

Lot Development Standards

No development shall be allowed within the area shaded in blue and labeled "Compatibility Buffer" on Exhibit "A" attached hereto. (See 1. c.)

The southern stormwater pond, wall, berm and landscaping shall be constructed within the area shaded in green on Exhibit "A" attached hereto. (See 1. d.)

No pools shall be permitted on the southernmost lots on the approved PUD Concept plan unless development is prohibited in the area shaded in blue and labeled "Compatibility Buffer" on Exhibit "A" attached hereto. (1. e.)

Construction Screen. The Developer shall not proceed with any land development and construction activities on the property for any other purpose than erecting a temporary construction screen (hereinafter the "Construction Screen") is completely constructed and erected, as specified below:

- a. Location. The Construction Screen shall be erected on Fox Lea Farm's property, the location and extent of which are more specifically depicted in Exhibit "C" attached hereto.
- b. Installation, Duration, Maintenance and Removal; Entrance onto Fox Lea Dr. and Fox Lea Farm Property. At the initial meeting held between Fox Lea Farm's agents and the Developer's Construction Manager, the parties shall coordinate as to the timing and other necessary details relating to installation of the Construction Screen. The Construction Screen shall remain in place for the entire duration of all land development and construction activities on the property unless agreed to otherwise by the parties in writing; further, the Developer shall maintain the Construction Screen its original condition and take measures necessary to provide for its stability at all times. Should maintenance work become necessary, the parties shall notify each other and make arrangements for the work to be performed, including the timing of and persons and equipment permitted access for such maintenance work. Upon the completion of all land development and construction activities on the property, the parties shall coordinate as to the timing and other necessary details relating to removal of the Construction Screen. At no time shall the Developer, its agents, or its contractors, subcontractors or other site workers enter onto Fox Lea Dr. or Fox Lea Farm's property without permission from Fox Lea Farm, which shall not be unreasonable withheld.
- c. Cost. The Developer shall be responsible for all costs associated with the installation, maintenance and removal of the Construction Screen.
- d. Design. The Construction Screen shall be at least twelve feet (12') in height and shall be made of material commonly used for the screening of land development and construction sites so long as the material provides at least ninety percent (90%) opacity and allows for sufficient air flow. The parties shall work together at the initial meeting held between Fox Lea Farm's agents and the Developer's Construction Manager to determine the specific screening material and details that meet these obligations. (See 5.)

Construction of the Southernmost Wall and Berm. Once the Construction Screen is completely installed, the Developer may commence those land development and construction activities limited to and absolutely necessary for the sole purpose of constructing the five foot (5') berm and eight-foot-high (8') concrete wall both extending east to west along the entire length of the southernmost edge of the developed area of the property (hereinafter "Southernmost Wall and Berm"); therefore, any additional or indirectly-related land development or construction activities are expressly prohibited until the Southernmost Wall and Berm is completely constructed. (See 6.)

Surficial Aquifer System Monitoring and Mitigation Plan. No preliminary plat shall be approved, nor shall any permits shall be issued by the City of Venice for any land development or construction (including, but not limited to, clearing and grubbing, excavation, silt fence instillation, and similar permits) until Developer and Fox Lea Farm have entered into a signed agreement requiring a Surficial Aquifer System Monitoring and Mitigation Plan to be implemented and operated by Developer, at Developer's cost. (See 8.)

Bond. No preliminary plat shall be approved, nor shall any permits shall be issued by the City of Venice for any land development or construction (including, but not limited to, clearing and grubbing, excavation, silt fence instillation, and similar permits) until Developer and Fox Lea Farm have entered into a signed agreement requiring the Developer to obtain a bond in the amount of at least one million dollars (\$1,000,000.00) in favor of Fox Lea Farm for the purpose of indemnifying Fox Lea Farm from any damage or harm incurred during land development and construction activities by the Developer. (See 9.)

Inspection by Fox Lea Farm during Land Development and Construction. Fox Lea Farm may name an officer, independent contractor, employee, or other agent of Fox Lea Farm, as an authorized inspector (the "Inspector"), and identify that representative to the Developer or the construction manager on-site. Fox Lea Farm's Inspector will be permitted to enter and inspect the subject property, upon reasonable notice to and permission from the construction manager, which shall not be unreasonably withheld. Excluding willful or grossly negligent action by the Developer and any contractors, Fox Lea Farm and the Inspector shall indemnify Developer and any contractor working on the subject property against any claims based on injury suffered by the Inspector while on the subject property prior to conducting any inspection. (See 10.)

Notice, Communication and Coordination of Land Development and Construction. For purposes of protecting the safety and welfare of persons, animals, and the associated operations on Fox Lea Farm during the course of all land development and/or construction related activities on the Murphy Oaks property, the property owner and/or developer of Murphy Oaks shall perform the following actions:

- a. Contact information. The Developer shall provide Fox Lea Farm with the name, phone number, and email address of the representative of the contractor or

engineer in charge of construction on the property (the "Construction Manager"), the phone number for the construction trailer on site, and the identity (name, license, address and company phone number) of the contractor and any major subcontractors (site work, land clearing, excavation, utilities) working on site. Fox Lea Farm shall provide the Developer and Construction Manager with the names, phone numbers, and email addresses for its agents' authorized for communication.

