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18

RECORDING REQUESTED BY:

COMMERCE LAND TITLE INCORPORATED

~~ENT 76484:2004 PG 1 of 8
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2004 Jul 02 2:46 pm FEE 127.00 BY SDM
RECORDED FOR COMMERCE LAND TITLE~~

WHEN RECORDED, MAIL TO:

MOUNTAIN HOME DEVELOPMENT CORPORATION
3940 Traverse Mountain Blvd; Suite 200
Lehi, UT 84043

2nd RECORDING
ENT 54077:2005 PG 1 of 12
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2005 May 20 8:40 am FEE 138.00 BY SFS
RECORDED FOR LEHI CITY CORPORATION

(Space Above for Recorder's Use)

**Supplemental Master Declaration
of Covenants, Conditions, Restrictions and
Reservation of Easements
For Traverse Mountain
Winter Haven Phase 2**

**Supplemental Master Declaration
of Covenants, Conditions, Restrictions and
Reservation of Easements
For Traverse Mountain
Winter Haven Phase 2**

This Supplemental Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Traverse Mountain ("**Supplemental Declaration**") is made by **MOUNTAIN POINT, LLC**, a Utah limited liability company ("**Neighborhood Builder**"), and **MOUNTAIN HOME DEVELOPMENT, CORPORATION**, a Utah corporation ("**Declarant**"). Unless otherwise indicated, all capitalized terms used in this Supplemental Declaration are given the same meanings as in the Master Declaration defined in the Preamble of this Supplemental Declaration. This Supplemental Declaration shall be interpreted according to the rules established in Section 1.69 of the Master Declaration except that references in this Supplemental Declaration to Sections and Exhibits are to Sections of and Exhibits to this Supplemental Declaration.

P R E A M B L E:

A. On August 29, 2001, Declarant executed a Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Traverse Mountain which was Recorded on August 31, 2001, as Entry No. 88405:2001, and amended by a First Amendment thereto, Recorded on August 12, 2002, as Entry No. 92301:2002, both in the Official Records of Utah County, Utah ("**Official Records**"), which may be further amended and restated (collectively, the "**Master Declaration**"). The Master Declaration is binding upon all Owners of Lots and Condominiums in the master planned development known as Traverse Mountain ("**Properties**").

B. Neighborhood Builder is the record owner of certain real property ("**Residential Property**") in Lehi City, Utah County, Utah, described on *Exhibit "RA."*

C. Neighborhood Builder is the record owner of certain real property ("**Annexed Master Association Property**") in the Lehi City, Utah County, Utah, described on *Exhibit "MP."* The Annexed Master Association Property and the Residential Property are collectively referred to in this Supplemental Declaration as "**Winter Haven Phase 2**".

D. Winter Haven Phase 2 is part of the Annexable Territory defined in Section 1.2 of the Master Declaration.

E. Declarant is the Declarant defined in Section 1.21 of the Master Declaration. Neighborhood Builder is a Neighborhood Builder as defined in Section 1.49 of the Master Declaration. Neighborhood Builder wishes to add Winter Haven Phase 2 to the Properties in accordance with Article XVI of the Master Declaration and impose the restrictions contained in the Master Declaration and this Supplemental Declaration on Winter Haven Phase 2.

THEREFORE, DECLARANT AND NEIGHBORHOOD BUILDER DECLARE AS FOLLOWS:

1. **Designation of Neighborhood Builder.** Declarant designates Neighborhood Builder as a "Neighborhood Builder" defined in Section 1.49 of the Master Declaration. Declarant and Neighborhood Builder agree that Neighborhood Builder (i) may exercise all of the powers and exemptions of a Neighborhood Builder under the Master Declaration, and (ii) is responsible for performing all duties of a Neighborhood Builder under the Master Declaration.

