Conditions for Final Plat Approval

Erosion Control Master Plan for Subdivision

Developer will submit a designed master plan prepared and sealed by an Arizona licensed engineer, (hereinafter the "Master Plan"), subject to approval of the City Engineer, the City Building Official, and the Public Works Director, that will provide erosion control for the entirety of the natural slope, both developed and undeveloped, for the entire subdivision. No building permit for development of the subdivision, or any of the lots contained therein, will be issued until a Master Plan has been approved by the City Engineer, the City Building Official and the Public Works Director.

This Master Plan will include designs for erosion control of the subdivision and each lot, including cuts and fills, and will provide for erosion control for all phases of construction, including development of homes on lots while other lots are undeveloped. No lot will be permitted to be developed and no building permit will be issued for development, without strict adherence to the Master Plan, and the erosion control for that lot as provided in said plan. The Master Plan will show in sufficient detail the existing grade and the finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of Appendix J of the 2003 *International Building Code*, which appendix is adopted by this reference as though fully set forth again in full as a required condition. The Master Plan shall include measures required of Developer or such persons or entities building homes within the subdivision to insure that no erosion will occur nor will any soil or other material flow onto neighboring properties adjacent to the subdivision during any phases of construction and development of the subdivision, the lots, or any homes or other structures built thereon.

Restrictive Covenant

Developer shall draft to the City's satisfaction and record a restrictive covenant on the land of the subdivision and the individual lots contained therein requiring all development of the lots to strictly adhere to the Master Plan. This restrictive covenant shall run with the land and will be for the benefit of all owners of lots within the subdivision and any adjacent properties to the subdivision. An exhibit to this restrictive covenant shall list all of the adjacent properties to the subdivision. It shall be able to be enforced by any property owner within the subdivision and any person with an interest in property adjacent to the subdivision. The restrictive covenant shall require all lot owners within the subdivision to maintain, fix, repair, or replace all improvements required by the Master Plan for erosion control on their respective lot, in perpetuity, or until conditions on the land have changed by re-grading or some other change so as to eliminate any appreciable risk of future erosion. Said restrictive covenant shall provide for an award of attorney's fees to a successful plaintiff in any litigation to enforce said restrictive covenant, the Master Plan, or in any action for damages due to erosion. The restrictive covenant shall provide that it may be enforced by the City of San Luis. The definitions contained within Appendix J shall apply to this condition.

Licensed Engineer's Opinion and Insurance Coverage

The Master Plan shall be stamped by a professional engineer licensed by the State of Arizona who shall give the opinion that the Master Plan will prevent erosion along the slope and will protect all properties within the subdivision and all properties adjacent to the subdivision from erosion at all times from the development of and any development within the subdivision. Said licensed professional engineer shall provide the City of San Luis evidence of appropriate errors and omissions coverage of at least $3,000,000.00.

Any deviation from the Master Plan shall amend the Master Plan and shall be prepared by a professional engineer licensed by the State of Arizona who shall give the opinion that the change integrates with the Master Plan and shall also give the opinion that the change will protect all properties within the subdivision and all properties adjacent to the subdivision at all times from the development of and any development within the subdivision. The amended Master Plan shall be subject to the approval of the City Engineer, the City Building Official, and the Public Works Director. If the amended Master Plan is approved, it shall be recorded. Said licensed professional engineer shall provide the City of San Luis evidence of appropriate errors and omissions coverage of at least $3,000,000.00.