b. Initial Meeting between Parties. Fox Lea Farm's agents and the Developer's Construction Manager shall hold an initial meeting prior to commencement of any land development and construction activities on the subject property. The meeting shall be held at least two (2) weeks prior to commencement of any land development and construction activities on the subject property. Prior to the initial meeting, the Construction Manager shall provide to Fox Lea Farm's agents a proposed written construction schedule. At the initial meeting, the parties shall review and discuss Developer's proposed construction schedule, including the nature and extent of site work to be performed during each phase as well as the personnel to be employed, for purposes of coordinating before and during land development and construction. The stipulations relating to Developer's obligations before and during land development and construction activities shall also be reviewed and discussed by the parties. Within one (1) week following the initial meeting, and based upon the parties' discussion at the meeting, the Construction Manager shall provide Fox Lea Farm's agents with a finalized written construction schedule.

c. Weekly Meeting between Parties. Once land development and construction has begun on the subject property, Fox Lea Farm's agents and the Developer's Construction Manager shall hold a weekly meeting or conference call to discuss the current status of land development and construction on site. Any anticipated changes to the construction schedule must be communicated at this time, and an updated written construction schedule shall be provided to Fox Lea Farm at this time.

d. Notice. The Developer or its Construction Manager shall notify Fox Lea Farm's agents of any change in land development or construction plans by email and phone as soon as reasonably practical, but within at least twenty-four (24) hours of making such change, and in no event shall any such change be implemented without prior notice to Fox Lea Farm as specified hereof. An updated written construction schedule shall be provided to Fox Lea Farm's agents upon request. (See 11.)

Exhibit "A"

