

STIPULATIONS

1. *Fox Lea Drive Buffer:* The Property Owner agrees to establish a minimum forty (40) feet in width landscaped buffer area extending along the entire southern border of the property. The Property Owner shall maintain in perpetuity the berm of five feet (5') in height with an eight-foot (8') tall concrete wall on top, as well as the density and number of all landscaping as provided in the Binding Master Concept Plan Narrative and Landscape Plan.
2. *Prohibition on Pools:* No pools shall be constructed or installed in backyards of lots along the property's southern border.
3. *Prohibition on Burning in Connection with Land Development and Construction; Specifications for Chipping:* No burning shall occur onsite in connection with the land development and construction on the Property. In lieu of burning, the Property Owner may utilize wood chipping, but only in the northernmost area of the property and while using a six-foot (6') berm on the south side of the wood chipper for sound-suppression.
4. *Timing of Land Development and Construction:* The Property Owner shall use its best efforts to limit land development and building construction along the southern boundary during the months of January, February, March, July and August.
5. *Surficial Aquifer System Monitoring Plan:* The Property Owner shall implement and pay for, at its sole cost, the Surficial Aquifer System Monitoring Plan (hereinafter "Plan") as detailed therein and attached hereto as Exhibit "A." Progressive Water Resources, LLC, shall facilitate and operate all aspects of the Plan. In furtherance of this plan, the Property Owner shall provide access to the Property and any easements necessary to Progressive Water Resources, LLC, and Fox Lea Farm for activities, including but not limited to, installation, monitoring, maintenance and operation of the Plan. All data and reports provided by the Plan shall be provided in real time and simultaneously to the Property Owner, Progressive Water Resources, LLC, and Fox Lea Farm. All development activities shall immediately cease upon notice of adverse impacts to groundwater levels or supply on Fox Lea Farm's property.
6. *Fox Lea Farm's right to enter Murphy Oaks property during development activities:* For purposes of monitoring compliance with the obligations imposed upon Murphy Oaks and associated parties by virtue of the approvals for development, including but not limited to, the Development Order, Ordinance, Binding Master Plan, Landscape Plan and Development Agreement, Fox Lea Farm employees and representatives shall have the right to enter onto the Murphy Oaks property while land development and construction activities are ongoing.

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7. ✕ *Notice to all individual's performing development and construction related activities for the Murphy Oaks development of Fox Lea Farm's sensitive operations and the need for adequate safeguards:*

For purposes of safeguarding 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 indicated here below.

"Individual contracted, employed, and/or permitted to perform work" shall include but not be limited to contractors, subcontractors, surveyors, consultants, etc. "Land development and construction" is intended to encompass all work and activities on-site that relate to the land preparation, development and construction of the planned Murphy Oaks development.

- a. The property owner and/or developer of Murphy Oaks shall coordinate on and share with Fox Lea Farm its land development and construction schedule, and shall provide copies of such schedule to Fox Lea Farm in advance of commencing any and all land development and construction.
- b. The property owner and/or developer shall also provide the names and contact information for the company of every individual contracted, employed, and/or permitted to perform work relating to any and all land development and construction on and around the Murphy Oaks property. Such information shall be provided to Fox Lea Farm as soon as reasonably practical, but at a minimum prior to commencement of such activities. The contact information provided must enable Fox Lea Farm to reach a person that is on-site of the Murphy Oaks property during the time of such land development and construction.
- c. The property owner and/or developer shall provide to every individual contracted, employed, and/or permitted to perform work relating to land development and construction a written notice of Fox Lea Farm's operations and the necessity to take the precautions detailed therein.
- d. The property owner and/or developer shall also require each individual contracted, employed, and/or permitted to perform work relating to land development and construction to sign and date said notice, and provided the same to Fox Lea Farm prior to the commencement of that individual's work.
- e. Should an individual contracted, employed, and/or permitted to perform work relating to land development and construction activities be performing work in or around Fox Lea Dr., the Fox Lea Dr. right-of-way, or within 30 feet of the Murphy Oaks southern property line, that individual shall keep a copy of its signed and dated written notice on its person.