0 acres ±.                                                                            |
| <b>Petitioner:</b> | City of Brooksville on behalf of Sea Gate Land Holdings, Inc./Sea Gate Village Homeowner's Association, Inc. and Hernando County |
| <b>Location:</b>   | South of Wiscon Road and north of Mason Smith Road, approximately 2,700 feet west of U.S. Highway 41                             |
| <b>Date:</b>       | December 20, 2010                                                                                                                |

**SUMMARY OF REQUEST - GENERAL INFORMATION**

The subject property is approximately 77.0 acres and is located south of Wiscon Road, north of Mason Smith Road and 2,700 feet west of U.S. Highway 41. The City of Brooksville, on behalf of Sea Gate Land Holdings, Inc./Sea Gate Village Homeowner's Association, Inc. and Hernando County requests, through the voluntary annexation process outlined in Chapter 171.044, Florida Statutes, that the property be annexed into the City of Brooksville. Pursuant to the Annexation Element of the Utility Services Agreement dated April 3, 2007, and recorded in the public record at Book 2431, Page 36, the City is the appointed duly authorized representative serving as attorney-in-fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation.

**CURRENT LAND USE/ZONING**

The property has a Hernando County Future Land Use designation of Residential as per the adopted Hernando County Comprehensive Plan. Current zoning for the subject site is County Combined Planned Development Project with General Commercial-Office, Multi-Family and Single-Family (CPDP-GC-MF-SF).

The property is currently vacant and undeveloped except for infrastructure that was installed to serve future residential and commercial development associated with the Sea Gate Village subdivision Plat (PB 39, PGS 16-20) approved by Hernando County on July 24, 2007. Existing infrastructure improvements include a spine road (Seaway Drive) that runs through the property from Wiscon Road south to Mason Smith Road with a looped drive (Longboat Drive) that provides access for residential lots in the southwest section of the property, sidewalks, utilities and drainage infrastructure. Portions of the property targeted for residential development that were previously used as pasture lands have been cleared of vegetation while other portions of the property are still in a natural, moderately wooded state.

**STAFF FINDINGS**

The petition appears to meet all of the requirements of Section 171.044, Florida Statutes, for voluntary annexation into the City of Brooksville. If the annexation is approved, the City's Comprehensive Plan Future Land Use Element will require an amendment to reflect the incorporation and an appropriate land use designation will need to be assigned that is suitable to the property and consistent with the future use as previously approved by Hernando County. Additionally, a zoning amendment will be required to establish a zoning designation of PDP (Planned Development Project) with a Special Exception Use for a Combined PDP consisting of Single-Family, Multi-Family, Commercial and Office uses for the property,

consistent with that which was approved by Hernando County. It may be noted that future development/redevelopment of this property will be analyzed for impact to roads, utilities, drainage, public services, the environment and all other applicable land use criteria, and will be subject to meeting all federal, state and local agency permitting requirements. Comprehensive Plan amendment and zoning petitions/applications as submitted by the property owner will be coordinated with the Hernando County School Board and Hernando County Planning Department (as applicable) to solicit input pursuant to and consistent with existing interlocal agreements.

This report does not include the perspective of adjacent landowners, who may be present at the public meeting to address and present questions and comment. The only action being considered at this time is the request for annexation of the property into the City.

**BUDGET NOTE**

The costs associated with processing this petition (i.e., certified mailing, staff time, attorney fees, etc.) are being absorbed within the City's current budget.

**LEGAL REVIEW:**

Pursuant to home rule authority provided for by Article VII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and Section 1.03 of the Charter of the City of Brooksville, the City Council has the power to conduct municipal functions and to adopt ordinances.

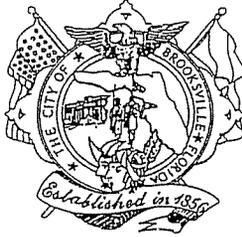
**PLANNING & ZONING COMMISSION/STAFF RECOMMENDATION**

At their December 8, 2010 meeting, the Planning & Zoning Commission concurred with the staff recommendation to find that the lands associated with Petition No. AX2010-05 are in compliance with Section 171.044, Florida Statutes, for being integrated into the incorporated area of the City of Brooksville through the voluntary annexation petition process, and recommend that City Council approve the annexation of the subject 77.0 acre tract. The staff recommendation includes a condition requiring that all development occurring on this parcel prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this property and zoning the property consistent with the land use designation would be required to comply with Hernando County land use and zoning regulations, cause no expense to the City for infrastructure expenses associated with the development of the property and be consistent with Hernando County and City of Brooksville performance standards.

- Enclosures:**
- 1) Annexation Petition
  - 2) Utility Services Agreement
  - 3) Proposed Annexation Ordinance
  - 4) Location Map
  - 5) Wheeler-to-Geiger Email
  - 6) Ravencraft-to-County Staff Email

**ATTACHMENT 1**

**ANNEXATION PETITION**



## CITY OF BROOKSVILLE PETITION CHECKLIST

**PETITIONER:** City of Brooksville  
**ADDRESS:** 201 Howell Avenue  
Brooksville, FL 34601

**Petition No.:** AX2010-015  
**Phone#:** 352-540-3810

XX **Annexation (AX)**  
       **(Re)zoning (RZ)**  
       **Vacation (VC)**

       **Special Exception (SE)**  
       **Variance (VR)**  
\*XX **Other (Explain)**  
       **Comprehensive Plan**  
       **Amendment**

\*Current petition is for Annexation of the subject property only.

### PETITIONER

- XX **Cover letter of explanation** (Written by petitioner)
- XX **Petition Pictures**
- XX **Proof of Ownership** (Copy of Deed-Clerk of Circuit Court)
- XX **Sketch of Adjacent Property Owners** (plat drawing) *and* typewritten list of **Addresses of Adjacent Property Owners** within **150 feet** (from Property Appraiser, fee charged)
- XX **Site Plan**
- XX **Parcel Plat/Drawing(Annexation)**
  - Parcel Dimensions             Streets
  - Building Sizes                 Setbacks
  - Parking/Circulation             Buffer Areas
  - Landscaping                     Flood Zone
- XX **Water & Sewer Agreement** (City Utilities) (if applicable)
- XX **Vicinity Map** depicting the general location of the Property
- XX **Concurrency Evaluation Application** (if applicable)

### VOLUNTARY ANNEXATIONS

- XX Survey of property affected with metes and bounds legal description & designating markers.

XX Certificate of present County zoning, land density/intensity and future land use designation of affected parcel(s) from Hernando County Planning Department.

*If zoning density change is required, please also complete the following:*

XX Letter of Contiguity to the existing city limit boundary provided by an engineer, attorney or surveyor (sample form provided)

**FEES:** REVIEW FEE (See Resolution 2008-20) \$ N/A

Annexation ----- No charge

Comprehensive Plan Amendment ----- See Resolution 2008-20 \$ N/A  
for fees or call Community Development at (352) 540-3810

Zoning Petition ----- See Resolution 2008-20 \$ N/A  
for fees or call Community Development at (352) 540-3810

**OTHER:** RECORDING FEES TO BE DETERMINED N/A  
AFTER APPROVAL/DENIAL

Certified Letters Cost: \$1.00 Administrative Cost + Certified/Return Receipt + postage per letter as of 9/24/09 = \$6.54 each N/A

**NOTICE OF PUBLIC HEARING SIGNS SHALL BE POSTED BY PETITIONER AND MAINTAINED THROUGH TO THE FINAL HEARING.** N/A

**TOTAL** \_\_\_\_\_ \$ N/A

Check # \_\_\_\_\_ Receipt# \_\_\_\_\_

**NOTE: All advertised public hearing notices are paid by the petitioner. (Newspaper will bill petitioner).**

**Petitioner's Portion Complete**

All Annexation, Comprehensive Plan Amendments, Zoning and Special Exception petitions are heard by the Planning and Zoning Commission and recommendations are forwarded to the City Council for final determination.

After annexation approval, petitioner shall submit a comprehensive plan amendment (CPA) application for establishing a future land use designation in the City. Once the amendment has been submitted and approved, the petitioner will be eligible to make application for a City zoning classification.

The area annexed shall be subject to the regulations of the Hernando County land use plan and zoning code until the area is designated and approved with a future land use district in the City and a City zoning classification has been approved.

**Anyone may appeal a decision of the [Planning & Zoning Commission] to the City Council. In order to appeal a decision, the Petitioner must deliver a Notice of Appeal to the City Clerk within ten (10) calendar days of the date of the [commission's] decision. The Notice must specify the decision being appealed and the specific reasons for the appeal. (See attached Code and Appeals Form.)**

Appeals fees:

Appeals of Administrative Decisions - - - - - \$100.00 + Admin. Costs  
Appeals (Planning and Zoning Commission action) to City Council \$500.00 + Admin. Costs

Administrative Costs:

Certified Letters Cost: \$1.00 Administrative Cost + Certified/Return Receipt + postage per letter as of 9/24/09 = \$6.54 each

Recording fees based on document, (if applicable).

Legal advertisements will be billed to petitioner by newspaper.

# CITY OF BROOKSVILLE

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## PETITION FOR VOLUNTARY ANNEXATION AND AMENDMENT OF THE FUTURE LAND USE MAP OF THE BROOKSVILLE COMPREHENSIVE PLAN.

DATE: May 24, 2010

FILE #: AX2010-02<sup>5</sup>

*Please print or type all information.*

### PROPERTY OWNERS

Name: Sea Gate Land Holdings, Inc./Sea Gate Village Homeowner's Association, Inc.

Address: PO Box 2380/19 N. Boulevard of the Presidents, STE 605

City: Sarasota State: FL Zip: 34230-2380/ 34236

Telephone Nos: 941-571-7100 Fax No: 941-571-7311

Email Contact Information: Charles Hornback (Charles@sg-intl.com)

Name: Hernando County (Entry Road)

Address: 20 Main Street

City: Brooksville, FL 34601

Telephone Nos: 352-754-4002 Fax No: 352-754-4477

Email Contact Information: dhamilton@hernandocounty.us

APPLICANT(S): City of Brooksville, on behalf of the petitioner as the appointed duly authorized representative serving as attorney-in-fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation, pursuant to the Annexation Element of the Utility Services Agreement dated April 3, 2007, and recorded in the public record at Book 2431, Page 36.

Mailing Address: 201 Howell Avenue  
Brooksville, FL 34601

Daytime Telephone: 352-540-3810

REPRESENTATIVE: T. Jennene Norman-Vacha, City Manager, acting on behalf of the City of Brooksville and the petitioner as the appointed duly authorized representative serving as attorney-in-fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation, pursuant to the Annexation Element of the Utility Services Agreement dated April 3, 2007, and recorded in the public record at Book 2431, Page 36.

Mailing Address: Same as Applicant Address

Daytime Telephone: Same as Applicant Address

Email Contact Information: jnvacha@cityofbrooksville.us

### **General Information**

Property Location and/or Address: South of Wiscon Rd & Horse Lake Road; north of Mason Smith Rd, and approximately 2,700' west of US 41.

#### Legal Description:

The East ½ of the Northeast ¼ of the Northeast ¼ of Section 32, Township 22 South, Range 19 East, LESS Right of Way for existing Public Road.

Parcel ID R32 422 19 0000 0210 000

AND

The Northwest ¼ of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, Hernando County, Florida, LESS the following described parcel:

Commencing at the Southeast corner of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, Hernando County, Florida and thence go North 00°15'14" East, along 1/4 Section line, a distance of 1360.71 feet; thence go North 89 45' 54" West a distance of 402.41 feet to a point on the Westerly Right of Way line of U.S. 41 and the POINT OF BEGINNING; continue thence North 89 45'54" West a distance of 1251.78 feet; thence go North 00 14'06" East a distance of 325.97 feet; thence go South 89 45'54" East a distance of 1416.00 feet; thence go South 26 58'21" West, along said Westerly Right of Way of U.S. 41 a distance of 365.00 feet to the POINT OF BEGINNING.

AND

The South 1/2 of the West 1/2 of the Northwest 1/4 of Section 33, Township 22 South, Range 19 East, LESS the East 14 acres thereof and LESS Right of Way for existing Public Road;

AND

LESS the following described property:

Commence at the Southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 33; run thence South 89 33'07" West, 660.66 feet; thence North 00 13'12" West, 49 feet to a POINT OF BEGINNING; continue thence 1312.52 feet; thence North 89 36'27" East 211.58 feet; thence South 00 15'41" East 1313.60 feet; thence South 89 53'56" West, 212.57 feet to the POINT OF BEGINNING.

Parcel ID: R33 422 19 0000 0270 0010

\*Insert or attach a copy of the total legal description. Also email a copy to the Community Development Department: [pjobe@cityofbrooksville.us](mailto:pjobe@cityofbrooksville.us) or [bgeiger@cityofbrooksville.us](mailto:bgeiger@cityofbrooksville.us)

Tax Parcel ID# Listing enclosed with file

Parcel Key # Listing enclosed with file

Highway & Street Boundaries: South of Wiscon Rd; North of Mason Smith Rd, and 2,700' MOL East of US41

Site Acreage:

(a) Incorporated Area: -0-

(b) Unincorporated Area: 77

(c) TOTAL ACREAGE 77

**Existing and Proposed Land Use & Zoning Information**

Present Zoning/Land Use Map Designation: Combined Planned Development Project with General Commercial-Office, Multi-family and Single-family (CPDP-GC-MF-SF)/Residential Future Land Use.

Proposed Zoning/Land Use Map Designation: unchanged

Land Use Map Amendment Required: Yes X No          From Residential To Sea Gate Mixed Use District

**For All Development:**

Flood Zone: C/AH

Base Elevation Required: Y

**Residential Development:**

Total # Units: 316 Single Family: 88 Multi-Family: 228

**Non Residential Development:**

Total Non-Residential Floor Area: >100,000 s.f.

|                                                    |                                                           |
|----------------------------------------------------|-----------------------------------------------------------|
| Commercial <u>5.4 acres/35,000 s.f.-floor area</u> | Professional <u>7.36 acres/&gt;65,000 s.f.-floor area</u> |
| Industrial <u>-0-</u>                              | Mixed Use <u>-0-</u>                                      |

**Description of Existing Land Uses on the subject property:**

The site is located in a Residential Future Land Use Category as per the adopted Hernando County Comprehensive Plan. The property is currently vacant and undeveloped except for infrastructure that was installed to serve future residential and commercial development associated with the Sea Gate Village subdivision Plat (PB 39, PGS 16-20) approved by Hernando County on July 24, 2007. Existing infrastructure improvements include a spine road (Seaway Drive) that runs through the property from Wiscon Road south to Mason Smith Road with a looped drive (Longboat Drive) that provides access for residential lots in the southwest section of the property, sidewalks, utilities and drainage infrastructure. Portions of the property targeted for residential development that were previously used as pasture lands have been cleared of vegetation while other portions of the property are still in a natural, moderately wooded state.

**Description of Existing Land Uses surrounding the subject property:**

Property north of the subject site is generally wooded, undeveloped land in the City of Brooksville with a PDP/Residential zoning designation; Property to the east is developed (Lowe's Home Improvement Store) located in the City - FDOT owns property used as a staging yard for supplies and drainage and there is one privately owned undeveloped tract of land in the County; Land to the west and south are zoned as AG in the County.

**Proposed Use of the subject property (development description, schedule, and phases):**

General Commercial is targeted for the northeast portion of the property along Wiscon Road, with 35,000 square feet of building space. The remaining portion of the General Commercial area is approved for an Office-Professional designation to accommodate a two-building, two-story office complex on 7.0 acres. The remaining portion of the eastern property (5.5 acres), along with the existing western parcel is designated Multifamily, and the southern property is designated Single Family.

**Maximum allowable density/intensity under adopted future land use map designation:**

64.24 acres @ 5.4 units per acre (as allowed pursuant to County Residential FLUM designation) would allow for up to 347 dwelling units.

12.76 acres @ 30,422 s.f. of floor area per acre would allow for up to 388,185 s.f. of floor area.

**Maximum allowable density/intensity under proposed future land use map designation:**  
316 dwelling units/>100,000 s.f. of commercial floor area

**Analysis of Soils and topography on the site:**

Soils - Portions of the property have been altered by filling, however, according to the Soil Survey of Hernando County the soils on the property consist of Blichton loamy fine sand, 2 to 5 percent slopes, Micanopy loamy fine sand, 2 to 5 percent slopes, Nobleton find sand, 0 to 5 percent slopes and Sparr fine sand, 0 to 5 percent slopes.

Topography – The property ranges from a low of approximately 67' m.s.l. to a high of approximately 88' m.s.l., according to topographic survey data for the site.

**Analysis of flood prone areas on the site:**

According to the FEMA Flood Insurance Rate Map Community-Panel Number 120110 175B, a majority of the subject property lies in Zone C with the northwest portion lying in Zone AH. Zone C is described as an area not expected to flood in the 100-year storm event. Zone AH is an area of 100-year shallow flooding.

**Analysis of vegetation and natural resources on the site:**

The parcel and surrounding land have been surveyed numerous times, and the following is a brief description of what was observed on a preliminary site visit conducted on October 25, 2005

- The parcel is undeveloped and vacant.
- The subject parcel is moderately wooded and contains an assemblage of tree species, such as live oak, laurel oak, water oak, hickory, southern magnolia, American elm, and slash pine trees.
- Groundcover consists of bare ground, pasture grasses, leaf litter, vines, and annual forbs.
- Specimen and majestic trees were noted onsite. Many of the larger sized trees on the southern portion of the parcel have been moderately affected by the historical deposition of fill on the surrounding property.
- Wildlife surveys of the subject parcel were conducted in accordance with Florida Fish and Wildlife Conservation Commission (FWC) guidelines. No listed flora or fauna species were detected on the subject property during these surveys.
- A formal wetland delineation, in accordance with Southwest Florida Water Management District (SWFWMD) regulations, was conducted on the property. One small depression, herbaceous wetland, less than 0.50 acres in size, was determined to be jurisdictional, however, due to its small size, no habitat mitigation is required by the SWFWMD for proposed impact.

**Analysis of historical/archaeological resources on the site:**

A Phase 1 Archaeological Survey of the subject property and surrounding property was conducted in accordance with the State Division of Historical Resources (DOHR). No sites were identified for listing in the *National Register of Historic Places*, and the DOHR issued a clearance approval letter on August 21, 2006, for the subject property and surrounding property.

**Analysis of the relationship of the amendment to adopted population projections:**

The amendment provides for a lower density/intensity than what the maximum development potential is for the property. Approximate population impact for the development would be 695 people. The proposed amendment would be identical to the current approved zoning for the parcel, which has already been accommodated for in both Hernando County and City of Brooksville population projections.

**Analysis of the impact of the amendment on levels of service:**

**Traffic:**

Access to the property has been constructed from Wiscon Road, with appropriate turn lanes. Additional right-of-way was provided to Hernando County along Wiscon Road and along the project's western boundary. The project's main access drive connects to and through the single family portion of the original master plan, which also has direct access to Mason Smith Road. Mason Smith Road was paved in conjunction with this project from Seaway Drive to US 41.

Per the ITE Trip Generation Manual, this project at build-out would generate approximately 6,638 daily vehicle trips with 564 P.M. Peak Hour trips.

**Potable Water:**

Potable water will come from the City of Brooksville Utilities, whose facilities are capable of servicing the project. The developer entered into a utility service agreement wherein the City committed to provide 326 Equivalent Residential Units (ERU's) to the project, which equates to 81,500 gallons of potable water capacity per day.

**Sanitary Sewer:**

Sanitary sewer will come from the City of Brooksville Utilities, whose facilities are capable of servicing the project. The developer entered into a utility service agreement wherein the City committed to provide 331 Equivalent Residential Units (ERU's) to the project, which equates to 66,200 gallons of waste water service water capacity per day.

**Drainage:**

According to the FEMA Flood Insurance Rate Map Community-Panel Number 120110 175B, a majority of the subject property lies in Zone C with the northwest portion lying in Zone AH. Zone C is described as an area not expected to flood in the 100-year storm event. Zone AH is an area that is anticipated during a 100-year storm event to produce shallow flooding. Development will have to meet SWFWMD 40D-4 permitting requirements, as well as all City land development code and comprehensive plan policies relating to stormwater retention and conveyance.

**Solid Waste:**

This development would generate approximately 4,861 lbs. of solid waste per day at 6.2 lbs. per capita per day. The City acts as a collection agency for solid waste with disposal being accommodated for at the Hernando County NW landfill, which currently has adequate capacity for anticipated disposal needs through 2025.

**Parks and Recreation:**

The development provides approximately 2.98 acres of recreation/open space throughout the property. The balance of public recreation needs for the proposed development would be absorbed within existing City and County park and recreation facilities.

**Public School Facilities:**

It is estimated that the project will generate 28 elementary, 13 middle and 21 high school students. The zoning for this development was approved by Hernando County in 2006.

**Submittal Requirements:**

*The following **MUST** be furnished with this application:*

- Application Form
- Narrative
- Sketch of Adjacent Property Owners (plat drawing) and typewritten list of addresses of Adjacent Property Owners within 150 feet. (From Property Appraiser, fee charged)
- Signed and sealed survey
- Justification for analysis responses (computations, copies of original analyses)
- Proof of Ownership (Warranty Deed, Title Certification, etc.)

**Application fee(s):**

Voluntary Annexation.....\$ No Fee

Comprehensive Plan Amendments:

Text Amendment ((See Resolution 2008-20 or call  
Community Development at (352) 540-3810 for fees).....\$ \_\_\_\_\_

Map Amendment (See Resolution 2008-20 or call  
Community Development at (352) 540-3810 for fees).....\$ \_\_\_\_\_

Zoning Petition (See Resolution 2008-20 or call  
Community Development at (352) 540-3810 for fees).....\$ \_\_\_\_\_

Advertising Fee (to be billed to petitioner by newspaper) .....\$ \_\_\_\_\_

Certified Letters - \$1.00 + Administrative Cost + Certified/Return  
Receipt + postage per letter.....\$ \_\_\_\_\_

\*Source used for part of the Application information: Hernando County Zoning Application #H-05-125

**AFFIDAVIT**

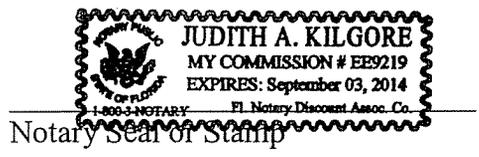
I, T. Jennene Norman-Vacha, City Manager, acting on behalf of the City of Brooksville and the petitioner as the appointed duly authorized representative serving as attorney-in-fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation, pursuant to the Annexation Element of the Utility Services Agreement dated April 3, 2007, and recorded in the public record at Book 2431, Page 36, certify ownership of the property within this application, that said ownership has been fully divulged, whether such ownership by contingent or absolute, and that the name of all parties to an existing contract for sale or any options are filed with this application. I, T. Jennene Norman-Vacha, City Manager, acting on behalf of the property owner(s) as heretofore noted, do hereby certify that the City of Brooksville, acting as the agent to the Owner(s) is/are authorized to provide subject matter on the application contained herein, whether verbal or written, and appear at any public hearing(s) involving this petition. Further, it is understood that this application must be complete and accurate and the fee paid prior to processing.

Date: 11/17/10 Owner Representative: T. Jennene Norman-Vacha  
T. Jennene Norman-Vacha,  
City Manager

State of Florida  
County of Hernando

The foregoing instrument was acknowledged before me this 17 day of November, A.D. 20 10 by T. Jennene Norman-Vacha, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did not take an oath.

Judith A. Kilgore  
Notary Public



***\*APPOINTMENT OF AGENT***

***CITY OF BROOKSVILLE  
COUNTY OF HERNANDO  
STATE OF FLORIDA***

T. Jennene Norman-Vacha, City Manager, acting on behalf of the City of Brooksville and the Property Owner(s) as the appointed duly authorized representative serving as attorney-in-fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation, pursuant to the Annexation Element of the Utility Services Agreement dated April 3, 2007, and recorded in the public record at Book 2431, Page 36, has full authority to act as the Owner(s) agent to file required petitions, sign required documents, make representations as to issues of fact and to appear, as may be necessary, before the appropriate City of Brooksville authority. The authorized agent shall also have the authority to commit the Owner(s) to the necessary future performance conditions as may be directed by the appropriate City authority as a condition of granting my petition.

**Legal Description**

The East ½ of the Northeast ¼ of the Northeast ¼ of Section 32, Township 22 South, Range 19 East, LESS Right of Way for existing Public Road.

Parcel ID R32 422 19 0000 0210 000

AND

The Northwest ¼ of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, Hernando County, Florida, LESS the following described parcel:

Commencing at the Southeast corner of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, Hernando County, Florida and thence go North 00°15'14" East, along 1/4 Section line, a distance of 1360.71 feet; thence go North 89 45' 54" West a distance of 402.41 feet to a point on the Westerly Right of Way line of U.S. 41 and the POINT OF BEGINNING; continue thence North 89 45'54" West a distance of 1251.78 feet; thence go North 00 14'06" East a distance of 325.97 feet; thence go South 89 45'54" East a distance of 1416.00 feet; thence go South 26 58'21" West, along said Westerly Right of Way of U.S. 41 a distance of 365.00 feet to the POINT OF BEGINNING.

AND

The South ½ of the West ½ of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, LESS the East 14 acres thereof and LESS Right of Way for existing Public Road;

AND

LESS the following described property:

***Voluntary Annexation***

***12 of 18 Community Development Department***

Commence at the Southwest corner of the Southeast ¼ of the Northwest ¼ of said Section 33; run thence South 89 33'07" West, 660.66 feet; thence North 00 13'12" West, 49 feet to a POINT OF BEGINNING; continue thence 1312.52 feet; thence North 89 36'27" East 211.58 feet; thence South 00 15'41" East 1313.60 feet; thence South 89 53'56" West, 212.57 feet to the POINT OF BEGINNING.

Parcel ID: R33 422 19 0000 0270 0010

\*See Exhibit "F" in recorded Utility Service Agreement (Power of Attorney to annex land)

Dated: 11/17/10

Signed in the presence of:

Date: 11/17/10

Owner Representative: Jennene Norman-Vacha  
T. Jennene Norman-Vacha,  
City Manager

WITNESSES:  
Signature Judith Kilgore  
Print Name: Judith A Kilgore

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_

## PETITION ACKNOWLEDGMENT

This petition is filed pursuant to Section 171.044, Florida Statutes, for the purpose of voluntarily annexing the below described property into the City of Brooksville. This land is situated in the State of Florida, County of Hernando, and is contiguous to the present city boundary and is reasonable compact.

Parcel Key No. See Listing in File

### Legal Description:

The East ½ of the Northeast ¼ of the Northeast ¼ of Section 32, Township 22 South, Range 19 East, LESS Right of Way for existing Public Road.

Parcel ID R32 422 19 0000 0210 000

AND

The Northwest ¼ of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, Hernando County, Florida, LESS the following described parcel:

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AND

The South ½ of the West ½ of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, LESS the East 14 acres thereof and LESS Right of Way for existing Public Road;

AND

LESS the following described property:

Commence at the Southwest corner of the Southeast ¼ of the Northwest ¼ of said Section 33; run thence South 89 33'07" West, 660.66 feet; thence North 00 13'12" West, 49 feet to a POINT OF BEGINNING; continue thence 1312.52 feet; thence North 89 36'27" East 211.58 feet; thence South 00 15'41" East 1313.60 feet; thence South 89 53'56" West, 212.57 feet to the POINT OF BEGINNING.

Parcel ID: R33 422 19 0000 0270 0010

I, T. Jennene Norman-Vacha, City Manager, acting on behalf of the City of Brooksville and the Property Owner(s) as the appointed duly authorized representative serving as attorney-in-fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation, pursuant to the Annexation Element of the Utility Services Agreement dated April 3, 2007, and recorded in the public record at Book 2431, Page 36, do hereby state and affirm that all answers to the questions in this application and all sketches and data attached to and made part of this application are honest and true to the best of my knowledge and belief. I further state and affirm that I have the authority as heretofore noted to sign this petition on behalf of all the owners of the property proposed to be annexed.

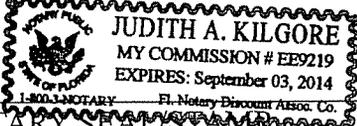
Date: 11/17/10

Owner Representative: T. Jennene Norman-Vacha  
T. Jennene Norman-Vacha,  
City Manager

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 17 day of November, 2010 by T. Jennene Norman-Vacha, who is personally know to me or who has produced \_\_\_\_\_ as identification.