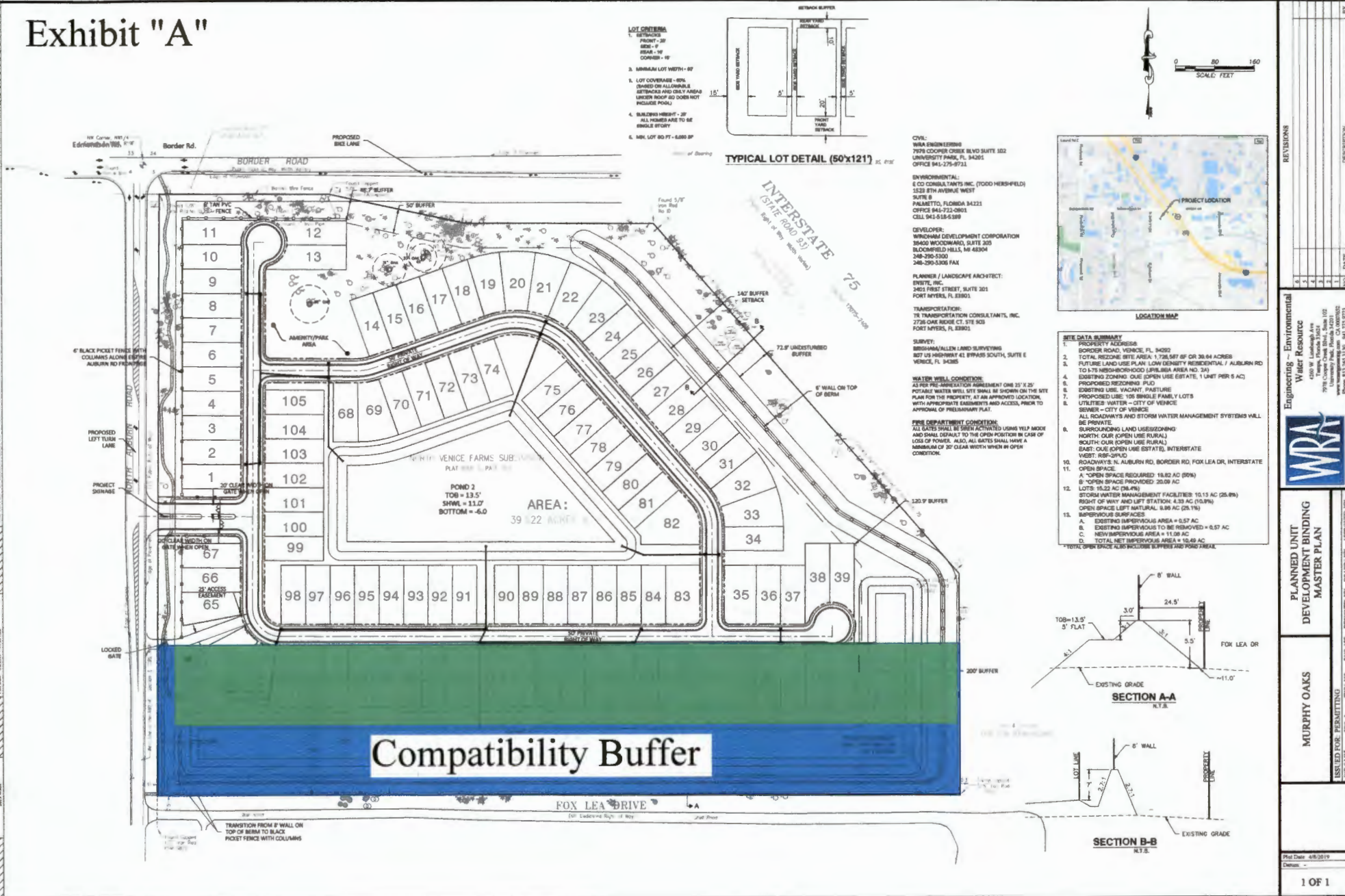
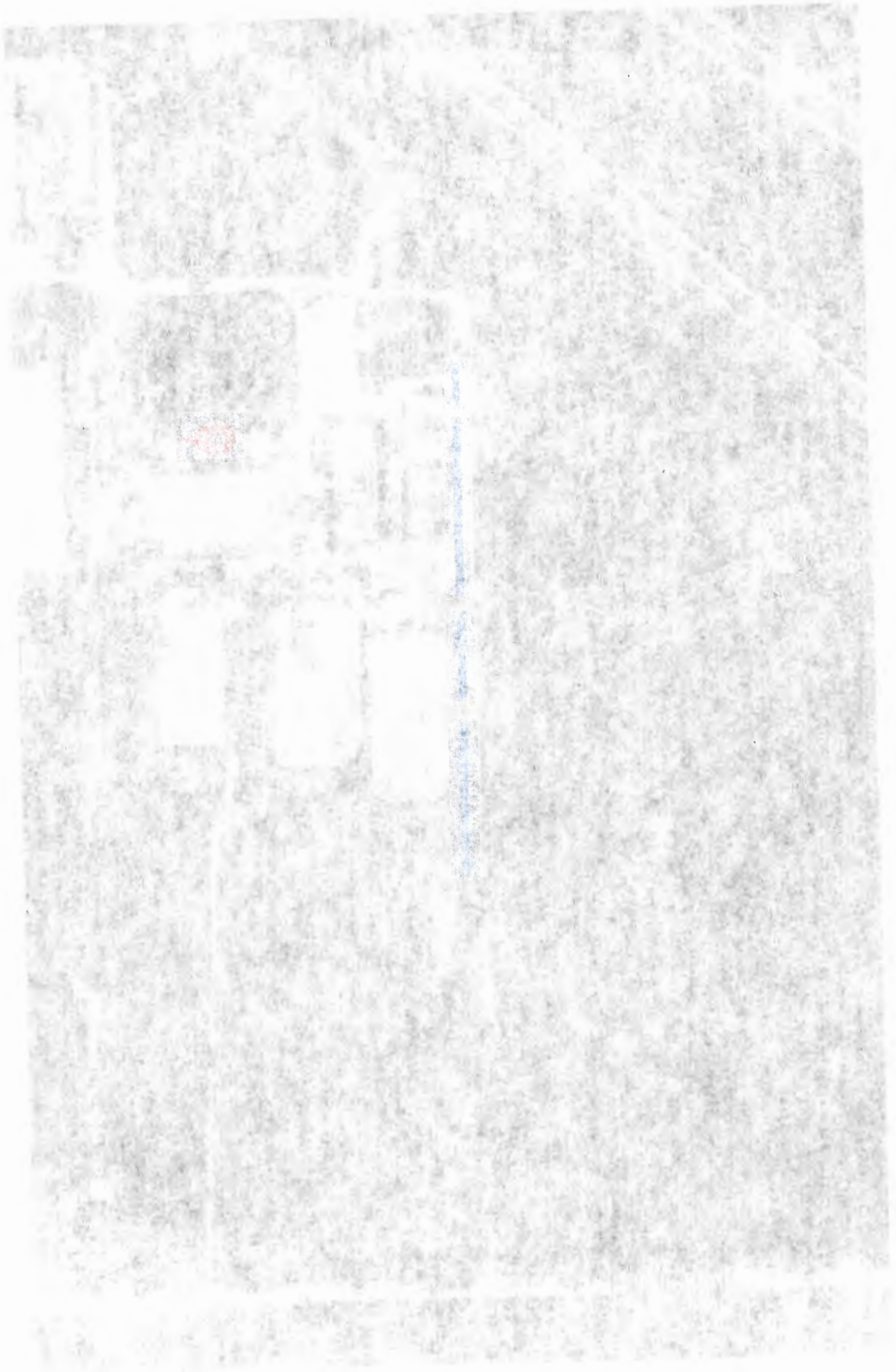


Exhibit "C"





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Exhibit "B"

