

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (this "MOU") is made and entered into effective as of the 8th day of November 2021, by and between **CENTURY COMMUNITIES, INC**, a Delaware corporation ("Century") and **NASSAU COUNTY, FLORIDA**, a body politic organized under the laws of the State of Florida ("Nassau").

RECITALS

A. Century is the owner of the property as depicted at Exhibit "A" attached hereto (the "Property").

B. Century is developing a residential project in Nassau County called Concourse Crossing (the "Project") at the Property.

C. The Project is being developed in three Phases, known sequentially as Phases I, II, and III, also depicted at Exhibit "A" attached hereto.

D. Florida Forest Service ("FFS") has jurisdiction over the issuance of permits for the burning of debris from land clearing ("Land Clearing Debris") using a burn pit and an Air Curtain Incinerator ("Burning Activities") in Nassau County, Florida.

E. Century, through its contractor, has applied for and has been issued permits by FFS for Burning Activities at the Property (the "Permits"), copies of which are labeled Exhibit "B" and attached hereto.

F. Century commenced Burning Activities at Phase I of the Project 08/19/2021 and ceased 10/19/2021.

G. The Board of County Commissioners received testimony from residents within Harbor Concourse, indicating health concerns and issues regarding burning of land clearing debris and the smoke generated by the burning.

H. The Board of County Commissioners determined, based upon said testimony, that guidelines should be promulgated to address the smoke issues.

I. Century has voluntarily agreed to temporarily cease all Burning Activities at the Property until November 8, 2021 in order to undertake good faith efforts with Nassau to agree upon the terms of this MOU.

J. Century has agreed that no further Burning Activities will take place at Phase I of the Project with all future Burning Activities to occur only within Phases II and III of the Project, pursuant to the conditions listed at Paragraph 2, below (the "Conditions").

K. Century and Nassau desire to formalize and memorialize an understanding, as well as provide for certain rights and responsibilities of the parties, within this MOU.

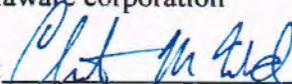
NOW, THEREFORE, in consideration of the covenants and agreements herein, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Recitals. The above recitals are true and correct and incorporated herein by reference.
2. Burning Activities. Century shall not undertake any further Burning Activities within Phase I of the Project.
3. Conditions for Burning Activities. Century may commence Air Curtain Incinerator Burning Activities at the Phases II and III of the Project under the following Conditions:
 - a. Permit from the Florida Forest Service.
 - b. Adherence to the additional requirements set forth in this memorandum of understanding.
 - c. Burning Activities shall be located no less than seven hundred fifty feet (750') from any occupied building.
 - d. Burning Activities shall be located no less than one hundred feet (100') from any wildlands, brush, combustible structure, or paved public roadway.
 - e. Cleared Debris will be spread out in order to allow for maximum drying prior to burning to minimize smoke.
 - f. Cleared Debris will be piled up just prior to being placed into the burn pit for Burning Activities.
 - g. The Atmospheric Dispersion Index ("ADI") was developed by the U.S. Forest Service to assess the impact of prescribed burning activity on atmospheric smoke concentrations and air quality. The ADI shall be reviewed each day prior to the commencement of any Burning Activities, with no Burning Activities taking place unless the ADI is between 30 and 80 for that day.
 - h. Burning Activities shall not start before 9:30 am and flames shall be extinguished no later than one (1) hour before sunset.
 - i. Excessive visible emissions are not allowed except for a period of up to thirty (30) minutes during start-ups and shutdowns as defined in Florida Administrative Code 62-210.200.
 - j. At any time that Burning Activities are taking place at the Project, Nassau may inspect such activity and if it is determined that Century or its contractor has violated any of the above Conditions, then Nassau may temporarily suspend Burning Activities for that day and Burning Activities shall not resume until the violation has been corrected.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the 8th day of November 2021:

“CENTURY”

CENTURY COMMUNITIES, INC., a
Delaware corporation

By: 
Name: Chris Ward
Its: Vice President

“NASSAU”

NASSAU COUNTY, FLORIDA, a body politic
organized under the laws of the State of Florida

Nassau County Board of County Commissioners

By: _____
Thomas Ford
Its: Chairman

By: _____
Taco Pope
Its: County Manager

By: _____
Thad Crowe
Its: Planning Director

By: _____
Brady Rigdon
Its: Fire Chief

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CENTURY COMMUNITIES, INC., a
Delaware corporation

By: _____
Name: _____
Its: _____

“NASSAU”