Judith A. Kilgore  
SIGNATURE OF NOTARY

  
JUDITH A. KILGORE  
MY COMMISSION # EE9219  
EXPIRES: September 03, 2014  
1-800-3-NOTARY  
Fl. Notary District Assoc. Co.  
NOTARY SEAL/STAMP

**OWNER OR AGENT AFFIDAVIT**

**CITY OF BROOKSVILLE  
COUNTY OF HERNANDO  
STATE OF FLORIDA**

I, T. Jennene Norman-Vacha, City Manager, being duly sworn, hereby depose and say that Sea Gate Land Holdings, Inc./Sea Gate Homeowners Association, Inc., and Hernando County, are the owners of the herein described property to-wit:

The East ½ of the Northeast ¼ of the Northeast ¼ of Section 32, Township 22 South, Range 19 East, LESS Right of Way for existing Public Road.

Parcel ID R32 422 19 0000 0210 000

AND

The Northwest ¼ of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, Hernando County, Florida, LESS the following described parcel:

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The South ½ of the West ½ of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, LESS the East 14 acres thereof and LESS Right of Way for existing Public Road;

AND

LESS the following described property:

Commence at the Southwest corner of the Southeast ¼ of the Northwest ¼ of said Section 33; run thence South 89 33'07" West, 660.66 feet; thence North 00 13'12" West, 49 feet to a POINT OF BEGINNING; continue thence 1312.52 feet; thence North 89 36'27" East 211.58 feet; thence South 00 15'41" East 1313.60 feet; thence South 89 53'56" West, 212.57 feet to the POINT OF BEGINNING.

Parcel ID: R33 422 19 0000 0270 0010

  
Owner or Representative  
*Voluntary Annexation*

## **CITY OF BROOKSVILLE APPEALS PROCEDURES**

*Per Section 137-43 (d) City Code*

*Appeals of a Commission Decision. Anyone may appeal a decision of the commission to the city council. In order to appeal a decision, the petitioner must deliver a notice of appeal to the city clerk within ten (10) calendar days of the date of the commission's decision. The notice of appeal must specify the decision being appealed and the specific reasons for the appeal. The notice of appeal shall be placed as an item on the next available regular agenda of the city council. No discussion of the merits of the appeal will be permitted; the mayor will request a vote of council to determine if it wishes to hear the appeal. If a majority of council votes to hear the appeal, a hearing at a special meeting of city council will be scheduled within twenty-one (21) days of the vote by council. The city clerk will publish in a newspaper of local circulation (as defined in Chapter 50, F.S.) a notice of hearing at least three (3) calendar days prior to the hearing. The cost of such publication will be paid by the petitioner. The hearing before the council shall be conducted pursuant to rules and procedures established for such proceedings by city council.*

*Stay of Proceedings. An appeal to the commission of a decision of the administrative official or an appeal to the city council of a decision of the commission shall cause all matters relating to the appeal to be stayed until the conclusion of the appeal process. However, after receipt of the notice of appeal, the stay may be lifted by the administrative official if, in his opinion, the facts in the notice of appeal would cause imminent peril to life or property.*

**NOTICE OF APPEAL**

In accordance with Section 137-43(d) of the City of Brooksville Code, I do hereby file with the City Clerk this Notice of Appeal regarding the decision made by the City of Brooksville \_\_\_\_\_ on \_\_\_\_\_, concerning the matter of Petition # \_\_\_\_\_

**Appellant's Name:** \_\_\_\_\_

**Board/Individual whose Decision is being Appealed:** \_\_\_\_\_

**Petition Reference Number:** \_\_\_\_\_

**Petitioner:** \_\_\_\_\_

**Subject of Petition:** \_\_\_\_\_

**Location of Petition Request:** \_\_\_\_\_

**Action Being Appealed:** \_\_\_\_\_

**Specific Reasons for Appeal:** \_\_\_\_\_

**Appellant Affidavit:** *The information provided in this NOTICE OF APPEAL is in all respects true and correct to the best of my knowledge and belief.*

**Signature of Appellant:** \_\_\_\_\_

*(For office use only below this line)*



**Date Notice of Appeal filed with City Clerk:**

**Date scheduled for City Council Consideration:**

**Date for Special Meeting for Appeal (if approved by City Council):**

F:\BLDG-BRD\P&Z\FORMS\Annexation Petition Forms.doc

## ATTACHMENT 2

# UTILITY SERVICE AGREEMENT

Doc# 2007027405  
Hernando County, Florida  
04/23/2007 11:10AM  
KAREN NICOLAI, Clerk

18

Utility Service Agreement  
between the  
City of Brookville  
and  
Sea Gate Land Holdings Inc

OFFICIAL RECORDS  
BK: 2431 PG: 23

This UTILITY SERVICE AGREEMENT (herein "AGREEMENT") is made and entered into this 11<sup>th</sup> day of April, 2007, between the **CITY OF BROOKSVILLE, FLORIDA**, a municipality incorporated under the laws of the State of Florida, hereinafter referred to as the "CITY" and **SEA GATE LAND HOLDINGS, INC**, a Florida limited liability company organized under the laws of the State of Florida, hereinafter referred to as the "DEVELOPER". For and in consideration of Ten Dollars (\$10.00) each in hand paid to the other and other valuable consideration, the parties agree as follows:

WHEREAS, the DEVELOPER proposes to develop 88 single family units, 216 multifamily units and 3 commercial lots on real property which is described in "Exhibit A", attached hereto, (herein "PROPERTY"). The real property is not presently within the City of Brookville corporate limits. The conceptual development plan is shown in "Exhibit B" attached hereto, (herein "DEVELOPMENT")

WHEREAS, the DEVELOPER is desirous of building said facility;

WHEREAS, the DEVELOPER hereby requests potable water and wastewater service from the CITY subject to the parties entering into an agreement to provide said service for the DEVELOPMENT;

WHEREAS, the CITY enters into this AGREEMENT under the provisions of Chapter 180, of the Florida Statutes. In exercising such provisions as have been stipulated herein above, the CITY agrees to fulfill all of its obligations and responsibilities for protecting the public health, safety, and welfare associated therewith pursuant to law and the Constitution of the State of Florida, and the Comprehensive Land Use Plan of the City of Brooksville, Florida as adopted and approved;

WHEREAS, the CITY has certain ordinances and implementing policies in effect as of the date of this Agreement providing for connection to and service by CITY owned and operated utility systems;

WHEREAS, said ordinances additionally provide for the levying of specific fees, charges and assessments for service to be rendered;

WHEREAS, the CITY is desirous of providing said services for the DEVELOPMENT and DEVELOPER is desirous of receiving such services;

WHEREAS, the parties desire to delineate, make certain and define each of their respective responsibilities and obligations with respect to water and wastewater facilities for the DEVELOPMENT;

IT IS THEREFORE agreed by and between the parties, in consideration of the mutual terms, covenants and conditions herein, the commitments by the DEVELOPER, the commitments by the CITY and other good and valuable considerations, the receipt and sufficiency of which is acknowledged by both the CITY and DEVELOPER, as follows:

1. The WHEREAS recitals herein are true and correct.
2. The following attachments and exhibits which are attached hereto and incorporated into the content of the AGREEMENT by reference:

"Exhibit A" Legal Description

"Exhibit B" Site Plan

"Exhibit C" Wastewater Element

"Exhibit D" Water Element

"Exhibit E" Development Schedule

"Exhibit F" Annexation Element

"Exhibit G" Utility Fee Payment Element

"Exhibit I" Easement Provision

3. Both parties agree that any correspondence about the AGREEMENT will be considered officially served by a receipt for U.S. Postal Service certified to the following address:

For the DEVELOPER: Sea Gate Land Holdings, Inc.  
19 North Boulevard of the Presidents, #605  
Sarasota, Florida 34236

For the CITY:  City Clerk  
City of Brooksville  
201 Howell Avenue  
Brooksville, Florida 3460 1

4. The DEVELOPER agrees to obtain all easements or right-of-way use permits required to install and operate all utility improvements installed by the DEVELOPER. The DEVELOPER also agrees to grant the CITY a utility easement, using the CITY'S Grant of Easement form, along with the right of ingress and egress within the DEVELOPMENT for those specific water and wastewater improvements that will be dedicated to the CITY that are not within public right-of-ways or easements. The DEVELOPER agrees to furnish the CITY officially recorded copies of all easements or right-of-way use permits obtained for the DEVELOPMENT.
5. Failure of either party to exercise any right or power given herein, or to insist upon compliance by the other party with its obligations set forth herein, shall not constitute a waiver of either party's rights to demand strict compliance with the terms and provisions of the AGREEMENT.
6. The CITY and DEVELOPER acknowledge that the AGREEMENT provides terms, which constitute the CITY'S response to the DEVELOPER'S request for utility services from the CITY. The availability of such services is based upon and subject to the terms of the AGREEMENT and applicable regulations and regulatory approval by other governmental agencies if and as required
7. The AGREEMENT may not be changed orally. Amendment hereto shall be in writing and signed by the parties.
8. Titles and captions to paragraphs are inserted for convenience only, and in no way define, limit, extend or describe the scope or intent of the AGREEMENT or the paragraphs or provisions herein.
9. Neither party shall declare the other in default of any provisions of the AGREEMENT without giving the other party at least thirty (30) days advance written notice of intention to do so, during which time the other parties shall have the opportunity to remedy the default. The notice shall specify the default with particularity.

10. The terms and provisions of the AGREEMENT shall be a commitment and obligation which shall not only bind the present DEVELOPER of said described real property, but shall be a covenant which shall run with the land and shall bind and be enforceable against the heirs, successors and assigns of the DEVELOPER.
11. The AGREEMENT will be in full force and effect for a term of 50 years, or such longer term as the CITY provides water or wastewater service to the DEVELOPMENT, unless terminated as provided herein.
12. The DEVELOPER shall reimburse the CITY for any costs incurred by the CITY to record the AGREEMENT in the official record books of Hernando County. Connection to the CITY'S Utility System will not be authorized until these recording costs are paid to the CITY.
13. The respective duties and obligations of the parties herein shall be suspended while and so long as performance thereof is prevented or impeded by any cause including and/or similar to the following which is beyond the reasonable control of the party from who the affected performance was due to an act of God, epidemic, landslide, severe weather, lightning, earthquake, fire, explosion, flood, hurricane, tornado, act of public enemy, war blockade, insurrection, riot, civil disturbance, general arrest or restraint by government, individuals or the public.
14. In the event DEVELOPER notifies CITY that services are no longer required by DEVELOPMENT, or the facilities are not operated and maintained by DEVELOPER as required herein service may be discontinued at CITY'S option upon ninety (90) days notice to DEVELOPER.
15. The AGREEMENT and all questions relating to its validity, interpretation, performance and enforcement shall be governed by and construed in accordance with the laws of the State of Florida. The parties further agree that the venue of any legal action concerning this AGREEMENT will be Hernando County, Florida. The prevailing party in any litigation arising out of this AGREEMENT will be entitled to cost and reasonable attorney fees.
16. The AGREEMENT is predicated on the representation by the DEVELOPER that the specific use of the DEVELOPMENT is substantially as stated herein. The CITY may require an amendment to the AGREEMENT or a separate agreement in the event of a change substantive in scope of the DEVELOPMENT.

17. The CITY agrees to provide utility service only for the phases of the DEVELOPMENT as described herein. It is specifically agreed that such commitment shall be contingent on the payment of all fees assessable to this DEVELOPMENT, compliance with all applicable regulations, all required permits being issued, with proof of such issuance being provided to the CITY in the form of an original or certified true copy of such permit documentation which shall be incorporated herewith as a condition precedent, and shall become a part hereof. Water and/or sewer improvements may not be placed in service until the applicable permit closeout certifications have been provided to the CITY in the form of an original or certified true copy of such permit documentation, and final inspection and approval by the CITY.
18. If construction of the off-site facilities has not commenced four years after the execution hereof, or if the construction of the off-site facilities has not been completed within five years, the commitment on the part of the CITY to provide utility services within the provisions contained herein shall expire within sixty (60) days of written notice to DEVELOPER
19. This commitment is subject to the prompt payment of CITY'S fees for water and wastewater services, according to the rates category and frequency established by the CITY, which may from time to time be adopted or amended.
20. All improvements installed by the DEVELOPER and dedicated to the CITY herein will remain the property of the DEVELOPER until accepted by the CITY in writing. Said improvements shall be maintained by the DEVELOPER until accepted by the CITY. Final acceptance will be given 365 calendar days following construction and final inspection and approval by the CITY. The CITY will perform a final inspection of the installed improvements, 30 days prior to acceptance and will provide the DEVELOPER a written notice of acceptance upon correction of inspection concerns, if any. Any expenses sustained by the CITY prior to final acceptance because of a failure of the improvements installed by the DEVELOPER and the DEVELOPER'S unwillingness or inability to restore service within a four hour period shall be repaid by the DEVELOPER.
21. The DEVELOPER agrees to provide the CITY with one complete copy of the record drawings of all installed improvements, signed and certified by the project engineer, upon completion of the DEVELOPMENT.
22. The DEVELOPER hereby affirms that it has the legal authority to construct the DEVELOPMENT as indicated in the AGREEMENT. The DEVELOPER agrees to protect the CITY from all claims of ownership for rights and privileges granted by the DEVELOPER to the CITY.

23. The DEVELOPER hereby agrees to appoint the CITY or its duly authorized representative as its irrevocable attorney in fact with absolute and specific authority to execute and file any and all such petitions for voluntary annexation of the DEVELOPMENT into the CITY OF BROOKSVILLE. The DEVELOPER on behalf of itself, its heirs, assigns and successors in interest does hereby irrevocably consent to said annexation. This agreement shall remain in full force from date of execution for a period not to exceed 50 years.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this 3<sup>RD</sup> day of April, 2007.

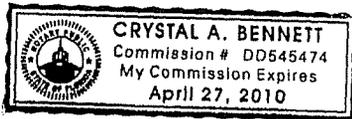
FOR THE DEVELOPER  
Sea Gate Land Holdings, Inc.

  
By: Irving E. Gitlin

STATE of Florida  
County of Sarasota

The foregoing instrument was acknowledged  
Before me this 3<sup>RD</sup> day of April, 2007,  
By Irving E. Gitlin, Vice President of Sea Gate  
Land Holdings, Inc., who is personally known  
to:

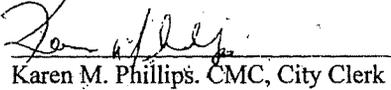
  
Notary Public, State of Florida



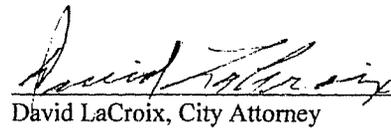
FOR THE CITY  
City of Brooksville

  
By:

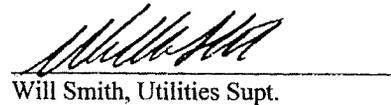
ATTEST:

  
Karen M. Phillips, CMC, City Clerk

Approved as to form and content for the  
reliance of the City of Brooksville only.

  
David LaCroix, City Attorney

Approved as to technical content and City  
requirements.

  
Will Smith, Utilities Supt.

**"EXHIBIT A"**  
LEGAL DESCRIPTION

The East 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 32, Township 22 South, Range 19 East, LESS Right of Way for existing Public Road.

Parcel ID R32 422 19 0000 0210 000

AND

The Northwest 1/4 of the Northwest 1/4 of Section 33, Township 22 South, Range 19 East, Hernando County, Florida, LESS the following described parcel.

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AND

The South 1/2 of the West 1/2 of the Northwest 1/4 of Section 33, Township 22 South, Range 19 East, LESS the East 14 acres thereof and LESS Right of Way for existing Public Road;

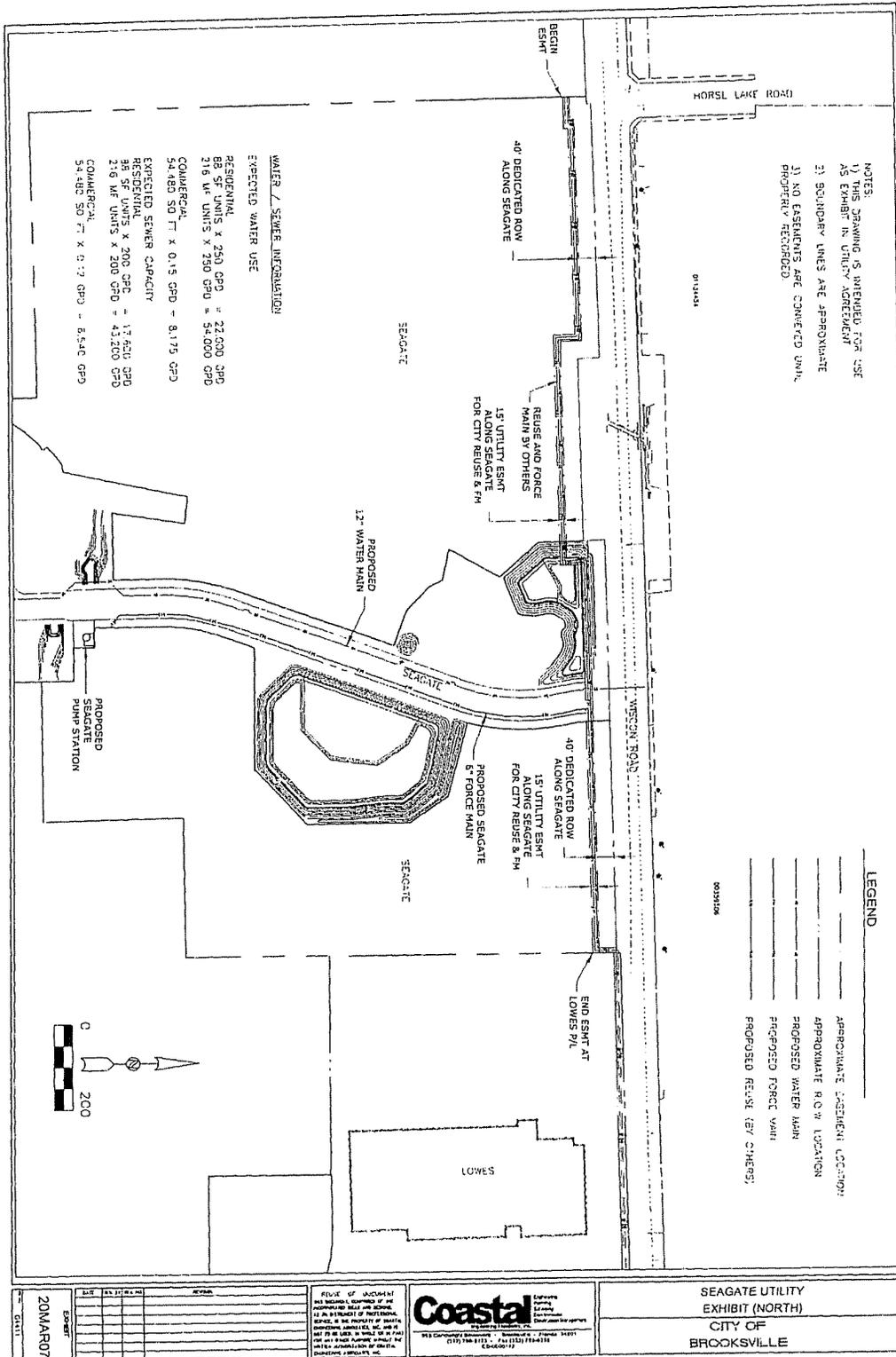
AND

LESS the following described property

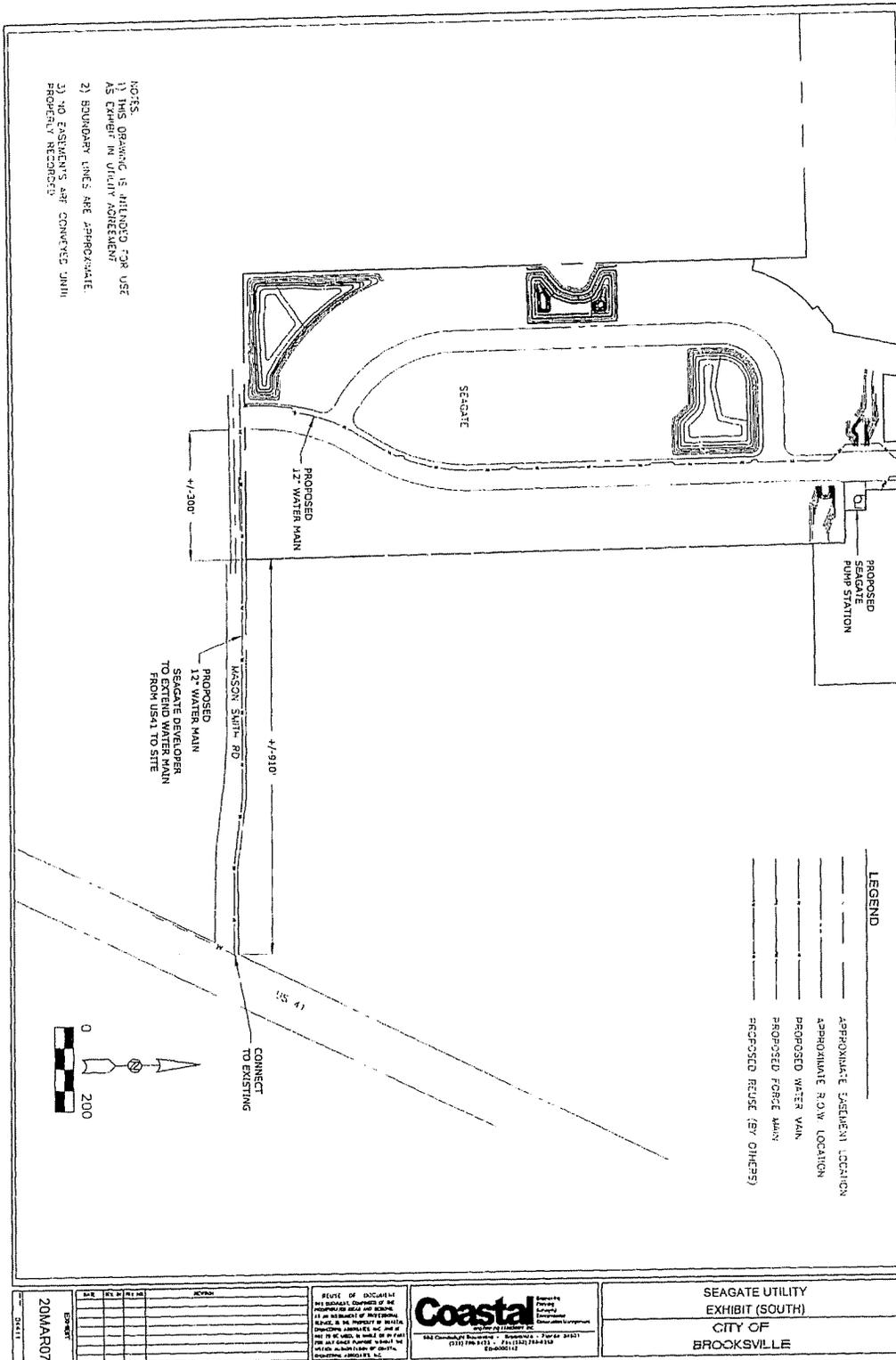
Commence at the Southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 33; run thence South 89°33'07" West, 660.66 feet; thence North 00°13'12" West, 49.00 feet to a POINT OF BEGINNING; continue thence 1312.52 feet; thence North 89°36'27" East 211.58 feet; thence South 00°15'41" East, 1313.60 feet; thence South 89°53'56" West, 212.57 feet to the POINT OF BEGINNING .

Parcel Identification Number: R33 42219 0000 0270 0010

L:\0441\11wiscor\forcemain\dwg\hillsbill\agmmt esn dwg. 3/20/2007 10:57:31 AM. PaperPort Black & White image  
"EXHIBIT 7 B"



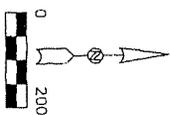
L:\0441\1\wiscon\forcentral\dwg\exhibit\util\agmml\exh.dwg 3/20/2007 10:58:20 AM, Paper/Pcrt Black & White Image  
-EXHIBIT D-



NOTES:  
1) THIS DRAWING IS INTENDED FOR USE AS CONVEYANCE ONLY. APPROVED AS SHOWN IN QUALITY AGREEMENT.  
2) BOUNDARY LINES ARE APPROXIMATE.  
3) NO EXISTENCES ARE CONVEYED UNLESS PROPERLY RECORDED.

LEGEND

- APPROXIMATE EASEMENT LOCATION
- APPROXIMATE R.O.W. LOCATION
- PROPOSED WATER MAIN
- PROPOSED FORCE MAIN
- PROPOSED REUSE (BY OTHERS)



| DATE     | BY | REV | DESCRIPTION       |
|----------|----|-----|-------------------|
| 03/20/07 | SM | 1   | ISSUED FOR PERMIT |

STATE OF MISSISSIPPI  
COUNTY OF WASHINGTON  
I, the undersigned, being duly qualified, do hereby certify that the above is a true and correct copy of the original as shown to me by the engineer or architect who prepared the same, and that the same is a true and correct copy of the original as shown to me by the engineer or architect who prepared the same, and that the same is a true and correct copy of the original as shown to me by the engineer or architect who prepared the same.

**Coastal**  
Engineering & Surveying  
2445 Highway 90, Brooksville, FL 34609  
(813) 776-9121 • Fax: (813) 776-9122

SEAGATE UTILITY EXHIBIT (SOUTH)  
CITY OF BROOKSVILLE

EXHIBIT "C"  
WASTEWATER ELEMENT

1. The DEVELOPER has requested wastewater service from the CITY. The DEVELOPER agrees to provide centralized wastewater service by the installation of wastewater collection lines, transmission lines, force mains and pumping stations and connection to the DEVELOPMENT's point of connection.
2. The DEVELOPMENT's point of connection for CITY sewer service will be a proposed CITY owned twelve (12) inch force main to be located within an easement within the Property as shown in "Exhibit B". The DEVELOPER agrees to have all of said wastewater facilities designed in accordance with the CITY'S construction standards and sized to accommodate all flows from the DEVELOPMENT as planned.
3. The CITY represents and warrants that, provided the DEVELOPER constructs the wastewater improvements described in paragraph 1 above and when the CITY completes the construction of the proposed twelve (12) inch force main, the CITY will have plant and other wastewater facilities capacity to provide wastewater service to the DEVELOPMENT, as contemplated by this Agreement.
4. In addition, the DEVELOPER shall construct in phases, at its expense, the on-site wastewater collection lines, pump stations and related appurtenance required by the DEVELOPMENT. Said on-site lines shall be constructed to CITY standards subject to plan review and approval by the CITY and the cost of said lines shall not receive connection (impact) fee credits/offsets. The CITY shall accept for ownership of wastewater collection and transmission lines and appurtenances thereto constructed by the DEVELOPER, in accordance with provisions herein. The CITY shall assume all maintenance responsibility for all such off-site and on-site wastewater facilities installed in public rights-of-ways or easements dedicated to the CITY, in accordance with the provisions herein. The point of connection for all wastewater connections to lots or structures shall be the front lot line, unless otherwise agreed to by the CITY.
5. The parties agree that wastewater facilities installed by the DEVELOPER that are not within public rights-of-way or dedicated easements shall remain the property and maintenance responsibility of the DEVELOPER.
6. The CITY represents and warrants that provided the DEVELOPER constructs the wastewater improvements described above, the CITY will have plant and other wastewater facilities capacity to provide wastewater service to the DEVELOPMENT, as contemplated by this Agreement.
7. The DEVELOPER agrees that all wastewater facilities will be designed and constructed in accordance with CITY Code and CITY standards existing at time of permitting.

"EXHIBIT D"  
WATER ELEMENT

A. DEFINITIONS: For the purpose of this AGREEMENT, unless the context clearly indicates otherwise, the following terms shall have the following meanings.

1. WATER SUPPLY shall mean all off-site potable water lines and attendant facilities used to supply potable water to the DEVELOPMENT.
2. WATER DISTRIBUTION shall mean all on-site potable water lines and attendant facilities that are within the specific physical boundaries or needs of the DEVELOPMENT.

B. WATER SUPPLY

1. The DEVELOPMENT shall be supplied water from the existing capacity of the CITY'S existing wells and water treatment plants.
2. The point of connection for water will be an existing twelve (12) inch water line located in the in the right of way of Broad Street.
3. The DEVELOPER agrees to connect to the existing water line and extend a twelve (12) inch water line the within the right-of-way of Mason Smith Road as shown in Exhibit B. The portion of the twelve inch water line installed within the right-of-way of Mason Smith Road be considered Off-site Water Facility Construction for purposes of eligibility for impact fee credits under the Connection Fee Payment Element, and will become the property of the CITY upon final inspection and acceptance by the CITY as provided for herein.

