

This instrument prepared by and after recording return to:

Jarrett D. Bingemann, Esq.
Akerman LLP
420 South Orange Avenue, Suite 1200
Orlando, Florida 32801

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11/05/2015 02:18:03 PM Page 1 of 42
Rec Fee: \$358.50
Martha O. Haynie, Comptroller
Orange County, FL
IO - Ret To: ORANGE COUNTY PUBLIC WORK



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FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR LATHAM PARK

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR LATHAM PARK ("First Amendment") is made this 29th day of October, 2015, by **ASHTON ORLANDO RESIDENTIAL, L.L.C.**, a Nevada limited liability company, whose address is 1064 Greenwood Blvd., Suite 124, Lake Mary, Florida 32746 ("**Ashton**" or "**Declarant**").

RECITALS

A. This First Amendment amends the Declaration of Covenants, Conditions, Easements and Restrictions for Latham Park recorded in Official Records Book 10812, Page 4473 of the Public Records of Orange County, Florida ("**Declaration**"), concerning a residential single family community in Orange County, Florida known as Latham Park and more particularly described in the Declaration. All capitalized terms used in this First Amendment without definition shall have the same meanings given to such terms in the Declaration.

B. CDCG acquired the Latham Park South Property from VF Horizon by virtue of that certain Special Warranty Deed recorded in Official Records Book 10676, Page 3474 of the Public Records of Orange County, Florida, and as such, CDCG is the owner of the owner of the Latham Park North Property and the Latham Park South Property as of the date of this First Amendment.

C. VF Horizon has assigned to Ashton all of VF Horizon's rights, powers and reservations of Declarant under the Declaration (collectively, "**Latham Park South Declarant Rights**") pursuant to that certain Assignment and Assumption of Declarant Rights under the Declaration of Covenants, Conditions, Easements and Restrictions for Latham Park recorded in the Public Records of Orange County, Florida concurrent with this First Amendment.

D. Ashton has the right to acquire Lots within the Latham Park South Property from CDCG pursuant to that certain Option Agreement, as evidenced by the Memorandum of Option.

E. As of the date of this First Amendment, Turnover has not occurred.

F. Ashton, as the Declarant under the Declaration, desires to amend the Declaration as more specifically set forth in this First Amendment, pursuant to Article XVII, Section 3 of the Declaration.

NOW, THEREFORE, Ashton, for itself and its successors and assigns, by the execution and recording in the Public Records of Orange County of this First Amendment, does hereby declare that the Declaration shall be amended as provided herein.

1. Recitals. The foregoing recitals are true and correct and, by this reference, are hereby incorporated into this First Amendment.

2. Definitions. The definition of "**Common Property**" contained in Article I, J. of the Declaration is hereby deleted in its entirety and replaced with the following:

"**Common Property**" shall mean and refer to all real and personal property from time to time owned or held by the Association, or any rights or interests of the Association in any real or personal property, including, but not limited to, the following:

(i) Tracts P-1 through P-6, inclusive, Tracts OS-1 through OS-4, inclusive, Tracts LSW-1 through LSW-2, inclusive, Tract R-1, Tracts WB-1 through WB-3, inclusive, Environmental Swale Easement, Private Access and Drainage Easements, and Wall and Landscape Easements all as more particularly defined and depicted on the Plat of the Latham Park North Property;

(ii) Tracts P-1 through P-6, inclusive, Tracts OS-1 through OS-3, inclusive, Tracts W-1 through W-12, inclusive, Tract WB-1, and Private Drainage Easements all as more particularly defined and depicted on the Plat of the Latham Park South Property;

(iii) Tracts L-1, L-2, and L-3 as more particularly defined and depicted on the Plat of the Latham Park South Property; and

(iv) the Community Dock and any Conservation Areas as defined and depicted on any Plat, and further including the benefit of all easements, rights and other interests established in favor of the Association by this Declaration or any Plat, or any portion thereof.

Notwithstanding the foregoing, the Common Property shall be subject to any and all reservations and restrictions of record prior to any grant or conveyance of the Common Property to the Association, subject to Ashton's prior review and approval, including but not limited to, any reservation of mitigation credits and the recording of restrictive covenants concerning same, by CDCG, or its successors and assigns, in accordance with applicable law, with respect to Tract W-1, as more particularly defined and depicted on the Plat of the Latham Park South Property.

3. Surface Water Management System. Notwithstanding anything to the contrary set forth in Article XVII, Section 8 of the Declaration, SFWMD Permits shall mean and refer to all permits and other approvals associated with the Surface Water Management System, including but not limited to: (i) with respect to the Latham Park North Property, SFWMD Permit No. 48-02239-P, attached as Exhibit "E" to the Declaration and incorporated therein; and (ii) with respect to the Latham Park South Property, SFWMD Permit No. 48-02239-P, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference (collectively, the "**SFWMD Permits**").

4. Lot 1-11 PDE. Notwithstanding anything to the contract set forth in the Declaration, the private drainage easements located to the rear of Lots 1 through 11, inclusive, of the Latham Park South Plat ("**Lot 1-11 PDE**") shall be maintained by the Owners of such Lot(s) that include Lot 1-11 PDE, including Builders, failing which, the Association shall have the right to maintain such Lot 1-11 PDE. Maintenance of the Lot 1-11 PDE easement areas more particularly depicted on the Latham Park South Plat ("**Lot 1-11 PDE Easement Areas**"), includes the mowing and removal of trash and other debris from such Lot 1-11 PDE Easement Areas located on such Owner's respective Lot(s). The construction, clearing, grading or alteration of the Lot 1-11 PDE Easement Areas by Owners is otherwise strictly prohibited.

5. No Further Amendments. In the event of any inconsistencies between the terms and provisions of this First Amendment and the terms and provisions of the Declaration, the terms and provisions of this First Amendment shall control. Otherwise the Declaration is unmodified and remains in full force and effect. From and after the date of execution and recording of this First Amendment, any and all references to the Declaration shall be deemed to refer to the Declaration as amended by this First Amendment.


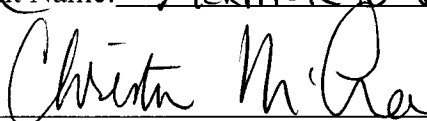
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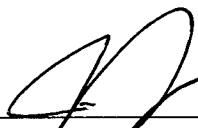
IN WITNESS WHEREOF, Ashton has caused this First Amendment to be executed as of the day and year first above written.

WITNESSES:

"ASHTON"

ASHTON ORLANDO RESIDENTIAL,
L.L.C., a Nevada limited liability company


Print Name: McKinzie D. Terrill

Print Name: CHRISTINA M. LEE

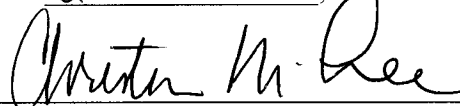
By: 
Name: John Reny
Title: Authorized Representative

STATE OF FLORIDA

COUNTY OF ORANGE

I, HEREBY CERTIFY that on this day personally appeared before me, John Reny, as Authorized Representative of **ASHTON ORLANDO RESIDENTIAL, L.L.C.**, a Nevada limited liability company, to me well known to be the person described in and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same on behalf of the company.

WITNESS my hand and official seal this 19th day of October, 2015.


Notary Public, State of Florida
My commission expires: _____
(Seal)

(NOTARIAL SEAL)



**JOINDER AND CONSENT OF CDCG 3 AW LP
TO DECLARATION**

CDCG 3 AW LP, a Delaware limited partnership, having an address of c/o CDCG Asset Management LLC, 8585 E. Hartford Drive, Suite 118, Scottsdale, AZ 85255, being the record title holder of the Latham Park North Property and Latham Park South Property, does hereby join and consent to terms and conditions of the Declaration, as amended by this First Amendment.

Signed, sealed and delivered
in the presence of

CDCG 3 AW LP,
a Delaware limited partnership

Wendy Stoekel
Print Name: Wendy Stoekel

By: **CDCG Asset Management, LLC**, an
Arizona limited liability company, its
Authorized Agent

Donna Ransom
Print Name: Donna Ransom

Steven S. Benson
By: Steven S. Benson
Title: Manager

Date: 10/23/15

STATE OF Arizona

COUNTY OF Maricopa

I HEREBY CERTIFY that on this day personally appeared before me, Steven S. Benson, Manager of CDCG Asset Management, LLC, an Arizona limited liability company, the Authorized Agent of **CDCG 3 AW LP**, a Delaware limited partnership, on behalf of said partnership, who is personally known to me or produced _____ as identification.