NASSAU COUNTY, FLORIDA, a body politic
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Nassau County Board of County Commissioners

By:  _____
Thomas Ford
Its: Chairman

By:  _____
Taco Pope
Its: County Manager

By:  _____
Thad Crowe
Its: Planning Director

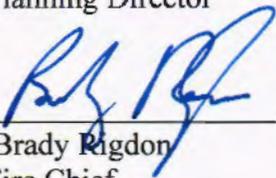
By:  _____
Brady Rigdon
Its: Fire Chief

EXHIBIT "A"

Depiction of the Property with Project Phases

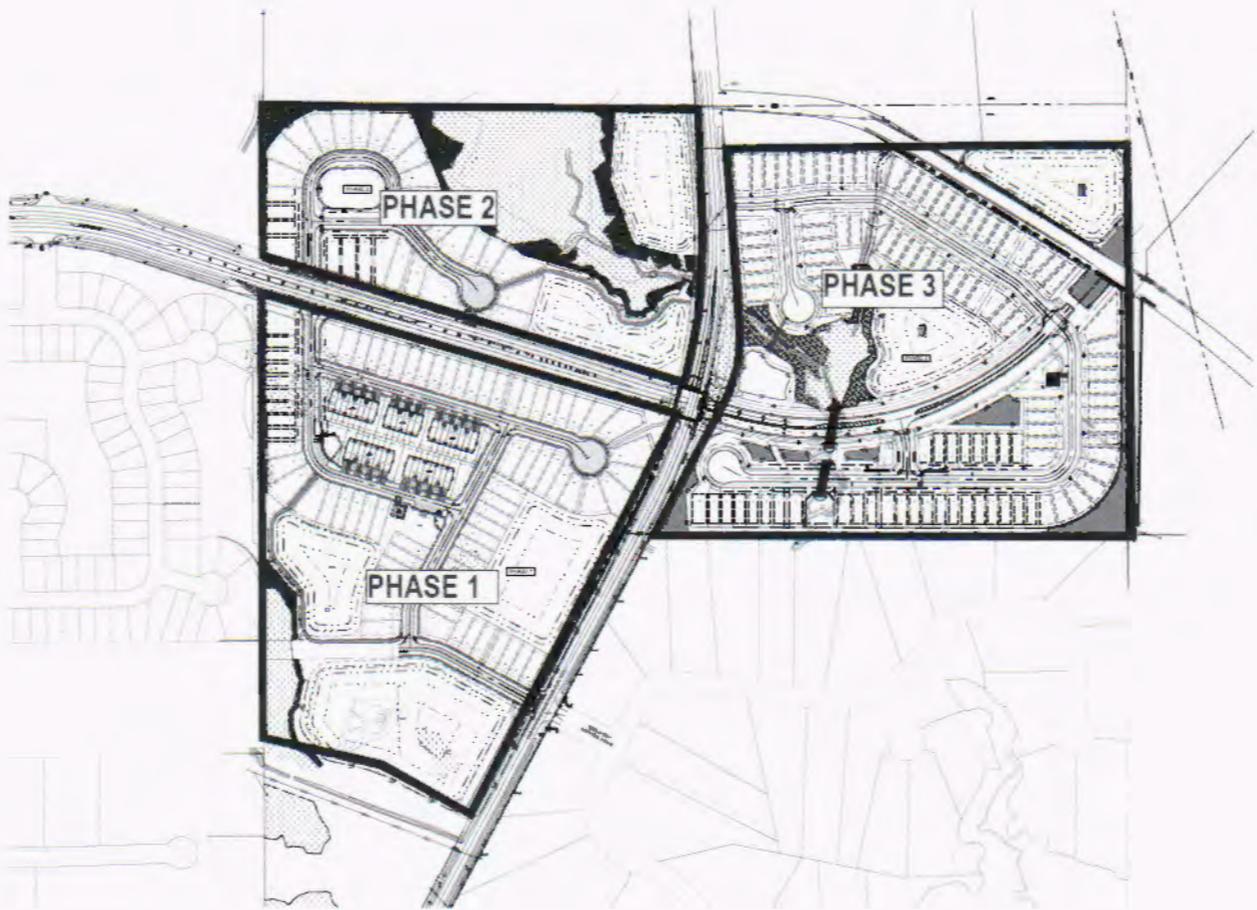
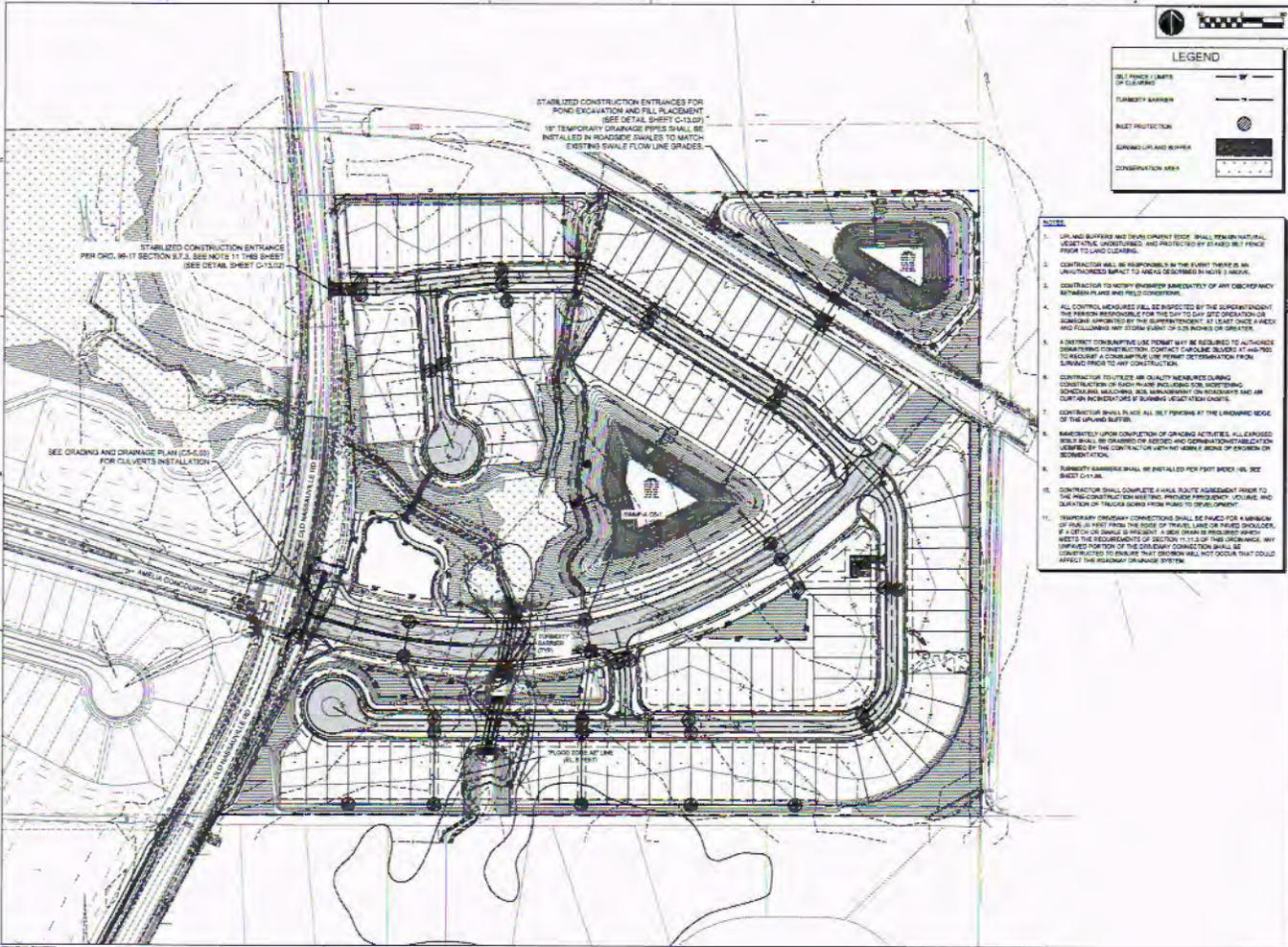


