

## **EXHIBIT “F”**

### ***Monitoring Guidelines***

#### **Recitals and Background**

Pursuant to this Agreement, the Developer has agreed to construct the KTR Lift Station for the City for purposes of serving future development in the Knights Trail Road neighborhood. Upon its completion, the KTR Lift Station will serve the Developer’s Project. The Project will initially send wastewater flows through the existing 6-inch force main running along Knights Trail Road (the “6” Force Main”).

As stipulated in the City’s offsite utility construction plan modification approval letter for the Project dated [REDACTED], 2023, the City has agreed to approve the issuance of 503 Certificates of Occupancy for the Project prior to the KTR Lift Station’s completion and turnover to the City pursuant to an Interim Condition. The Interim Condition allows for this limited portion of the Project to connect to the existing wastewater infrastructure and receive sewer service, and the Interim Condition expires upon the KTR Lift Station’s completion and turnover to the City.

The City has analyzed the sewer infrastructure in the Knights Trail Road neighborhood from its current state through its state upon the expiration of the Interim Condition — when the KTR Lift Station is completed, connected and turned-over, and the 503 Certificates of Occupancy are issued and such respective users are receiving sewer service.

Through its analysis, the City has determined that the 6” Force Main should have adequate capacity to serve the Project in accordance with the Interim Condition terms; however, the City has concerns about the remaining capacity in the 6” Force Main after the expiration of the Interim Condition. The City’s analysis shows that the 6” Force Main is nearing maximum capacity, and therefore the 16” Force Main will ultimately need to replace the 6” Force Main in order to service additional users of the City’s sewer infrastructure.

Without the availability of real data collected from the City wastewater infrastructure servicing the Project as users connect, at present the City cannot be certain as to how much remaining capacity will exist in the 6” Force Main at the time the Interim Condition expires. Although the City does not desire or intend to further restrict the issuance of Certificates of Occupancy for the Project upon expiration of the Interim Condition, it will only approve the issuance of additional Certificates of Occupancy at that time if it can determine, as evidenced by real data collected from the wastewater system, that adequate capacity remains in the 6” Force Main for such Certificates of Occupancy.

Therefore, the City finds it necessary to monitor and evaluate the wastewater system serving the Project throughout the Interim Condition and until the 16” Force Main is in operation in accordance with the terms of this “Monitoring Guidelines” exhibit, as detailed herein. The City agrees to perform such monitoring and evaluation obligations and to approve the issuance of

additional Certificates of Occupancy following the Interim Condition's expiration as set forth below:

### **Monitoring Guidelines**

These Monitoring Guidelines shall serve as a means for the City to monitor and evaluate the wastewater system serving the Project to determine whether additional residential units above the 503 units granted under the Interim Condition can be properly served by the system during the time period when the KTR Lift Station is complete and in operation but the 16" Force Main is yet to be completed and in operation.

Provided that the 16" Force Main is not yet in service, the City shall engage a qualified consulting engineer to conduct an analysis of the wastewater system's operational capacity, capabilities, and efficiencies upon each of the following milestones:

- 1) Upon the issuance of the 250<sup>th</sup> Certificate of Occupancy for the Project;
- 2) Upon the issuance of the 375<sup>th</sup> Certificate of Occupancy for the Project;
- 3) Upon the issuance of the 500<sup>th</sup> Certificate of Occupancy for the Project; and,
- 4) Upon each and every issuance of an additional 20 Certificates of Occupancy for the Project beyond the 503, up until the analysis determines that there is no remaining capacity in the 6" Force Main to serve further residential units of the Project.

For each of the above referenced milestones, the City shall prepare a report detailing the results of the system analysis and a determination as to the number of additional Certificates of Occupancy that may be serviced by the 6" Force Main (each a "Rustic Road WW Report"). It is anticipated that each Rustic Road WW Report will include, but not necessarily be limited to, an evaluation of current pump run times and flows from the Project, as well as pressure monitoring of the 6" Force Main. The City shall provide each Report to the Developer within 30 days of the respective milestone. Upon receiving the Rustic Road WW Report, the Developer shall have 30 days to evaluate and provide comments or objections related to the methodology, findings, or recommendations of the Rustic Road WW Report.

Notwithstanding the foregoing, the City and the Developer may mutually agree to waive any of the above Rustic Road WW Report requirements if, at the time of the applicable Project Certificate of Occupancy milestone, the parties both determine a Rustic Road WW Report would be unnecessary due to the status/progress of the completion of the 16" Force Main at that time. Such an agreement to forego any of the Reports must be in writing and signed by both parties.