WITNESS my hand and official seal this 23 day of October, 2015.

(NOTARIAL SEAL)

Nathan Holt
Notary Public, State of Florida
My commission expires: 10/30/18
(Seal)

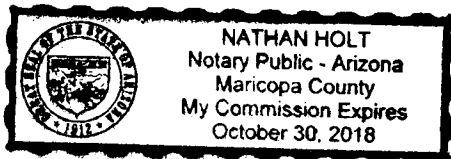


EXHIBIT "A"

(SFWMD Permit for the Latham Park South Property)



FORM 80287
Rev. 07/03

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
PERMIT MODIFICATION NO. 48-02239-P
DATE ISSUED: JUNE 3, 2013**

PERMITTEE: V F HORIZON INVESTMENTS L L C
(LATHAM PARK SOUTH)
14550 58TH STREET NORTH,
CLEARWATER, FL 33760

ORIGINAL PERMIT ISSUED: APRIL 22, 2013

ORIGINAL PROJECT DESCRIPTION: ENVIRONMENTAL RESOURCE PERMIT TO AUTHORIZE CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE A 314.01 ACRE RESIDENTIAL PROJECT KNOWN AS LATHAM PARK NORTH.

APPROVED MODIFICATION: MODIFICATION OF AN ENVIRONMENTAL RESOURCE PERMIT TO AUTHORIZE CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE A 109.35 ACRE RESIDENTIAL PROJECT KNOWN AS LATHAM PARK SOUTH.

PROJECT LOCATION: ORANGE COUNTY, SECTION 3,4 TWP 24S RGE 27E

PERMIT DURATION: See Special Condition No:1. Pursuant to Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Permit Application No. 130306-5, dated March 5, 2013. This action is taken pursuant to the provisions of Chapter 373, Part IV, Florida Statutes (F.S.), and the Operation Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection.

Based on the information provided, District rules have been adhered to and an Environmental Resource Permit Modification is in effect for this project subject to:

1. Not receiving a filed request for an administrative hearing pursuant to Section 120.57 and Section 120.569, or request a judicial review pursuant Section 120.68, Florida Statutes.
2. The attached 19 General Conditions.
3. The attached 20 Special Conditions.
4. The attached 3 Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Should you wish to object to the proposed agency action or file a petition, please provide written objections, petitions and/or waivers to:

Elizabeth Veguilla, Deputy Clerk, MSC2440
South Florida Water Management District
Post Office Box 24680
West Palm Beach, FL 33416-4680

Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights", we will assume that you concur with the District's action.

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that the Staff Report, Conditions and Notice of Rights have been mailed to the Permittee (and the persons listed on the attached staff report distribution list) no later than 5:00 p.m. on this 4th day of June, 2013, in accordance with Section 120.60(3), Florida Statutes, and a copy has been filed and acknowledged with the Deputy District Clerk.

By 
DEPUTY CLERK
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Attachments

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on June 3, 2018.
2. Operation of the surface water management system shall be the responsibility of ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS (MASTER SYSTEM) and LATHAM PARK HOMEOWNERS ASSOCIATION INCORPORATED (SWALES). Concurrent with the engineering certification of construction completion, the permittee shall provide official written verification of establishment of the filed articles of incorporation, a copy of the certificate of incorporation for the association, and a copy of the recorded deed restrictions (or declaration of condominium, if applicable).
3. Discharge Facilities:

Basin: SW-5

1-49" W X 5" H RECTANGULAR NOTCH weir with crest at elev. 95.8' NAVD 88.
360 LF of 24" dia. REINFORCED CONCRETE PIPE culvert.
1-49" W X 37" L drop inlet with crest at elev. 97.4' NAVD 88.

Receiving body : Adjacent Wetland and Pond SW-6
Control elev : 95 feet NAVD 88.

Basin: SW-6

1-49" W X 5" H RECTANGULAR NOTCH weir with crest at elev. 95.8' NAVD 88.
1-4.5" dia. CIRCULAR ORIFICE with invert at elev. 95' NAVD 88.
218 LF of 30" dia. REINFORCED CONCRETE PIPE culvert.
1-49" W X 37" L drop inlet with crest at elev. 97.4' NAVD 88.

Receiving body : Adjacent Wetland
Control elev : 95 feet NAVD 88.

4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Lake side slopes shall be no steeper than 5:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.

11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. The permittee acknowledges that, pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
13. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.
14. Minimum building floor elevation:
BASIN: SW-5 - 98.00 feet NAVD 88.
BASIN: SW-6 - 98.00 feet NAVD 88.
15. Minimum road crown elevation:
Basin: SW-5 - 97.00 feet NAVD 88.
Basin: SW-6 - 97.00 feet NAVD 88.
16. Prior to commencement of construction and in accordance with the work schedule in Exhibit 3 the permittee shall submit an electronic or hard copy version of the certified copy of the recorded conservation easement for the mitigation area(s) and associated buffer(s). The electronic version of the recorded conservation easement, and associated GIS information described below, shall be submitted via the District's ePermitting/eCompliance website. The GIS data shall be supplied in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet. A map depicting the Conservation Easement over the best available satellite or aerial imagery shall also be provided. If the information is provided via hard copy the GIS data shall reside on CD disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

The recorded easement shall utilize the form attached as Exhibit 3. Any proposed modification to the approved form must receive prior written consent from the District. The easement must be free of encumbrances or interests in the easement which the District determines are contrary to the intent of the easement. In the event it is later determined that there are encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests.
17. A maintenance program shall be implemented for the preserved wetland areas on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation areas are maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Maintenance in perpetuity shall also insure that conservation areas, including buffers, maintain the species and coverage of native, desirable vegetation specified in the permit. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.
18. The following exhibits for the permit are incorporated by reference herein and are located in the permit file. In addition,

these exhibits can be viewed on the District's ePermitting website under this application number.

Exhibit No. 3- Conservation Easement, sketch and legal description

19. All treatment swales located within a phase of construction shall be constructed as part of the master surface water management system for that phase, not by individual lot owners, and shall be included in a perpetual drainage easement to the Latham Park Homeowners Association, in order to ensure they will be continuous and function as designed.
20. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 48-02239-P unless otherwise specified herein.

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved

responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

PERMIT NO: 48-02239-P
PAGE 7 OF 7

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

**FINAL APPROVED BY
EXECUTIVE DIRECTOR
JUNE 3, 2013**

Last Date For Agency Action: June 17, 2013

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Latham Park South

Permit No.: 48-02239-P

Application No.: 130306-5

Application Type: Environmental Resource (Construction/Operation Modification)

Location: Orange County, S3,4/T24S/R27E

Permittee : V F Horizon Investments L L C

Operating Entity : Orange County Board Of County Commissioners (Master System)
Latham Park Homeowners Association Incorporated (Swales)

Project Area: 109.35 acres

Project Land Use: Residential

Drainage Basin: REEDY CREEK

Receiving Body: Reedy Creek Wetlands

Class: CLASS III

Special Drainage District: NA

Total Acres Wetland Onsite: 33.90

Total Acres Wetland Preserved Onsite: 29.53

Total Acres Impacted Onsite : 4.37

Total Acres Presv/Mit Compensation Onsite: 29.53

Total Acres Presv/Mit Compensation Offsite: 41.68

Conservation Easement To District : No

Sovereign Submerged Lands: No

PROJECT PURPOSE: Modification of an Environmental Resource Permit to authorize construction and operation of a surface water management system to serve a 109.35 acre residential project known as Latham Park South.

PROJECT EVALUATION:**PROJECT SITE DESCRIPTION:**

The site is located south of Seidel Rd, east of the Daniel Webster Western Beltway (SR429), and south of Huckleberry Lake in Orange County.

There are permitted surface water management facilities for the area north of this project, under Permit No. 48-02239-P, under the same ownership, therefore, the project area under this application will be added to Permit No. 48-002239-P.