Chipper Location
Exhibit



09-18-2019

Approx.
Chipper
Location



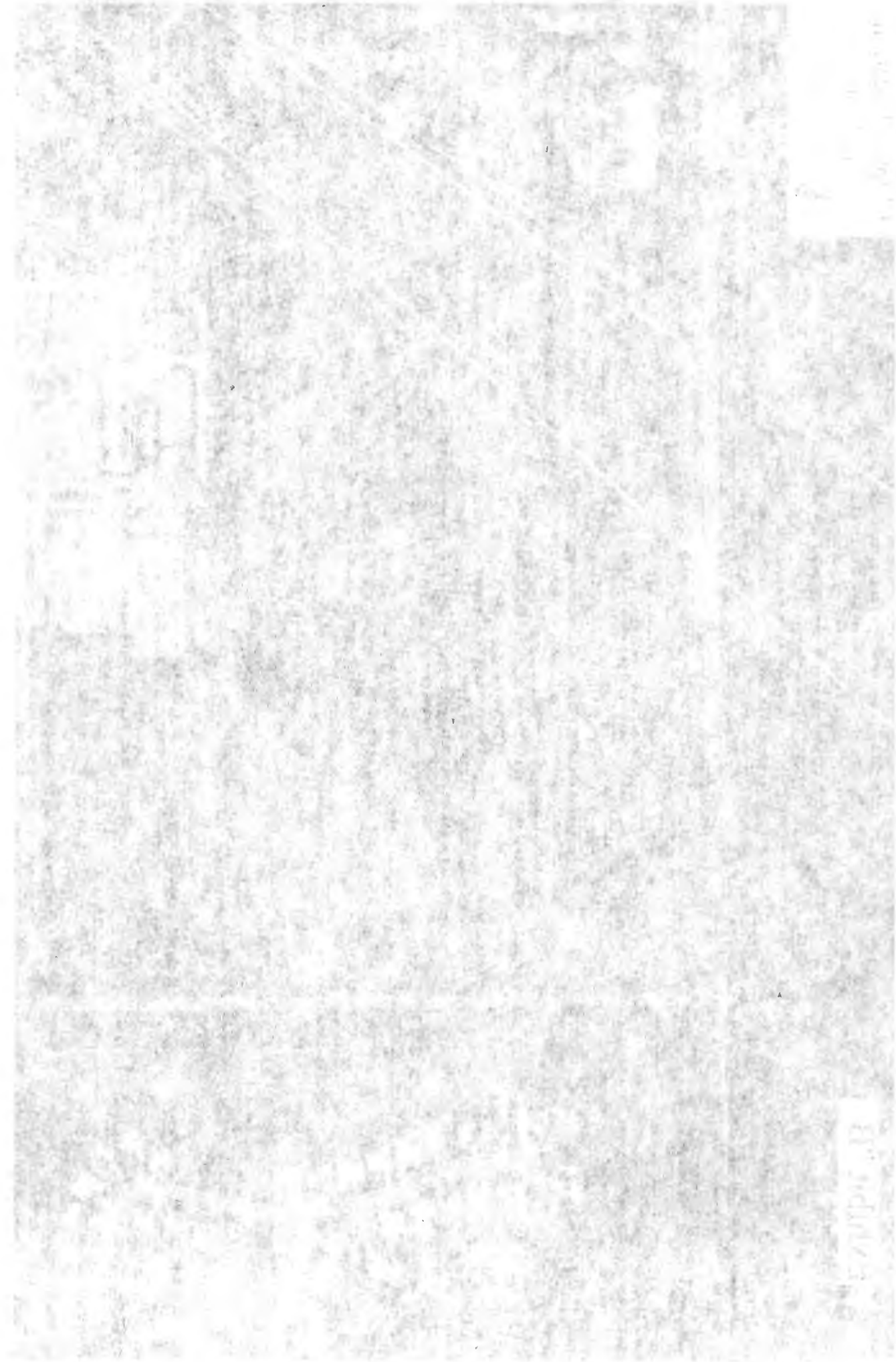


Exhibit 2



Fox Lea Farm

From Grass Roots to Grand Prix...

Three elements that

Make Us

- ***SAFETY*** of both horse and rider
- ***ATMOSPHERE*** horse- and family-friendly
- ***FOOTING*** in the competition arenas

Four elements that could

Break Us

- ***DENSITY*** more people more complaints
- ***WALL*** sound in and sound out
- ***LANDSCAPING*** dust and light
- ***WATER*** footing – footing -- footing



The Horse's Footfall Phases

Breaking down the 3 phases of the footfall will help you to understand the interaction between the horse and the arena footing surface.

The Landing Phase

During the landing phase, the hoof touches the ground and comes to a stop. As the hoof stops, sliding forward and downward into the surface, bones in the leg collide. Concussion can cause shock waves and vibrations to be distributed throughout the ground and leg.

The Loading Phase

During the loading phase, the whole hoof is in contact with the ground, carrying the full weight of the horse and rider. The fetlock, flexor tendons, and suspensory create a shock absorbing effect. Pressure under the frog stimulates blood circulation through the hoof.

The loaded weight increases depending on movements, such as collection, landing from a jump, and galloping.

Rollover/Push-Off Phase

During the rollover-push off phase, the heel rotates off the ground, rolling over the toe for push off into the next stride.



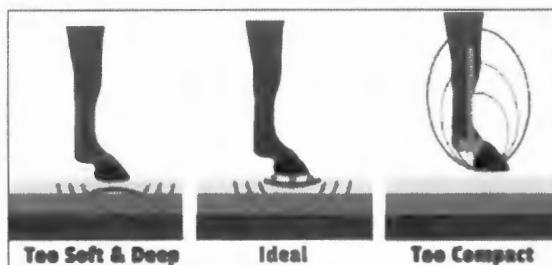
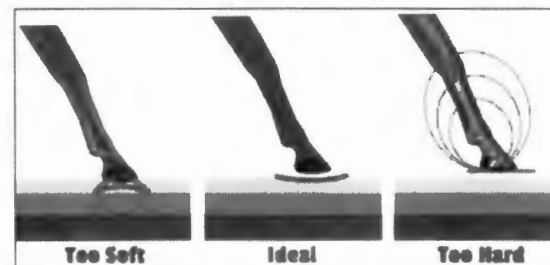
Surface Characteristics: Firmness, Cushioning, Cupping, Rebound, and Grip

An ideal arena surface allows horses to move efficiently through the three phases. The surface should minimize concussion, absorb shock, provide support, and return energy back to the horse. To accomplish this the surface should have a combination of firmness, cushioning, cupping, rebound, and grip.

Firmness

The firmness, or hardness, of the surface affects the amount of support and how shock wave forces are distributed during the landing phase.