C. WATER DISTRIBUTION: The DEVELOPER, at its own expense, agrees to install all service lines to lots or units, backflow devices and appurtenances, as applicable, sized to be sufficient to provide water service within the DEVELOPMENT in accordance with plans as shall be approved by the CITY. Said facilities will remain the property of the DEVELOPER.

- D. **METERING:** The DEVELOPMENT shall be supplied potable water by the installation of individual meters and reduced pressure backflow devices near the property line. The DEVELOPER agrees to install the meters larger than two (2) inches in accordance with CITY standards. The CITY will install meters two (2) inches and smaller. The backflow devices will remain the property and maintenance responsibility of the DEVELOPER. Meters installed by the DEVELOPER will become the property of the CITY upon acceptance by the CITY as provided herein.
- E. **MAINTENANCE OF INSTALLED FACILITIES:** The parties agree that water facilities installed by the DEVELOPER and identified herein as owned by the DEVELOPER shall remain the property and maintenance responsibility of the DEVELOPER. The DEVELOPER, at its expense agrees to operate and maintain those facilities in good working order and in compliance with all applicable rules and regulations. The perpetual operation and maintenance of said improvements shall be the responsibility of the DEVELOPER and heirs of the PROPERTY.
- F: **DESIGN AND PERMITTING STANDARDS:** The DEVELOPER agrees that all water system design, permitting and construction shall comply with the rules, requirements, recommendation and specifications of the CITY, the American Water Works Association, the Federal and State Department of Environmental Protection, and any other regulatory agencies having jurisdiction, and shall be subject to inspection and final approval by the CITY

**"EXHIBIT E"**  
**DEVELOPMENT SCHEDULE**

Should the DEVELOPMENT be delayed for more than four (4) years from the date of this agreement or the construction of the off-site water and wastewater pipelines be delay for more than two (2) years, the CITY may withdraw any commitment to provide services in accordance with the provisions of this agreement and applicable City Code in affect at the time.

"EXHIBIT F"  
ANNEXATION ELEMENT

The DEVELOPER hereby appoints the CITY or its duly authorized representative as its irrevocable attorney in fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation of the DEVELOPMENT into the CITY OF BROOKSVILLE whenever such annexation is in conformance with the laws of the State of Florida. The OWNER on behalf of itself, its heirs, assigns and successors in interest does hereby irrevocably consent to any such annexation. This agreement shall remain in full force from date of execution for a period not to exceed 50 years.

The DEVELOPER agrees to include notice of this provision on the individual property deeds.

**"EXHIBIT G"  
UTILITY FEE PAYMENT ELEMENT**

A. Connection Fee Assessment:

Connection fees area assessed as Equivalent Residential Units (ERU). An ERU is defined as 250 gallons per day for potable water and 200 gallons per day for wastewater or 24 fixture units per ERU. The current connection fee rate at the time of execution of this AGREEMENT is \$672 for water and \$1728 for wastewater. These rates are subject to change.

The water and sewer connection fees area assessed as follows:

|                              | Type of Unit      | Number of Units               | ERUs | Total Per Type |
|------------------------------|-------------------|-------------------------------|------|----------------|
| <u>Water Connection Fees</u> |                   |                               |      |                |
|                              | SF Dwelling Units | 88                            | 88   | \$ 59,136.00   |
|                              | MF Dwelling Units | 216                           | 216  | \$ 145,152.00  |
|                              | Commercial Lots   | 54480 s.f.                    | 22   | \$ 14,644.22   |
|                              |                   | Sub-Total Water -             |      | \$ 218,932.22  |
| <u>Sewer Connection Fees</u> |                   |                               |      |                |
|                              | SF Dwelling Units | 88                            | 88   | \$ 152,064.00  |
|                              | MF Dwelling Units | 216                           | 216  | \$ 373,248.00  |
|                              | Commercial Lots   | 54480 s.f.                    | 27   | \$ 47,070.72   |
|                              |                   | Sub-Total Sewer -             |      | \$ 572,382.72  |
|                              |                   | Grand Total Connection Fees - |      | \$ 791,314.94  |

B. Payment of Connection Fees - Incremental Payment:

1. The DEVELOPER hereby agrees to pay the water and wastewater connection fees for the DEVELOPMENT prior to the issuance of each building permit. The amount of the fees shall be the fees at the time of the issuance of the building permit. In the alternative, the DEVELOPER may utilize connection fee credits it received in exchange for off-site water.
2. Within one-hundred-eighty (180) days of execution of this agreement but prior to obtaining any building permit, the DEVELOPER shall pay twenty (20) percent of the total utility fees for the DEVELOPMENT as a down payment.

3. The balance of the water and sewer connection fees shall be paid as building permits are issued so twenty (20) percent of the total water and sewer connection fees remain prepaid. The twenty (20) percent down payment cannot be utilized until the balance of the water and sewer connection fees have been paid.
4. The remaining balance of all water and sewer connection fees become due no later than four years after the execution of this agreement.
5. If the DEVELOPMENT is delayed for more than four (4) years from the date of this agreement, the CITY may withdraw any commitment to provide services in accordance with the provisions of this agreement and applicable City Code in affect at the time.
6. Connection fees may be paid in cash or by credits given for off-site improvements as provided for in this agreement.

B. Connection Fee Credits:

1. For the purpose of establishing water and sewer connection fee credits for applicable off-site water and sewer improvements. Credits will be established when the facility is completed physically and all permits closures are received from the appropriate regulatory agency. Water and sewer connection fees are mutually exclusive and cannot be commingled.
3. The DEVELOPER and its successor and assigns, including third-party developers and/or builders within the DEVELOPMENT, shall pay customary water or wastewater connection fees for all sanitary sewer or potable water connections within the DEVELOPMENT; at such rates exist at the time building permits are pulled, for the duration of the DEVELOPMENT. Provided, however that the DEVELOPER shall receive credits against connection fees related to water for the DEVELOPMENT not to exceed the amount of the cost to the DEVELOPER for off-site water facility construction costs. No credits or offsets shall be given for easements, rights-of-ways or costs for water or wastewater facilities that are internal to the DEVELOPMENT. Said credits shall be calculated on a per equivalent residential unit (ERU) basis, based upon the value of the credit at the time it is created.
4. DEVELOPER shall notify the CITY, in writing, of any assignment of established impact fees credits. Such credits may be redeemed on a per ERU basis, regardless of any subsequent increase or decrease in connection fees. The DEVELOPER'S credits shall then be reduced by the number of ERU's the dollar amount of such payment would have represented when the credits were created. In no case shall the credit be greater than the DEVELOPER'S off-site costs. Unused connection fee credits shall expire ten years after established in accordance with this Agreement.
5. On or before each year following the CITY's determination of the number of water connection fee credits, the CITY agrees to account to the DEVELOPER as to the

number of connection fee credits held by the DEVELOPER provided the DEVELOPER submits a written request for an accounting to the CITY ninety days in advance

6. The amount of connection fee credits will be determined as of the date the CITY approves the amount of the costs of the DEVELOPER'S off-site water facilities. Both parties agree that no connection fees shall be refunded or credits created until the off-site water facilities are completed and connected to the CITY'S system and all regulatory approvals have been obtained, and the CITY has approved the costs of construction.

**“EXHIBIT I”  
EASEMENT PROVISION**

The DEVELOPER agrees to grant the CITY a fifteen (15) foot wide easement running from the east property line to the west property line; across the entire width of the DEVELOPMENT as shown in “Exhibit B”; for perpetual use by the CITY to install pipelines.

The DEVELOPER agrees to grant said easement either on the CITY’s standard grant of easement form or other format that is acceptable by the CITY.

**ATTACHMENT 3**

**ORDINANCE**

**ORDINANCE NO. 815**

**AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AUTHORIZING THE VOLUNTARY ANNEXATION OF REAL PROPERTY INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF BROOKSVILLE, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES; PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Sea Gate Land Holdings, Inc., as the owners of a parcel of real property (the "Property") in an unincorporated area of Hernando County, which is contiguous to the corporate limits of the City of Brooksville, Florida (the "City"), and which is reasonably compact, have authorized the City Council to annex certain Property into the City of Brooksville, Florida; and,

**WHEREAS**, Sea Gate Land Holdings, Inc. acting as the sole owner of the Property in the area proposed to be annexed, entered into that certain Utility Services Agreement (the "Agreement") with the City dated April 3, 2007 and recorded in the public record at Book 2431, Page 36; and,

**WHEREAS**, Sea Gate Land Holdings, Inc. appointed the City as its duly authorized representative for instituting an annexation petition and it irrevocably consented to the voluntary annexation of certain Property; and,

**WHEREAS**, a petition has been filed pursuant to Chapter 171, Florida Statutes, particularly Section 171.044, to request the integration, annexation, and incorporation of certain Property into the City; and,

**WHEREAS**, said petition and supporting documentation has been reviewed to satisfy each and every requirement of Section 171.044, Florida Statutes, and, the area to be annexed meets the criteria in Chapter 171, Florida Statutes; and,

**WHEREAS**, the City has determined its service delivery systems can accommodate the annexation of that certain Property without adversely impacting other property within the City or the residents of the City; and,

**WHEREAS**, this Ordinance to voluntarily annex said the Property, and to redefine the boundary lines of the City to include said Property, has been adopted after notice of the annexation being published and after being heard at a public hearing at which time any and all parties in interest and all others had an opportunity to be heard in a quasi-judicial proceeding; and,

**WHEREAS**, the City Planning and Zoning Commission recommended at its December 8, 2010 meeting that the City Council annex the referenced Property; and,

**WHEREAS**, the City Council of the City of Brooksville, Florida has reviewed the petition to annex certain Property into the City and hereby declares same to be sufficient under the terms and requirements of the City of Brooksville Charter, the City of Brooksville Code of Ordinances and Chapter 171, Florida Statutes.

**NOW THEREFORE**, be it ordained by the City Council of the City of Brooksville, Florida, as follows:

**SECTION 1. INCORPORATION OF RECITALS.** The above recitals are incorporated herein and made a part hereof.

**SECTION 2. PURPOSE.** The purpose of this Ordinance is to authorize the voluntary annexation of Property owned by Sea Gate Land Holdings, Inc. into the City of Brooksville, Florida, pursuant to the Annexation Element of the Utility Services Agreement dated April 3, 2007, attached as Exhibit A and incorporated herein by reference, and the Petition for Voluntary Annexation submitted by the duly authorized representative of the petitioner and owner of said Property, Sea Gate Land Holdings, Inc., as authorized by section 171.044, Florida Statutes.

**SECTION 3. AUTHORITY.** The City Council is authorized to take this action pursuant to Section 1.02 of the City Charter of the City of Brooksville, as well as Section 171.044, Florida Statutes.

**SECTION 4. SUFFICIENCY OF PETITION.** That the City, as the appointed duly authorized representative serving as attorney in fact with absolute and specific authority to execute and file any and all petitions for voluntary annexation, accepted and deemed sufficient the petition of Sea Gate Land Holdings, Inc. for the Property located in Hernando County, Florida, more specifically described herein, to voluntarily annex the Property into the corporate limits of the City.

**SECTION 5. LEGAL DESCRIPTION OF ANNEXED AREA.** That certain Property, as is depicted on Exhibit "B" which is attached hereto and incorporated herein by reference, and is more particularly described in this section is hereby voluntarily annexed into the corporate limits of the City of Brooksville, Florida.

The East ½ of the Northeast ¼ of the Northeast ¼ of Section 32, Township 22 South, Range 19 East, LESS Right of Way for existing Public Road.

Parcel ID R32 422 19 0000 0210 000

AND

The Northwest ¼ of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, Hernando County, Florida, LESS the following described parcel:

Commencing at the Southeast corner of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, Hernando County, Florida and thence go North 00°15'14" East, along 1/4 Section line, a distance of 1360.71 feet; thence go North 89 45' 54" West a distance of 402.41 feet to a point on the Westerly Right of Way line of U.S. 41 and the POINT OF BEGINNING; continue thence North 89 45'54" West a distance of 1251.78 feet; thence go North 00 14'06" East a distance of 325.97 feet; thence go South 89 45'54" East a distance of 1416.00 feet; thence go South 26 58'21" West, along said Westerly Right of Way of U.S. 41 a distance of 365.00 feet to the POINT OF BEGINNING.

AND

The South ½ of the West ½ of the Northwest ¼ of Section 33, Township 22 South, Range 19 East, LESS the East 14 acres thereof and LESS Right of Way for existing Public Road;

AND

LESS the following described property:

Commence at the Southwest corner of the Southeast ¼ of the Northwest ¼ of said Section 33; run thence South 89 33'07" West, 660.66 feet; thence North 00 13'12" West, 49 feet to a POINT OF BEGINNING; continue thence 1312.52 feet; thence North 89 36'27" East 211.58 feet; thence South 00 15'41" East 1313.60 feet; thence South 89 53'56" West, 212.57 feet to the POINT OF BEGINNING.  
Parcel ID: R33 422 19 0000 0270 0010

**SECTION 6. CONDITIONS OR LIMITATIONS OF ANNEXATIONS.** The Property described herein is annexed subject to the following condition(s):

- A. If development occurs on this Property prior to the City adopting a Comprehensive Plan Amendment assigning a land use designation to this Property, and zoning the Property consistent with the land use designation, then said development would be required to comply with Hernando County land use and zoning regulations and be consistent with applicable Hernando County and City performance standards.
- B. Annexation shall include the integration of all of the public right-of-way lying directly adjacent to the annexed Property.

**SECTION 7. BOUNDARY MODIFICATIONS.** All City of Brooksville boundary maps, charter and ordinance provisions pertaining to boundaries, codes and regulations shall be automatically hereby amended so as to conform to the boundary revision described herein. The boundary lines of the City shall thereupon automatically be redefined as to include supplementary the land described and incorporated into this ordinance.

**SECTION 8. PUBLICATION.** That prior to final reading and passage of this ordinance, appropriate notice was published once a week for two (2) consecutive weeks in a newspaper of general circulation within the City and that a copy of said notice was provided by certified mail to the chief administrative officer of Hernando County, Florida.

**SECTION 9. OFFICIAL FILING OF ORDINANCE.** That within seven (7) days after adoption, a certified copy of this Ordinance shall be forwarded and filed with the Clerk of the Circuit Court of Hernando County, Florida, and served upon the Chairman of the Board of County Commissioners of Hernando County, Florida; the Property Appraiser of Hernando County, Florida and the Department of State, Secretary of State, State of Florida; and such other entities which require notice of annexations.

**SECTION 10. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 11. CONFLICTS AND REPEALER.** This Ordinance shall be cumulative of all provisions of the ordinances of the City of Brooksville, Florida, except where provisions of this Ordinance are in direct conflict with the provisions of such ordinance, which event all ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 12. AMENDMENT TO THE CODE.** The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Brooksville, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 10, 11, and 12, shall not be codified.

**SECTION 13. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption.

**CITY OF BROOKSIVLLE, FLORIDA**

Attest:  
\_\_\_\_\_  
Janice Peters, City Clerk, CMC

By: \_\_\_\_\_  
Frankie Burnett, Mayor

PASSED on First Reading \_\_\_\_\_

NOTICE Published on \_\_\_\_\_

NOTICE to the County Administrator of the Hernando County Board of County Commissioners was sent via certified mail on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

NOTICE was mailed to affected parties (if any) via United States Certified Mail on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

PASSED on Second & Final Reading \_\_\_\_\_

Approved as to form for the reliance of the City of Brooksville only:

**VOTE OF COUNCIL:**

Bernardini \_\_\_\_\_  
Bradburn \_\_\_\_\_  
Burnett \_\_\_\_\_  
Johnston \_\_\_\_\_  
Pierce \_\_\_\_\_

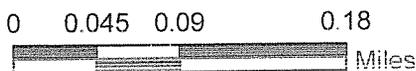
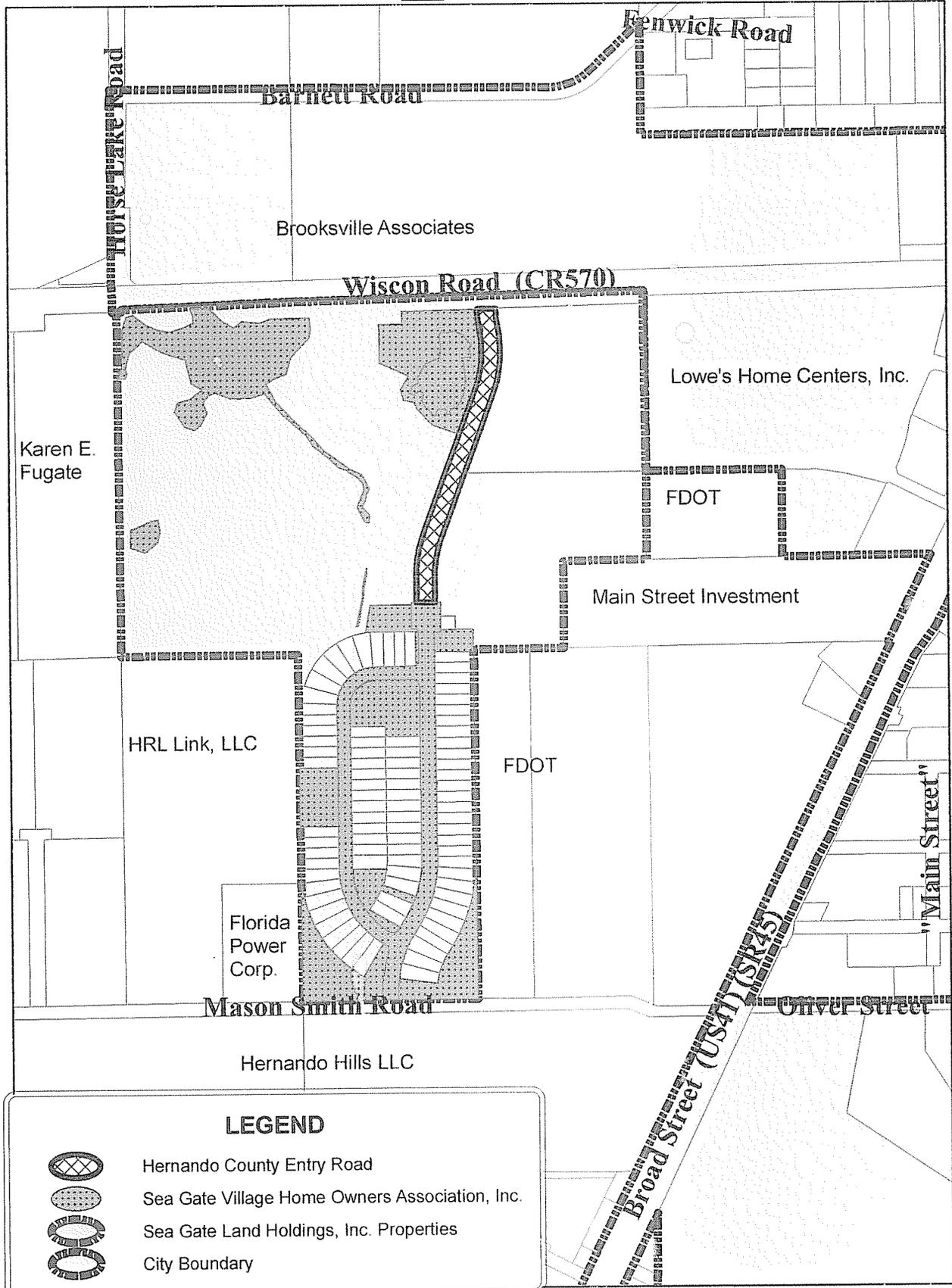
\_\_\_\_\_  
Thomas S. Hogan, The Hogan Law Firm, LLC, City Attorney

ATTACHMENT 4

LOCATION MAP



Sea Gate Annexation  
 Petition - December 2010  
 Ord. No. 815- EXHIBIT "A"



\*Base map information provided by the Hernando County Property Appraiser's office.  
 Map prepared by the Brooksville Community Development Department.  
 Disclaimer: This map is intended for planning purposes only and should not be used to determine the price or value of any property.

# ATTACHMENT 5

E-MAIL

## Bill Geiger

---

**From:** Amber Wheeler [wheeler\_a@hcsb.k12.fl.us]  
**Sent:** Friday, December 03, 2010 11:55 AM  
**To:** Bill Geiger  
**Cc:** Roland Bavota  
**Subject:** Sea Gate Holding

Bill,

Thanks for the P&Z agenda for the Sea Gate Holdings Annexation. Since the application is just for annexation at this time, and changing the Comp Plan designation, the District has no comment.

Thank you!

Amber K. Wheeler, AICP  
Manager of Planning and Growth Management Hernando County School District  
8016 Mobley Road  
Brooksville, FL 34601  
(352) 797-7050  
(352) 797-7150 - fax  
[wheeler\\_a@hcsb.k12.fl.us](mailto:wheeler_a@hcsb.k12.fl.us)  
<http://hernandoschools.org/>

**ATTACHMENT 6**

**RAVENCRAFT – TO – COUNTY  
STAFF E-MAIL**

## Bill Geiger

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**From:** Dale Ravencraft  
**Sent:** Monday, December 06, 2010 8:43 AM  
**To:** Paul Wieczorek; Carlene Riecsc; Dawn Velsor; Geoffrey Kirk; 'James Aikman'; 'mowens'; Omar DePablo; Steve Whitaker  
**Cc:** Bill Geiger; Cyndie Bogert; David Hamilton; Joe Stapf; Ronald Pianta; Susan Goebel  
**Subject:** RE: Brooksville Seagate Annexation Petition

No comments.

Kenneth Dale Ravencraft, PE  
Engineering Division Manager  
Hernando County Utilities Department  
21030 Cortez Blvd, Brooksville FL 34601  
352 754 4037, Fax 352 754 4485  
[dravencraft@hernandocounty.us](mailto:dravencraft@hernandocounty.us)

---

**From:** Paul Wieczorek  
**Sent:** Friday, December 03, 2010 9:02 AM  
**To:** Carlene Riecsc; Dale Ravencraft; Dawn Velsor; Geoffrey Kirk; James Aikman; mowens; Omar DePablo; Steve Whitaker  
**Cc:** Bill Geiger; Cyndie Bogert; David Hamilton; Joe Stapf; Ronald Pianta; Susan Goebel  
**Subject:** Brooksville Seagate Annexation Petition

The City of Brooksville is acting as the applicant for the annexation of the 77 acre Seagate parcel, located on the south side of Wiscon Road, approximately 2,700 feet west of US 41. See attached for the details. The item is going to the City's P&Z Commission on December 8<sup>th</sup>. Please provide any comments you have regarding this petition by December 10<sup>th</sup> so they can be provided to the City prior the City Council action on this petition.

<< File: Seagate Annexation app.pdf >>

# Memorandum



**To:** Honorable Mayor and City Council Members

**Via:** T. Jennene Norman-Vacha, City Manager

**From:** Janice L. Peters, CMC, City Clerk

**Subject:** Advisory Board Positions

**Date:** December 20, 2010

The following advisory board positions are subject to appointment due to expiring terms and resignations. The vacancies were posted on the City's website as well as to the media.

As a result, the following applications are being submitted to City Council for consideration of appointment as follows:

- a) Beautification Board  
Two (2) Full-time positions to fill expiring 4-year terms of office through December 31, 2014.

City residency is not required.

|            |                            |
|------------|----------------------------|
| Scott Renz | Reapplying (Expiring Term) |
| Kim Lemon  | New Applicant              |

- b) Cemetery Advisory Committee  
Two (2) Full-time positions to fill expiring 4-year terms of office through December 31, 2014. Applicants must be a City resident or have a documented tie to the Brooksville Cemetery.

|                 |                            |
|-----------------|----------------------------|
| Jeff D. Cannon  | New Applicant              |
| Luther E. Cason | Reapplying (Expiring Term) |
| Jan Knowles     | Reapplying (Expiring Term) |

All applicants have indicated they are not City residents but have presented their documented tie within their applications.

- c) Parks and Recreation Advisory Board  
One (1) Full-time board position to fill an expiring 4-year term of office through December 31, 2014  
One (1) Alternate board position to fill an expiring 4-year term of office through December 31, 2014  
One (1) Full-time board position to fill an unexpired 4-year term of office through December 31, 2013.

City Residency is not required.

|                |                                      |
|----------------|--------------------------------------|
| Richard Gant   | Reapplying (Expiring Term)           |
| Richard Howell | New Applicant                        |
| Ronald Lawson  | New Applicant                        |
| Toni Maletta   | Reapplying (Expiring Alternate Term) |
| Sue Rupe       | New Applicant                        |

- d) Planning & Zoning Commission  
One (1) Full-time board position to fill a 4-year term of office through December 31, 2014.

City residency is required.

|                  |                            |
|------------------|----------------------------|
| George Rodriguez | Reapplying (Expiring Term) |
|------------------|----------------------------|

**Financial Impact**

None.

**Legal Impact**

Council has the authority pursuant to per Sec. 2-261 of the City's Code of Ordinances to appoint any advisory board composed of persons who shall be deemed qualified to act in an advisory capacity. Official Policy 4-2008, adopted by the City Council, sets forth the procedure for creation, appointments, reappointments, replacements, and removal from office for advisory board members.

**Recommendation**

Staff requests appointment of members to the position vacancies as provided.

# Agenda Item MEMORANDUM



**To:** Honorable Mayor and City Council Members  
**Via:** T. Jennene Norman-Vacha, City Manager  
**From:** Janice L. Peters, CMC, City Clerk  
**Subject:** Board Assignments and Organizations – City Council  
**Date:** December 20, 2010

---

Annually City Council appoints or ratifies Council Member representation on various city boards, intergovernmental agencies or outside organizations for the upcoming fiscal year.

Attached is a list of the current board representations, noting the current member representative and the usual meeting date, time and place.

Please review the list and determine which boards or agencies you may be able to sit on for appointment by City Council. If you have any questions or need additional information, please contact this office.

#### Financial Impact

None.

#### Legal Impact

Council has the authority pursuant to per Sec. 2-261 of the City's Code of Ordinances to appoint any advisory board composed of persons who shall be deemed qualified to act in an advisory capacity. Official Policy 4-2008, adopted by the City Council, sets forth the procedure for creation, appointments, reappointments, replacements, and removal from office for advisory board members.

#### Recommendation

Staff seeks direction from Council and requests discussion and confirmed appointment of Council representatives for each board/organization.