The largest component of the site is Wetland One (1) which extends from the southwest across the site to the northeast. It is predominantly a mixed forested wetland with some areas of marsh. There are in addition live oak, pine flatwoods, lake and open land within the site. Wetland impacts will be offset by onsite and offsite wetland preservation.

PROPOSED PROJECT:

Proposed construction consists of the surface water management system serving a proposed single family home development. Water quality treatment and attenuation will be provided in a combination of two proposed wet detention ponds and treatment swales.

Water quality treatment for one inch over the basin area, plus 50 percent additional water quality treatment as a Best Management Practice, is proposed. The applicant has also provided an analysis showing that the post-development phosphorus load will be less than the pre-development phosphorus load.

Portions of the project will be treated in proposed treatment swales that will be constructed as part of the master surface water management system, not by individual lot owners, in order to ensure they will be continuous and function as designed. The swales will be located within a perpetual drainage easement. (See Special Conditions).

An MSTU will be established by Orange County for operation and maintenance of the wet detention ponds, and the operation and maintenance entity will be Orange County Board of County Commissioners. The Latham Park Homeowners Association, Inc., will operate and maintain the treatment swales.

Portions of the project are within the 100-year flood plain, elevation 96 feet NAVD88. A total of 14.43 ac-ft of fill will be placed within the 100-year floodplain, which will be compensated for by providing 14.48 ac-ft of storage within the proposed wet detention ponds, a proposed compensating storage area, and the previously permitted wet detention ponds for Latham Park North, between the average wet season water table elevation and the 100-year flood elevation.

LAND USE:

The area included under the "Water Management" column includes the two wet detention ponds (6.56 acres), the treatment swales (0.6 acres), and the 1.08 acre compensating storage area.

**Construction
Project:**

This Phase

Building Coverage	10.14	acres
Lake	41.51	acres
Pavement	10.25	acres
Pervious	16.00	acres
Preserved	23.21	acres
Water Mgnt Acreage	8.24	acres
Total:	109.35	

WATER QUANTITY :**Discharge Rate :**

As shown in the table below, the proposed project discharge is within the allowable limit for the area.

Discharge Storm Frequency : 25 YEAR-1 DAY

Design Rainfall : 8.6 inches

Basin	Allow Disch (cfs)	Method Of Determination	Peak Disch (cfs)	Peak Stage (ft, NAVD 88)
SW-6	32.1	Pre Vs Post	19.1	97.2

Finished Floors :

As shown in the following table and the attached exhibits, minimum finished floor elevations have been set at or above the calculated design storm flood elevation.

Building Storm Frequency : 100 YEAR-3 DAY

Design Rainfall : 14.4 inches

Basin	Peak Stage (ft, NAVD 88)	Proposed Min. Finished Floors (ft, NAVD 88)	FEMA Elevation (ft, NAVD 88)
SW-5	98	98	96
SW-6	98	98	96

Road Design :

As shown in the following table and the attached exhibits, minimum road center lines have been set at or above the calculated design storm flood elevation.

Road Storm Frequency : 10 YEAR-1 DAY

Design Rainfall: 7 inches

Basin	Peak Stage (ft, NAVD 88)	Proposed Min. Road Crown (ft, NAVD 88)
SW-5	96.8	97
SW-6	96.8	97

Flood Plain/Compensating Storage:

Portions of the project are within the 100-year flood plain, elevation 96 feet NAVD88. A total of 14.43 ac-ft of fill will be placed within the 100-year floodplain, which will be compensated for by providing 14.48 ac-ft of storage within the proposed wet detention ponds, a proposed compensating storage area, and the previously permitted wet detention ponds for Latham Park North, between the average wet season

water table elevation and the 100-year flood elevation.

Displaced Volume	Compensating Volume	100-Year Stage Elevation
14.43 ac-ft	14.48 ac-ft	96 ft-NAVD 88

Control Elevation :

Basin	Area (Acres)	Ctrl Elev (ft, NAVD 88)	WSWT Ctrl Elev (ft, NAVD 88)	Method Of Determination
SW-5	24.09	95	95.00	Wet Season Soil Borings
SW-6	16.13	95	95.00	Wet Season Soil Borings

Receiving Body :

Basin	Str.#	Receiving Body
Sw-5	CS-SW5	Adjacent Wetland and Pond SW-6
Sw-6	CS-SW6	Adjacent Wetland

Discharge Structures: Note: The units for all the elevation values of structures are (ft, NAVD 88)

Bleeders:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert Elev.
SW-6	CS-SW6	1	Circular Orifice				4.5"		95

Culverts:

Basin	Str#	Count	Type	Width	Length	Dia.
SW-5	CS-SW5	1	Reinforced Concrete Pipe		360'	24"
SW-6	CS-SW6	1	Reinforced Concrete Pipe		218'	30"

Inlets:

Basin	Str#	Count	Type	Width	Length	Dia.	Crest Elev.
SW-5	CS-SW5	1	Fdot Mod D Drop Inlet	49"	37"		97.4
SW-6	CS-SW6	1	Fdot Mod D Drop Inlet	49"	37"		97.4

Weirs:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Elev.
SW-5	CS-SW5	1	Rectangular Notch	49"	5"			95.8 (crest)
SW-6	CS-SW6	1	Rectangular Notch	49"	5"			95.8 (crest)

WATER QUALITY :

Water quality treatment for one inch over the basin area, plus 50 percent additional water quality treatment as a Best Management Practice, is proposed. The applicant has also provided an analysis showing that the post-development phosphorus load will be less than the pre-development phosphorus load. No adverse water quality impacts are anticipated as a result of the proposed project.

Basin	Treatment Method	Vol Req.d (ac-ft)	Vol Prov'd

Basin	Treatment Method		Vol Req.d (ac-ft)	Vol Prov'd
SW-5	Treatment	Wet Detention	3.73 acres	3.01
SW-6	Treatment	Wet Detention	2.83 acres	2.02
DBLake	Treatment	Swale	.23 acres	.08
DBPark	Treatment	Swale	.37 acres	.15

WETLANDS:

Wetland one (1) is a combination of predominantly mixed forested wetland and marsh. There have been some adverse hydrologic impacts to the wetland due to the proximity of the large Disney ditch to the south of the project.

Wetland Impacts:

Of the total 33.9 acres of wetlands onsite, 10.69 acres will be impacted with the balance of 23.21 acres preserved. The wetland impacts consist of 4.37 acres of direct impacts and 6.32 acres of secondary impacts.

The proposed impacts are necessary to obtain the minimum number of required lot depths as required by the County code for Horizons West Villages. The proposed impacts are to the outer edge of the wetland system that are hydrologically altered by the adjacent Disney Canal. The largest direct impact comes from the crossing of Wetland One (1) in order to gain access to the site. This occurs at the narrowest constriction of the wetland in an effort to minimize impacts.

In as much as the mitigation is being performed with the preservation of wetlands onsite and offsite on the adjacent parcel, no unacceptable cumulative impacts to the functions of wetlands and surface waters within the basin are anticipated.

Mitigation Proposal:

As mitigation the permittee is proposing to preserve the 23.21 acres of remaining wetlands on site and deduct 41.68 acres from the Latham Park Mitigation Ledger (see attached). The wetlands will be maintained in perpetuity. The preservation totals 3.554 UMAM units of functional gain which offsets the proposed 3.405 UMAM units of functional loss.

Wetland Inventory:

Please note that the 41.68 acres of wetland preservation offsite at Latham Park North have been previously reported under the Latham Park North staff report (121109-14)

Wetland Inventory :

CONSTRUCTION MOD -Latham Park South

Site Id	Site Type	Pre-Development				Post-Development						
		Pre Fluc cs	AA Type	Acreage (Acres)	Current Wo Pres	With Project	Time Lag (Yrs)	Risk Factor	Pres. Adj. Factor	Post Fluc cs	Adj Delta	Functional Gain / Loss
Lath no	OFF	630	Preservation	41.68	.66	.73	1	1.00	.90		.063	2.626
2ndry Im	ON	630	Secondary	6.32	.73	.67					-.060	-.379
Imp 7	ON	630	Direct	.73	.53						-.530	-.387
Imp1	ON	630	Direct	1.79	.73						-.730	-1.307
Imps 2-6	ON	630	Direct	1.85	.72						-.720	-1.332
Wet 1	ON	630	Preservation	23.21	.68	.73	1	1.00	.80		.040	.928
Total:				75.58								.15

<u>Fluc cs Code</u>	<u>Description</u>
630	Wetland Forested Mixed

LEGAL ISSUES:

A riparian rights conservation easement is being recorded over the onsite preservation areas and dedicated to the District. (The offsite wetlands in Latham Park North were previously approved for preservation under a Conservation Easement.)