2. **Annexation.** Neighborhood Builder and Declarant declare that Winter Haven Phase 2 is added to and made a part of the real property subject to the Master Declaration, as a Phase of the Properties. This Supplemental Declaration is a "Supplemental Declaration" defined in Section 1.64 of the Master Declaration Recorded in compliance with Article XVI of the Master Declaration.

3. **Land Classifications.**

3.1 **Residential Area.** The Residential Property is designated as a portion of the Residential Area, defined in Section 1.62 of the Master Declaration. All Owners of Lots in Winter Haven Phase 2 shall automatically become Members of the Master Association.

3.2 **Master Association Property.** Unless otherwise provided in this Supplemental Declaration, the Master Association shall commence maintaining all property in Winter Haven Phase 2 that it is obligated to maintain concurrently with the commencement of Common Assessments in Winter Haven Phase 2.

3.2.1 **Annexed Master Association Property.** The Annexed Master Association Property is designated as a portion of the Master Association Property defined in Section 1.40 of the Master Declaration. The Annexed Master Association Property shall be conveyed to the Master Association prior to the first Close of Escrow for the sale of a Lot in Winter Haven Phase 2, as provided in the Master Declaration.

4. **Common Area.** There is no Common Area in Winter Haven Phase 2.

5. **Special Benefit Area.** Winter Haven Phase 2 is not part of a Special Benefit Area.

6. **Neighborhood.** The Residential Property shall be a portion of the Winter Haven Neighborhood, which is a Neighborhood as defined in Section 1.47 of the Master Declaration. The Neighborhood Representative and alternate shall be selected as provided in Section 4.5.1 of the Master Association Bylaws and shall serve the terms in accordance with Section 4.5.2 of the Bylaws.

7. **Special Allocation.** If telecommunications services are provided through the Master Association, this cost may be allocated among the residences in proportions that are different from other portions of the Common Expenses.

8. **Assessment Obligations.** The rights and obligations of all Owners of Lots located in Winter Haven Phase 2 with respect to assessments are as set forth in the Master Declaration and this Supplemental Declaration. All assessments provided for in the Master Declaration shall commence as to Lots in Winter Haven Phase 2 on the day of the first Close of Escrow for the sale of a Lot in Winter Haven Phase 2.

9. **Amendment and Duration.** This Supplemental Declaration may be amended in accordance with Sections 16.4.1 and 16.4.2 of the Master Declaration. The Board may also amend this Supplemental Declaration to (i) conform to applicable law, (ii) correct typographical errors, and (iii) change any exhibit or portion of an exhibit to conform to as-built conditions. So long as Declarant or a Neighborhood Builder owns any portion of the Properties or the Annexable Area, any amendment adopted by the Board must also be approved by the Declarant. After the first Close of Escrow in Winter Haven Phase 2, all other amendments to this Supplemental Declaration must be made by complying with the requirements of Section 14.2 of the Master Declaration. Unless amended or terminated, this Supplemental Declaration shall continue and remain in full force and effect for so long as the Master Declaration remains in effect.

10. **Equitable Servitudes and Covenants Appurtenant.** This Supplemental Declaration and the Master Declaration are imposed as equitable servitudes upon Winter Haven Phase 2 and each Lot therein, as a servient tenement, for the benefit of each and every other Lot and Condominium within the Properties and the Master Association Property, as the dominant tenements. The covenants, conditions and restrictions of this Supplemental Declaration and the Master Declaration shall run with, and shall inure to the benefit of and shall be binding upon all of Winter Haven Phase 2, and shall be binding upon and inure to the benefit of all Persons having, or hereafter acquiring, any right, title or interest in all or any portion of Winter Haven Phase 2, and their successive owners and assigns.

11. **Governing Documents.** This Supplemental Declaration is recorded pursuant to Article XVI of the Master Declaration, is a part of the Governing Documents, and may be enforced as provided in the Master Declaration.

