

Stipulated as follows:

The City of Venice Utilities Department agrees to approve the issuance of Certificates of Occupancy for five hundred three (503) residential units—up to a maximum of two hundred (200) single-family residential units and up to a maximum of three hundred three (303) multi-family residential units—within the Rustic Road PUD (the “Project”) prior to completion and operation of the Knights Trail Road Lift Station (f/k/a Generation Lift Station, hereinafter referred to as the “KTR Lift Station”). The period of time prior to the completion and operation of the KTR Lift Station shall be known as the “Interim Condition.”

Throughout the term of the Interim Condition, the Developer agrees to provide emergency vacuum pumping services for five (5) existing City lift stations (LS-63, LS-74, LS-78, LS-88, LS-90) and two (2) new Rustic Road lift stations (North LS-1 and South LS-1). Vacuum pumping services will be provided on an as-needed basis via contract between the Developer and a City-approved vacuum pumping contractor, in accordance with the “Scope of Services” attached hereto as Exhibit “A.” Upon completion of the Interim Condition, the Developer shall no longer have any obligation to provide such emergency vacuum pumping services.

The Interim Condition shall be considered complete upon turnover of the KTR Lift Station to the City for ownership and maintenance. Upon termination of the Interim Condition, the City’s Utilities Department shall no longer impose the limitations upon its issuance of Certificates of Occupancy for the Project, except as provided for herein. During the time period when the KTR Lift Station is complete, in operation, and has been turned over to the City, but the proposed 16” Force Main to run along Knights Trail Road (the “16” Force Main”) is yet to be completed and in operation, the City shall issue Certificates of Occupancy for the Project in accordance with the “Monitoring Guidelines” attached hereto as Exhibit “B.” The City shall use the Monitoring Guidelines as a means to proactively monitor and evaluate the wastewater system serving the Project to determine whether additional residential units can be properly served by the system and communicate same to Developer in accordance with the terms thereof. However, upon the completion, operation, and turnover to the City of the 16” Force Main, the City’s Utilities Department shall no longer impose any limitations upon its approval of issuance of Certificates of Occupancy for the Project.

The Developer shall provide the City with warranties for the two new Rustic Road lift stations, which shall be continuous through one (1) year from the approved turnover date of the KTR Lift Station, but in no event to exceed two (2) years after the turnover of each of the two Rustic Road Lift Stations.

The Developer further agrees to complete the modifications to the City’s existing lift stations (LS-90 and LS-78), as described in this construction plan modification, prior to record drawing approval of the Rustic Road Offsite Utility Construction Plans.