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4.361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

RELATED CONCERNS:**Water Use Permit Status:**

The applicant has indicated that reclaim water from Orange County Utilities will be used as a source for irrigation water for the project.

The applicant has indicated that dewatering is required for construction of this project. Water Use App. No. 130321-1 has been submitted for dewatering and is being processed concurrently with this application.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation.

CERP:

The proposed project is not located within or adjacent to a Comprehensive Everglades Restoration Project component.

Potable Water Supplier:

Orange County Utilities

Waste Water System/Supplier:

Orange County Utilities

Right-Of-Way Permit Status:

A District Right-of-Way Permit is not required for this project.

DRI Status:

This project is not a DRI.

Historical/Archeological Resources:

No information has been received that indicates the presence of archaeological or historical resources in the project area or indicating that the project will have any effect upon significant historic properties listed, or eligible for listing in the National Register of Historic Places.

DEO/CZM Consistency Review:

The issuance of this permit constitutes a finding of consistency with the Florida Coastal Management Program.

Third Party Interest:

No third party has contacted the District with concerns about this application.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF RECOMMENDATION TO EXECUTIVE DIRECTOR:

The Staff recommends that the following be issued :

Modification of an Environmental Resource Permit to authorize construction and operation of a surface water management system to serve a 109.35 acre residential project known as Latham Park South.

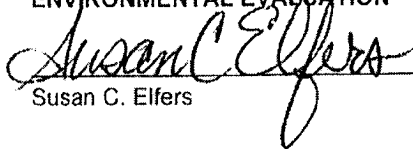
Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached General and Special Conditions.

STAFF REVIEW:

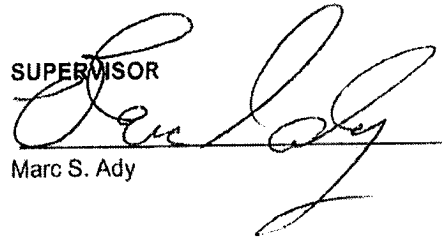
NATURAL RESOURCE MANAGEMENT APPROVAL

ENVIRONMENTAL EVALUATION



Susan C. Elfers

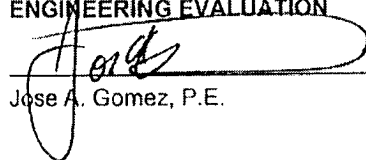
SUPERVISOR



Marc S. Ady

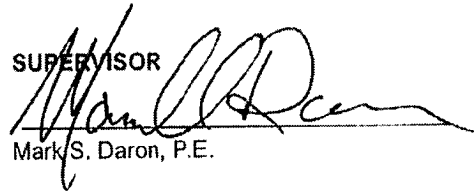
SURFACE WATER MANAGEMENT APPROVAL

ENGINEERING EVALUATION



Jose A. Gomez, P.E.

SUPERVISOR



Mark S. Daron, P.E.

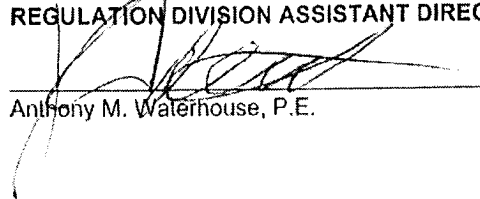
ENVIRONMENTAL RESOURCE PERMITTING BUREAU CHIEF :



Anita R. Bain

DATE: 5/30/13

REGULATION DIVISION ASSISTANT DIRECTOR :



Anthony M. Waterhouse, P.E.

DATE: 5/30/13

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental

GENERAL CONDITIONS

Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No

GENERAL CONDITIONS

Notice" Rule.

14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on June 3, 2018.
2. Operation of the surface water management system shall be the responsibility of ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS (MASTER SYSTEM) and LATHAM PARK HOMEOWNERS ASSOCIATION INCORPORATED (SWALES). Concurrent with the engineering certification of construction completion, the permittee shall provide official written verification of establishment of the filed articles of incorporation, a copy of the certificate of incorporation for the association, and a copy of the recorded deed restrictions (or declaration of condominium, if applicable).
3. Discharge Facilities:

Basin: SW-5

1-49" W X 5" H RECTANGULAR NOTCH weir with crest at elev. 95.8' NAVD 88.

360 LF of 24" dia. REINFORCED CONCRETE PIPE culvert.

1-49" W X 37" L drop inlet with crest at elev. 97.4' NAVD 88.

Receiving body : Adjacent Wetland and Pond SW-6

Control elev : 95 feet NAVD 88.

Basin: SW-6

1-49" W X 5" H RECTANGULAR NOTCH weir with crest at elev. 95.8' NAVD 88.

1-4.5" dia. CIRCULAR ORIFICE with invert at elev. 95' NAVD 88.

218 LF of 30" dia. REINFORCED CONCRETE PIPE culvert.

1-49" W X 37" L drop inlet with crest at elev. 97.4' NAVD 88.

Receiving body : Adjacent Wetland

Control elev : 95 feet NAVD 88.

4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Lake side slopes shall be no steeper than 5:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse

SPECIAL CONDITIONS

flooding conditions.

11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. The permittee acknowledges that, pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
13. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.
14. Minimum building floor elevation:
 BASIN: SW-5 - 98.00 feet NAVD 88.
 BASIN: SW-6 - 98.00 feet NAVD 88.
15. Minimum road crown elevation:
 Basin: SW-5 - 97.00 feet NAVD 88.
 Basin: SW-6 - 97.00 feet NAVD 88.
16. Prior to commencement of construction and in accordance with the work schedule in Exhibit 3 the permittee shall submit an electronic or hard copy version of the certified copy of the recorded conservation easement for the mitigation area(s) and associated buffer(s). The electronic version of the recorded conservation easement, and associated GIS information described below, shall be submitted via the District's ePermitting/eCompliance website. The GIS data shall be supplied in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet. A map depicting the Conservation Easement over the best available satellite or aerial imagery shall also be provided. If the information is provided via hard copy the GIS data shall reside on CD disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

The recorded easement shall utilize the form attached as Exhibit 3. Any proposed modification to the approved form must receive prior written consent from the District. The easement must be free of encumbrances or interests in the easement which the District determines are contrary to the intent of the easement. In the event it is later determined that there are encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests.

17. A maintenance program shall be implemented for the preserved wetland areas on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in

SPECIAL CONDITIONS

perpetuity to ensure that the conservation areas are maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Maintenance in perpetuity shall also insure that conservation areas, including buffers, maintain the species and coverage of native, desirable vegetation specified in the permit. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.