## CITY BOARDS/COMMITTEES

|                                                                              |                                                                      |
|------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <b>BEAUTIFICATION BOARD</b><br>Joe Bernardini, Council Member                | 2 <sup>nd</sup> Tues of each month at 5:30 pm<br>in Council Chambers |
| <b>BROOKSVILLE CEMETERY ADVISORY COMMITTEE</b><br>Richard Lewis, Vice Mayor  | As announced<br>in Council Chambers                                  |
| <b>GOOD NEIGHBOR TRAIL ADVISORY COMMITTEE</b><br>Lara Bradburn, Mayor        | As necessary                                                         |
| <b>PARKS AND RECREATION ADVISORY BOARD</b><br>Joe Bernardini, Council Member | As announced<br>in Council Chambers                                  |

## CITY BOARDS/COMMITTEES – NON-COUNCIL REPRESENTATIVES

|                                                               |                                                                                                                  |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>BROOKSVILLE HOUSING AUTHORITY</b>                          | 3 <sup>rd</sup> Tues of each month at 6:00 pm<br>(regular meetings)<br>in COB Council Chambers                   |
| <b>FIREFIGHTERS' PENSION TRUST FUND<br/>BOARD OF TRUSTEES</b> | Required to meet quarterly, but no set<br>date or time.<br>Held more frequently if needed<br>in Council Chambers |
| <b>POLICE PENSION TRUST FUND<br/>BOARD OF TRUSTEES</b>        | Required to meet quarterly<br>3 <sup>rd</sup> Wed in Feb., May, Aug., & Nov. 2011<br>in Council Chambers         |
| <b>PLANNING AND ZONING COMMISSION</b>                         | 2 <sup>nd</sup> Wed of each month<br>in Council Chambers                                                         |

**OUTSIDE AGENCIES, BOARDS AND COMMITTEES APPOINTED BY COUNCIL  
MEETING DATES AND TIMES**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b><u>ANTI-DRUG COALITION</u></b><br/>7074 Grove Road<br/>Daycare Behavioral House<br/>Theresa (ACenaps Corp 596-8000 or 540-9335)<br/>hernandoantidrug.org<br/><b>Richard Lewis</b>, Vice Mayor</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Last Wed of each month<br/>at 3:30 pm</p>                                                                                                                                       |
| <p><b><u>BROOKSVILLE BUSINESS ALLIANCE</u></b><br/>Lisa Callea<br/>PO Box 313<br/>Brooksville FL 34605<br/><b>Lara Bradburn</b>, Mayor<br/>_____, Alternate</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>2<sup>nd</sup> Thurs of each month at 5:30 pm<br/>at Rising Sun Café</p>                                                                                                        |
| <p><b><u>CHILDREN'S ADVOCACY CENTER/COMMUNITY ALLIANCE</u></b><br/>880 Kennedy Boulevard<br/>PO Box 896<br/>Janice Roy 754-8809</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>2<sup>nd</sup> Thurs of every other month<br/>at 10:00 am<br/>Mid-Florida Services Building<br/>Community Alliance at 9:00 am</p>                                               |
| <p><b><u>COMMITTEE AGAINST ASSAULTS ON LAW ENFORCEMENT OFFICERS</u></b><br/>Mickey Cook 797-9102<br/>1030 Cloverleaf Circle<br/>Brooksville FL 34601<br/><b>Joe Johnston</b>, Council Member</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>1<sup>st</sup> Wed of each month<br/>from 5:30-6:30 pm<br/>at Brooksville Police Dept.<br/><b>(Reorganizing at Present)</b></p>                                                 |
| <p><b><u>FLORIDA LEAGUE OF CITIES INC</u></b> (Action Committees)<br/>Fiscal Stewardship Legislative Council<br/>Rene Flowers, President<br/>301 S Bronough St Suite 300<br/>PO Box 1757<br/>Tallahassee FL 32302-1757<br/>850-222-9684 (fax 850-222-3806)<br/><a href="http://www.flcities.com">www.flcities.com</a><br/>INTERGOVERNMENTAL COMMITTEE                      <b>Joe Johnston</b><br/>ENERGY &amp; ENVIRONMENTAL COMMITTEE                      <b>No Representative</b><br/>FINANCE &amp; TAXATION COMMITTEE                      <b>No Representative</b><br/>GROWTH MGMT &amp; TRANSPORTATION                      <b>Lara Bradburn</b><br/>URBAN ADMINISTRATION COMMITTEE                      <b>No Representative</b></p> | <p>Varies; notices are mailed</p>                                                                                                                                                  |
| <p><b><u>METROPOLITAN PLANNING ORGANIZATION</u></b><br/>20 N Main Street, Room 262<br/>Brooksville FL 34601<br/>Tina 754-4057 ext 28032<br/><b>Lara Bradburn</b><br/><b>Joe Johnston</b>, Alternate</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>4<sup>th</sup> Tues of Jan-Jul, Sept-Oct<br/>3<sup>rd</sup> Tues of Aug<br/>No Meeting in Nov<br/>2<sup>nd</sup> Tues of Dec<br/>at John Law Ayers County Comm<br/>Chambers</p> |
| <p><b><u>TAKE STOCK IN CHILDREN</u></b><br/>Pasco-Hernando Community College<br/>Eva Davis 797-5108<br/>11415 Ponce de Leon Boulevard<br/>Brooksville FL 34601</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Held Quarterly on the 1<sup>st</sup> Wed of<br/>the<br/>designated month at North Campus<br/>at 5:30 pm</p>                                                                     |

**OUTSIDE AGENCIES, BOARDS AND COMMITTEES APPOINTED BY COUNCIL  
MEETING DATES AND TIMES**

|                                                                                                                                                                                                                   |                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b><u>TOURIST DEVELOPMENT COUNCIL</u></b><br/>26 S Brooksville Avenue<br/>Brooksville FL 34601</p>                                                                                                             | <p>4<sup>th</sup> Thurs of each month at 3:00 pm<br/>at I-75 Best Western<br/>Tourist Development Office</p>                                         |
| <p><b><u>WITHLACOOCHEE REGIONAL PLANNING COUNCIL</u></b><br/>1241 SW 10<sup>th</sup> Street<br/>Ocala FL 34474-2798<br/><b>Joe Johnston</b>, Council Member</p>                                                   | <p>3<sup>rd</sup> Thurs of each month in Ocala<br/>Executive Board at 6:30 pm<br/>Full Board at 7:00 pm</p>                                          |
| <p><b><u>WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY</u></b><br/>PO Drawer 190<br/>Tallahassee FL 32302<br/><b>Joe Bernardini</b>, Council Member<br/>**Travel &amp; Per Diem reimbursed by WRWSA to Member</p> | <p>3<sup>rd</sup> Wed of each month at 4:30 pm<br/>Held in alternating places:<br/>Ocala, Hernando, Citrus and Sumter<br/>2011 SCHEDULE ATTACHED</p> |
| <p><b><u>YOUTH AND FAMILY ALTERNATIVES</u></b><br/>Gloria Gorby 727-835-4166 ext 304<br/>18377 Sheriff Mylander Way, Brooksville FL 34601<br/><b>NO REPRESENTATIVE</b></p>                                        | <p>Leadership Council Meeting<br/>Meeting dates will be discussed on<br/>1/11/10<br/>at Noon</p>                                                     |

**The Withlacoochee Regional Water Supply Authority is required to publish a listing of its regularly scheduled meetings. The following list identifies the Board meetings scheduled for Calendar Year 2011.**

### **2011 WRWSA Meeting Schedule**

**January 19, 2011, 4:30 p.m.,** SWFWMD Headquarters Governing Board Meeting Room, 2379 Broad Street (US 41 South), Brooksville, Florida 34604-6899

**February 16, 2011, 4:30 p.m.,** Withlacoochee Regional Planning Council Headquarters Conference Room, 1241 SW 10<sup>th</sup> Street (SR 200), Ocala, Florida 34474-0323

**March 16, 2011, 4:30 p.m.,** SWFWMD Headquarters Governing Board Meeting Room, 2379 Broad Street (US 41 South), Brooksville, Florida 34604-6899

**April 20, 2011, 4:30 p.m.,** Withlacoochee Regional Planning Council Headquarters Conference Room, 1241 SW 10<sup>th</sup> Street (SR 200), Ocala, Florida 34474-0323

**May 18, 2011, 4:30 p.m.,** SWFWMD Headquarters Governing Board Meeting Room, 2379 Broad Street (US 41 South), Brooksville, Florida 34604-6899

**June 15, 2011, 4:30 p.m.,** Withlacoochee Regional Planning Council Headquarters Conference Room, 1241 SW 10<sup>th</sup> Street (SR 200), Ocala, Florida 34474-0323

**July 20, 2011, 4:30 p.m.,** SWFWMD Headquarters Governing Board Meeting Room, 2379 Broad Street (US 41 South), Brooksville, Florida 34604-6899

**August 17, 2011, 4:30 p.m.,** Withlacoochee Regional Planning Council Headquarters Conference Room, 1241 SW 10<sup>th</sup> Street (SR 200), Ocala, Florida 34474-0323

**September 21, 2011, 4:30 p.m.,** SWFWMD Headquarters Governing Board Meeting Room, 2379 Broad Street (US 41 South), Brooksville, Florida 34604-6899

**October 19, 2011, 4:30 p.m.,** Withlacoochee Regional Planning Council Headquarters Conference Room, 1241 SW 10<sup>th</sup> Street (SR 200), Ocala, Florida 34474-0323

**November 16, 2011, 4:30 p.m.,** SWFWMD Headquarters Governing Board Meeting Room, 2379 Broad Street (US 41 South), Brooksville, Florida 34604-6899

**December 21, 2011, 4:30 p.m.,** Withlacoochee Regional Planning Council Headquarters Conference Room, 1241 SW 10<sup>th</sup> Street (SR 200), Ocala, Florida 34474-0323



**BOARD OF COMMISSIONERS**

RANDY WOODRUFF, Chairman  
CLIFFORD E. MANUEL, JR. Vice Chairman  
JAMES V. BROOKS  
BRIAN L. ADAIR  
YVETTE D. TAYLOR  
GARY E. SCHRAUT  
FRANCINE S. WARD

800 Continental Drive • Brooksville, FL 34601  
Telephone (352) 796-6547 • Fax (352) 796-4899

Tuesday, November 30, 2010

Ms. T. Jennene Norman-Vacha,  
City Manager  
City Of Brooksville  
201 Howell Avenue  
Brooksville, Florida 34601-2041

**RE: INVENTORY REMOVAL APPLICATION FOR BHA**

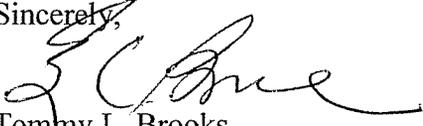
Dear Ms. Norman-Vacha:

On the evening of November 29, 2010, the Board of Commissioners of the Brooksville Housing Authority voted to submit an application for demolition. In the application process, HUD Form 52860, Section 5 requires a Letter of Support from Appropriate Government Official(s).

Attached please find a copy BHA's application HUD Form 52860 and Relocation Plan for your review and information.

Your consideration of providing a Letter of Support for such actions would be greatly appreciated.

Sincerely,



Tommy L. Brooks,  
Executive Director

**Enclosed: Sample Letter**



December 3, 2010

Mr. Tommy L. Brooks  
Executive Director  
**Brooksville Housing Authority**  
600 Continental Drive  
Brooksville, FL 34601

Dear Mr. Brooks,

This letter serves to express my support of the Housing Authority of Brooksville (BHA) Section 18 Demolition application for Hillside Estates and Summit Villas. The approval will provide for the removal of obsolete public housing and make way for improvements to these communities.

I have reviewed the Demolition application prepared by the BHA and I have no objections.

Thank you for your consideration.

Sincerely,

Mayor, City of Brooksville

**Inventory Removal  
Application**

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

OMB Approval No. 2577-0075  
(exp. 8/31/2011)

Public reporting burden for this collection of information is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. This information is required to request permission to remove from inventory all or a portion of a public housing development (i.e. dwelling unit(s), non-dwelling property or vacant land) owned by a Public Housing Agency (PHA). The information requested in this application is based on requirements of Sections 18, 22, 32, and 33 of the United States Housing Act of 1937 as amended ("Act"), 24 CFR Parts 906, 970, and 972 (HUD Regulations), and HUD's interest in property of PHAs under Annual Contribution Contracts and Declarations of Trust. HUD will use this information to determine whether, and under what circumstances, to permit PHAs to remove from their inventories all or a portion of a public housing development, as well as to track removals for other record keeping requirements. Responses to this collection of information are statutory and regulatory to obtain a benefit. Please refer to the instructions for each section for additional guidance on how to complete this application. HUD approval of the proposed removal from inventory action in this application does not constitute HUD approval for funding of the proposed action. All capitalized terms not defined in this form have the meanings as defined in the Act and HUD Regulations. The information requested does not lend itself to confidentiality.

|                                                          |                                                               |                                                                    |
|----------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------|
| <b>Section 1: General Information</b>                    |                                                               |                                                                    |
| <b>PHA Name:</b><br>Brooksville Housing Authority        | <b>Date of Application:</b><br>November 16, 2010              |                                                                    |
| <b>PHA Address: 800 Continental Drive</b>                |                                                               |                                                                    |
| <b>No. and Street:</b>                                   | <b>City and State: Brooksville, Florida</b>                   | <b>Zip Code: 34601-6547</b>                                        |
| <b>Phone Number: 352-796-6547</b>                        | <b>Fax Number: 352-796-4899</b>                               | <b>E-mail Address: none</b>                                        |
| <b>Executive Director's Name:</b><br><br>Tommy L. Brooks | <b>Executive Director's Phone Number:</b><br><br>352-796-6547 | <b>Executive Director's Email:</b><br><br>tlbrooks@tampabay.rr.com |
| <b>Primary Contact's Name:</b><br><br>Tommy L. Brooks    | <b>Primary Contact's Phone Number:</b><br><br>352-796-6547    | <b>Primary Contact's Email:</b><br><br>tlbrooks@tampabay.rr.com    |

|                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 2: Long-Term Possible Financial Impact of Proposed Action</b>                                                                                                                                                                                                                                     |
| <b>1. Operating Subsidy</b><br>In FY 2010, this PHA received \$4,798.75 per unit in operating subsidy.<br>This PHA realizes that after HUD approves this proposed action, this PHA's operating subsidy will decrease by \$604,642/ year (number of units subject to this proposed action X subsidy per unit) |
| <b>2. Capital Fund Program (CFP)</b><br>In FY 2009, this PHA received \$1,530.03 per unit in CFP funds.<br>This PHA realizes that after this proposed action takes place, CFP funds will decrease by approximately \$192,783.78/year (number of units subject to this proposed action X CFP funds/unit):     |

|                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 3: PHA Board Resolution, Environmental Review, and Government Consultation</b>                                                                                                                                                                                                                           |
| <b><u>PHA Board Resolution</u></b>                                                                                                                                                                                                                                                                                  |
| 1. Board Resolution Number: 2010-17<br>2. Date of PHA Board Resolution: November 16, 2010                                                                                                                                                                                                                           |
| <i>*Attach a copy of the PHA Board Resolution and reference it as Section 3, line 1.</i>                                                                                                                                                                                                                            |
| <b><u>Environmental Review</u></b>                                                                                                                                                                                                                                                                                  |
| 3. Identify the Responsible Entity that is conducting the environmental review under 24 CFR 58: The Environmental Review was performed by GLE Facilities and Environmental Consultants. See attached Phase 1 Environmental Review.<br>Or if HUD is conducting the environmental review under 24 CFR 50, check here: |

|                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Government Consultation</b>                                                                                                                                                                                                                                                                        |
| 4. This PHA covers the following jurisdictions (list all municipalities, counties, etc.): City of Brooksville, Florida<br><br><i>*Attach a narrative describing the PHA's consultation with all Appropriate Government Officials (AGOs) and reference it as Section 3, line 4.</i>                    |
| 5. This PHA has obtained all necessary Letters of Support from all Appropriate Government Official(s) about this proposed action and the Letter(s) of support is (are) dated (mm/dd/yy)<br><br><i>*Attach copies of all Letters of Support from the AGOs and reference them as Section 3, line 5.</i> |

|                                                                                                           |
|-----------------------------------------------------------------------------------------------------------|
| <b>Section 4: Description of the Existing Development</b>                                                 |
| 1. Name of the Development: Hillside Estates and Summit Villas                                            |
| 2. Development Number: FL074                                                                              |
| 3. Date of Full Availability: 06/30/1973                                                                  |
| 4. No. of Residential Building: 53                                                                        |
| 5. No of Non-Residential Building: 2                                                                      |
| 6. Date Constructed: 1973                                                                                 |
| 7. Is the Development a Scattered Site: Yes XNo                                                           |
| 8. No. of Building Types: 16 Single Family Houses 32 Duplexes 0 3-Plexes 1 4-plexes 1 6-plex 3-Row Houses |
| 9. No. of Types of Structures 36Row House Units 90 Walk-Up Units 0 High Rise Unit                         |
| 10. Total Acres of the Development: 13                                                                    |

| 11. Existing Unit Distribution      | Family Units | Elderly Units | Total Units Being Used for Non-Dwelling Purposes | Total Units in Development |
|-------------------------------------|--------------|---------------|--------------------------------------------------|----------------------------|
| 0 Bedroom                           | 0            | 24            | 0                                                | 24                         |
| 1 Bedroom                           | 10           | 12            | 0                                                | 22                         |
| 2 Bedrooms                          | 28           | 0             | 0                                                | 28                         |
| 3 Bedrooms                          | 36           | 0             | 0                                                | 36                         |
| 4 or more Bedrooms                  | 15           | 0             | 1                                                | 16                         |
| <b>Total *</b>                      | <b>90</b>    | <b>36</b>     | <b>1</b>                                         | <b>126</b>                 |
| <i>*Enter in Section 6, line 1b</i> |              |               |                                                  |                            |

**Section 5: Description of Proposed Action by Development, Method of Sale, Value, and Net Proceeds**

1. Type of action proposed: Check One:

- Complete Demolition
- Partial Demolition
- Disposition Only
- Demolition and Disposition
  - De Minimis Demolition
  - Required Conversion
  - Voluntary Conversion
  - Homeownership
  - Eminent Domain Proceeding
  - HOPE VI Demolition
  - Disposition—24 CFR 941-Subpart F Exception
  - Casualty Loss

| 2. Proposed Action by Unit Type | Units to be Demolished Only | Units to be Disposed of Only |
|---------------------------------|-----------------------------|------------------------------|
| 0 Bedroom –Elderly              | 24                          |                              |
| 0 Bedroom –Family               | 0                           |                              |
| 1 Bedroom—Elderly               | 12                          |                              |
| 1 Bedroom—Family                | 19                          |                              |
| 2 Bedrooms—Elderly              | 0                           |                              |
| 2 Bedrooms—Family               | 28                          |                              |
| 3 Bedrooms—Family               | 36                          |                              |
| 4 or more Bedrooms--Family      | 16                          |                              |
| Total *                         | 126                         |                              |

\*Enter in Section 6, line 1a

| 3. Proposed Action by Building Type | Buildings to be Demolished Only | Buildings to be Disposed of Only |
|-------------------------------------|---------------------------------|----------------------------------|
| Residential Buildings               | 53                              |                                  |
| Non-Residential Buildings           | 2                               |                                  |
| Total Buildings                     | 55                              |                                  |

4. If the proposed action involves a disposition, Total number of acres in proposed disposition:

5. If the proposed action involves a partial removal of a Development, a site map is required.  
*\*Attach a site map and reference it as Section 5, line 5.*

6. If the proposed action involves a partial removal of a Development,  
*\*Attach a description of the property (address, building number, unit number) to be removed along with a narrative explaining why the PHA is proposing to remove this portion of the Development and reference it as Section 5, line 6*

Method of Sale

If the PHA is proposing a disposition , answer questions No. 7-10:

7. Which of the following describe the proposed disposition:  
 A. Disposition at Fair Market Value (FMV)  
 B. Disposition at less than Fair Market Value (e.g. donation)  
 C. Disposition which includes an exchange of property

If B or C is checked,  
*\*Attach a narrative providing a justification (which evidences public benefits to the PHA and its residents commensurate with the proposed compensation) and reference it as Section 5, line 7*

Value

8. What is the value of the property subject to the proposed disposition action: \$  
*\*Please attach required documentation verifying this value (e.g. appraisal) and reference it as Section 5, line 8.*

9. Was an appraiser used to determine the value for the property listed at Number 8 above?  
 Yes      No

If Yes, name of appraiser who conducted the appraisal:      Date of appraisal:

Net Proceeds

10. Calculation of Net Proceeds:

|                       |       |          |       |             |        |                        |
|-----------------------|-------|----------|-------|-------------|--------|------------------------|
| Estimated Sales Price | minus | Debt     | minus | Cost & Fees | equals | Estimated Net Proceeds |
| \$ _____              | -     | \$ _____ | -     | \$ _____    | =      | \$ _____               |

*\*Attach an itemization of costs and fees (including relocation, moving, and counseling costs) to be paid out of gross proceeds and reference it as Section 5, line 10*

11. How does this PHA propose to use Net Proceeds:  
*\*Attach a narrative providing details concerning the use of Net Proceeds and reference it as Section 5, line 11.*

12. If the proposed action involves a Demolition:  
 (a) Total estimated cost of the Demolition: \$1,131,026.00 (include professional fees, hazardous waste removal, building and site improvements, actual demolition costs, and seeding and sodding of land, but do not include relocation costs or site improvements such as landscaping, playground, retaining walls, streets, sidewalks, etc.)  
 (b) What source(s) of funding will the PHA use to pay for the cost of demolition?  
 Operating Funds for FY 2010    CFP for FY \_\_\_\_    CDBG Funds    Other  
*\*If Other, attach a narrative explaining how the PHA will fund the demolition and reference it as Section 5, line 12.*

13. General Timetable: Complete the general timetable below based on the number of days after HUD approval of this proposed action that the PHA will engage in the following actions:  
 (a) Begin Relocation of Residents: 180 days  
 (b) Complete Relocation of Residents: 12 months  
 (c) Execute contract for removal action (e.g. sales contract): 12 months  
 Cause occurrence of removal action (e.g. actual demolition, closing of sale): 24 months

Provide attachments as needed. All attachments must reference the Section and line number to which they apply. Previous versions obsolete.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 6: Relocation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>1. Occupied Units</b><br>(a) Of the 126 (copy number from Section 5, line 2) units proposed for removal, 123 are occupied as of the date of this Application.<br><i>*Attach a narrative explaining the circumstances that resulted in the units becoming vacant and the relocation of the residents of the affected Development and reference it as Section 6, line 1(a).</i><br>(b) Of the 126 (copy from Section 4, line 10) total units in the Development minus (copy from 1(a) above) 126 to be removed, 0 units will remain after removal.<br>(c) Of the (copy from 1(b) above) units remaining after removal, are occupied as of the date of this Application. |
| If any units are listed as occupied in 1(a), complete questions 2-8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>2. 167 Individuals (including children) will be affected by this removal action.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>3. How will the PHA provide counseling and advisory services to the affected residents?</b><br><i>*Attach a narrative explaining how the PHA will provide counseling and advisory services and reference it as Section 6, line 3.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>4. What housing resources/replacement housing does the PHA expect to use for relocation of the affected residents?</b><br>Other Public Housing <input checked="" type="checkbox"/> Housing Choice Vouchers <input type="checkbox"/> Other <input type="checkbox"/><br><i>*Attach a narrative explaining how the PHA plans to provide relocation housing and reference it as Section 6, line 4.</i>                                                                                                                                                                                                                                                                    |
| <b>5. Estimated Cost of Counseling and Advisory Services: \$10,000</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>6. Estimated Cost of Moving Expenses: \$159,750 plus \$100 per family dislocation allowance = \$12,600</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>7. Total Cost of Relocation Expenses: \$182,350</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>8. What source(s) of funding will the PHA use to pay for Relocation Expenses?</b><br>( ) Operating Funds for FY (X) CFP for FY 10 ( ) Other<br><i>*If Other, attach a narrative explaining how the PHA will fund Relocation Expenses and reference it as Section 6, line 8.</i>                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Section 7: Resident Consultation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>1. Consultation with Residents at affected Development</b><br><i>*Attach a narrative explaining the PHA's consultation with the residents of the affected Development and reference it as Section 7, line 1.</i><br>If proposed action is for Demolition and/or Disposition under Section 18 of the Act, complete questions 2-5                                                                                                                                                                                                                                                                                                                                       |
| <b>2. Resident Council (at affected Development)</b><br>Provide the name of the Resident Council representing the residents of the affected Development: or if there is no Resident Council at this Development, check here X.<br><i>*Attach a narrative explaining the PHA's consultation with the Resident Council of the affected Development and reference it as Section 7, line 2.</i>                                                                                                                                                                                                                                                                              |
| <b>3. Resident Council (PHA jurisdiction-wide)</b><br>Provide the name of the Resident Council representing the interests of the residents residing in units under the PHA's jurisdiction: , or if there is no such Resident Council, check here X.<br><i>*Attach a narrative explaining the PHA's consultation with Resident Council (PHA jurisdiction-wide), and reference it as Section 7, line 3.</i>                                                                                                                                                                                                                                                                |
| <b>4. Resident Advisory Board (RAB) (as defined by 24 CFR 903.13)</b><br><i>*Attach a narrative explaining the PHA's consultation with RAB and reference it as Section 7, line 4.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>5. Did the PHA receive any written comments concerning this proposed action from the residents of the affected Development, the Resident Council at the affected Development, the Resident Council (PHA jurisdiction-wide), or the RAB? Yes No X. If yes,</b><br><i>*Attach those written comments, along with any evaluation the PHA has made of those comments and reference it as Section 7, line 5.</i>                                                                                                                                                                                                                                                           |

**Section 8: Offer of Sale (This Section must be completed for all Section 18 Dispositions, including dispositions in connection with Voluntary or Required Conversions that are subject to Section 18 requirements)**

1. Is this PHA exercising any of the exceptions to the offer of sale requirement permitted by 24 CFR 970.9(b)(3):  
X Yes      No

2. If "Yes", check the exception below:

24 CFR 970.9 (b)(3)(i): a unit of state or local government requests to acquire vacant land that is less than two acres in order to build or expand its public services (a local government wishes to use the land to build or establish a police substation);

X 24 CFR 970.9 (b)(3)(ii): the PHA seeks disposition outside the public housing program to privately finance or otherwise develop a facility to benefit low-income families (e.g., day care center, administrative building, mixed-finance housing, or other types of low-income housing);

24 CFR 970.9 (b)(3)(iii): the units that have been legally vacated in accordance with the HOPE VI program, the regulations at 24 CFR Part 971, or the Required Conversion regulations at 24 CFR part 972, excluding developments where the PHA has consolidated vacancies;

24 CFR 970.9 (b)(3)(iv): the units are distressed units required to be converted to tenant-based assistance under Section 33 of the Act;

24 CFR 970.9 (b)(3)(v): the proposed disposition is of non-dwelling property, including administration and community buildings, and maintenance facilities.

*\*Attach documentation supporting the above referenced exception and reference it as Section 8, line 2.*

3. If "No", state the names of all Established Eligible Organizations (as defined by 24 CFR 970.9(c)) for the affected Development, including the following organizations:

Resident Council at affected Development:

, or if none, check here X

Resident Management Corporation (as defined by 24 CFR 964) at affected Development:

, or if none, check here X

Outside Organization acting on behalf of the residents of the affected Development (as defined by 24 CFR 964):

, or if neither the Resident Council nor any outside organization has provided the PHA with any notification that the Resident Council has formed a partnership with an outside, check *\*Attach a narrative explaining how the PHA determined that the above named organizations are all of the Established Eligible Organizations representing the residents at the affected Development and reference it as Section 8, line 3.*

4. The PHA sent an initial written notification of the sale of the affected Development to each Established Eligible Organization on (mm/dd/yy) via regular mail certified mail.

*\*Attach a copy of each signed and dated initial written notification letter provided to Established Eligible Organizations and reference them as Section 8, line 4.*

5. The PHA received a written initial expression of interest (as defined by 24 CFR 970.11(b)) from one or more of the Notified Eligible Established Organization(s) within 30 days from the date it sent the initial written notification of sale:

Yes No

*\*If Yes, attach a copy of each initial expression of interest that the PHA received and reference as Section 8, line 5.*

6. The PHA received a proposal to purchase the affected Development from this Eligible Established Organization within 60 days of the date that it provided the organization with all necessary terms and information to prepare and submit a proposal to purchase the Development:

Yes No

*\*If yes, attach a copy of the proposal to purchase and reference them as Section 8, line 6.*

7. The PHA Rejected or Accepted the organization's proposal to purchase the affected the Development

|                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 9: Certification<br><i>*Attach a copy of the applicable Certification (as a scanned PDF file) for the specific inventory removal action identified in Section 5 of this Application.</i> |
| Section 18 Demolition/Disposition PHA Certification                                                                                                                                              |
| Section 18 Disposition (24 CFR 941 Subpart F) PHA Certification                                                                                                                                  |
| Section 32 Homeownership PHA Certification                                                                                                                                                       |
| Section 33 Required Conversion PHA Certification                                                                                                                                                 |
| Section 22 Voluntary Conversion PHA Certification                                                                                                                                                |
| De Minimis Demolition PHA Certification                                                                                                                                                          |
| Eminent Domain PHA Certification                                                                                                                                                                 |

**ADDENDUMS:**

The following additional forms must be attached to your electronic submission of this 52860 Application for the inventory removal actions referenced below. Please attach these forms as a file, or scan the form and attach it as a PDF file

|                                                             |                                                                                                           |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| HUD-52860-B:<br>Total Development Cost (TDC)<br>Calculation | Attach for all Demolition actions and for all Disposition actions where the justification is obsolescence |
| HUD-52860-C: Homeownership                                  | Attach for all actions involving homeownership                                                            |
| HUD-52860-D: Required Conversion                            | Attach for all actions involving the required conversion of public housing units                          |
| HUD-52860-E: Voluntary Conversion                           | Attach for all actions involving the voluntary conversion of public housing units                         |
| HUD-52860-F: Eminent Domain                                 | Attach for all disposition actions involving eminent domain proceedings                                   |

**Instructions for completing the Inventory Removal Application (Form HUD-52860):**

HUD's Special Applications Center (SAC) is responsible for reviewing and approving all proposed inventory removal actions covered by this Application. SAC is a center within the HUD's Office of Public Housing Investments (OPHI), which is within HUD's Office of Public and Indian Housing. Unless specifically approved by an authorized management agent of the SAC, PHAs must submit this Application on-line via the Inventory Removals Module of the Public and Indian Housing Information Center (PIC). See the PIC website at ([www.hud.gov/offices/pih/systems/pic](http://www.hud.gov/offices/pih/systems/pic)) for detailed instructions on this system. HUD is providing a paper copy of this application to assist PHAs with their on-line application and as a reference sources to individuals and organizations without PIC access rights. These instructions constitute the processing requirements for each of the possible removal of inventory actions and provide explanations for those questions that may not be self-explanatory. Please complete the information requested for the proposed action being requested. If you have any questions about how to complete this application, contact an authorized management agent of the SAC.