- While a hard, compact surface offers a high amount of support, it does not aid in absorbing impact shock. Bones and joints in the hoof and leg are forced to absorb this shock, causing horses to modify their stride or jumping form to avoid the sting. Examples of a hard surface include concrete or packed clay.
- A soft or loose surface, like dry rolling sand, absorbs shock well but lacks support. Over-extending the heel or toe damages supporting tendons and ligaments. Muscles and respiration are also fatigued.
- A surface with ideal firmness offers support with minimal concussion to the bones and joints, and is soft enough to aid in absorbing shock.



Cushioning

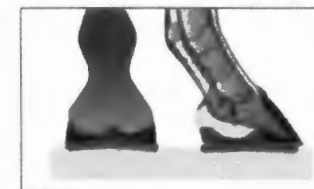
Cushioning refers to how the arena layers dampen shock during the loading phase.

- A compacted surface lacks cushion. The arena layers don't aid in relieving stress and shock when the hoof is loaded with the horse's weight.
- A soft, deep surface has too much cushion. The surface will shift under the foot, causing the horse's body to work harder for support and energy. Soft tissues become overloaded, creating inflammation and tears.
- An ideal amount of cushion should distribute shock through the arena layers, and provide enough resistance under the hoof for the horse to balance and move into the rollover-push off phase. The footing should support the sole, allowing the coffin bone to descend to the corium, generating blood flow.

Cupping

During the loading phase the hoof capsule expands. Pressure under the frog and digital cushion aid in supplying blood to the structures in the hoof capsule. As the weight is released the hoof contracts, pumping blood up the leg and through the body. This process is called hoof mechanism. The surface under the foot influences hoof mechanism.

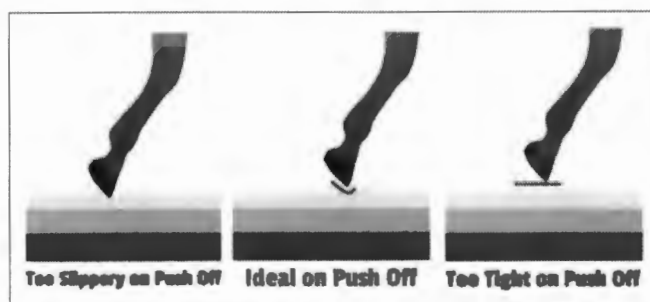
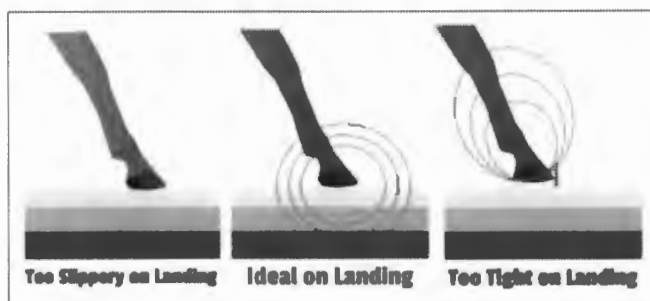
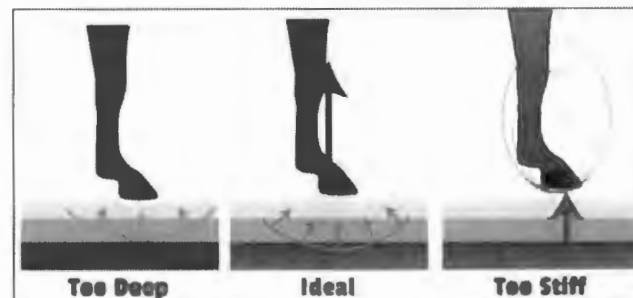
- On a hard, compacted surface the frog has minimal contact, hindering hoof mechanism even further. The amount of weight over the hoof capsule forces blood through only the large veins. The lack of blood flow through the small veins is damaging to the hoof capsule and can lead to problems like navicular disease and laminitis.
- A soft surface will cup under the foot, but may not provide enough resistance and pressure to maximize hoof mechanism.
- To benefit from hoof mechanism, the surface should cup into the sole and collateral grooves of the frog. Resistance in the surface supports the weight and force placed under the foot, while the pressure under the frog and digital cushion encourage blood flow through the hoof capsule.



Rebound

Closely related to cushioning is responsiveness and rebound. This refers to the resiliency of the surface to return to its original form, returning energy after the weight of the horse is applied.

- A stiff and compacted surface rebounds energy back to the surface too quickly, causing additional shock and vibrations to be absorbed by the horse.
- A deep, dead surface rebounds energy too slowly. The horse must use its own energy in tendons, ligaments, and muscles to push out of the surface. This is also a strain on the respiratory system.
- An active and springy surface with ideal rebound returns energy to the horse at the same rate it was applied. This reduces the horse's need to use its own additional energy for momentum. Rebound time is dependent on how the surface is used, for example, dressage vs. jumping.



Grip

The tightness of the surface affects grip. Grip aids in absorbing shock during the landing phase, and provides support and traction during push off and on turns.

- Too much grip stops the foot too quickly. The full use of the horse's stride is restricted and risk of injury to bones and joints is increased. The extreme tightness also prevents the toe from rotating into the surface for push off, straining the leg and navicular region.
- A slippery surface allows for too much hoof slide. The lack of grip causes the hoof to push through the surface, decreasing propulsion. All of this lowers confidence and performance, and safety is at risk.
- The hoof must be allowed to slide during landing and stopping enough for the ground to absorb impact forces. The tightness of the surface must provide stability for the horse during push-off and on turns without causing concussion or sliding. The amount of grip is dependent on how the surface will be used.