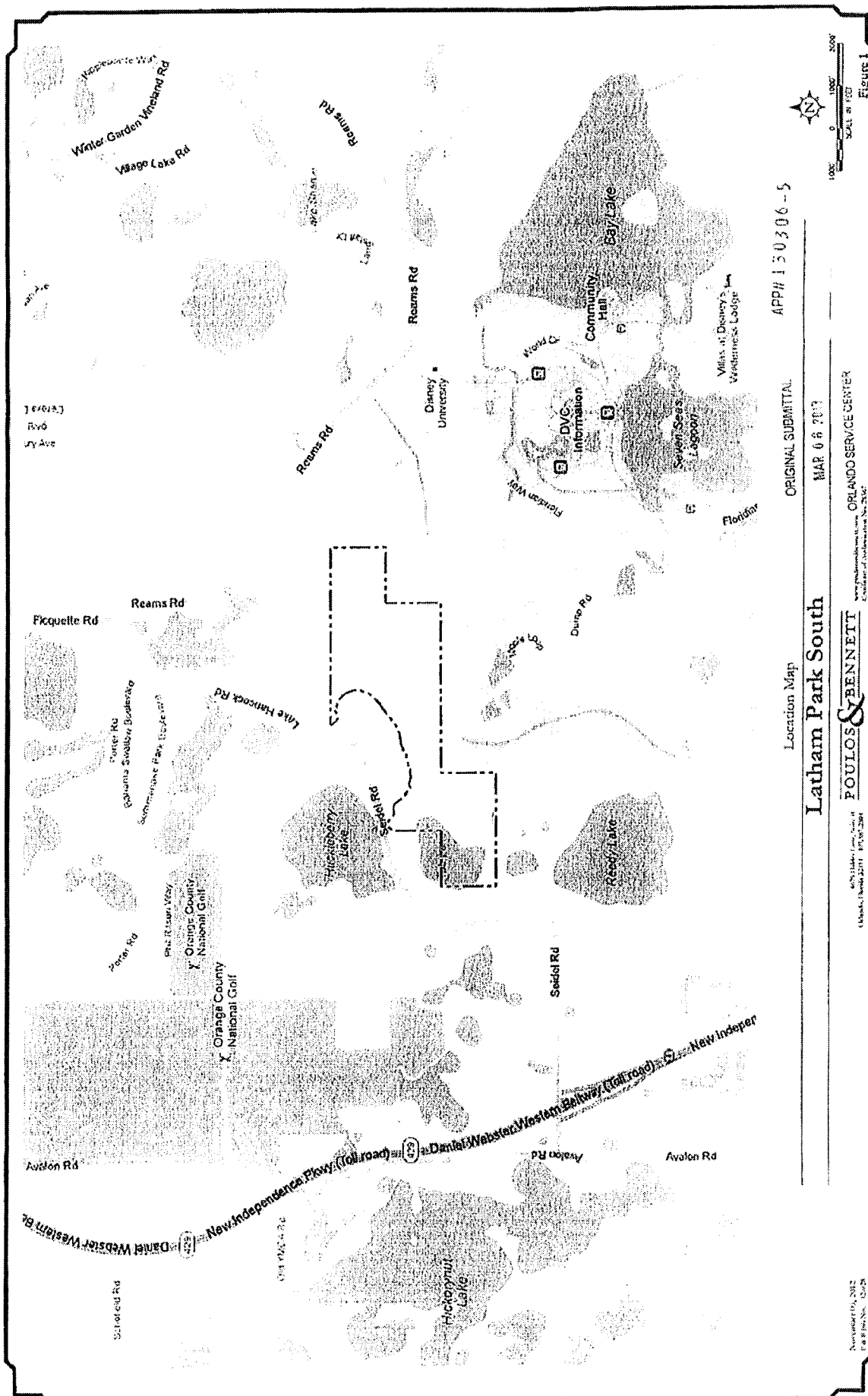
18. The following exhibits for the permit are incorporated by reference herein and are located in the permit file. In addition, these exhibits can be viewed on the District's ePermitting website under this application number.

Exhibit No. 3- Conservation Easement, sketch and legal description

19. All treatment swales located within a phase of construction shall be constructed as part of the master surface water management system for that phase, not by individual lot owners, and shall be included in a perpetual drainage easement to the Latham Park Homeowners Association, in order to ensure they will be continuous and function as designed.
20. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 48-02239-P unless otherwise specified herein.

Standard Table of Contents for Exhibits

- 1.0 Location Map
- 2.0 Construction Plans
- 3.0 Wetlands & Other Surface Waters



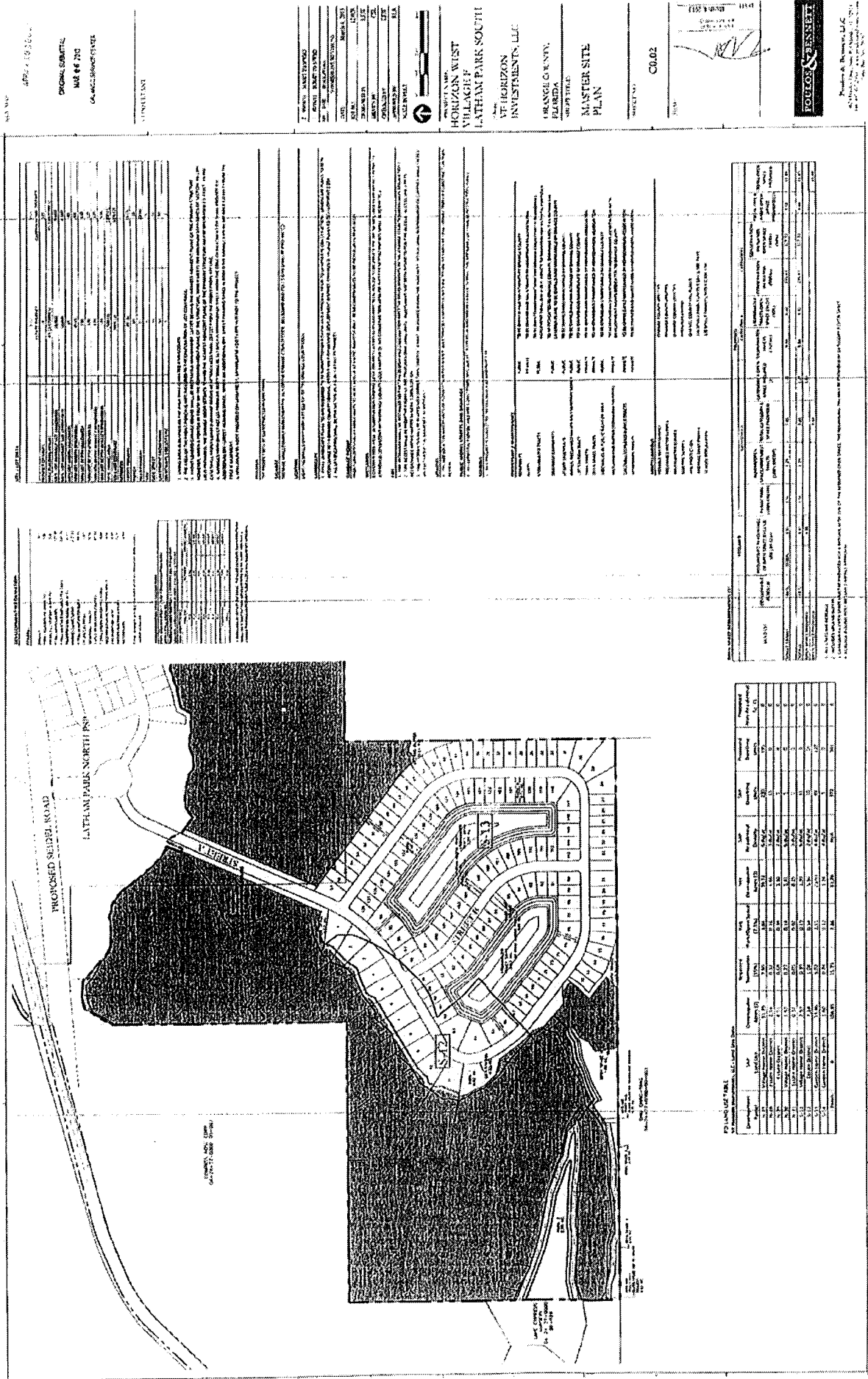
APP# 130306-5

ORIGINAL SUBMITTAL
MAR 06 2013

Latham Park South

Location Map

POULOS & BENNETT
 4051 Lake Nona Blvd, Suite 100
 Orlando, Florida 32837 (407) 238-2344
 www.poulosandbennett.com
 ORLANDO SERVICE CENTER
 Equal Opportunity/Affirmative Action Employer



DATE: 05/27/15
 DRAWN: J. B. BROWN
 CHECKED: J. B. BROWN
 PROJECT: LATHAM PARK SOUTH
 SHEET: 32 OF 32

PROJECT: LATHAM PARK SOUTH
 SHEET: 32 OF 32
 DATE: 05/27/15
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 CHECKED: J. B. BROWN

PROPERTY AND SITE DATA

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	10,000	10,000	10,000
2	10,000	10,000	10,000
3	10,000	10,000	10,000
4	10,000	10,000	10,000
5	10,000	10,000	10,000
6	10,000	10,000	10,000
7	10,000	10,000	10,000
8	10,000	10,000	10,000
9	10,000	10,000	10,000
10	10,000	10,000	10,000