**Attachments:**

Please provide all attachments requested in this application (as scanned PDF files). All attachments must reference the Section and line number to which they apply. For applications submitted on-line using the PIC system, attachments should include filenames that are no longer than 25 characters (including the file type ending, e.g., "doc") and should conform to Windows Explorer file name rules (e.g. file names with spaces must be enclosed in quotation marks)

Example: Filename as shown in MS Word: PIC FAQ Ideas doc;  
 Filename to attach to PIC application: "PIC FAQ Ideas.doc"  
 Alternatively, the file name can be revised by submitting underscores "\_" for spaces.

**Submission, Review, and Approval of Inventory Removal Actions:**

Refer to the following chart for guidance submission, review, and approval of proposed inventory removal actions (Refer also to the Detail Matrix for application submission specifics):

|                                                                                                                                               |                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Demolition and/or Disposition<br>(Section 18)                                                                                                 | --PHA submits application on-line via PIC<br>--SAC reviews and approves application                                                                                                                             |
| Eminent Domain Proceeding                                                                                                                     | --PHA submits application on-line via PIC<br>--SAC reviews and approves application                                                                                                                             |
| Disposition--24 CFR 941(Subpart F)<br>(*After the Detailed Matrix, please see additional explanation about these dispositions)                | --PHA submits application on-line via PIC<br>--SAC reviews and approves application via a "streamlined" review and approval process (See Detailed Matrix)                                                       |
| Demolition—De Minimus Exception<br>(In any 5 year period, a PHA may demolish 5% of its dwelling units or 5 dwelling units, whichever is less) | --PHA submits data sufficient to reflect the anticipated change in PHA inventory on-line via PIC<br>--HUD approval not required, however, PHA must submit required data into PIC before commencing demolition   |
| Demolition—HOPE VI Revitalization Exception                                                                                                   | --Demolition approved by HUD as part of Revitalization;<br>SAC staff enters data with the assistance of Grant Manager                                                                                           |
| Required Conversion<br>(Section 33)                                                                                                           | --PHA submits application on-line via PIC<br>--PHA submits proposed action to HUD Field Office as part of its PHA Plan<br>--SAC and OPHI review application & OPHI approves application                         |
| Voluntary Conversion<br>(Section 22)                                                                                                          | --PHA submits application on-line via PIC<br>--PHA submits proposed action to HUD Field Office as part of its PHA Plan<br>--SAC and OPHI review application & OPHI approves application                         |
| Homeownership<br>(Section 32)                                                                                                                 | --PHA submits application on-line via PIC<br>--SAC reviews and approves application                                                                                                                             |
| Casualty Loss                                                                                                                                 | --PHA submits data sufficient to reflect the change in PHA inventory as a result of the damaged units on-line via PIC<br>(Any replacement units due to casualty loss will be assigned a new Development Number) |

## Detail Matrix

This detail matrix reflects the submission requirements for each type of removal application. The PIC edit checks are arranged to expect data in the section noted for each type of proposed inventory removal application. When in doubt, refer to the instructions for each section, attach explanations, or contact SAC management.

KEY: S—Data is automatically generated by PIC. Y—Data is required in application. N—Data is not required in application. P—Data is possibly required, depending on the circumstances. See the detailed instructions for more information.

| Form Section                                                                              | Form Item | Eminent Domain | Demolition | Demolition & Disposition | Disposition | HOPE VI Demolition | De Minimis Demolition | Homeownership Conversion | Required or Voluntary Conversion | Casualty Loss | Disposition 24 CFR 941 (Subpart F) |
|-------------------------------------------------------------------------------------------|-----------|----------------|------------|--------------------------|-------------|--------------------|-----------------------|--------------------------|----------------------------------|---------------|------------------------------------|
| <b>Section 1: General Information</b>                                                     | All Items | S              | S          | S                        |             | S                  | S                     | S                        | S                                | S             | S                                  |
| <b>Section 2: Long-Term Impact</b>                                                        | All Items | Y              | Y          | Y                        |             |                    | Y                     | Y                        | Y                                | Y             | Y                                  |
| <b>Section 3: PHA Board Resolution, Environmental Review, and Gov't Consultation</b>      |           |                |            |                          |             |                    |                       |                          |                                  |               |                                    |
| Resolution Number                                                                         | 1         | N              | Y          | Y                        | Y           | N                  | Y                     | Y                        | Y                                | N             | N                                  |
| Date of Resolution                                                                        | 2         | N              | Y          | Y                        | Y           | N                  | Y                     | Y                        | Y                                | N             | N                                  |
| Name of Responsible Entity conducting Environmental Review                                | 3         | N              | Y          | Y                        | Y           | N                  | Y                     | Y                        | Y                                | N             | Y                                  |
| Jurisdictions covered by PHA                                                              | 4         | N              | Y          | Y                        | Y           | N                  | N                     | Y                        | Y                                | N             | N                                  |
| Appropriate Government Official Letter of Support                                         | 5         | N              | Y          | Y                        | Y           | N                  | N                     | N                        | Y                                | N             | N                                  |
| <b>Section 4: Description of Existing Development</b>                                     |           |                |            |                          |             |                    |                       |                          |                                  |               |                                    |
|                                                                                           | 1-9 & 11  | S              | S          | S                        | S           | S                  | S                     | S                        | S                                | S             | S                                  |
|                                                                                           | 10.       | Y              | Y          | Y                        | Y           | Y                  | N                     | Y                        | P                                | N             | Y                                  |
| <b>Section 5: Description of Proposed Action, Method of Sale, Value, and Net Proceeds</b> |           |                |            |                          |             |                    |                       |                          |                                  |               |                                    |
| Type of action proposed                                                                   | 1         | Y              | Y          | Y                        | Y           | Y                  | Y                     | Y                        | Y                                | Y             | Y                                  |
| Proposed action by unit type                                                              | 2         | Y              | Y          | Y                        | Y           | Y                  | Y                     | Y                        | Y                                | Y             | Y                                  |
| Proposed action by building type                                                          | 3         | Y              | Y          | Y                        | Y           | Y                  | Y                     | Y                        | Y                                | Y             | Y                                  |
| Acres included                                                                            | 4         | Y              | N          | Y                        | Y           | N                  | N                     | Y                        | Y                                | N             | Y                                  |
| Site Map                                                                                  | 5         | P              | P          | P                        | P           | N                  | N                     | P                        | Y                                | N             | N                                  |
| Partial Removal Identification                                                            | 6         | P              | P          | P                        | P           | N                  | N                     | Y                        | Y                                | P             | P                                  |
| Method of Sale                                                                            | 7         | N              | N          | Y                        | Y           | N                  | N                     | Y                        | P                                | N             | Y                                  |
| Value                                                                                     | 8         | P              | N          | Y                        | Y           | N                  | N                     | Y                        | P                                | N             | N                                  |
| Appraisal                                                                                 | 9         | P              | N          | Y                        | Y           | N                  | N                     | P                        | P                                | N             | N                                  |
| Calculation of Net Proceeds                                                               | 10        | N              | N          | Y                        | Y           | N                  | N                     | Y                        | P                                | N             | Y                                  |
| Use of Net Proceeds                                                                       | 11        | N              | N          | Y                        | Y           | N                  | N                     | Y                        | P                                | N             | Y                                  |
| Demolition Costs                                                                          | 12(a)     | N              | Y          | Y                        | N           | Y                  | N                     | N                        | P                                | N             | N                                  |
| Source of Funding for Demolition Costs                                                    | 12(b)     | N              | Y          | Y                        | N           | N                  | N                     | N                        | P                                | N             | N                                  |
| Timetable                                                                                 | 13        | N              | Y          | Y                        | Y           | Y                  | N                     | Y                        | Y                                | N             | Y                                  |
| <b>Section 6: Relocation</b>                                                              |           |                |            |                          |             |                    |                       |                          |                                  |               |                                    |
| Unit Occupancy                                                                            | 1         | Y              | Y          | Y                        | Y           | Y                  | N                     | P                        | Y                                | N             | N                                  |
| Individuals affected                                                                      | 2         | Y              | Y          | Y                        | Y           | Y                  | N                     | P                        | Y                                | N             | N                                  |
| Counseling and Advisory Services                                                          | 3         | P              | Y          | Y                        | Y           | N                  | N                     | P                        | Y                                | N             | N                                  |
| Relocation Housing                                                                        | 4         | P              | Y          | Y                        | Y           | N                  | N                     | P                        | Y                                | N             | N                                  |
| Cost of Counseling and Advisory Services                                                  | 5         | P              | Y          | Y                        | Y           | N                  | N                     | P                        | Y                                | N             | N                                  |
| Moving Costs                                                                              | 6         | P              | Y          | Y                        | Y           | N                  | N                     | P                        | Y                                | N             | N                                  |
| Total Relocation Costs                                                                    | 7         | P              | Y          | Y                        | Y           | N                  | N                     | P                        | Y                                | N             | N                                  |
| Source of Funding for Relocation Costs                                                    | 8         | P              | Y          | Y                        | Y           | N                  | N                     | P                        | Y                                | N             | N                                  |
| <b>Section 7: Resident Consultation</b>                                                   |           |                |            |                          |             |                    |                       |                          |                                  |               |                                    |
| Consultation with residents at Development                                                | 1         | P              | Y          | Y                        | Y           | N                  | N                     | P                        | Y                                | N             | N                                  |
| Consultation with PHA-wide resident organiz.                                              | 2         | P              | Y          | Y                        | Y           | N                  | N                     | P                        | P                                | N             | N                                  |
| Consultation with RAB                                                                     | 3         | P              | Y          | Y                        | Y           | N                  | N                     | P                        | P                                | N             | N                                  |
| Written Comments                                                                          | 4         | N              | Y          | Y                        | Y           | N                  | N                     | P                        | P                                | N             | N                                  |
| <b>Section 8: Offer of Sale</b>                                                           |           |                |            |                          |             |                    |                       |                          |                                  |               |                                    |
| Exercise of Exception?                                                                    | 1         | N              | N          | Y                        | Y           | N                  | N                     | N                        | P                                | N             | N                                  |
| Specific Exception Exercised                                                              | 2         | N              | N          | Y                        | Y           | N                  | N                     | N                        | P                                | N             | N                                  |
| Established Eligible Organizations                                                        | 3         | N              | N          | Y                        | Y           | N                  | N                     | N                        | P                                | N             | N                                  |
| Written Notification of Sale                                                              | 4         | N              | N          | Y                        | Y           | N                  | N                     | N                        | P                                | N             | N                                  |
| Expression of Interest                                                                    | 5         | N              | N          | Y                        | Y           | N                  | N                     | N                        | P                                | N             | N                                  |
| Proposal to Purchase                                                                      | 6         | N              | N          | Y                        | Y           | N                  | N                     | N                        | P                                | N             | N                                  |
| Acceptance/Rejection of Proposal                                                          | 7         | N              | N          | Y                        | Y           | N                  | N                     | N                        | P                                | N             | N                                  |
| <b>Section 9: Certification ( for specific removal)</b>                                   |           | Y              | Y          | Y                        | Y           | N                  | Y                     | Y                        | Y                                | N             | Y                                  |

## **\*Dispositions—24 CFR 941(Subpart F)**

Pursuant to 24 CFR 970.3(12), disposition requests by PHAs to allow for a 24 CFR 941 (Subpart F) Mixed Finance Development are not subject to 24 CFR 970. However, these dispositions are still subject to Section 18 of the Act. The SAC will review and approve these requests using a "streamlined" processing method (see the Detailed Matrix for submission requirements). The SAC's review and approval will occur separately from HUD's Mixed-Finance application process and must occur prior to the closing on the Mixed-Finance Development.

A PHA should apply for this kind of disposition ONLY if it has submitted, or is in the process of submitting, an application for a Subpart F Mixed-Finance Development (i.e. Term Sheet, evidentiary material) to HUD's Office of Public Housing Investments (PHI). The SAC's approval of the disposition will be conditioned on HUD's approval of the Mixed-Finance application documents and the SAC will not authorize the PHA to enter into any formal disposition action until such approval.

### **Section 1: General Information**

Item 1: Name of PHA: Generated by PIC from PHA Module. If the full PHA name is not provided, please provide.

Item 2: Date of Application: Generated by PIC and should be the date the application was mailed (post-marked).

Item 3: Address of PHA: Generated by PIC from PHA Module. Provide a mailing address, other than a P.O. Box, for express mail delivery

Item

### **Section 2: Long-Term Impact of Proposed Action**

The PHA should acknowledge that HUD considers all requests for inventory removal submitted through this application to be formal requests of the PHA to remove those affected dwelling units from the PHA's inventory and Annual Contributions Contract (ACC). Thus, the PHA should acknowledge that the proposed inventory removal action may result in a direct reduction in operating subsidy and CFP for the PHA. (In some cases, these reductions will be phased in over a period of time and the PHA should consult the applicable HUD Regulations for specific information on reductions of federal funding). The purpose of requiring PHA's to provide an estimate of the possible reduction of federal funding in this Section is to show that the PHA has performed the analysis and is aware that a reduction in federal funds may occur. The PHA should also acknowledge that HUD's approval of an inventory removal action does not guarantee or imply HUD approval of any PHA request for additional federal funding and the PHA must make such application for other funding under the applicable funding application. Accordingly, prior to submitting this application for inventory removal, the PHA's Board and staff should determine that this proposed inventory removal action is in the best interest of the affected residents, the PHA, and the community. The PHA should specifically determine: (1) the actual cost of operating the units proposed for removal; (2) the percentage of the PHA's operating subsidy and CFP that is dependent on the units proposed for removal; (3) that no other solution is feasible (e.g. a new marketing strategy). PHAs applying for Required or Voluntary Conversion may apply for tenant-based assistance in accordance with Housing Choice Voucher assistance program requirements, and HUD may give the PHA a priority for receiving tenant-based assistance to replace the public housing units (depending on processing requirements).

### **Section 3: PHA Board Resolution, Environmental Review, and Government Consultation**

Item 1: The PHA Board Resolution must evidence the Board's support for and approval of this Application and the proposed inventory removal action. For homeownership and conversion, the Resolution should also approve the applicable Homeownership or Conversion Plan. Provide the date of the Resolution, if the PHA numbers its resolutions. The resolution must be signed and dated after all resident and local government consultation has been completed;

Item 2: The PHA Board Resolution should be dated after the date of the last resident meeting and after the date of all Letters of Support from Appropriate Government Officials to show that the PHA Board is aware of all resident and local government comments concerning this proposed inventory removal action.

Item 3: An environmental review is required for all proposed inventory removal actions involving demolition (including the De Minimis exception to demolition), disposition (including dispositions by eminent domain), and conversion. A PHA may submit an application for inventory removal prior to the completion of the required environmental review, but the SAC will not approve the proposed action without evidence that the environmental review has been completed to HUD's satisfaction. The HUD Field Office with jurisdiction over the PHA submitting the application is responsible for approving the completed environmental review. An environmental review will generally be completed by a responsible entity as defined in 24 CFR 58.2, but the HUD Director of Public Housing at the HUD Field Office with jurisdiction over the PHA must then approve the Request for Release of Funds (RROF) and Authority to Use Grant Funds (HUD-7015.16) in order to satisfy this requirement for a completed environmental review. In certain circumstances, HUD may perform the

environmental review itself under the provisions of 24 CFR 50. If this is the case for this proposed action, check the appropriate box. For proposed eminent domain actions, HUD will do the environmental review under 24 CFR 50

**Item 4:** For Section 18 Demolition and Disposition actions, The PHA must provide evidence that the proposed inventory removal action was developed in consultation with all Appropriate Government Officials (AGOs) with jurisdiction where the affected Development(s) is located. If the PHA covers multiple jurisdictions (such as a regional housing authority), the PHA must contact the AGO for each jurisdiction. The AGO is generally the elected Chief Executive Officer (CEO) or other legally designated official of that local government who is primarily responsible for the conduct of that entity's governmental affairs. Examples of AGOs include the elected mayor of a municipality, the elected county executive of a county, or the chairperson of a count commission or board that has no elected county executive. The PHA's narrative description of its consultation process with all AGOs must include the following: (1) the date(s) the PHA consulted the AGOs; (2) a summary of the meetings between the PHA and the AGOs; (3) a summary of the issues raised by the AGOs; and (4) the PHA's responses to the issues raised by the AGOs. If AGOs consistently failed to respond to the PHA's attempt at consultation, the PHA's narrative must describe its attempts at consultation and documentation of those attempts (i.e. letters, requests for meetings, public notices, etc.) should be attached. For proposed Required and Voluntary Conversions, the PHA must provide evidence that it has consulted with AGOs in developing the Conversion Plan. The PHA may satisfy the requirement for consultation with AGOs by obtaining a certification from the AGO(s) that the Conversion Plan is consistent with the applicable Consolidated Plan. The Conversion Plan must specifically address any proposed demolition or disposition. This may be the same certification as is required for the PHA Plan that includes the Conversion Plan, so long as the certification specifically addresses the Conversion Plan.

**Item 5:** For proposed Section 18 Demolition and Disposition actions, the PHA must obtain a signed and dated letter(s) in support of this inventory removal application from all AGOs. Letters of Support from AGOs should demonstrate that the PHA has consulted with the AGO.

**Sections 4-9 must be completed and submitted separately for each Development covered by this Application**

**Section 4: Description of Development**

The PHA must provide a description of the number of buildings (residential and non-residential), units and total acres for the entire Development as it currently exists. This is essential baseline information for the SAC. Although an application may contain multiple Developments, compliance with the applicable HUD Regulations must be determined on a Development-by-Development basis. Subsequent HUD approval and tracking is also performed at the Development level.

For applications entered on-line via PIC, the PHA is only required to enter information at items 8, 10, and 11. All other items will be automatically generated from PIC. However, please make corrections to any of the automatically generated information.

**Item 2:** Development Number: This number should be the HUD Development Number. All Development Numbers are at least 8 characters long (and may be up to 11 characters for older Developments). Please verify that PIC has generated the correct Development Number. If PIC has not generated the correct Development Number, please make the necessary changes in the appropriate PIC module or attach an explanation to this Application for SAC review.

**Item 3:** Date of Full Availability (DOFA)

**Item 6:** Date of construction: applies to those Developments that were acquired by the PHA as part of the development process and reconstructed at the time of development. Therefore, for these acquired developments, the DOFA date is not the true indicator of the age of the Development.

**Item 10:** Total Acres of Development: Provide the legal description and/or survey for the Development and provide the total number of acres that currently comprise the Development. PIC recognizes an exact acreage number, up to two decimal places (e.g. 1234.56)

**Section 5: Description of Proposed Action by Development, Method of Sale, Value, and Net Proceeds**

**Item 1:** Type of Proposed Action: For proposed actions that include both a Demolition and/or Disposition action and a conversion action, a PHA may request HUD approval of both actions by submitting one HUD-52860 application. However, the PHA must complete the application sections (including all attachments and addendums) for both actions. HUD may approve demolition as part of the conversion application, but will not approve a disposition unless it meets all the requirements of Section 18.

**Items 2&3:** The PHA should identify residential and non-residential buildings and/or land proposed for removal by this proposed action. For on-line applications entered in PIC, the units of the data is automatically taken from the description of the Development inserted in other sections of this application. If the address information for residential buildings was never entered into PIC, please identify the number of buildings.

**Item 4:** Acres included in proposed removal action: Complete for any action that includes a disposition. PIC recognizes an exact acreage number, up to two decimal places (e.g. 1234.56)

**Item 5:** A site map is required for all proposed inventory removal actions that involve less than the entire Development (e.g. partial removals, a portion of a campus development, etc.). However, a site map is not required if the partial removal Provide attachments as needed. All attachments must reference the Section and line number to which they apply. Previous versions obsolete.

is part of a scattered site development. On each required site map, the buildings and/or dwelling units proposed for removal must be clearly identified. Attach a site map for each Development included in this application.

Item 6: In this attachment, for all partial removal requests, the PHA must clearly explain its rationale for selecting the particular units, buildings, or land proposed for removal. For example, in the case of demolition of a section of a Development, the PHA must explain why it is proposing to demolish this section rather than another section. For applications that are not submitted on-line using PIC, this attachment must also include the address list, building number(s), and/or name of each building or other property to be removed. Note that once HUD approves a partial removal as identified in this application, a PHA cannot independently change the units for removal without HUD consent.

Item 7: If the PHA has checked "B" and is proposing a sale at less than Fair Market Value (FMV), it must attach a narrative describing the negotiated sale and provide a justification for why it benefits the PHA and the residents of the affected Development. This narrative must specifically describe the anticipated benefits (e.g. Housing Choice Voucher assistance, Low Rent Public Housing (LRPH), etc.) to the residents of the affected Development, as well as to the individuals on the PHA's waiting list. Note that any HUD-approval of a disposition of PHA property that is both (a) negotiated and (b) at less than FMV will require PHA to include a reversion clause stipulating that the property will revert to the PHA (or the ground lease shall terminate) if the purposes for which HUD approved the disposition are not met for the required term. The SAC encourages PHAs to submit their preferred deed restriction/reverter language as part of this application. However, all proposed language is subject to HUD approval. If the PHA has checked "C" and is proposing a disposition which includes an exchange of property, it must attach a narrative describing each parcel of property (PHA property and property it will receive after exchange takes place) and provide a justification for why the exchange benefits the PHA, the residents of the affected Development, and the individuals on the PHA's waiting list.

Item 9: If the PHA property is being sold at FMV, the estimated sales price must be based on an appraisal by an appraiser licensed or certified in the state in which the PHA property is located. In connection with the appraisal, the PHA should submit the following documentation: (1) the "Executive Summary" of the appraisal, and (2) the appraiser's determination of the "highest and best use" value of the property. If the PHA property is being sold as part of a negotiated deal for less than FMV, a full appraisal is not necessary. However, in lieu of the appraisal, the PHA must submit a Tax Assessor's Opinion as to the value of the property.

Item 10: For disposition, gross proceeds will generally be the sales price/compensation for the PHA property. For homeownership, gross proceeds include all payments made by homebuyers for credit to the purchase price (including, without limitation, earnest money, down payments, payments out of the proceeds of mortgage loans, payments made under a lease-purchase arrangement, and principal and interest payments under purchase-money mortgages), together with any amounts payable upon resale under HUD Regulations, and interest earned on all such receipts.

Item 11: A PHA may realize Net Proceeds from the disposition of PHA property or from homeownership sales.

Net Proceeds--Section 18 disposition or disposition as part of a Required or Voluntary Conversion: For Section 18 dispositions, with HUD approval, PHAs are permitted to use gross proceeds to pay the reasonable costs of the disposition, including costs associated with relocation of displaced residents and remediation costs. Pursuant to Section 18(a)(5)(A) and unless waived by HUD (24 CFR 970.9(b) and 5.110), PHAs must use any remaining net proceeds to retire outstanding debt used to finance the original development. The SAC automatically assumes that PHAs wish to request a waiver to repay outstanding obligations issued to finance the original development and will begin the process of obtaining any necessary waivers from HUD's Assistant Secretary of Public and Indian Housing (PIH) upon receipt of a disposition application from a PHA).

If any net proceeds remain after the disposition costs and debt (if applicable) have been paid, with written HUD-approval, the PHA may use net proceeds for any eligible purpose listed under Section 18(a)(5) of the Act, which provides that proceeds may be used for: (i) the provision of low-income housing or to benefit the residents of the PHA; or (ii) leveraging amounts for securing commercial enterprises, on-site in public housing projects of the PHA, that are appropriate to serve the needs of the residents. The Act defines low-income housing as decent, safe, and sanitary dwellings assisted under the Act. Accordingly, the provision of low-income housing under Section 18(a)(5) of the Act is limited to public housing units under an ACC or housing assisted by the Housing Choice Voucher Program. However, housing that the PHA considers "affordable" and intended for low-income individuals earning 80% or lower of AMI, but that is neither public housing under an ACC nor housing assisted by Housing Choice Vouchers does not qualify as low-income housing under the Act and is therefore not a permitted use of net proceeds.

PHAs anticipating net proceeds from a disposition should include a narrative description of how they intend to use the net proceeds in their disposition applications. The SAC will review the use specified by the PHA and, if it complies with the Act, approve the use. If a PHA is proposing to use net proceeds for the acquisition or development of new ACC units, it should indicate the approximate number of units it plans to develop. If a PHA is proposing to rehabilitate existing ACC-units in its inventory, it should include the Development number(s) of those units, the number of units to be rehabilitated, a budget, and a statement of work. If the PHA is proposing to provide social services or other benefits to its residents, the Provide attachments as needed. All attachments must reference the Section and line number to which they apply. Previous versions obsolete.

PHA should include information on the number of families it will service and what services it will provide. If a PHA intends to use net proceeds at a specific Development or to fund the PHA's Central Office Cost Center (COCC), the PHA must do this in accordance with the spending and financial reporting requirements under 24 CFR Part 990.

Once HUD approves a disposition application and the PHA's stated intended use for net proceeds, the PHA cannot change its use of those proceeds without the prior written consent of HUD. PHAs are also advised that pursuant to 24 CFR 970.35, they must report the use of net proceeds to their HUD Field Office by providing a financial statement showing how the funds were expended by item and dollar amount.

Net Proceeds—homeownership. A PHA may use Net Proceeds resulting from homeownership sales in accordance with its PHA Plan so long as those proceeds are used for low-income housing purposes as defined by the Act. Acceptable uses for proceeds include: (1) rehabilitation of existing low-income ACC units, (2) the building and/or acquiring of low-income units (ACC units); or (3) funding its HUD-approved homeownership program.

Item 12 (a) and (b). Indicate the source of funds (e.g. CFP) that the PHA will use to carry out the demolition and provide an estimate of the amount of funds that will be necessary.

Item 13. Complete this general timetable. PHAs are also advised that pursuant to 24 CFR 970.35, they must comply with the following record and reporting requirements: (1) provide HUD (by entering the information in PIC) with the actual completion of each demolition contract within a week of making the final payment to the demolition contractor or expending the last remaining funds if funded by force account and (2) provide HUD (by entering the information in PIC) with the execution of sale or lease contract within a week of execution.

### **Section 6: Relocation**

Item 1(a) and (b): Complete for all proposed inventory removal actions. For removal actions involving the entire development, 1(b) should result in 0 (zero) remaining units. For partial removal actions, at 1(b), identify the number of units that will remain at the Development.

Item 2: Identify the total number of individual residents including children that will be affected by this proposed action. This information should be current as of the day of the application. If the units proposed for removal are vacant, the PHA must attach a detailed narrative that clearly explains the circumstances that resulted in the units become vacant. The narrative must also provide detailed information concerning the relocation process of the residents from the affected Development, including: (1) when the residents were relocated (e.g. include a month-to-month breakdown, if available, or if not available, provide the date relocation commenced and the date the relocation ended), (2) where the residents were relocated (e.g. other PHA property, private rental market with Housing Choice Vouchers, etc.), (3) the resources the PHA used in accomplishing the relocation; and (4) evidence that the residents have been actually relocated.

### **Relocation Requirements:**

For all Section 18 disposition and/or demolitions except for dispositions to allow for mixed-finance housing developments under 24 CFR 941 Subpart F, the PHA must comply with the relocation requirements set forth at 24 CFR 970.21. The PHA should create and implement a Relocation Plan that includes the following information: (1) the number of individual residents that will be displaced by the proposed action (2) the type of counseling and advisory services, and other housing resources, that the PHA plans to provide to displaced residents (3) the comparable housing—that meets Housing Quality Standards (HQS) and is located in an area that is generally not less desirable than the location of the displaced resident's housing—that will be offered to displaced residents (e.g. other public housing at comparable rents, housing with project-based assistance, Housing Choice Voucher assistance, etc.), (4) an estimate of the costs for counseling and advisory services and resident moving expenses and the expected source for payment of those costs (e.g. operating subsidy, CFP, etc.), (5) a schedule for the relocation of displaced residents on a month-to-month basis. Note that as a general rule, the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (URA) shall not apply to Section 18 inventory removal actions approved by HUD through this application. However, the URA may apply in certain instances if triggered (e.g. by the use HOME, CDBG, or other funds). For additional guidance on creating a Relocation Plan that complies with Sections 18, 22, 33, and 32 of the Act, see Chapter 8-11 of HUD Handbook 1378 (available at [www.hudclips.org](http://www.hudclips.org)).

Item 8: Identify the source(s) of funds (e.g. CFP) that the PHA will use to fund the relocation of residents and the estimated amount of the funds that are needed to accomplish the relocation. Note that a PHA may not use funds that it has applied for under a HUD Notice of Funding Availability (NOFA) if it has not yet been awarded these funds. PHAs should also be advised that pursuant to 24 CFR 970.35, they must provide HUD with the amounts expended for relocation expenses by providing HUD with a financial statement showing this information for each property sold.