Summary

Damage to joints, soft tissue, muscles, hooves, and the respiratory and vascular system is greatly increased in poor footing. Creating the proper riding surface is necessary to maintain your horse's safety, longevity, and performance.

Achieving the ideal characteristics from your arena surface can be done through proper construction, choice of materials, proper watering, and maintenance.

Most existing arenas can be cost-effectively rehabbed to develop an optimum riding surface.

Maintenance

The best way to prevent arena problems from occurring is to pay close attention to footing maintenance. Some arena problems can be solved with frequent dragging and watering. Without dragging, ruts can develop along the arena wall and the corners can become compacted. The amount of dragging will vary with the surface materials and with how much the arena is used. If a lot of horses are using an arena on a daily basis, dragging every day might be needed. If the arena gets used infrequently, dragging once a week might be all that is needed. The more you allow your footing to be inconsistent, the more likely it is to affect your base. Footing loses its spring and bounce without water and maintenance.

In addition to dragging and water, adding footing when the surface thins out can improve conditions. Adding rubber and coarse sand can help. Wood products help in the short term. Also, one should keep a vigilant eye out for foreign objects such as thrown shoes or nails.

Your investment in your footing (both labor and money) can help protect your number one and most important investment—your horse.

3. Problem: Surface is too deep for the discipline. This type of footing trouble can cause soft tissue injuries.

Cure: Water acts as a bonding agent, so water your arena so that it gets wet all the way through. This is the most common type of footing mistake. It increases the surface tension and that tends to hold the footing together.

Deep footing fatigues muscles quickly and puts a strain on tendons and ligaments.

4. Problem: Surface is too hard. This jarring type of footing can cause osteoarthritis.

Cure: Sometimes hard footing is a sign of insufficient cushion. To fix it either add sand, wood, or a rubber product, or water your arena. (In this case, the water softens the footing.) If footing is hard due to compacting, drag or harrow your arena.



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Last edited by DressageDivaJAWs; Jul. 11, 2011, 10:11 AM. Reason: Improved phrasing

All But One Rider Withdraw from Pebble Beach CDI3* Grand Prix Over Footing

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Sand taken out of the Grand Prix arena at Pebble Beach.

PEBBLE BEACH, California, July 8—Seven of eight rider and horse combinations withdrew from the Grand Prix at the Pebble Beach CDI3* Friday in a protest by competitors over the quality of the footing.

Riders complained before the competition started at the Pebble Beach Equestrian Center that the sand ring was too deep, uneven and hard in the corners.

A large amount of sand was removed but discussions between competitors, show management and a footing consultant failed to satisfy most of the riders.

Only one competitor showed—Cyndi Jackson on Strauss who scored 61.723 per cent.

The panel of judges comprised Linda Zang of Davidsorville, Maryland, Alison King of Hong Kong, Cara Whitham and Joan Macartney of Canada and Gabriel Armando of Argentina.

I agree, Pebble Beach is such a great venue! Seems like Pebble Beach Management has hired the wrong contractor to re-do the arenas. If the footing is not perfect for the dressage riders it will definitely too deep and shifting too much for the jumpers.

Most show facilities in California are in urgent need of professional help to provide safe arena footings to the exhibitors. As a matter of fact, bad footing is the main reason

for me to withdraw from horse competition. The entry fees are high and the least you can expect as an exhibitor is perfect arena footing. There is one Cal company who installed our arena footing 4 years ago and it is still excellent.

You might want to check www.footingsolutionsusa.com

Hopefully Show places and Management will learn from the incident.

What makes Fox Lea Farm unique is our focus on the safety and enjoyment of both horse and rider. We are known for our peaceful, horse-friendly environment that is home to top-level competition at a national level.

There are several key elements that contribute to the success of our facility and the competitions we host:

- Quality of Footing in the competition arenas
- Horse and Family-friendly atmosphere
- Safety of both horse and rider are our #1 priority.



Force on a horse's foot when landing off of a 4' jump is 4500+ pounds



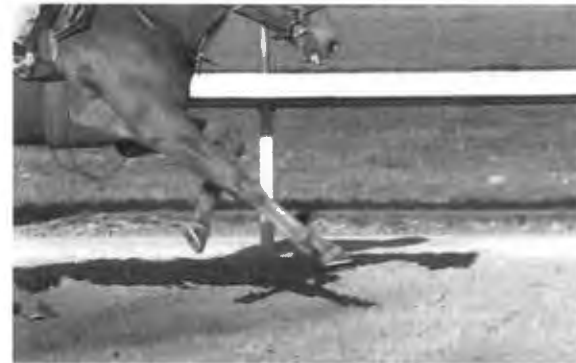
The type of footing on which a horse performs strongly influences whether the animal has a long and productive career, or whether it has that career cut short because of unsoundness or injury. Footing also influences how well the horse performs. Bad footing often is equated with a poor performance, and good footing frequently is equated with a stellar performance. Unfortunately, with footing, it is not a case of one size fits all.