12. **No Representations or Warranties.** No representations or warranties, express or implied, have been given or made by Declarant, the Neighborhood Builder, Master Association or their agents in connection with the Properties; its physical condition, zoning, compliance with laws, fitness for intended use, or in connection with the subdivision, sale, operation, maintenance, cost of maintenance, taxes or regulation thereof as a master planned community, except as provided in this Supplemental Declaration or the Master Declaration, provided by Neighborhood Builder to the first Owner of a Lot.

[Signatures on following page]

**[Signature Page Continued to Supplemental Master Declaration
of Covenants, Conditions, Restrictions and
Reservation of Easements
For Traverse Mountain
Winter Haven Phase 2**

MOUNTAIN POINT, LLC, a Utah limited liability company

By: Wilford W. Clyde

Name: Wilford W. Clyde

Its: Manager

"Neighborhood Builder"

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

The foregoing instrument was acknowledged before me this 28TH day of June, 2004, by WILFORD W. CLYDE, an individual residing in the State of Utah, as the authorized representative of Mountain Point, LLC, a Utah limited liability company. Said WILFORD W. CLYDE acknowledged before me that he executed the foregoing on behalf of Mountain Point, LLC, a Utah limited liability company.

[Signature]
Notary Public

Residing at: SVC

My Commission Expires: 1-8-08

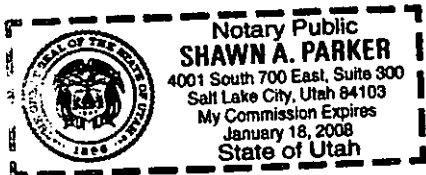


EXHIBIT "RA"

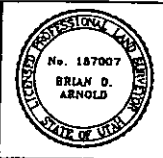
The Residential Property shall consist of Lots 200 through 306 in Winter Haven Phase 2 as set forth on the attached Plat Map.

EXHIBIT "MP"