## **Section 7: Resident Consultation**

**Item 1:** This Section must be completed for all proposed inventory removal actions except for units demolished through the De Minimis Exception. For Required and Voluntary Conversions, the PHA must provide evidence, that in addition to fulfilling the public participation requirements for the PHA Plan, the PHA (1) held at least one public meeting with the residents of the affected Development (including the duly elected Resident Council, if any, that covers the affected Development) at which the PHA: (i) explained the requirements of the applicable sections of Act and HUD Regulations governing conversion, especially as they apply to the residents of the affected Development, and (ii) provided draft copies of the Conversion Assessment and Conversion Plan to the residents; and (2) provided a reasonable comment period for residents to respond to the draft Assessment and Plan. Include in this narrative a summary of the resident comments (or if none, specifically state none) received when developing the Conversion Plan, and the PHA's responses to the significant issues raised by the residents' comments (including a description of any actions taken by the PHA as a result of the comments). For Homeownership, the PHA must provide a description of the input of the residents at the affected Development that was obtained during the resident consultation process required by the PHA Plan. If the PHA's PHA Plan does not require information regarding homeownership under 24 CFR 903, the PHA must provide evidence that it has consulted with the Resident Advisory Board(s) regarding its Homeownership Plan and provide the description of any comments it receives.

**Items 2-5:** These sections must be completed for any proposed demolition and/or disposition actions under Section 18 of the Act. For these actions, in addition to consulting with the residents at the affected Development, the PHA must consult with the Resident Council at the affected Development, the Resident Council representing the interests of the residents under the jurisdiction of the entire PHA, and the Resident Advisory Board (RAB). Although neither the Act nor the HUD Regulations require a specific method of consultation, the PHA must provide evidence that this application was developed in consultation with the residents and the resident groups representing them. The PHA's narratives should indicate that, in its consultations, the PHA informed the residents (and the resident groups) that written comments could be submitted about the proposed action. Note that the requirements for Resident Consultation are broader than the requirements for the Offer of Sale in that the PHA must consult resident groups beyond those at the affected Development.

## **Section 8: Offer of Sale**

(The Offer of Sale requirement is often referred to as the 412 requirement because it was originally established by Section 412 of the Cranston-Gonzalez National Affordable Housing Act of 1990) The Offer of Sale requirement applies to all proposed Section 18 Demolition/Disposition and Disposition actions.

**Item 1:** The PHA should carefully review the exceptions to determine if any of the exceptions are applicable and must provide sufficient documentation evidencing that it is authorized to claim the exception.

**Item 2:** If the PHA is not exercising an exception to the Offer to Sale requirement, it must send an initial written notification of the proposed sale of the Development to all "Established Eligible Organizations". Established Eligible Organizations include: (1) Resident Councils at the affected Development; (2) Resident Management Corporations at the affected Development; and (3) outside organizations that have partnered with the Resident Council and are acting on behalf of the residents (as defined at 24 CFR 964). The content of the initial written notification must, at a minimum, include the eight (8) requirements specified at 24 CFR 970.11(d). The PHA should attach a signed and dated copy of each initial notification letter that it sent. Each Established Eligible Organization has up to 30 days to respond to the PHA's initial written notification by submitting an initial expression of interest to purchase the Development (as defined by 24 CFR 970.11(b)) to the PHA.

**Item 3:** If the PHA has received any written initial expression of interest within 30 days of sending the initial notification of proposed sale, the PHA must provide that the organization submitting that expression of interest with all necessary terms and information to prepare and submit a proposal to purchase the affected Development. The organization then has 60 days from that date that information is provided to them to prepare and submit a proposal to purchase the Development. If the PHA receives a proposal and accepts it, the PHA must submit revisions to this application to reflect the sale arrangement with the organization. If the PHA receives a proposal and rejects it, the organization may appeal the decision to HUD. HUD will not approve or disprove this application until the appeal is resolved or the 30 day appeal period has passed.

## **Section 9: Certification**

The Executive Director, Board Chairperson, or other authorized agent of the PHA, should sign and date this Certification and submit it (as a scanned PDF file) as part of its on-line Application.

**PHA Certification of Compliance**  
**Section 18 Demolition/Disposition**

*Acting on behalf of the Board of Commissioners of the Brooksville Housing Authority (PHA), as its Chairman, Executive Director, or other authorized PHA official, I approve the submission of this Inventory Removal Application (HUD-52860) dated November 16, 2010 and known as DDA # June 30, 1973, hereinafter referred to as the "Application", of which this document is a part, and make the following certifications, agreements with, and assurances to the Department of Housing and Urban Development (HUD) in connection with the submission of this Application and the implementation thereof:*

- 1) All information contained in the Application (including all attachments and Addendums) is true and correct as of the date of this Application;
- 2) The proposed removal action does not violate any remedial civil rights orders or agreements, compliance agreements, final judgments, consent decrees, settlement agreements, or other court orders or agreements to which this PHA is a party;
- 3) The PHA certifies that it will carry out the proposed removal action in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990 and will affirmatively further fair housing in carrying out the proposed removal action;
- 4) If this proposed removal action involves a disposition and the PHA did not claim an exemption to the Offer of Sale requirement, this PHA sent all required initial written notifications (as described at 24 CFR 970.11) of the proposed sale of the Development to all Established Eligible Organization and the PHA certifies that either it did not receive a response from any notified organization within a 30-day time frame or each notified Established Eligible Organization waived its opportunity to purchase the Development or otherwise rejected the Offer of Sale. The PHA further certifies that it maintains documentation of all documents required by 24 CFR 970.11 on file at its primary business office;
- 5) If an appraisal was submitted at Section 5, the PHA verified that the appraiser was licensed/certified in the state in which the PHA property and received a certification from the appraiser that the appraisal was conducted using generally accepted appraisal methods and maintains this written documentation on file at its central office;
- 6) All dwelling units at the affected development are vacant and have been approved by HUD for demolition, OR, if any dwelling units at the affected development are occupied:
  - The PHA created a Relocation Plan in compliance with all applicable federal, state, and local laws (to the extent those requirements apply), including, without limitation, the Act, 24 CFR 970.21, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and its implementing regulations at 49 CFR Part 24, and maintains a written copy of the Relocation Plan on file at the central office;
  - The PHA will notify each family residing in a unit affected by this proposed removal action at least 90 days prior to the displacement date, except in cases of imminent threat to health and safety and such notice;
  - The PHA will provide for all actual and reasonable relocation expenses of each resident displaced by this proposed removal action, including residents requiring reasonable accommodation because of disabilities;
  - The PHA will offer any necessary counseling for residents displaced by this proposed removal action;
  - The PHA will not commence the demolition or complete the disposition of any occupied building until all residents residing in the units affect by this proposed removal action are actually relocated;
  - The PHA will provide each family affected by this proposed removal action with comparable housing that meets Housing Quality Standards (HQS) and that is located in an area that is generally not less desirable than the location of the displaced person's housing. This comparable housing may include (a) actual relocation into the private rental market with Housing Choice Voucher assistance, (b) actual relocation into housing with project-based assistance, or (c) other PHA properties;
- 7) The PHA described the proposed removal action in its PHA Annual Plan and timetable under 24 CFR Part 903 (except in the case of small or high-performing PHAs eligible for streamlined annual plan treatment), and the description in the PHA Annual Plan is identical to the removal action proposed in this Application and otherwise complies with the Act;
- 8) The PHA will provide HUD or the responsible entity any documentation that the Department needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or 24 CFR Part 50;
- 9) All attachments and supporting documentation referenced in the Application have been and will continue to be available at all times in the PHA's primary business office;
- 10) The PHA will comply with all reporting and recordkeeping requirements of HUD (including the requirements set forth at 24 CFR 970.35) and shall make all required reports to the applicable HUD Field Office. The PHA acknowledges that reporting

and recordkeeping requirements are ongoing and certifies that it will comply with all applicable reporting requirements after it receives any approvals to this action from the SAC;

- 11) The PHA certifies that the proposed removal action complies with all applicable Federal statutory and regulatory requirements,
- 12) The PHA will not take any action to commence the proposed removal action, including without limitation the expenditure of HUD funds, until it receives written approval of this proposed action from HUD
- 13) The PHA certifies that the reason(s) for this proposed removal action is as described in Exhibit A, attached to and made a part of this Certification.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012, 31 U.S.C. 3729, 3802)

|                                             |                          |
|---------------------------------------------|--------------------------|
| Name of Authorized Official Tommy L. Brooks | Title Executive Director |
| Signature                                   | Date November 16, 2010   |

EXHIBIT A: Reason for Removal

PHA Certification of Compliance  
Section 18 Demolition/Disposition

The PHA Certifies that its reason for applying to demolish and/or dispose of the Development and/or PHA Property (or a part thereof) is as indicated below.  
Check all applicable boxes.

Demolition:

The demolition of the Development (or portion of the Development) is in the best interest of the residents and this PHA because:

Must be Checked for Full or Partial Demolition

Obsolescence—24 CFR 970.15(a)(1): The Development (or affected portion of the Development) is obsolete as to physical condition, location or other factors (as defined by 24 CFR 970.15), making it unsuitable for housing purposes and no reasonable program of modification or rehabilitation of the Development is cost-effective to return the Development (or portion of the Development proposed for demolition) to its useful life,

*\*Attach a narrative or documentation (e.g. architect's report, feasibility study, etc.) to justify obsolescence and attach a completed Total Development Cost (TDC) Calculation" (HUD-52860-B and reference them as Section 18 Certification)*

Must be Checked for Partial Demolition Only

Viability--24 CFR 970.15(a)(2) and 24 CFR 970.15(c): the partial demolition will help to ensure the viability of the remaining portion of the Development by reducing the density of the Development to permit better access to emergency or rescue services, or by improving marketability of the Development by reducing the density of the Development to that of the neighborhood in which the Development is located or to other developments in the PHA's inventory;

*\*Attach a narrative or documentation to justify how density reduction will result from the partial demolition and reference it as Section 18 Certification.*

Disposition:

The retention of the Development (or a portion thereof) and/or the PHA property is not in the best interests of the residents or the PHA because:

Change in Neighborhood—24 CFR 970.17(a): Conditions in the area surrounding the Development (density, or industrial or commercial development) adversely affect the health or safety of the residents or the feasible operation of the Development by the PHA;

Replacement Housing—24 CFR 970.17(b): The disposition allows the acquisition, development, or rehabilitation of other properties or developments that will be more efficiently or effectively operated as low-income housing developments;

Other—24 CFR 970.17(c): The PHA has otherwise determined that the disposition is appropriate for reasons that are consistent with its goals of the PHA and its PHA Plan and that are otherwise consistent with the Act;

Vacant Land and Non-dwelling Facilities (Excess)—24 CFR 970.17(d)(1): The disposition of vacant land or non-dwelling structures exceed the needs of the Development (after Date of Full Availability--DOFA)

Vacant Land and Non-dwelling Facilities (Incidental)—24 CFR 970.17(d)(2): The disposition of vacant land or non-dwelling structures is incidental to, or does not interfere with, the continued operation of the remaining portion of the Development;

*\*Attach a narrative or documentation to justify the PHA's specific reason for disposition checked above and reference it as Section 18 Certification.*

Instructions for completing EXHIBIT A of the PHA Certification of Compliance

Provide attachments as needed.  
All attachments must reference the  
Section and line number to which  
they apply. Previous versions obsolete.

## Section 18 Demolition/Disposition

Demolition. All applications for demolition (all or a portion of a development) must meet the obsolescence test. In addition, applications to demolish a portion of a development must also meet the Partial Demolition test. PHAs should attach a narrative and/or documentation to evidence that they have met the applicable tests.

Obsolescence. HUD will approve an application for demolition (full or partial) only if the PHA certifies that the Development (or portion of the Development) is "obsolescent" as defined by 24 CFR 970.15. HUD considers the following to be major problems indicative of obsolescence: (i) as to physical condition: structural deficiencies that cannot be corrected in a cost-effective manner (settlement of earth below the building caused by inadequate structural fills, faulty structural design, or settlement of floors), or other design or site problems (severe erosion or flooding); (ii) as to location: physical deterioration of the neighborhood; change from residential to industrial or commercial development; or environmental conditions as determined by HUD environmental review in accord with 24 CFR part 50, which jeopardize the suitability of the site or a portion of the site and its housing structures for residential use; or (iii) other factors that have seriously affected the marketability, usefulness, or management of the property. Note that the PHAs must justify obsolescence by not only certifying under this section (and including the required attachment), but also by completing and submitting the HUD-52860-B to prove to HUD that repair costs are prohibitive and rehabilitation is not reasonable.

Partial Demolition: In addition to meeting the obsolescence criteria above for the affected portion of the Development, the PHA must demonstrate that the partial demolition will help to ensure the viability of the remaining portion of the Development. A comparison to the neighborhood, or the rest of the PHA's housing stock could be one way of showing the Development is too dense.

Disposition: Select a justification for Disposition and then attach a narrative and/or documentation to evidence the justification.

Replacement Housing A PHA should select the "Replacement Housing" reason for disposition only if it can provide evidence to HUD that the disposition will provide for more efficient or effective low-income replacement housing. For instance, this reason could be used if a PHA owns property that has highly appreciated in value and the PHA can show that by selling the property, it could develop or acquire twice the number of units for low-income residents at a location that is as good or better for residents than the original location. Also, if a PHA selects "Replacement Housing", pursuant to 24 CFR 970.19(f), the PHA must demonstrate to the satisfaction of HUD that the replacement units are being provided "in connection" with the disposition of property. This usually requires that the PHA receive Fair Market Value (FMV) for the disposition of the property and use all of net proceeds from that disposition to provide the replacement units, including relocation assistance to residents of occupied units that will be lost to the public housing inventory. The PHA may also use other sources of funding to provide for the replacement housing. The replacement housing does not need to be public housing units or under the ACC, but they must serve low-income families (those with incomes at 80% or less of Area Median Income (AMI)).

Other: A PHA may select the "Other" reason for disposition for any reason not specifically provided in 24 CFR 970.17 so long as it can provide evidence to HUD that the disposition is consistent with the goals of the PHA, the PHA Plan and Section 18 of the Act. A PHA should not submit an application for disposition under "Other" unless it has discussed the proposed disposition in its PHA Plan. Some of the reasons for which a PHA may select "Other" include: (1) a PHA seeks to dispose of the property in order to use all available resources to redevelop a housing development (that serves low-income residents) on the property by leveraging tax credits, bonds, or grants (e.g. Mixed Finance); (2) the PHA can demonstrate the rents and subsidy do not cover the operating expenses at the development, or there is no longer a need for housing in the area (however, if the PHA wants to compare long-term operating costs to Tenant-Based Housing Choice assistance, it must apply under the Voluntary Conversion Rule found in 24 CFR 972); (3) the PHA has an HUD-approved Moving to Work (MTW) Homeownership Plan and the disposition is pursuant to that Plan; (4) a PHA seeks to dispose of a development that is obsolete as to physical condition, location or other factors (as defined by 24 CFR 970.15), making it unsuitable for housing purposes and no reasonable program of modification or rehabilitation of the Development is cost-effective to return the development (or portion of the development proposed for demolition) to its useful life. If a PHA is seeking the disposition due to the obsolescence of the development, it should attach the "Total Development Cost (TDC) Calculation" (HUD-52860-B) as part of its evidence to prove to HUD that repair costs are prohibitive and rehabilitation is not reasonable.

**PHA Certification of Compliance**  
**Section 18 Disposition**  
**24 CFR 941 Subpart F**

*Acting on behalf of the Board of Commissioners of the Brooksville Housing Authority (PHA), as its Chairman, Executive Director, or other authorized PHA official, I approve the submission of this Inventory Removal Application (HUD-52860) dated November 16, 2010 and known as DDA # June 30, 1973, hereinafter referred to as the "Application", of which this document is a part, and make the following certifications, agreements with, and assurances to the Department of Housing and Urban Development (HUD) in connection with the submission of this Application and the implementation thereof:*

- 1) All information contained in the Application (including all attachments and Addendums) is true and correct as of the date of this Application;
- 2) The proposed disposition does not violate any remedial civil rights orders or agreements, compliance agreements, final judgments, consent decrees, settlement agreements, or other court orders or agreements to which this PHA is a party;
- 3) The PHA certifies that it will carry out the proposed disposition in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990 and will affirmatively further fair housing in carrying out the proposed removal action;
- 4) The PHA has submitted or will submit a mixed-finance proposal (term sheet) to HUD for a housing project which will developed with mixed financing pursuant to 24 CFR 941 Subpart F;
- 5) The Board of the PHA has specifically authorized the proposed disposition in a Board Resolution and maintains a copy of that Resolution on file at its primary business office;
- 6) All dwelling units at the affected development are vacant and have been approved by HUD for demolition, OR, if any dwelling units at the affected development are occupied.
  - The PHA created a Relocation Plan in compliance with all applicable federal, state, and local laws (to the extent they apply) including, without limitation, Section 18 of the Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and its implementing regulations at 49 CFR Part 24, and maintains a written copy of the Relocation Plan on file at the central office;
  - The PHA will notify each family residing in a unit affected by this proposed disposition at least 90 days prior to the displacement date, except in cases of imminent threat to health and safety and such notice;
  - The PHA will provide for all actual and reasonable relocation expenses of each resident displaced by this proposed disposition, including residents requiring reasonable accommodation because of disabilities;
  - The PHA will provide any necessary counseling for residents displaced by this proposed disposition;
  - The PHA will not commence the demolition or complete the disposition of any occupied building until all residents residing in the units affect by this proposed disposition are actually relocated;
  - The PHA will offer each family affected by this proposed disposition with comparable housing that meets Housing Quality Standards (HQS) and that is located in an area that is generally not less desirable than the location of the displaced person's housing. This comparable housing may include: (a) actual relocation into the private rental market with Housing Choice Voucher assistance, (b) actual relocation into housing with project-based assistance; or other PHA properties;
- 7) The proposed disposition of the PHA Property was developed in consultation with the residents of the affected development by this disposition and each resident council, if any, of the building(s) proposed for disposition, and the resident advisory board of the PHA affected by this disposition and the PHA maintains this documentation on file at its primary business office;
- 8) The proposed disposition was developed in consultation with all appropriate local government officials, and the PHA maintains written evidence of this consultation on file in its central office;
- 9) If the PHA is not realizing net proceeds from the proposed disposition, but it realizes net proceeds from the disposition in the future, the PHA will contact the SAC immediately so that the SAC may request that HUD waive the PHA's requirement to repay outstanding bond debt, if any, that exists on the PHA Property proposed for disposition;

- 10) Because the proposed disposition of the PHA Property will allow for and facilitate the development of the housing project that will be developed pursuant to 24 CFR 941 Subpart F, this PHA has determined that the disposition is appropriate for the following reasons:
  - (a) The disposition is in the best interest of the residents of the PHA and the PHA;
  - (b) The disposition is consistent with the goals of the PHA and the PHA Agency Plan and is otherwise consistent with Title 1 of the United States Housing Act of 1937;
- 11) This PHA will comply with all reporting and recordkeeping requirements of HUD in connection with this inventory removal action and shall make all required reports to the HUD Regional/Field Office with jurisdiction over it. This PHA acknowledges that reporting and recordkeeping requirements are ongoing and certifies it will comply with these requirements after it receives approval to this inventory removal action from the SAC;
- 12) The PHA described the proposed removal action in its PHA Annual Plan and timetable under 24 CFR Part 903 (except in the case of small or high-performing PHAs eligible for streamlined annual plan treatment), and the description in the PHA Annual Plan is identical to the removal action proposed in this Application and otherwise complies with the Act;
- 13) The PHA will provide HUD or the responsible entity any documentation that the Department needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or 24 CFR Part 50;
- 14) All attachments and supporting documentation referenced in the Application have been and will continue to be available at all times in the PHA's primary business office.
- 15) The PHA certifies that the proposed removal action complies with all applicable Federal statutory and regulatory requirements;
- 16) The PHA will not take any action to commence the proposed removal action until it receives written approval of this action from HUD. In addition, the PHA will not proceed to enter into any long-term ground lease or disposition agreement without HUD's approval of the PHA's submission of documents (i.e. proposal, evidentiary material) for a mixed-finance transaction as set forth in 24 CFR, Part 941, Subpart F. The PHA acknowledges that all of the documents related to Subpart F must be reviewed and approved by HUD prior to any formal disposition action.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

|                             |                 |       |                    |
|-----------------------------|-----------------|-------|--------------------|
| Name of Authorized Official | Tommy L. Brooks | Title | Executive Director |
| Signature                   |                 | Date  | November 16, 2010  |

**PHA Certification of Compliance**  
**De Minimis Exception to Demolition**

Acting on behalf of the Board of Commissioners of the \_\_\_\_\_ (PHA), as its Chairman, Executive Director, or other authorized PHA official, I approve the submission of this Inventory Removal Application (HUD-52860) dated \_\_\_\_\_ and known as DDA # \_\_\_\_\_, hereinafter referred to as the "Application", of which this document is a part, and make the following certifications, agreements with, and assurances to the Department of Housing and Urban Development (HUD) in connection with the submission of this Application and the implementation thereof:

- 1) All information contained in the Application is true and correct as of the date of this Application;
- 2) The proposed removal action does not violate any remedial civil rights orders or agreements, compliance agreements, final judgments, consent decrees, settlement agreements, or other court orders or agreements to which this PHA is a party;
- 3) The PHA certifies that it will carry out the proposed removal action in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990 and will affirmatively further fair housing in carrying out the proposed removal action;
- 4) The PHA will relocate any residents affected by this proposed inventory removal action in compliance with all applicable federal, state, and local laws, including, without limitation;
- 5) This PHA will comply with all reporting and recordkeeping requirements of HUD in connection with this inventory removal action and shall make all required reports to the applicable HUD Field Office. The PHA acknowledges that reporting and recordkeeping requirements are ongoing and certifies it will comply with these requirements after it receives approval to this inventory removal action from the SAC;
- 6) At this time, the PHA is operating \_\_\_\_\_ public housing dwelling units under its ACC;
- 7) In the last five years, this PHA has demolished \_\_\_\_\_ public housing dwelling units through the De Minimis demolition exception;
- 8) The \_\_\_\_\_ public housing dwelling units identified for demolition as part of this proposed De Minimis exception action do not exceed the statutory maximum of five percent of this PHA's total housing stock, or five dwelling units, whichever is less, when added to the public housing dwelling units previously demolished in this five year period, using the De Minimis demolition exception;
- 9) The PHA will not demolish any non-dwelling structures or other PHA property other than the dwelling units identified as part of this De Minimis demolition exception action;
- 10) The PHA will not dispose of any PHA-owned property as part of this De Minimis demolition exception action;
- 11) The PHA is demolishing the public housing dwelling units because (check one):
  - the dwelling units are beyond repair; or
  - the space occupied by these demolished units will be used for meeting the service or other needs of public housing residents (use of space to construct a laundry facility, community center, child care facility, office space for a general provider, or for the use as open space or garden);
- 12) All attachments and supporting documentation referenced in the Application have been and will continue to be available at all times in the PHA's primary business office;
- 13) The PHA will comply with all reporting and recordkeeping requirements of and shall make all required reports to the applicable HUD Field Office. The PHA acknowledges that reporting and recordkeeping requirements are ongoing and certifies that it will comply with all applicable reporting requirements after it receives any approvals to this action from the SAC;
- 14) The PHA certifies that the proposed action complies with all applicable Federal statutory and regulatory laws
- 15) The PHA will not take any action to commence the proposed removal action, including without limitation the expenditure of HUD funds, until it receives written approval of this proposed action from HUD.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

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|-----------------------------|-------|
| Name of Authorized Official | Title |
| Signature                   | Date  |

Provide attachments as needed.  
 All attachments must reference the Section and line number to which they apply. Previous versions obsolete.

**PHA Certification of Compliance**  
**Section 32 Homeownership**

Acting on behalf of the Board of Commissioners of the \_\_\_\_\_ (PHA), as its Chairman, Executive Director, or other authorized PHA official, I approve the submission of this Inventory Removal Application (HUD-52860) dated \_\_\_\_\_ and known as DDA # \_\_\_\_\_, hereinafter referred to as the "Application", of which this document is a part, and make the following certifications, agreements with, and assurances to the Department of Housing and Urban Development (HUD) in connection with the submission of this Application and the implementation thereof:

- 1) All information contained in the Application (including all attachments and Addendums) is true and correct as of the date of this Application;
- 2) The proposed removal action does not violate any remedial civil rights orders or agreements, compliance agreements, final judgments, consent decrees, settlement agreements, or other court orders or agreements to which this PHA is a party;
- 3) The PHA certifies that it will carry out the proposed removal action in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990 and will affirmatively further fair housing in carrying out the proposed removal action;
- 4) If the PHA is selling public housing units, the PHA has created a Relocation Plan in compliance with all applicable federal, state, and local laws, including, without limitation, Section 32 of the Act and 24 CFR 906, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and its implementing regulations at 49 CFR Part 24, and maintains a written copy of the Relocation Plan on file at the central office;
- 5) The PHA described the proposed removal action in its PHA Annual Plan and timetable under 24 CFR Part 903 (except in the case of small or high-performing PHAs eligible for streamlined annual plan treatment), and the description in the PHA Annual Plan is identical to the removal action proposed in this Application and otherwise complies with the Act;
- 6) All attachments and supporting documentation referenced in the Application have been and will continue to be available at all times in the PHA's primary business office;
- 7) The PHA will comply with all reporting and recordkeeping requirements of HUD and shall make all required reports to the applicable HUD Field Office. The PHA acknowledges that reporting and recordkeeping requirements are ongoing and certifies that it will comply with all applicable reporting requirements after it receives any approvals to this action;
- 8) The PHA certifies that the proposed removal action complies with all applicable Federal statutory and regulatory requirements;
- 9) If the PHA intends to provide families with assistance under the Section 8(y) homeownership option of the Act in connection with this homeownership program, it will comply with the requirements of Section 8(y) of the Act and Section 8(y)'s implementing regulations;
- 10) The PHA will comply with all applicable wage requirements as set forth in the Act and 24 CFR 906.37;
- 11) The amount that eligible purchasers of homeownership units will pay for their housing costs (mortgage, insurance, taxes, etc.) will not exceed 35% income of their adjusted income plus any other subsidy used for monthly payments, as required by 24 CFR 906;
- 12) The PHA will not take any action to commence the inventory removal action proposed in this Application, including without limitation the expenditure of HUD funds, until it receives written approval of this proposed action from HUD.
- 13) The PHA certifies that the proposed removal action complies with all applicable Federal statutory and regulatory requirements.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

|                             |       |
|-----------------------------|-------|
| Name of Authorized Official | Title |
| Signature                   | Date  |

**PHA Certification of Compliance**  
**Section 33 Required Conversion**

Acting on behalf of the Board of Commissioners of the \_\_\_\_\_ (PHA), as its Chairman, Executive Director, or other authorized PHA official, I approve the submission of this Inventory Removal Application (HUD-52860) dated \_\_\_\_\_ and known as DDA # \_\_\_\_\_, hereinafter referred to as the "Application", of which this document is a part, and make the following certifications, agreements with, and assurances to the Department of Housing and Urban Development (HUD) in connection with the submission of this Application and the implementation thereof:

- 1) All information contained in the Application (including all attachments and Addendums) is true and correct as of the date of this Application;
- 2) The proposed removal action does not violate any remedial civil rights orders or agreements, compliance agreements, final judgments, consent decrees, settlement agreements, or other court orders or agreements to which this PHA is a party;
- 3) The PHA certifies that it will carry out the proposed removal action in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990 and will affirmatively further fair housing in carrying out the proposed removal action,
- 4) If applicable, the PHA has created a Relocation Plan in compliance with all applicable federal, state, and local laws, including, without limitation, Section 33 of the Act and 24 CFR 972, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and its implementing regulations at 49 CFR Part 24, and maintains a written copy of the Relocation Plan on file at the central office;
- 5) The PHA described the proposed removal action in its PHA Annual Plan and timetable under 24 CFR Part 903 (except in the case of small or high-performing PHAs eligible for streamlined annual plan treatment), and the description in the PHA Annual Plan is identical to the removal action proposed in this Application and otherwise complies with the Act;
- 6) All attachments and supporting documentation referenced in the Application have been and will continue to be available at all times in the PHA's primary business office;
- 7) The PHA will comply with all reporting and recordkeeping requirements of HUD and shall make all required reports to the applicable HUD Field Office. The PHA acknowledges that reporting and recordkeeping requirements are ongoing and certifies that it will comply with all applicable reporting requirements after it receives approval to this action from the SAC;
- 8) The PHA has developed a Conversion Plan (of 5 years or less) for the removal of the affected public housing units in compliance with 24 CFR 972.130 and has a written copy of that plan on file at the central office of this PHA;
- 9) The PHA has consulted with the appropriate government officials and affected public housing residents, as required by 24 CFR 972.133, in developing its Conversion Plan;
- 10) The PHA will use any Net Proceeds that it receives from a disposition of PHA property as a result of this conversion subject to the limitations under section 33 of the Act;
- 11) The PHA will not commence the demolition or complete disposition of any occupied building that may be disposed or demolished as a result of this Required Conversion until all residents residing in the affected building are actually relocated;
- 12) The PHA will not take any action to commence the inventory removal action proposed in this Application, including without limitation the expenditure of HUD funds, until it receives written approval of this proposed action from HUD;
- 13) The PHA certifies that the proposed removal action complies with all applicable Federal statutory and regulatory requirements;