Surface variations

Limb loading is also affected by the surface on which the horse performs. Harder, stiffer surfaces impart greater forces (ground reaction forces, or GRFs) on the hoof, which propagate up the limb causing greater fetlock extension and greater forces and strains in the supporting tendons and ligaments. Different surfaces (dirt, synthetic, turf) are known to affect the risk for racehorse injuries:

- too hard – bone, joint, hoof injuries
- too soft, yielding – soft tissue injuries
- irregular surface – acute injury, tentative performance

The surface must: be firm enough to support the horse, while providing cushion with a low enough stiffness to dampen the load; be responsive to return energy to the horse in an effortless manner; provide enough grip to allow some slide and prevent jarring with hoof contact but support the hoof during propulsion; be uniform to provide a consistent experience with each stride.



Courtesy of Mitch Taylor

Horse behavior is best understood from the view that horses are prey animals with a well-developed fight-or-flight response. Their first reaction to a threat is often to flee, although sometimes they stand their ground and defend themselves or their offspring in cases where flight is untenable, such as when a foal would be threatened.^[1]

Horses prefer to flee from danger, if possible. This may be in the form of a total "run off" or the horse that simply does not want to be caught. However, if **flight** is not an option, horses will **fight** to protect themselves from a perceived danger.

Horses evolved from small mammals whose survival depended on their ability to flee from predators. This basic survival mechanism still is ingrained in the modern horse. Although we have removed most of the predators from the life of the domestic horse, its first instinct when frightened is to run away from the frightening stimulus. If running is not possible then the horse resorts to biting, kicking, striking or rearing to protect itself. Many of the horse's natural behavior patterns, such as forming herds and performing the same activities as other horses in their herd, relate directly to their prey status.

To safely work with horses, no matter what the venue - a basic understanding of behavior can aid any level of horsemen. One of the most important things to remember is that horses evolved as a prey species. That means that many of their instinctive reactions are based in a desire to protect themselves from danger.

First, we need to realize that the horse evolved as a prey animal and its first response to anything scary is flight. Horses understand that their safety relies on their ability to put distance between themselves and something they perceive as dangerous. What is dangerous to a horse? Almost everything! Their well-being relies on their perception that everything that moves or is new could eat them. So when we lead or ride a horse up to or past something it has not seen before, the horse can become wary and nervous.

While horses are prey animals, humans are classified as predators, and as such we approach life in a very different manner than the horse. A lot of things we naturally do can be counter-productive when it comes to working horses.

Wildfire Smoke and Horses' Respiratory Health

By University of California, Davis, School of Veterinary Medicine
Other Respiratory Problems, Disaster Recovery

Apr 28, 2017

Basic

Topics: Respiratory System,

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Use human health air quality advisories and apply them to horse events where horses will be exercising and breathing harmful smoke: For example, if humans' eyes burn and are bothered by smoke, you can assume horses will be in the same boat.

Photo: Thinkstock

Wildfires have raised concern among horse owners regarding the potential impact of persistent smoke and related air pollution on their equids. And their concern is justified: Smoke can cause serious health problems for horses, as it can in people, notes an equine veterinarian from the University of California, Davis (UC Davis), School of Veterinary Medicine.



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14. Surficial Aquifer System Monitoring and Mitigation Plan. Fox Lea Farm has expressed concern that dewatering activities associated with the construction of the project's storm water management ponds could adversely affect the ability of Fox Lea Farms to maintain proper soil moisture content needed to safeguard the riders and horses from injury. Dewatering could result in adverse conditions within the arenas and show rings and leave insufficient water in Fox Lea's water supply pond or wells. The Developer's engineer has provided a study of anticipated short-term effects on ground water levels from the dewatering activities associated with construction of the project's storm water ponds. To ensure these activities do not adversely effect Fox Lea Farms, the Developer, or their successor, will construct, operate and maintain the monitoring system, and shall mitigate any potential impacts to Fox Lea Farm as follows:

a. Surety Bond. A surety bond of (enter amount) will be required to protect and compensate Fox Lea Farms from adverse impacts resulting from the Developer's, or their successors, construction dewatering activities. (Jeff to add language on amount and terms)

b. Timing. The monitoring facilities shall be in place, collecting water level data, and operating in good working order, no less than two (2) weeks prior to the commencement of site construction work on the stormwater ponds and shall remain in place for 180 days after the new ponds are constructed and filled to their design water level, or until ground water levels at Fox Lea Farm have returned to their pre-construction state, whichever is later. The Developer's, or their successor's, engineer(s), consultants, subconsultants and contractors must be provided verbal authorization by Fox Lea Farm prior to entering or performing any work on the property. All work authorized by Fox Lea Farm will be performed in a manner that does not disturb or interfere with Fox Lea's business operations or clients. The Developers, or their successors, shall maintain the monitoring facilities in good working order at all times.

c. Monitoring wells and staff gauge.

i. Number and location of monitoring wells. At least one monitoring well shall be established on the subject (i.e. Developer's) property, south of Pond 1 (as depicted on the Binding Development Concept Plan) near the Fox Lea Drive property line. If Fox Lea Farms agrees to execute such consents and easements as may be necessary upon request by the Developer, or their successor, three monitoring wells shall be established on Fox Lea Farm's property at the location previously identified by Fox Lea Farms. If Fox Lea Farm does not agree to place the proposed monitoring wells and staff gauge on its property, at least two other monitoring wells shall be established along the subject property's southern property line, for a total of three (3) monitoring wells equally spaced between the development's proposed southern storm water pond and Fox Lea's nearest show rings and arenas.