PROPERTY AND SITE DATA

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
11	10,000	10,000	10,000
12	10,000	10,000	10,000
13	10,000	10,000	10,000
14	10,000	10,000	10,000
15	10,000	10,000	10,000
16	10,000	10,000	10,000
17	10,000	10,000	10,000
18	10,000	10,000	10,000
19	10,000	10,000	10,000
20	10,000	10,000	10,000

PROPERTY AND SITE DATA

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
21	10,000	10,000	10,000
22	10,000	10,000	10,000
23	10,000	10,000	10,000
24	10,000	10,000	10,000
25	10,000	10,000	10,000
26	10,000	10,000	10,000
27	10,000	10,000	10,000
28	10,000	10,000	10,000
29	10,000	10,000	10,000
30	10,000	10,000	10,000

PROPERTY AND SITE DATA

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
31	10,000	10,000	10,000
32	10,000	10,000	10,000
33	10,000	10,000	10,000
34	10,000	10,000	10,000
35	10,000	10,000	10,000
36	10,000	10,000	10,000
37	10,000	10,000	10,000
38	10,000	10,000	10,000
39	10,000	10,000	10,000
40	10,000	10,000	10,000

DATE: 05/14/15
 ORIGINAL SUBMITTER:
 DATE: 06/12/15
 COUNTY: FRANKLIN COUNTY

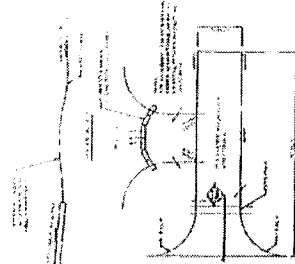
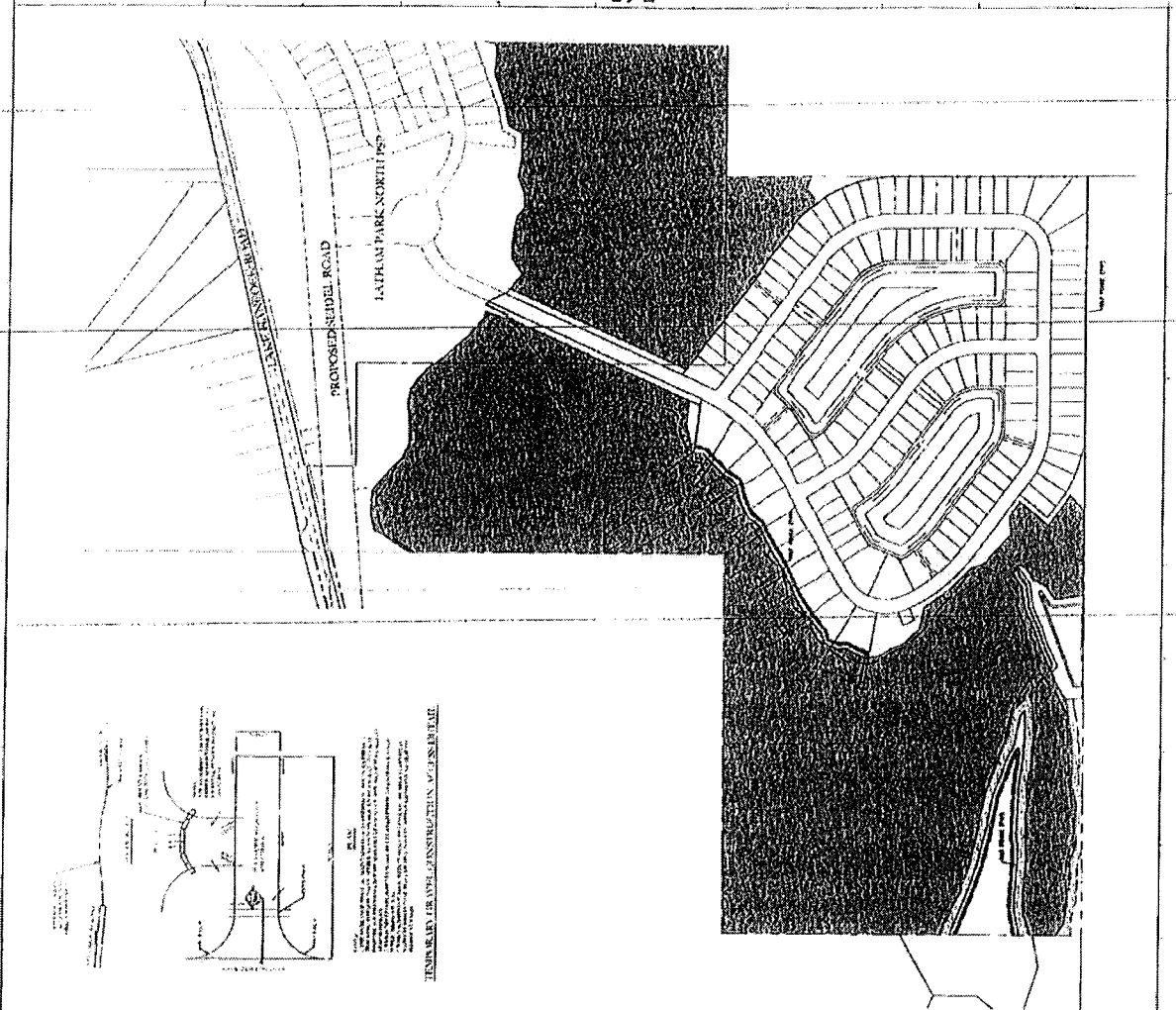
PROJECT: LATHAM PARK SOUTH
 SHEET: 03 OF 03
 SCALE: AS SHOWN

VI HORIZON INVESTMENTS, LLC
 1000 W. HORIZON
 CHANDLER, AZ 84911

FRANKLIN COUNTY
 PLANNING & ZONING DEPARTMENT
 100 W. STATE ST., 3RD FLOOR
 CHANDLER, AZ 84911

CD-03

POULOS & BENNETT
 Planning & Development, LLC
 1000 W. HORIZON, SUITE 100
 CHANDLER, AZ 84911



PLAN

1. ALL PROPOSED CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC) AS ADOPTED BY FRANKLIN COUNTY, ARIZONA.

2. ALL PROPOSED CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE ARIZONA ELECTRICAL CODE (AEC) AND THE ARIZONA MECHANICAL CODE (AMC) AS ADOPTED BY FRANKLIN COUNTY, ARIZONA.

3. ALL PROPOSED CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE ARIZONA PLUMBING CODE (APC) AND THE ARIZONA FIRE CODE (AFC) AS ADOPTED BY FRANKLIN COUNTY, ARIZONA.

4. ALL PROPOSED CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE ARIZONA LANDSCAPE ARCHITECTURE CODE (ALAC) AS ADOPTED BY FRANKLIN COUNTY, ARIZONA.

5. ALL PROPOSED CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE ARIZONA ENVIRONMENTAL CODE (AEC) AS ADOPTED BY FRANKLIN COUNTY, ARIZONA.

6. ALL PROPOSED CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE ARIZONA ENERGY CODE (AEC) AS ADOPTED BY FRANKLIN COUNTY, ARIZONA.

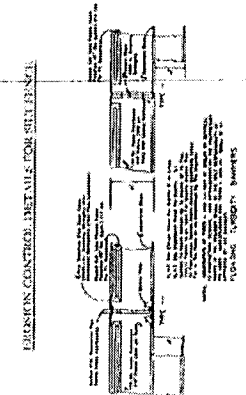
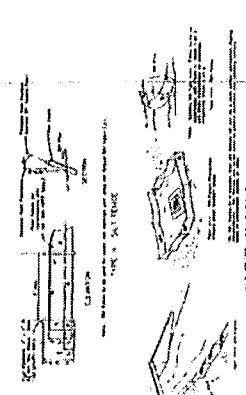
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8. ALL PROPOSED CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE ARIZONA HEALTH CARE CODE (AHCC) AS ADOPTED BY FRANKLIN COUNTY, ARIZONA.

9. ALL PROPOSED CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE ARIZONA EDUCATION CODE (AEC) AS ADOPTED BY FRANKLIN COUNTY, ARIZONA.