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

|                             |       |
|-----------------------------|-------|
| Name of Authorized Official | Title |
| Signature                   | Date  |

**PHA Certification of Compliance**  
**Section 22 Voluntary Conversion**

Acting on behalf of the Board of Commissioners of the \_\_\_\_\_ (PHA), as its Chairman, Executive Director, or other authorized PHA official, I approve the submission of this Inventory Removal Application (HUD-52860) dated \_\_\_\_\_ and known as DDA # \_\_\_\_\_, hereinafter referred to as the "Application", of which this document is a part, and make the following certifications, agreements with, and assurances to the Department of Housing and Urban Development (HUD) in connection with the submission of this Application and the implementation thereof:

- 1) All information contained in the Application (including all attachments and Addendums) is true and correct as of the date of this Application;
- 2) The proposed removal action does not violate any remedial civil rights orders or agreements, compliance agreements, final judgments, consent decrees, settlement agreements, or other court orders or agreements to which this PHA is a party;
- 3) The PHA certifies that it will carry out the proposed removal action in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990 and will affirmatively further fair housing in carrying out the proposed removal action;
- 4) If applicable, the PHA has created a Relocation Plan in compliance with all applicable federal, state, and local laws, including, without limitation, Section 22 of the Act and 24 CFR 972.230, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and its implementing regulations at 49 CFR Part 24, and maintains a written copy of the Relocation Plan on file at the central office. The PHA specifically acknowledges that the URA applies to the extent that any residents are displaced as a direct result of the demolition, acquisition, or rehabilitation of the Development proposed for Voluntary Conversion;
- 5) The PHA described the proposed removal action in its PHA Annual Plan and timetable under 24 CFR Part 903 (except in the case of small or high-performing PHAs eligible for streamlined annual plan treatment), and the description in the PHA Annual Plan is identical to the removal action proposed in this Application and otherwise complies with the Act;
- 6) All attachments and supporting documentation referenced in the Application have been and will continue to be available at all times in the PHA's primary business office.;
- 7) The PHA will comply with all reporting and recordkeeping requirements of HUD and shall make all required reports to the applicable HUD Field Office. The PHA acknowledges that reporting and recordkeeping requirements are ongoing and certifies that it will comply with all applicable reporting requirements after it receives approval to this action from the SAC;
- 8) Pursuant to Section 22(b)(2) of the Act and 24 CFR 972.206, this PHA has conducted a required initial assessment for each of its developments for all public housing units covered by this Application and retains documentation of its reasoning with respect to the initial assessment copy at its central office;
- 9) The PHA has conducted a Conversion Assessment in accordance with 24 CFR 972.218 - CFR 972.224 for all public housing units covered by this Application and has determined, based on objective evidence, that the Conversion Assessment demonstrates: (a) the conversion of the proposed public housing units would principally benefit the residents of those affected units, this PHA, and the community in which those units are located; (b) the conversion of the affected residents to Housing Choice Voucher assistance will not be more expensive than continuing to operate their units as public housing; and (c) the conversion of the proposed public housing units will not adversely affect the availability of affordable housing in the community. A written analysis evidencing (a), (b), and (c) of this Section 11 is on file at the central office of this PHA;
- 10) Pursuant to 24 CFR 972.218, this PHA has conducted an analysis of the likely success of the residents of the units proposed for conversion in using tenant-based assistance Housing Choice Vouchers and have found that there is a sufficient number of available decent, safe, and sanitary dwelling units being rented at or below Housing Choice Voucher standards in the jurisdiction in which the units proposed for conversion are located. A written analysis evidencing the sufficient number of units is on file at the central office of this PHA;
- 11) Pursuant to 24 CFR 972.218, this PHA has conducted an impact analysis describing the likely impact of the conversion on the neighborhood in which the units proposed for conversion are located and in that analysis, has specifically addressed: (a) the impact of the conversion on the availability of affordable housing in the neighborhood; (b) the impact on the concentration of poverty in the neighborhood; and (3) other substantial impacts on the neighborhood. A written copy of this impact analysis is on file in the central office of this PHA;

- 12) The PHA has developed a Voluntary Conversion Plan for the removal of the affected public housing units in compliance with 24 CFR 972.230 and the Plan is consistent with the Conversion Assessment. A written copy of that Voluntary Conversion Plan and a written analysis evidencing its consistency with the Conversion Assessment is on file at the central office of this PHA;
- 13) The Conversion Assessment was conducted or updated on within one year of the date of this Application and the Voluntary Conversion Plan;
- 14) The PHA has consulted with the appropriate government officials and affected public housing residents, as required by 24 CFR 972.227, in developing its Voluntary Conversion Plan;
- 15) The PHA will not commence the demolition or complete disposition of any occupied building that may be disposed or demolished as a result of this Voluntary Conversion until all residents residing in the affected building are actually relocated;
- 16) The PHA will use any Net Proceeds that it receives from a disposition of PHA property as a result of this conversion subject to the limitations under section 22 of the Act;
- 17) The PHA has assured that all required appraisals/market values have been conducted in compliance with 24 CFR 972, the Appendix to 24 CFR 972, and all applicable HUD Notices. The PHA further certifies that all appraisals/market values were performed by a licensed independent appraiser and the PHA: (a) verified that the appraiser conducting these appraisals was licensed/certified in the state in which the affected Development is located and has evidence of the appraiser's license on file at its central office; and (b) received a certification from the appraiser that the appraisal was conducted using generally accepted appraisal methods and has a written copy of this certification on file at its central office;
- 18) The PHA will not take any action to commence the inventory removal action proposed in this Application, including without limitation the expenditure of HUD funds, until it receives written approval of this proposed action from HUD;
- 19) The PHA certifies that the proposed removal action complies with all applicable Federal statutory and regulatory requirements.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

|                             |       |
|-----------------------------|-------|
| Name of Authorized Official | Title |
| Signature                   | Date  |
|                             |       |

**PHA Certification—Eminent Domain**

Acting on behalf of the Board of Commissioners of the \_\_\_\_\_ (PHA), as its Chairman, Executive Director, or other authorized PHA official, I approve the submission of this Inventory Removal Application (HUD-52860) dated \_\_\_\_\_ and known as DDA # \_\_\_\_\_, hereinafter referred to as the "Application", of which this document is a part, and make the following certifications, agreements with, and assurances to the Department of Housing and Urban Development (HUD) in connection with the submission of this Application and the implementation thereof:

- 1) All information contained in the Application (including all attachments and Addendums) is true and correct as of the date of this Application;
- 2) The proposed removal action does not violate any remedial civil rights orders or agreements, compliance agreements, final judgments, consent decrees, settlement agreements, or other court orders or agreements to which this PHA is a party;
- 3) The PHA certifies that it will carry out the proposed removal action in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990 and will affirmatively further fair housing in carrying out the proposed removal action;
- 4) All attachments and supporting documentation referenced in the Application have been and will continue to be available at all times in the PHA's primary business office.;
- 5) The PHA will comply with all reporting and recordkeeping requirements of HUD and shall make all required reports to the applicable HUD Field Office. The PHA acknowledges that reporting and recordkeeping requirements are ongoing and certifies that it will comply with all applicable reporting requirements after it receives approval to this action from the SAC;
- 6) The PHA has assured that all required appraisals have been conducted in compliance with and all applicable HUD Notices and laws. The PHA further certifies that all appraisals were performed by a licensed independent appraiser and the PHA: (a) verified that the appraiser conducting these appraisals was licensed/certified in the state in which the affected Development is located and has evidence of the appraiser's license on file at its central office; and (b) received a certification from the appraiser that the appraisal was conducted using generally accepted appraisal methods and has a written copy of this certification on file at its central office;
- 7) The PHA will comply (or assure that the Taking Body complies) with all applicable local, state, and federal laws in connection with government consultation, resident consultation, and relocation of residents at the Development proposed for condemnation. This PHA specifically acknowledges that the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (URA) and its implementing regulations at 49 CFR Part 24 applies to the extent that any residents are displaced as a direct result of the demolition, acquisition, or rehabilitation of the Development proposed for condemnation;
- 8) The PHA will notify HUD immediately after any action or notices by the Taking Body to commence condemnation proceedings. The PHA shall not take any actions pursuant to such notices or in response to such actions without first notifying HUD.
- 9) The PHA certifies that the proposed removal action complies with all applicable Federal statutory and regulatory requirements.

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I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

|                             |       |
|-----------------------------|-------|
| Name of Authorized Official | Title |
| Signature                   | Date  |

**Section 3, Line 1**

(see attached PHA Board Resolution)

**Section 3, Line3**

(see attached Phase 1 Environmental Review)

**Section 3, line 4**

The BHA is within the City of Brooksville jurisdiction only. The BHA Executive Director has met with the city manager to discuss the demolition of Summit Villas and Hillside Estates.

**Section 3, line 5**

(See attached Copy of Letter of support from the Mayor of Brooksville)

**Section 5, line 7**

The disposition will not propose any compensation. The disposition will more than likely take place in the form of a long term ground lease.

**Section 5, line 8**

What is the value of the proposed disposition action?  
See attached appraisal.

**Section 5, line 11**

BHA does not anticipate receiving any Net Proceeds as a result of the proposed Disposition.

**Section 5, Line 12**

What source(s) of funding will the PHA use to pay for the cost of demolition?  
Capital Funds.

**Section 6, line 1a**

There are currently three vacant buildings at Hillside Estates. Overall, the structures of the buildings appeared to be in poor condition. These buildings (Duplexes 321/323, 327/329, and 331/333), at the southern portion of the property, were recently pinned, at the southern portion of the buildings, with a Grip-Tite Foundation Pier System to stabilize the buildings from past settlement issues. Reportedly, portions of the load bearing elements of these buildings sit on three-inch piers, which have been pre-drilled to bear on load bearing strata.

Based on reported information and GLE's observations, these three buildings appear to have ongoing damage since they have been pinned. Observed structural damage included sizable cracks in the masonry walls and concrete slabs. Many cracks have appeared to propagate through repaired cracks, indicating potential continual settlement. At some locations, exterior structural beams were separating from the adjoining columns. At many interior locations, mold was observed, walls were separating from ceilings, and structural racking has caused the doors to not close properly.

Although these three duplexes currently have residents occupying the adjacent unpinned units of the buildings, based on the extent of the observed damage, it is GLE's opinion that the structural integrity has been compromised and the cost of renovation

would exceed the value of the structures. It is therefore recommended that these three buildings be demolished and reconstructed in the near future.

In addition to the structural damage to the three pinned buildings, several other buildings contained damage indicative of ongoing settlement. As observed in the pinned structures, observed localized structural damage included sizable cracks in the masonry walls and exterior beams separating from the adjoining columns. Vertical, horizontal, and stair-step cracks were observed in the stucco of some buildings and at some locations, interior walls were separating from ceilings. It was reported that approximately 25 of the 52 structures on the property have similar reported damage, which may be attributed to ongoing settlement. It is recommended that a geotechnical study be performed in the near future to determine the extent of unsuitable soil conditions at the property. Pending the results of the geotechnical study, the recommended soil stabilization methods, as well as the structural repairs to the existing damage of these 25 buildings should be performed as soon as possible.

### **Section 6, line 3**

The BHA does not have a Resident Advisory Board. The BHA will closely coordinate all relocation activities with the Residents providing periodic updates and progress reports. The BHA will work closely with the Residents to determine what type of replacement housing is desirable and continue to survey them to identify resident housing choices, needs, and obstacles to obtaining desired replacement housing, and to identify replacement. Residents will be made aware of the full range of options available to them.

The BHA will hold initial general and individual meetings with residents to explain the relocation process, identify possible housing options, and discuss relocation assistance and available resident services. Periodic meetings will be held regularly throughout project implementation. The BHA will provide each household with timely notices. Each notice will be hand delivered and sent by certified or registered first class mail, return receipt requested. Where necessary the BHA will address language barriers for those with little or no English comprehension and persons with disabilities. The following notices will be provided:

1. Resident Survey/Housing Choice Survey (HCS)  
This notice gives the family the option of what type of housing they're interested in relocating to.
2. Notice of Eligibility for Relocation Assistance  
The Notice of Eligibility for Relocation Assistance will be issued to each resident as soon as HUD has approved the Demolition/Disposition application.
3. General Information Notice  
This notice will be sent to the family as soon as feasible following HUD approval of the BHA's demolition application. This notice will explain the nature of the proposed project, describe in general terms the relocation assistance the BHA will make available to residents, and explain the proposed timetable for relocation.

4. 90-Day Notice to Vacate

Each resident will be provided with a 90-day advance written notice of the earliest date by which he or she may be required to move. This date may be different for each resident or group of residents in the development based on factors such as: how the project will be phased, the location of the occupied building, and the project schedule. The 90-Day notice will not be issued before a resident has received a Notice of Eligibility for Relocation Assistance, nor before a comparable replacement dwelling unit has been identified.

5. 30-Day Letter

After a replacement unit has been inspected by the BHA and selected by the household to be relocated, the BHA will schedule a moving date with the household to be relocated. The BHA will notify the household of its approved moving date with a 30-day letter and, if applicable, also notify the moving company of the moving date. If a problem in the household's relocation is encountered (i.e., if a resident refuses to move on the agreed-upon moving date and refuses to give an adequate explanation for such refusal, or cannot be found) the BHA may initiate the appropriate lease enforcement action, including an eviction proceeding.

Whenever feasible, BHA will strive to minimize hardship and/or stress for school children and their families by conducting moves of households with school age children during the recess or vacation periods of the Public School System.

All households in residence are entitled to assistance under this relocation plan, except those households that moved (or move) pursuant to a Notice to Quit and/or were (are) legally evicted or under an eviction process initiated prior to the General Information Notice.

All households will receive a Relocation Notice at least 90 days before relocation followed by a 30-Day Letter containing the exact moving date. Households that move prematurely (i.e., before the scheduled dates for relocation) may not have an opportunity to receive comprehensive relocation counseling from the BHA.

In order to prevent premature relocations by residents without receiving the relocation counseling, and in order that an adequate supply of qualifying replacement housing be available at all times over the relocation process, the BHA will work closely with the households to coordinate their relocations in an orderly and systematic manner according to an established schedule.

The BHA will aggressively recruit owners and managers of rental property for participation in BHA's Section 8 Housing Choice Voucher Program. The BHA will maintain an updated database that reflects actual Section 8 unit availability, and will prepare reports summarizing the information in said database. The following information will be developed and provided to those residents who want to relocate using a Housing Choice Voucher.

6. Notice of Termination of Tenancy/Notice to Vacate

Notify residents that they must move from their unit because the building is closing. If the resident does not move, their lease will be terminated.

The BHA will provide the heads of households with group and household counseling to facilitate the goal of minimizing hardships by helping them to anticipate and address problems. The group counseling topics will include:

1. Relocation options under the Section 8 Voucher program, describing the process involved in the program and the advantages and disadvantages of using a Section 8 Voucher versus the advantages and disadvantages of staying in public housing;
2. Housing Quality Standards (HQS) training for Residents so that they can become informed consumers in their search for Section 8 housing;
3. Rights and protection for minorities under the Fair Housing Act and Title VI of the Civil Rights Act of 1964, including steps to take to voice and register perceived violations;
4. Proper terminology, demeanor, and protocol to use during interaction with apartment owners, property managers, real estate sales persons, or home sellers;
5. Homeownership and rental opportunities through other affordable housing programs;
6. Review of relocation brochures including maps showing locations of replacement housing, available services, job centers, transportation, and other potentially relevant information.

The BHA will also provide individual household counseling guidance on the following topics:

1. Assessing the needs of the household and providing the counseling necessary to determine its housing preference from options involving the different types of available housing (Public Housing, Section 8 voucher, homeownership, etc.);
2. Desired location, choice of configuration (size of unit, number of bedrooms, accessibility, visitability, and adaptability, etc.) and affordability;
3. The provision of an initial credit check to ascertain the household head's credit standing, when necessary, and the referral to the appropriate service provider(s) to provide for budget counseling and credit repair assistance;
4. Assistance in filling out the forms and paperwork related to the household's relocation;
5. Assistance to each household in the search for its choice of housing; and

For each household opting for relocation to privately-owned units, counseling will be provided which includes:

1. Techniques to be a fully informed housing consumer, knowledgeable in its rights under the Fair Housing Act, and capable of presenting itself in a convincing

manner to apartment owners, property managers, real estate salespersons, or home sellers;

2. Rent negotiation within HUD's Fair Market Rent parameters;
3. Answers to questions regarding:
  - a. The relocation plan and access to supportive services as needed;
  - b. Assistance to any household which has expressed interest in first time homeownership;
  - c. Investigation of every complaint of discrimination on the grounds of race, color, religion, national origin, sex, disability, age, or familial status which may violate the Fair Housing Act, and the preparation of a formal complaint concerning the incident to the appropriate authorities; and
4. Provision of continued assistance, information, and referrals as the household adjusts to its new environment; and
5. BHA will provide a list of available units to persons with disabilities.

**Section 6, line 4**

The BHA will take all reasonable steps to minimize the displacement of persons as a result of the demolition activities. Upon HUD approval of the BHA's demolition/disposition application, the BHA will submit an application to the U.S. Department of Housing and Urban Development for Section 8 Housing Choice Vouchers. If the BHA does not receive the HCV's; no residents will be relocated.

Counseling and relocation of residents will be performed in compliance with all applicable federal, state, and local laws and ordinances, including, but not limited to, the Fair Housing Act and Title VI of the Civil Rights Act of 1964. The BHA will provide for comprehensive relocation counseling and assistance to all households in accordance with guidelines set forth in HUD Handbook 1378 on Tenant Assistance Relocation and Real Property Acquisition and Demolition/Disposition, Quality Housing and Work Responsibility Act (QHWRA).

The BHA will provide counseling and relocation services necessary for the implementation of the approved demolition application. The counseling and relocation of households will be accomplished according to a final timetable to be decided upon after approval of the demolition application.

The BHA will provide each relocated household with the following services:

1. Counseling and orientation in choosing the most appropriate housing;
2. Counseling and orientation in the mitigation of problems associated with relocation;
3. Moving services by a qualified moving company;

4. Payment of relocation-cost reimbursements; and
5. Follow-up counseling after relocation.

**Section 6, line 8**

Relocation expenses will be paid from BHA Capital Fund Program fiscal year 2010. Expenses will include the following:

|                     |           |
|---------------------|-----------|
| Moving Expenses     | \$172,350 |
| Counseling Services | \$ 10,000 |
| Total Costs         | \$182,350 |

**Section 7, line 1**

The BHA mailed a public notice to all residents residing at Summit Villas and Hillside Estates date September 22, 2010. Notice was given that "the BHA plans to submit a Demolition Application to the U.S. Department of Housing and Urban Development for Summit Villas and Hillside Estates in accordance with Public Housing Demolition/Disposition Residential Relocation Requirements under Section 18 of the U.S. Housing Act of 1937 as amended by the Quality Housing Work Responsibility Act of 1998 (QHWRA)." A meeting was held with the Summit Villa Residents at 12:00 noon on September 22, 2010 and a meeting was held with Hillside Estates Residents at 6:00 pm on September 22, 2010. During both the meetings, the BHA staff discussed the Demolition Application and relocation options. All interested parties were invited to review the Relocation Plan and submit written comments to the BHA beginning September 22, 2010 until October 22, 2010.

**Section 7, line 5**

The following comments were made by residents during the Meetings held at Summit Villas on September 22, 2010:

1. Brenda Colondres, 843 Continental- Will our comments affect the decision of the demo application? The HA must take into consideration the comments that are provided. If Section 8 does go through, will houses with 2 families in one unit get two vouchers? Ideally only one family per household.
2. Renee Dunford, 315 Union St. - How much will we be allotted to move? Will be based on fair market rent and this will be part of the counseling and tenants will be trained.
3. Allen Branch, 830 Continental Dr. - Can we take the voucher to another state? Yes anywhere in the U.S.
4. Barbara Barnswell, 349 Union St.- Does the voucher match different places living expenses? Yes.
5. Brittany Bastidas, 833 Continental Dr.- when we get a voucher will we get same size that we have now even if we've had more kids? The voucher will match your needs.
6. Diane Brimm, 840 Continental Dr.- when we move do we get our deposit back? Will depend on the condition of your unit.
7. Mandi Keys, 835 Continental Dr.- can we get on section 8 and move now? No, we haven't filed the application yet.
8. Tiffany Skinner, 310 Union St.- what are the section 8 amounts that they will give us, we need to see them before we make comments and what the maximum

amount is for the fair market value? Will it be taken into account that we don't pay water and gas here? We don't know those exact amounts until we have the vouchers, it is based on your income. You are supposed to be paying water and gas according to HUD.

The following comments were made by residents during the Meeting held at Hillside Estates on September 22, 2010:

1. Alma Golden, 520#6- What company does Brenda work for? Hired by H.A. to do application.
2. Susan Cook-Taylor, 510 #3- If these are torn down will other apartments be built, here or somewhere else? Can we help fix up the units?
3. Franchette Dismel, 520#8- If knew repairs needed to be done, why are people still being moved in.
4. Patricia Dees, 520#12- There are a lot of repairs, only speaking for her, but there is bad electric and plumbing, ceilings cracked and all this is expensive so she understands demo.
5. Juan Suero, 520#1- in whose mind was the idea to tear down? Who is the government here? Do we need a legal representative?
6. Elsie Rudolph, 520#3- is very sick and hard to be able to move.
7. Jimmy Otero, 530#3- how long has HA known?
8. Katie Smiley-Cole, 530#10- if they do relocate, will we get HUD the same?
9. Edith Whitman, 530#1- this is my home and it is where I want to stay.
10. Lillie Diane Adock, 520#5- want to stay here this is my home, spend the money on here.
11. Patsy Lopez, 510#7- Why can't we have a meeting with HUD?

**Section 8, line 2**

24 CFR 970.9 (b)(3)(ii): the PHA seeks disposition outside the public housing program to privately finance or otherwise develop a facility to benefit low-income families (e.g., day care center, administrative building, mixed-finance housing, or other types of low-income housing);

BHA stated in its Annual Plan, at 5.2 Goals and Objectives that it intends to explore funding sources like HOPE VI to finance the demolition and redevelopment of the Hillside and Summit sites. As part of its Strategic Goal (A), BHA committed to increase availability by creating more adequate housing stock and thus increasing customer satisfaction. As part of its Strategic Goal (B), BHA committed to improving the quality of life and economic viability by creating new housing desirable for a higher income market, with income mixing opportunities, and accessibility and security enhancements. Some of those accessibility and security issues include resolving the ingress/egress limitations at the Hillside site and the lack of access to services at both sites. As part of its Strategic Goal (C), BHA committed to promote self-sufficiency and asset development by increasing the number of employed residents, by attracting supportive services providers on site and by creating more units accessible for elderly and disabled residents. As part of its Strategic Goal (D), BHA committed to promoting equal opportunity by increasing the accessibility of buildings and facilities both in terms of design and utilization.

BHA further stated in its Annual Plan that intention to file a Demolition/Disposition application. Its justification demolishing the existing units is one of obsolescence coupled with the need to create more units to satisfy current and projected demand, and the

need to create new facilities to house on-site services. Current demand for affordable units is approximately 1,696 (based on data supplied in the jurisdiction's Consolidated Plan) and is expected to approach 3,400 units by 2015. The total unit count of the Hillside/Summit sites is 136 units (less than 10% of current demand).

BHA determined that the only way to address the local affordable housing demand is to explore multiple funding sources and assemble those resources to create a mixed financed redevelopment project. BHA determined that such a mixed financed transaction would involve multiple partners, necessitating, the creation on one or more limited partnerships, and involving the transfer and disposition of the Hillside/Summit sites to the transaction partnership entity for an amount which might be below fair market value and which might not yield a net profit to BHA.

BHA also determined that because of the frugidity of the affordable housing lending community and the over-subscription of most federal, state and local grant resources, that the structuring of its redevelopment initiative would require an investment of time and the leveraging of relationships at each funding level. As such, BHA assumes that its redevelopment plan will be developed concomitantly with its resident relocation activities, and will be ready to implement as the last families are being relocated and demolition bidding has been opened.

**Resolution 2010-18**

**The Brooksville Authority  
Demolition/Disposition Application**

Whereas, the Department of Housing and Urban Development (HUD) has established a Demolition/Disposition Program for low-income public housing developments; and

Whereas, the Brooksville Housing Authority (BHA) plan to redevelopment plan Hillside Estates and Summit Villas; and

Whereas, the Hillside Estates development is a public housing development consisting of 90 units; and

Whereas, and Summit Villas housing development consisting of 36 units; and

Whereas, the BHA desires to demolish all 126 units; and

Whereas, the demolition of these units will facilitate plans to revitalize these communities; and

Now be it resolved, by the BHA that the Authority expresses its support of the Section 18 application for Demolition/Disposition for both Hillside Estates and Summit Villas; and

Be it further resolved that the Executive Director is authorized to execute the documents, provide the certifications, and submit to HUD for approval a Section 18 Demolition/Disposition application for Hillside Estates and Summit Villas.

The above Resolution 2010-18 was read by the Executive Director, Tommy L. Brooks whereupon Director Member James Brooks moved that Resolution 2010-18 be adopted. The motion was seconded by Director Member Neil Taylor and upon the call of vote the ayes and nays were as follows:

AYES

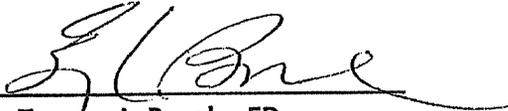
NAYS

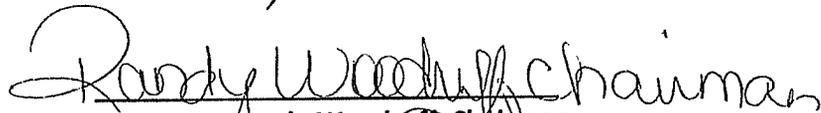
|                         |       |
|-------------------------|-------|
| <u>Francine S. Ward</u> | _____ |
| <u>Heidi D. Taylor</u>  | _____ |
| <u>Randy Woodruff</u>   | _____ |
| <u>James Brooks</u>     | _____ |
| _____                   | _____ |

CONT'D 2010-18

\_\_\_\_\_  
\_\_\_\_\_

The Executive Director declared Resolution 2010-18 passed as introduced and read this 16<sup>th</sup> day of November 2010.

  
\_\_\_\_\_  
Tommy L. Brooks, ED

  
\_\_\_\_\_  
Randy Woodruff, Chairman

11/29/10  
Date Approved for Entry

# **RELOCATION PLAN**

**HILLSIDE ESTATES  
SUMMIT VILLAS**

**BROOKSVILLE HOUSING AUTHORITY  
800 CONTINENTAL DRIVE  
BROOKSVILLE, FLORIDA 34601  
TELEPHONE: 352-796-6547  
FAX: 352-796-4899**

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- VIII. RELOCATION SUMMARY

## **I. Overview**

The Brooksville Housing Authority (BHA) operates a total of 126 Public Housing units at two locations, 90 units at Hillside Estates and 36 units at Summit Villas. Hillside Estates has 52, two buildings consisting of, five-one bedroom units, with 552 square feet per unit; 14 buildings, consisting of 28-two bedroom units, with 685 square feet per unit; 18 buildings, consisting of 36-three bedroom units, and each unit has 1,620 square feet, and two buildings consisting of a management office and maintenance facility. Summit Villas consists of 3 buildings. Out of the 3 buildings at Summit Villas, there are 24 zero bedroom and 12 one bedroom units.

The BHA will take all reasonable steps to minimize the displacement of persons as a result of the demolition activities. Upon approval of the BHA's demolition application, the BHA will submit an application to the U.S. Department of Housing and Urban Development for Section 8 Housing Choice Vouchers. If the BHA does not receive the HCV's; no residents will be relocated.