ii.

iii. Specification of monitoring wells. The construction of the shallow monitor wells will meet all applicable standards set by American Society for Testing and Materials (ASTM) International, the Florida Department of Environmental Protection (FDEP), the Southwest Florida Water Management District (SWFWMD), and/or applicable Sarasota County regulations, respectively and if required by law. Each monitor well shall extend to a depth of at least 15 feet and no more than XX feet below land surface (ft. BLS) and will be constructed with 10 feet (ft.) of 10 slot PVC screen (0.01-in.) and, at a minimum, approximately 7-ft. of Schedule 40 PVC well casing. The wells are proposed to be installed by direct push methodology to assure plumbness and, prior to monitoring, be developed to remove fine sediments that may have been introduced into the screens during installation. Each monitor well will have a lockable, metal protective casing extending approximately 2.5 to 3 feet above land surface (ft. ALS) and a 2-ft. by 2-ft. concrete well pad. A protective fence that ensures the safety and security of horses will be installed around each monitor well. Following well installation and development, a Florida licensed land surveyor will measure and provide elevations for: (1) ground surface at the well pad; (2) top of metal protective casing (lid down); (3) top of PVC well casing at an identifiable notch.

iv. Staff gauge. If Fox Lea Farms agrees to execute such consents and easements as may be necessary upon request by the Developer, or their successor, a staff gauge shall be installed on the northern shoreline of the water supply pond on Fox Lea Farms' property. The staff gauge shall be constructed with 5 ft. of 10 slot PVC screen (0.01-in.) resting on the bottom of the pond clamped to a black steel pipe driven into the pond bottom for vertical support of the well screen. Following staff gauge installation, a Florida licensed land surveyor will measure and provide the elevation for the top of PVC well screen at an identifiable notch.

d. Monitoring equipment and monitoring. Pressure transducers at each monitor well and staff gauge shall be installed along with a telemetry system. This will allow for the collection of water level data without interfering with Fox Lea Farm activities. The Diver® system by Van Essen, or a similar system, to be installed for this project, allows water level measurements to be monitored via a desktop web interface. The pressure transducers will be programmed for hourly measurements with telemetry data uploaded to the web interface at a minimum of every three (3) hours. Water levels will be monitored for no less than two (2) weeks prior to initiating construction dewatering and will continue until all construction dewatering activities have been terminated and the newly excavated ponds rebound back to approximate static water table conditions. Bi-weekly manual water level measurements will be made at the beginning of monitoring, during dewatering of Pond 1, and during construction dewatering of Pond 2 as a means of Quality Assurance.

e. Data collection and sharing. The Developer's, or their successor's, engineers shall monitor, collect and save the data from the monitoring wells and staff gauge. The data and real-time access to viewing the measurements will be provided to a representatives of Fox Lea Farm, to the Developer, or their successor, and to the site dewatering contractor. Based on the modeling evaluation completed using the SWFWMD District-Wide Regulatory Model version 3 (DWRMv3), the monitoring system cloud interface will be set-up such that a warning notification will be sent to representatives of Fox Lea Farm, the Developer, or their successor, and the site dewatering contractor when drawdown approaches one (1.0) foot above the simulated drawdown at any of the assigned well locations or staff gauge. If dewatering drawdown exceeds one tenth (0.10) of a foot below the model derived drawdown at any of the well locations or staff gauge, the dewatering pump will be immediately shut-off, or construction dewatering rate immediately reduced, such that dewatering drawdown is no longer greater than the model derived drawdown at all assigned well locations and staff gauge. Additionally, precipitation data will be collected on site by the Developer provided during the weekly update submittal to Fox Lea Farm's representative.

f. Avoidance and mitigation of adverse impacts to Fox Lea Farm.

i. Adverse impact. An adverse impact is identified as the measured drawdown exceeding the simulated DWRMv3 drawdown by greater than one-tenth (0.10) foot at any of the agreed upon well locations and staff gauge and shall be considered corrected if the measured water levels at all well locations and staff gauge, return to levels at, or less than, the model derived drawdown at all well locations and staff gauge.

ii. Avoiding or mitigating adverse impacts.

1. If monitoring indicates ground water levels measured at any of the agreed upon monitoring well locations and/or staff gauge have dropped to within one (1) foot of the predicted DWRMv3 drawdown at any of the approved monitoring points, representatives of Fox Lea Farm, the Developer, or their successor, and engineers will be notified with that information and the site dewatering contractor will be required to be present on site.

2. If monitoring indicates ground water levels measured at all of the agreed upon monitoring well locations and/or staff gauge are within the predicted DWRMv3 drawdown at approved monitoring points and water levels trends indicate a continued decline, the site dewatering contractor will reduce the construction dewatering rate as necessary to maintain groundwater levels within the model derived drawdowns at all monitoring well locations and staff gauge.

3. If monitoring indicates ground water levels measured at any of the agreed upon monitoring well locations and/or staff gauge continue to decline greater than one tenth (0.10) of a foot below the predicted DWRMv3 drawdown at any of approved monitoring points, Fox Lea has the right to suspend all

equestrian activities due to adverse impacts and the City will require immediate stoppage of all development construction activities.

4. If Fox Lea's equestrian business activities are suspended due to dewatering drawdowns in excess of the model derived values at any of the monitoring wells or staff gauge, Fox Lea is guaranteed compensation for any monetary loss up to the amount of the surety bond.