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ELEVATION DRAWING DETAILS FOR TURBIDITY BARRIERS

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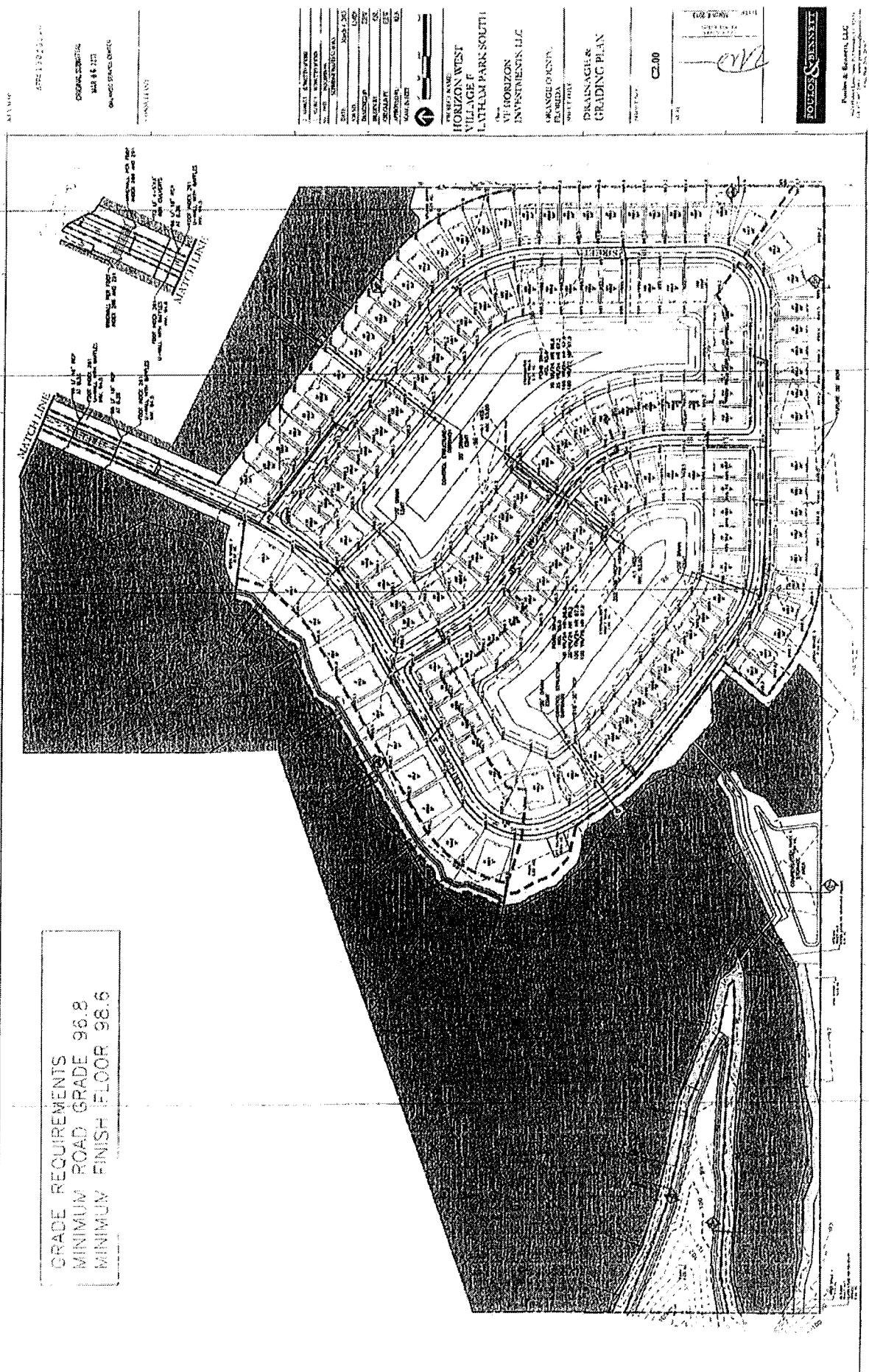
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GRADE REQUIREMENTS
 MINIMUM ROAD GRADE 96.8
 MINIMUM FINISH FLOOR 98.6

DATE: 04/21/15
 PROJECT: HORIZON WEST VILLAGE F LATHAM PARK SOUTH I
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: AS SHOWN

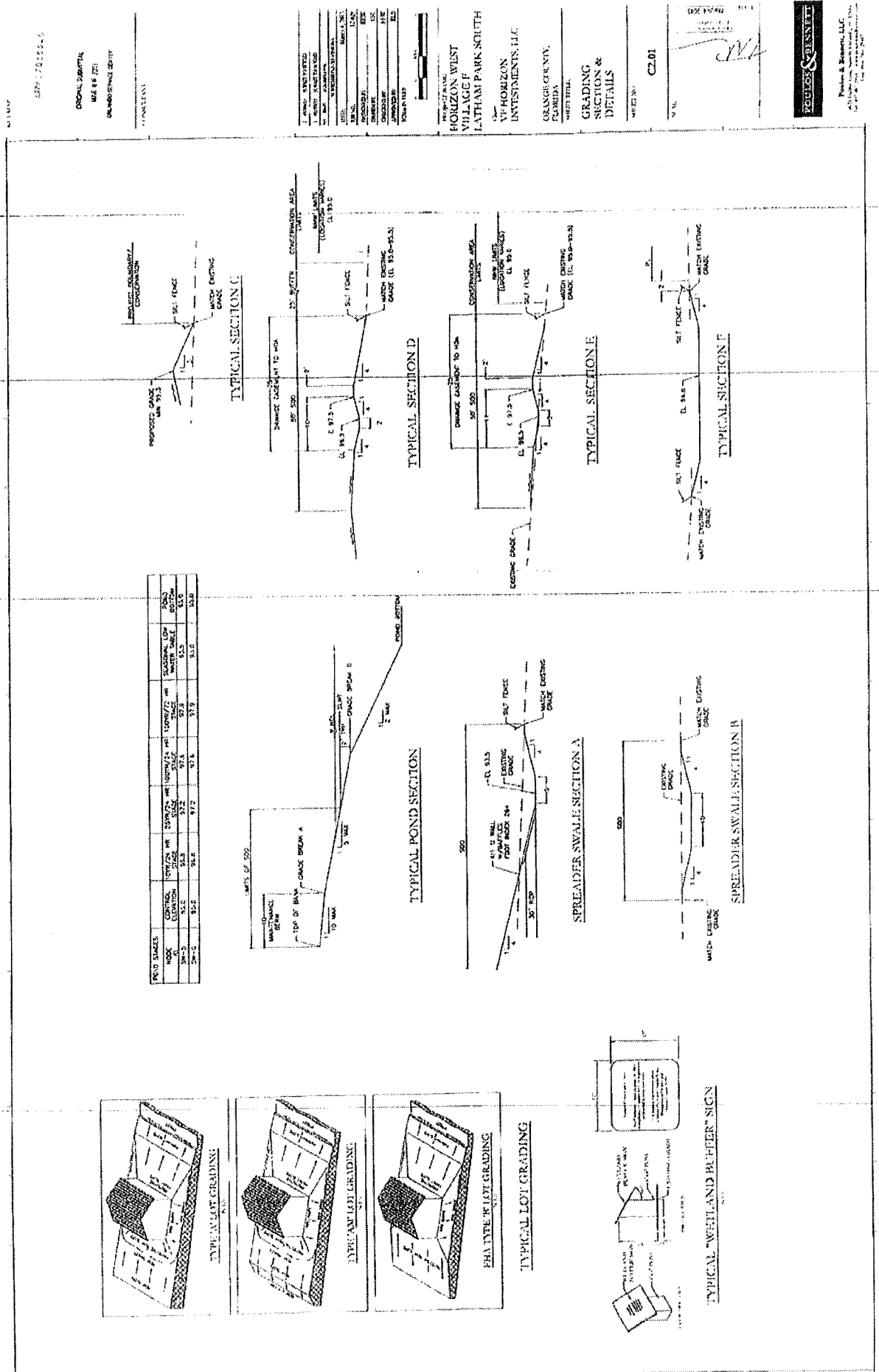
PROJECT: HORIZON WEST VILLAGE F LATHAM PARK SOUTH I
 CLIENT: VI HORIZON INVESTMENTS LLC
 LOCATION: ORANGE COUNTY, FLORIDA
 DESIGNER: DEKAINAGH & ASSOCIATES, INC.
 DATE: 04/21/15