EXHIBIT "B"

Permits

[To be provided by Century.]



PROSSER
 Geomarketing - Engineering - Architecture
 13801 Sunset Park Drive South, Suite 300
 Jacksonville, Florida 32256-4229
 (904) 732-3553

Project File Number: 13-0000000000-000000

NASSAU FAMELIA, LLC

- LEGEND**
- 18" PIPES (LIMITS OF CLEARANCE)
 - TEMPORARY BARRIER
 - BEST PROTECTION
 - EROSION CONTROL BARRIER
 - CONSTRUCTION AREA
- NOTES**
1. UPLAND BUFFERS AND DEVELOPMENT EDGE SHALL REMAIN NATURAL, UNDISTURBED, UNDEVELOPED, AND PROTECTED BY STAKED BILT FENCE PRIOR TO LAND CLEARING.
 2. CONTRACTOR SHALL BE RESPONSIBLE IN THE EVENT THERE IS AN UNAUTHORIZED IMPACT TO AREAS DESIGNATED IN NOTE 1 AREA.
 3. CONTRACTOR TO NOTIFY ENGINEER IMMEDIATELY OF ANY DISCREPANCY BETWEEN PLANS AND FIELD CONDITIONS.
 4. ALL CONTROL MEASURES WILL BE INSPECTED BY THE SUPERINTENDENT AND PERSON RESPONSIBLE FOR THE DAY TO DAY OPERATION OR SURVEILOR AUTHORIZED BY THE SUPERINTENDENT AT LEAST ONCE A WEEK AND FOLLOWING ANY STORM EVENT OR DISBURSE OF DEBRIS.
 5. A DISTRICT COMPLIANCE USE PERMIT MAY BE REQUIRED TO AUTHORIZE DISBURSEMENT OF MATERIALS FROM THE CONCOURSE DRIVE. IT WILL BE REQUIRED TO ACQUIRE A COMPLIANCE USE PERMIT DETERMINATION FROM SFWMD PRIOR TO ANY CONSTRUCTION.
 6. CONTRACTOR TO UTILIZE AIR QUALITY MEASUREMENTS DURING CONSTRUCTION OF EACH PHASE INCLUDING SOIL MONITORING CONCERNING NITROGEN AND PHOSPHORUS MONITORING AND AIR CURTAIN INCIDENTS BY BURNING VEGETATION CHIPS.
 7. CONTRACTOR SHALL PLACE ALL BILT FENCING AT THE LINED EDGE OF THE UPLAND BUFFER.
 8. IMMEDIATELY UPON COMPLETION OF GRADING ACTIVITIES, ALL EXPOSED SOILS SHALL BE COVERED BY EROSION AND SEDIMENTATION CONTROL MEASURES VERIFIED BY THE CONTRACTOR WITH NO SENSE OF EROSION OR SEDIMENTATION.
 9. TEMPORARY BARRIERS SHALL BE INSTALLED PER FOOT BUILT. SEE SHEET C-13.06.
 10. CONTRACTOR SHALL COMPLETE A WALK ROUTE AGREEMENT PRIOR TO THE RECONSTRUCTION ACTIVITIES. PROPOSED PROXIMITY, LOCATION AND DURATION OF TRUCKS SHALL BE PROVIDED TO DEVELOPMENT.
 11. TEMPORARY PAVEMENT CONNECTIONS SHALL BE PAVED FOR A MINIMUM OF ONE (1) FEET FROM THE EDGE OF TRAVEL LANE OR PAVED SHOULDER. IF A LOT OR SHALL BE PROVIDED. A BILT BARRIER SHALL BE PROVIDED TO MEET THE REQUIREMENTS OF SECTION 11.3 OF THE ORDINANCE. ANY UNPAVED PORTION OF THE DRIVE SHALL BE COVERED WITH A BILT BARRIER TO PREVENT DEBRIS FROM ENTERING THE DRAINAGE SYSTEM.

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NASSAU FAMELIA, LLC

CONCOURSE CROSSING PHASE 3

REVISION

No.	Date	Revision
1	11/28/2019	ISSUED FOR PERMITTING
2	11/28/2019	ISSUED FOR PERMITTING
3	11/28/2019	ISSUED FOR PERMITTING
4	11/28/2019	ISSUED FOR PERMITTING
5	11/28/2019	ISSUED FOR PERMITTING
6	11/28/2019	ISSUED FOR PERMITTING
7	11/28/2019	ISSUED FOR PERMITTING
8	11/28/2019	ISSUED FOR PERMITTING
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14	11/28/2019	ISSUED FOR PERMITTING
15	11/28/2019	ISSUED FOR PERMITTING
16	11/28/2019	ISSUED FOR PERMITTING
17	11/28/2019	ISSUED FOR PERMITTING
18	11/28/2019	ISSUED FOR PERMITTING
19	11/28/2019	ISSUED FOR PERMITTING
20	11/28/2019	ISSUED FOR PERMITTING

THIS DRAWING NOT RELEASED FOR CONSTRUCTION UNLESS SO NOTED ABOVE

SHEET TITLE

EROSION CONTROL PLAN

C-13.01

REVISED: 11/28/2019
 DATE: 11/28/2019
 SHEET: 18 OF 18