Counseling and relocation of residents will be performed in compliance with all applicable federal, state, and local laws and ordinances, including, but not limited to, the Fair Housing Act and Title VI of the Civil Rights Act of 1964. The BHA will provide for comprehensive relocation counseling and assistance to all households in accordance with guidelines set forth in HUD Handbook 1378 on Tenant Assistance Relocation and Real Property Acquisition and Demolition/Disposition, Quality Housing and Work Responsibility Act (QHWRA).

The BHA will provide counseling and relocation services necessary for the implementation of the approved demolition application. The counseling and relocation of households will be accomplished according to a final timetable to be decided upon after approval of the demolition application.

The BHA will provide each relocated household with the following services:

1. Counseling and orientation in choosing the most appropriate housing;
2. Counseling and orientation in the mitigation of problems associated with relocation;
3. Moving services by a qualified moving company;
4. Payment of relocation-cost reimbursements; and
5. Follow-up counseling after relocation.

## II. Relocation Options

Replacement housing made available to residents will be comparable to the unit currently occupied. In all cases, the relocation housing options will be:

1. Within the household's financial means or 30% of adjusted gross income;
2. Reasonably accessible to employment or educational facilities;
3. Equivalent in function, services, and purpose to the unit from which the household is being relocated;
4. Equipped with the same principal features (including accessibility features); and
5. Decent, safe, and sanitary in accordance with Housing Quality Standards (HQS).

The BHA will not require a resident to move if comparable replacement housing is not available or until a suitable unit is made available. The options for relocation housing will include:

1. Section 8 Housing Choice Vouchers The Section 8 Housing Choice Voucher Program (HCV) is a rental subsidy program funded by HUD and geared to help qualified individuals and families pay rent and utilities. The program helps provide low-income families with a choice in decent, safe, and affordable housing. The program also has a family self-sufficiency component that works to empower residents to improve their economic situation. The amount the recipient pays for rent is calculated based on the household income. Their portion is approximately 30% of the adjusted income. The balance of the rent will be paid directly to the landlord on the participant's behalf under the Section 8 program.
2. Types of Permanent Housing The BHA will provide lease compliant Leaseholders with the following permanent comparable replacement housing options for Leaseholders who were in occupancy before and after approval of the demolition application.
  - A. Section 8 Housing Choice Voucher A Housing Choice Voucher unit is an existing unit owned by a private landlord located anywhere in the United States, and is in compliance with all Section 8 program standards. Section 8 is final housing choice. However, Leaseholders will be given the option to retain a preference for a new public housing unit.

B. Non-BHA Housing - Other housing options voluntarily chosen by the Leaseholder. Residents that choose this option will be eligible to receive relocation costs as listed in Section 6 Relocation Costs of this document.

**III. Relocation Services**

The BHA will conduct an initial review with residents who indicated a preference in the type of needed replacement housing, as well as provided a "Leaseholders Relocations Rights Contract" for each resident that outlines the policy to permanently relocate. A survey of residents will identify their initial housing choice specific needs, and any obstacles they may have in obtaining desired replacement housing. They may then be counseled on housing options, relocation assistance available for each housing option, and the pros and cons of each option.

The following chart represents the needed replacement housing as of October 1, 2010.

| REPLACEMENT HOUSING                                       | NUMBER OF RELOCATIONS TO EACH HOUSING TYPE |     |     |     |     |     |       |
|-----------------------------------------------------------|--------------------------------------------|-----|-----|-----|-----|-----|-------|
|                                                           | 0BR                                        | 1BR | 2BR | 3BR | 4BR | 5BR | TOTAL |
| OTHER HOUSING OPTIONS (Section 8 Housing Choice Vouchers) | 24                                         | 22  | 28  | 36  | 16  | 0   | 126   |

**Initial Meetings/Hearings/Counseling**

The BHA will hold initial meetings to explain the relocation plan, identify possible housing options, and discuss relocation assistance and the resident services that will be available. Periodic meetings will be held regularly throughout the project implementation.

**Notices**

The BHA will provide each household with timely notices. Each notice will be personally served or sent by certified or registered first class mail, return receipt requested. Where necessary the BHA may address language barriers for those with little or no English comprehension and persons with disabilities. The following notices will be provided:

1. Resident Survey/Housing Choice Survey (HCS)  
This notice gives the family the option of what type of housing they're interested in relocating to.

2. Notice of Eligibility for Relocation Assistance  
The Notice of Eligibility for Relocation Assistance will be issued to each resident as soon as HUD has approved the Demolition application.
3. General Information Notice  
This notice will be sent to the family as soon as feasible following HUD approval of the BHA's demolition application. This notice will explain the nature of the proposed project, describe in general terms the relocation assistance the BHA will make available to residents, and explain the proposed timetable for relocation.
4. 90-Day Notice to Vacate  
Each resident will be provided with a 90-day advance written notice of the earliest date by which he or she may be required to move. This date may be different for each resident or group of residents in the development based on factors such as: how the project will be phased, the location of the occupied building, and the project schedule. The 90-Day notice will not be issued before a resident has received a Notice of Eligibility for Relocation Assistance, nor before a comparable replacement dwelling unit has been identified.
5. 30-Day Letter  
After a replacement unit has been inspected by the BHA and selected by the household to be relocated, the BHA will schedule a moving date with the household to be relocated. The BHA will notify the household of its approved moving date with a 30-day letter and, if applicable, also notify the moving company of the moving date. If a problem in the household's relocation is encountered (i.e., if a resident refuses to move on the agreed-upon moving date and refuses to give an adequate explanation for such refusal, or cannot be found) the BHA may initiate the appropriate lease enforcement action, including an eviction proceeding.

Whenever feasible, BHA will strive to minimize hardship and/or stress for school children and their families by conducting moves of households with school age children during the recess or vacation periods of the Public School System.

All households in residence are entitled to assistance under this relocation plan, except those households that moved (or move) pursuant to a Notice to Quit and/or were (are) legally evicted or under an eviction process initiated prior to the General Information Notice.

All households will receive a Relocation Notice at least 90 days before relocation followed by a 30-Day Letter containing the exact moving date. Households that move prematurely (i.e., before the scheduled

dates for relocation) may not have an opportunity to receive comprehensive relocation counseling from the BHA.

In order to prevent premature relocations by residents without receiving the relocation counseling, and in order that an adequate supply of qualifying replacement housing be available at all times over the relocation process, the BHA will work closely with the households to coordinate their relocations in an orderly and systematic manner according to an established schedule.

The BHA will aggressively recruit owners and managers of rental property for participation in BHA's Section 8 Housing Choice Voucher Program. The BHA will maintain an updated database that reflects actual Section 8 unit availability, and will prepare reports summarizing the information in said database. The following information will be developed and provided to those residents who want to relocate using a Housing Choice Voucher.

6. Notice of Termination of Tenancy/Notice to Vacate  
This notice will notify residents that they must move from their unit because the building is closing. If the resident does not move, their lease will be terminated.
7. Availability of Rental Housing to Voucher Holders  
Information will be developed that describes, generally, the availability of rental housing to voucher holders in the metropolitan area over the planned period of relocation, the vacancy rate, and the availability/shortage for housing of a particular unit size.

### **Barriers to Voucher Usage**

Below is a description of barriers that voucher-holders may encounter in using their Section 8 vouchers. The steps the BHA will take to help relocating families overcome these barriers are:

1. Housing Affordability - Residents may experience difficulties searching for affordable housing units.

BHA Action: Payment Standards may be adjusted up to 110% in order to accommodate the hard to house situations.

2. Finding Landlords who are willing to participate in the Housing Choice Vouchers Program

BHA Action: Conduct outreach to identify property owners through out the Brooksville metropolitan area that may be willing to participate in the Housing Choice Voucher program.

3. Lacks of transportation – Residents are limited with reliable transportation.

BHA Action: will obtain bus passes through the local bus services for free transportation.

### **Expanding Housing Opportunities**

Section 8 voucher holders can experience difficulties when accessing neighborhoods outside areas of poverty and minority concentration. Below are the steps BHA has taken to expand the range of neighborhoods accessible to relocating families issued Section 8 Vouchers, including to neighborhoods outside areas of poverty and minority concentration:

1. Provide a thorough explanation to voucher holders of where they can move, using maps showing the various areas in and outside of BHA's jurisdiction, and the location of key facilities and services. Discussing the advantages of living outside areas of low-income concentration.
2. Provide a thorough explanation of portability under the HCV program, and including in the briefing packet a listing of the names and phone numbers of contact persons at neighboring housing authorities.
3. Provide voucher holders and participants who wish to move with listings of units throughout the jurisdiction currently available for Section 8 Housing Choice Voucher participants, and of owners and organizations operating outside of areas of low-income concentration.
4. Recruit landlords in neighborhoods of the jurisdiction where there are low concentrations of minorities and person of low income.
5. Evaluate the need for, and seeking HUD approval if necessary, for payment standards exceeding 110 percent of the published Fair Market Rent for areas with lower concentrations of low-income families.
6. Conduct outreach to owners of rental housing in the jurisdiction and surrounding jurisdictions in areas with lower concentrations of low-income families. Outreach efforts will include periodic advertisements in the newspaper of general circulation, semi-annual meetings with current and potential owners, and the distribution to owners of informational materials about the Section 8 Housing Choice Voucher program.

### **Insulating Relocating Families from Increased Costs**

The BHA will take steps to ensure that families with vouchers have relocation options that will not cause their costs for housing and utilities to increase. (For example: raising the payment standard and providing supplemental payments, if applicable).

### **Evictions for Cause**

A resident is not entitled to relocation payments and assistance where the family or individual was evicted for serious or repeated violation of material terms of the lease and, therefore, the eviction was not undertaken by the BHA for the purpose of evading its obligation to make available moving assistance, rental assistance, and/or other payments available.

A resident who receives a Notice Of Eligibility For Relocation Assistance, and at a later date eviction proceedings are initiated which later result in his/her eviction, may still receive the relocation assistance identified in the Notice of Eligibility For Relocation Assistance (especially where such eviction is determined to be "for the vacancy revitalization project"). All eviction situations will be reviewed by the BHA to make a final determination on benefits that are due to the resident, if any.

### **Resident Refusal**

Once the BHA has offered replacement housing to the resident, either temporary or permanent, the BHA will schedule a moving date with the resident. If a problem arises with relocating a resident in a timely manner (for example: if a resident refuses to move or refuses to meet with the BHA regarding a move or a resident cannot be found) the BHA will initiate appropriate action to address the problem, which may include initiation of eviction proceedings.

### **Appeals**

If a person disagrees with the determination of the BHA concerning the person's eligibility for, or the amount of, a relocation payment, the person may file a written appeal of that determination with the BHA.

1. **Time Limit for Initiating Appeal** A person may file an appeal within 60 days of receiving Notice of Eligibility for relocation, or receipt of relocation payments. The BHA will respond to the appeals not less than 60 days after the person receives written notification of the BHA's determination.
2. **Right to Representation** A person has a right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense.
3. **Review of Files by Person Making Appeal.** The BHA will permit a person to inspect and copy all materials pertinent to his or her appeal, except materials, which are classified as confidential by the BHA. The BHA may also impose reasonable conditions on the person's right to inspect, consistent with all applicable laws.
4. **Scope of the Review of the Appeal.** The BHA will consider all pertinent justification and other materials submitted by the person, and all other

available information that is needed to ensure a fair and full review of the appeal.

5. Determination and Notification after Appeal. Promptly after receipt of all information submitted by a person in support of an appeal, the BHA will make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish it to the person. If the full relief requested is not granted, the BHA shall advise the person of his or her right to seek judicial review.
6. BHA Official to Review Appeal. The BHA official conducting the review of the appeal will be either the Executive Director or an authorized designee.

#### **IV. Counseling Services**

The BHA will provide group counseling to facilitate relocation, with the goal of minimizing hardships for relocated households, by helping them anticipate and address likely problems. The counseling will be provided to heads of households.

##### **Group Counseling**

The BHA will provide group counseling, with the goal of minimizing hardships. The group counseling topics will include:

1. Relocation options under the Section 8 Voucher program, describing the process involved in the program and the advantages and disadvantages of using a Section 8 Voucher.
2. Housing Quality Standards (HQS) training for residents so that they can become informed consumers in their search for Section 8 housing.
3. Rights and protection for minorities under the Fair Housing Act and Title VI of the Civil Rights Act of 1964, including steps to take to voice and register perceived violations.
4. Proper terminology, demeanor, and protocol to use during interaction with apartment owners, property managers, real estate sales persons, or home sellers.
5. Homeownership and rental opportunities through other affordable housing programs; and
6. Review of relocation brochures to include maps showing locations of replacement housing and available services, job centers, transportation, etc.

### **Household Counseling**

The BHA will provide counseling directly to each household that requests assistance to facilitate relocation, with the goal of further minimizing hardships for relocated households. An Individual Needs Assessment will be completed by the Property Manager to identify counseling needed. The counselors will provide guidance on the following topics:

1. Assessing the needs of the household and providing the counseling necessary to determine its housing preference from options involving the different types of available housing (Section 8 voucher, homeownership, etc.), desired location, choice of configuration (size of unit, number of bedrooms, accessibility, visitability, and adaptability, etc.) and affordability.
2. The provision of an initial credit check to ascertain the household head's credit standing, when necessary, and the referral to the appropriate service provider(s) to provide for budget counseling and credit repair assistance.
3. Assistance in filling out the forms and paperwork related to the household's relocation.
4. Assistance to each household in the search for its choice of housing.

For each household opting for relocation to privately-owned units, counseling will be provided which includes techniques to be a fully informed housing consumer, knowledgeable in its rights under the Fair Housing Act, and capable of presenting itself in a convincing manner to apartment owners, property managers, real estate salespersons, or home sellers.

5. Residents will be counseled regarding rent negotiation within HUD's Fair Market Rent parameters.
6. Answer questions regarding the relocation plan and access to supportive services as needed.
7. Assistance to any household, which has expressed interest in first time homeownership.
8. Investigation of every complaint of discrimination on the grounds of race, color, religion, national origin, sex, disability, age, or familial status which may violate the Fair Housing Act, and the preparation of a formal complaint concerning the incident to the appropriate authorities.

10. After the family has relocated, follow-up counseling will be conducted within 90 days of the move and once a year after, unless the family require(s) more.

### **Record Keeping**

The BHA will design and develop a computerized database, with backup hard copy files, for each household. The BHA will maintain records in sufficient detail to document policies and procedures with regard to relocation of residents. A record of contacts with affected residents will be kept to ensure continuity in the event of staff turnover. The records will be kept confidential and may only be made available if required by applicable law, and/or on the written request by an affected person or for review by HUD. The BHA will originate and maintain the following lists:

1. A list of persons occupying the affected property on the date of the initial submission of the relocation plan to HUD;
2. A list of all persons moving into the site on or after the property has been revitalized; and
3. A list of all persons occupying the property at completion.

Each record in the computerized database will contain at least the following information for each household:

1. Basic information on the members of the household including: the person's name, address, and date of initial occupancy. Information regarding the composition of the family, including age, sex, racial ethnic group classification, and handicap status, income, and monthly rent in the current unit;
2. Evidence that the resident received all required notices in a timely fashion, including copies of the notices and signed receipts for delivery of each notice;
3. Information regarding the referrals to replacement housing and the specific referrals which were made (date, location, rent, utility costs) and the result of the referral;
4. Identification of the actual replacement property selected including address, rent/utility costs, date of relocation, and whether or not the unit was in an area of minority concentration or high poverty;
5. If applicable, information regarding the acquisition of an off-site property and information regarding the resident's move and services provided;

6. Copies of approved claim forms and related documentation, and evidence that the resident received payment;
7. If applicable, a copy of the Section 8 Voucher;
8. If applicable, information about a replacement dwelling which was purchased by the resident;
9. A copy of any appeal or complaint filed and the BHA response;
10. A record of each group and individualized counseling session in which members of the household participated.
11. The timeline showing proposed dates for the various milestones of the household's relocation process.
12. Whether or not the household has chosen to be moved by BHA or has chosen to accept the lump- sum moving cost allowance instead.
13. Records of referrals, specific relocation services, and follow-up contacts, every three months for 12 months after relocation, especially those households relocated with Section 8 vouchers.

In addition to the above, for families choosing Section 8 the following information will be tracked:

1. Basic information on the family and members of the household including: the person's name, current address, date referred to Section 8, date voucher issued, date voucher expired (if applicable), unit search (if applicable), date request for lease approval received, inspection date, date passed HQS, lease signed, moved in date, and new address.

## **V. Relocation Costs**

The following relocation costs may be paid by the BHA:

1. Application Fee (if required by landlord);
2. Security deposit (if required by landlord);

To qualify for utility deposits, each household should first liquidate in full any balances on all of its existing utility accounts. The BHA may pay direct to the utility companies the cost of transferring the resident's utility service to the replacement or temporary unit. Utility services may include electricity, gas, cable, telephone and water.

**Direct Payment or Reimbursement of Moving Expenses**

The BHA will offer the following choices to residents who relocate into other units:

1. The BHA will hire a moving company (for moves within the jurisdiction of the BHA), at no cost to the household being displaced; or
2. The resident can receive a fixed payment based on rooms of furniture as identified below under (Fixed Moving Allowance). The applicable and current fixed moving expense and dislocation allowance required under 49 CFR 24.302 will be paid directly to the resident. The current allowance schedule is based on the number of rooms of furniture to be moved.
3. The relocated family or individual will receive a dislocation allowance of \$100.
4. Packing and Moving Assistance -- The BHA will provide packing boxes and tape for the resident to pack their belonging for the move. Residents should make a list of all valuable property and should take pictures before they move, if possible. If anything is lost or damaged during the move, residents should notify the Property Manager at the Management Office.
4. All moves outside the jurisdiction of the BHA will receive the fixed moving allowance expense.
6. The BHA will provide the replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

**Fixed Moving Allowance**

The Moving Expense Allowance available under 49 CFR 24.302, is based on the number of rooms of furniture, and is set at the following rates (rates may change to reflect the current rates at the time of the approval of the relocation plan):

|                |                |                            |
|----------------|----------------|----------------------------|
| 1 Room \$550   | 2 Rooms \$700  | 3 Rooms \$875              |
| 4 Rooms \$1050 | 5 Rooms \$1200 | 6 Rooms \$1350             |
| 7Rooms \$1500  | 8 Rooms \$1650 | Each additional room \$200 |

If the occupant does not own furniture they will be compensated as follows:

First Room  
\$450

Each additional Room  
\$125

### **Administrative and Financial Resources**

The BHA will utilize its Capital Fund Program funds to pay for relocation and counseling services for residents.

### **VI. Resident Participation**

The BHA will closely coordinate all relocation activities by providing periodic updates and progress reports to residents. The BHA will work closely with the residents to determine what type of replacement housing is desirable and begin a survey to identify resident housing choices, needs, and obstacles to obtaining desired replacement housing, and to identify replacement housing in the areas. Residents will be made aware of the full range of options available to them. Each resident will have access to the relocation plan when it is finalized and/or be provided with a copy.

### **VII. Relocation Summary**

The BHA will take the following steps during the relocation process:

1. Hold initial meetings with residents to explain the relocation process, identify possible housing options, and discuss the relocation assistance and resident services that will be available.
2. Compile a list of all residents on site, their family composition, size and number of replacement housing units needed, and number of residents with known special housing needs (including accessibility and visitability requirements).
3. Conduct initial survey with residents to identify their initial housing choice (Housing Choice Survey), specific needs, and any obstacles they may have in obtaining desired replacement housing. Counsel them on housing options, the relocation assistance available for each housing option, and the pros and cons of each option.
4. Identify needed replacement housing based on Housing Choice Surveys (HCS).

5. Formalize housing options available, moving assistance and budgets, return criteria policy, and hold meeting(s) to inform residents.
6. Prepare General Information Notices (GIN) based on type of project.
7. Begin aggressive Landlord Outreach for Section 8, if applicable (Resident Survey/Housing Choice Survey identified need).
8. Finalize the Relocation Plan and submit to the Board of Commissioners and HUD for approval.
9. When HUD approves the Relocation Plan, conduct recertification to ensure residents are lease compliant.
10. Conduct resident counseling sessions and complete Individual Needs Assessment for residents requesting assistance.
11. Conduct group counseling sessions and distribute relocation packets.
12. Identify units available for families to relocate. Match families to units.
13. Issue 90 Day Notice to vacate.
14. Issue 30 day Reminder Notices.
15. Carry out all necessary relocation activities such as tracking and documenting all information, etc.

**CORRESPONDENCE-TO-NOTE**  
**REGULAR COUNCIL MEETING – December 20, 2010**

1.     **TYPE:**                     Annual Report  
       **DATE RECEIVED:**    December 2010  
       **RECEIVED FROM:**    The Hogan Law Firm  
       **ADDRESSED TO:**     T. Jennene Norman-Vacha, City Manager  
       **SUBJECT:**             Legal Services for FY2009/10
  
2.     **TYPE:**                     Letter  
       **DATE:**                    November 24, 2010  
       **RECEIVED FROM:**    Southwest Florida Water Management District  
       **ADDRESSED TO:**     Local Officials  
       **SUBJECT:**             Declaration of Modified Phase I Water Shortage Order
  
3.     **TYPE:**                     Letter  
       **DATE RECEIVED:**    December 1, 2010  
       **RECEIVED FROM:**    The Historic Preservation Society  
       **ADDRESSED TO:**     City Staff  
       **SUBJECT:**             Letter of appreciation for staff's cooperation in helping with the  
                                  "Where History Lives" event of November 12-13, 2010.
  
4.     **TYPE:**                     Letter  
       **DATE RECEIVED:**    December 8, 2010  
       **RECEIVED FROM:**    State of Florida, Department of Community Affairs  
       **ADDRESSED TO:**     The Honorable Lara Bradburn  
       **SUBJECT:**             Notice of Intent
  
5.     **TYPE:**                     Letter  
       **DATE RECEIVED:**    December 9, 2010  
       **RECEIVED FROM:**    Bright House Networks  
       **ADDRESSED TO:**     T. Jennene Norman-Vacha, City Manager  
       **SUBJECT:**             Notice of Application for State Certificate
  
6.     **TYPE:**                     Letter  
       **DATE RECEIVED:**    December 9, 2010  
       **RECEIVED FROM:**    Bright House Networks  
       **ADDRESSED TO:**     T. Jennene Norman-Vacha, City Manager  
       **SUBJECT:**             Notice of 3D Pass Service Launch



# ANNUAL REPORT

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## LEGAL SERVICES FOR FISCAL YEAR 2009-2010

PREPARED BY:

THE HOGAN LAW FIRM®

*We mean business<sup>SM</sup>*

20 S. BROAD STREET  
POST OFFICE BOX 485  
BROOKSVILLE, FL 34605



# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

TDD only: 1-800-231-6103 (FL only)

On the Internet at [WaterMatters.org](http://WaterMatters.org)

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**Bartow Service Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

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**Maritza Rovira-Forino**  
Hillsborough

**David L. Moore**  
Executive Director

**William S. Bilenky**  
General Counsel

November 24, 2010

12-13-10P08:02 RCVD

**SUBJECT: Declaration of Modified Phase I Water Shortage Order**

Dear Local Official:

During its meeting on November 16, 2010, in response to declining water resource conditions, the Governing Board of the Southwest Florida Water Management District (District) ordered implementation of Modified Phase I (Moderate) Water Shortage provisions. These provisions go into effect on December 1, 2010.

What does this mean for your citizens and your local water utility? Please refer to the summary shown on the reverse side of this notice.

For more information about Water Shortage Order SWF 2010-022, please visit the District's website ([www.WaterMatters.org](http://www.WaterMatters.org)) or contact its Water Shortage hotline (call 1-800-848-0499 or e-mail [Water.Restrictions@WaterMatters.Org](mailto:Water.Restrictions@WaterMatters.Org)).

Sincerely,

David L. Moore, P.G.  
Executive Director

Enclosure: Summary, as described

CTN  
12-20-10  
-JAV

THE HISTORIC PRESERVATION SOCIETY  
P.O. Box 1925  
Brooksville, FL 34605  
352-279-5182

12-08-10 P05:16 RCVD

Dec. 1, 2010

City of Brooksville  
201 Howell Ave.  
Brooksville, FL 34601  
ATT: City Administrator and Staff  
Rhonda Hancock

We wish to take this time to thank all of you for your great cooperation in helping us with our "Where History Lives" event Nov. 12 & 13, 2010.

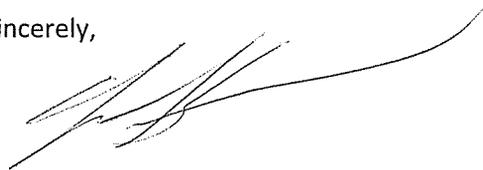
What a great success this was and we intend to do this again next year to help educate our residents of our rich history as well as our beautiful cemeteries.

Your generosity helps our organization continue our historic research for everyone to become aware of.

We are a committee of the Hernando Historical Museum Assoc. Inc. so your efforts are appreciated by both of our organizations.

Again we are so grateful for your support.

Sincerely,



Jan Knowles and Vickie Jimmerson

CTN  
12.20.10  
JAV



12-10-10P04:58 RCVD

STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
*"Dedicated to making Florida a better place to call home"*

**CHARLIE CRIST**  
Governor

**THOMAS G. PELHAM**  
Secretary

December 8, 2010

The Honorable Lara Bradburn  
Mayor, City of Brooksville  
201 Howell Avenue  
Brooksville, Florida 34601

Dear Mayor Bradburn:

The Department has completed its review for the City of Brooksville's Comprehensive Plan Amendment DCA Number 10-1 adopted by Ordinance Numbers 791 through 807, on October 18, 2010 and has determined it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.). The Department is issuing a Notice of Intent to find the comprehensive plan amendment in compliance. The Notice of Intent has been sent to the **Highlands Today** for publication on December 10, 2010.

The Department's Notice of Intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice of intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for a development, dependent on the amendment may be issued or commence before the plan amendment takes effect. Please be advised that Section 163.3184(8)(c)2, F.S., requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's Notice of Intent.

Please note that a copy of the adopted City of Brooksville Comprehensive Plan Amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Brooksville City Hall, 201 Howell Avenue Brooksville, Florida 3460.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦  
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

CTN  
12-20-10  
JMM

1004 U.S. Highway 92 West  
Auburndale, FL 33823

tel 863.965.7733  
fax 863.288.2299



December 9, 2010

*Via Federal Express*

Jennene Norman-Vacha, City Manager  
City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601

**Re: Bright House Networks / Notice of Application for State Certificate**

Dear Ms. Norman-Vacha:

As you may recall, Florida's cable television franchising law took effect on July 1, 2007, pursuant to the "Consumer Choice Act". Under the law, Bright House Networks is required to notify local communities when it applies for a state certificate.

In accordance with that requirement, please be advised that Bright House Networks has applied for a certificate with the Department of State to serve your community.

While our authority to serve residents in your community will now emanate from the state, this does not mean our relationship has come to an end. Bright House Networks values its relationship with the City of Brooksville and will continue to be part of your community in the future.

If you have any questions regarding this letter, please do not hesitate to contact me at 863-965-7733.

Sincerely,

Drew Gillan  
Manager of Public Relations

CTNJ  
12.20.10  
JW

1004 U.S. Highway 92 West  
Auburndale, FL 33823

tel 863.965.7733  
fax 863.288.2299



December 14, 2010

*Via Federal Express*

**Notice to Bright House Networks Customers**

In furtherance of our commitment to bring new technology and advanced digital services to your community, Bright House Networks continues to implement a new digital video delivery technology known as Switched Digital Video (SDV). SDV is a robust bandwidth management system that makes it possible to offer more digital programming services than before including new HD and 3D channels.

*Beginning on or after Wednesday, December 15, 2010, please be advised that Bright House Networks is launching a new tier of service called **3D Pass** which includes the following new 3D channel delivered on the SDV system:*

**ESPN 3D**

**Digital Channel 1772**

In order to receive this new tier of service, a customer must have a compatible 3D television and 3D glasses, a compatible converter, HDMI cable, and an HDMI connection from the converter to the 3D television. A monthly subscription rate of \$10 will be charged for the **3D Pass** tier of service.

This service will not be accessible by uni-directional retail devices as of the date noted above. If you want to subscribe to this service, you will need a compatible converter. Customers may continue to use their uni-directional retail device and CableCARD to receive video programming other than the programming delivered on the SDV system.

For more information about **3D Pass** or other Bright House Networks programming, please call 866-976-3279 or visit our website at [www.brighthouse.com](http://www.brighthouse.com).

*CTN*  
*12.20.10*  
*[Signature]*