SCALE: 1/8" = 1'-0"
 NORTH ARROW

PROJECT: HORIZON WEST VILLAGE F LATHAM PARK SOUTH I
 CLIENT: VI HORIZON INVESTMENTS LLC
 LOCATION: ORANGE COUNTY, FLORIDA
 DESIGNER: DEKAINAGH & ASSOCIATES, INC.
 DATE: 04/21/15

SCALE: 1/8" = 1'-0"
 NORTH ARROW

DATE: 04/21/15
 PROJECT: HORIZON WEST VILLAGE F LATHAM PARK SOUTH I
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: AS SHOWN



05/15/16

CONSULTANT

PROJECT NAME	WETLAND IMPACT/PRESERVATION
CLIENT	VF HORIZON INVESTMENT, LLC
DATE	05/15/16
PROJECT NO.	04-24-27-0000-DC-003
SCALE	AS SHOWN
DRAWN BY	MS/ALD
CHECKED BY	MS/ALD
DATE	05/15/16
PROJECT NO.	04-24-27-0000-DC-003
SCALE	AS SHOWN
DRAWN BY	MS/ALD
CHECKED BY	MS/ALD
DATE	05/15/16

PROJECT NAME
HORIZON WEST
 VILLAGE F
 LATHAM PARK SOUTH

CLIENT
 VF HORIZON INVESTMENT, LLC

LOCATION
 ORANGE COUNTY, FLORIDA

DATE
 05/15/16

PROJECT NO.
04-24-27-0000-DC-003

SCALE
 AS SHOWN

DRAWN BY
 MS/ALD

CHECKED BY
 MS/ALD

DATE
 05/15/16

PROJECT NO.
04-24-27-0000-DC-003

SCALE
 AS SHOWN

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 MS/ALD

CHECKED BY
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DATE
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PROJECT NO.
04-24-27-0000-DC-003

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04-24-27-0000-DC-003

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DATE
 05/15/16

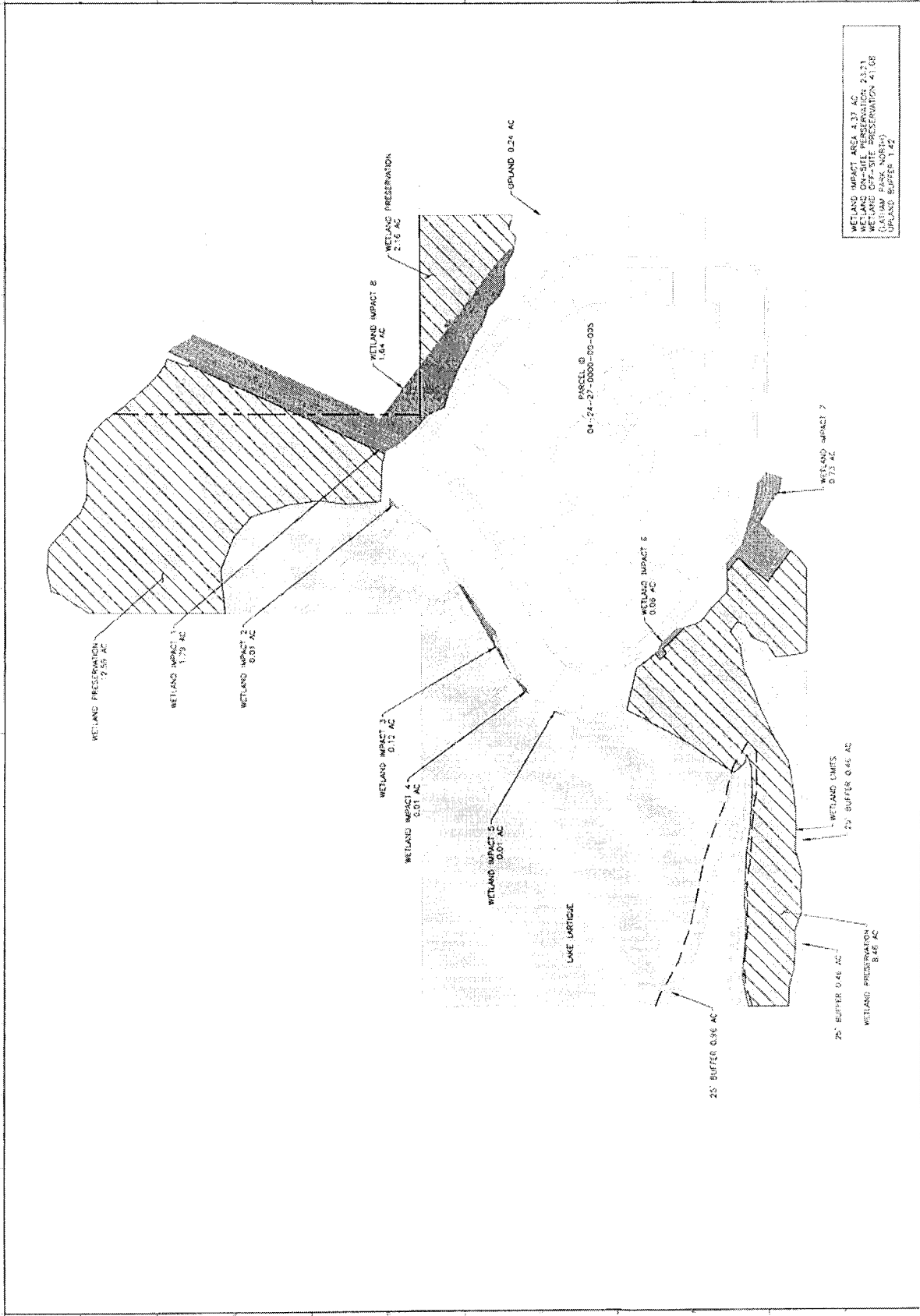
PROJECT NO.
04-24-27-0000-DC-003

SCALE
 AS SHOWN

DRAWN BY
 MS/ALD

CHECKED BY
 MS/ALD

DATE
 05/15/16



WETLAND IMPACT AREA 4.17 AC
 WETLAND ON-SITE PRESERVATION 23.71 AC
 WETLAND OFF-SITE PRESERVATION 41.68 AC
 UPLAND BUFFER 1.42 AC

PROJECT NO.
04-24-27-0000-DC-003

SCALE
 AS SHOWN

DRAWN BY
 MS/ALD

CHECKED BY
 MS/ALD

DATE
 05/15/16

PROJECT NO.
04-24-27-0000-DC-003

SCALE
 AS SHOWN

DRAWN BY
 MS/ALD

CHECKED BY
 MS/ALD

DATE
 05/15/16

**APPLICATION #130306-5
PERMIT NO. 48-02239-P
Latham Park South**

**EXHIBIT NUMBER 3.0
Conservation Easement, Sketch and
Legal Description and Affidavit of No
Lien
Pages 3-29 of 30**

INCORPORATED BY REFERENCE

**South Florida Water Management District
Work Schedule Requirements**

Application No : 130306-5

Page 1 of 1

Mitigation Plan ID: LATHAM PARK SOUTH
Activity

Due Date

SUBMIT RECORDED CONSERVATION EASEMENT

01-JUL-13

Exhibit No :

STAFF REPORT DISTRIBUTION LIST

LATHAM PARK SOUTH

Application No: 130306-5

Permit No: 48-02239-P

INTERNAL DISTRIBUTION

- X Jose A. Gomez, P.E.
- X Susan C. Elfers
- X Marc S. Ady
- X Mark S. Daron, P.E.
- X A. Bain
- X A. Lee
- X A. Waterhouse
- X ERC Engineering
- X ERC Environmental

EXTERNAL DISTRIBUTION

- X Permittee - V F Horizon Investments L L C
- X Engr Consultant - Poulos And Bennett L L C
- X Other Interested Party - Reedy Creek Improvement District

GOVERNMENT AGENCIES

- X Div of Recreation and Park - District 6 - FDEP
- X Orange County Engineer Public Works Division
Dvlpmnt Engineering Dept.