~~ENT 76484:2004 PG 8 of 8~~

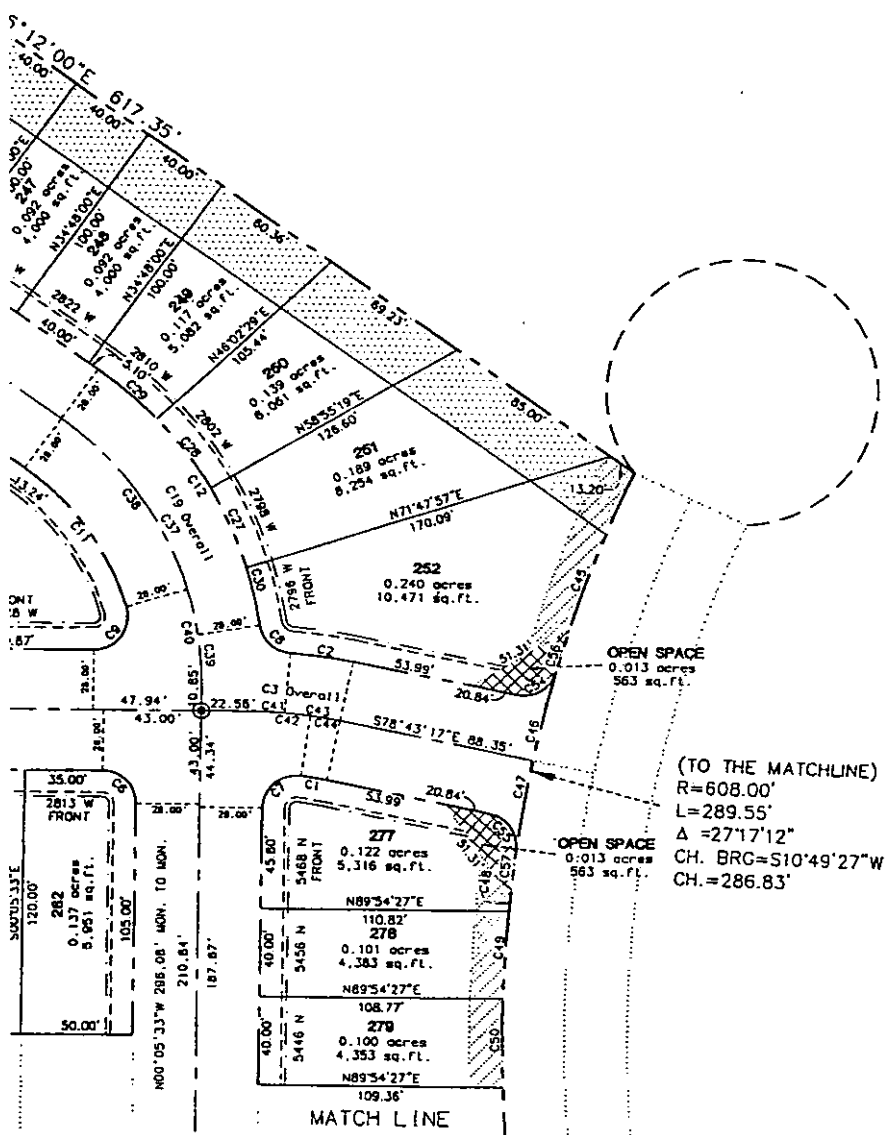
ENT 54077:2005 PG 8 of 12

The Annexed Master Association Property shall include two areas totaling .0026 acres of property as indicated on the attached Plat Map.



- NOTES:**
1. ALL FRONT LOT CORNERS TO HAVE A RIVET SET ON TOP OF CURB ON THE PROLONGATION OF EACH LOT LINE.
 2. ALL OPEN SPACE TO BE DEDICATED TO AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
 3. DRAINAGE FROM THIS PROJECT WILL BE DETAINED IN THE TRAVERSE MOUNTAIN MAIN DETENTION POND LOCATED AT THE NORTHWEST CORNER OF THE TRAVERSE MOUNTAIN PROJECT. THIS PROJECT WILL REQUIRE 0.33 ACRE-FEET OF STORAGE. THE POND HAS A CURRENT CAPACITY OF 4.25 ACRE-FEET. IT WILL BE EXPANDED BY 3.9 ACRE-FEET TO ACCOMMODATE ALL OF THE MOUNTAIN COVE DISTRICT DETENTION POND DESIGN. DESIGN IS A PART OF SHADOW RIDGE PHASE 1 CONSTRUCTION DRAWINGS. THE TOTAL POND CAPACITY OF 8.05 ACRE-FEET WILL BE REACHED UPON THE COMPLETION OF CONSTRUCTION OF WINTER HAVEN PHASE 1 & 2, EAGLE CREST PHASE 1 & 2 AND SHADOW RIDGE PHASE 1 & 2.
 4. LANDSCAPING WITHIN PUBLIC ROW WILL BE OWNED AND MAINTAINED BY THE MASTER ASSOCIATION.
 5. THE PRIOR PRELIMINARY PLAT UNDERLYING THIS AREA IS STILL APPLICABLE TO FUTURE PHASES.
 6. THIS AREA IS SUBJECT TO THE NORMAL EVERYDAY SOUNDS, ODORS, SIGHTS, FACILITIES, AND ASPECTS ASSOCIATED WITH AN AGRICULTURAL LIFESTYLE. RESIDENTS SHOULD ALSO RECOGNIZE THE RISKS INHERENT WITH LIVESTOCK.
 7. ON LOTS 200, 209, 212, 242, 252, 253, 257, 260, 262, 267, 271, 276, 277, 292, 298 AND 306 THE FRONT OF THE HOUSE MUST FACE TO THE STREET WHERE UTILITY SERVICE LATERALS ENTER THE LOT.

CURVE	RADIUS	LENGTH	DELTA
C1	172.00	11.68	3°57'24"
C2	228.00	28.48	7°09'25"
C3	200.00	39.89	11°22'18"
C4	15.00	23.56	90°00'00"
C5	15.00	23.56	90°00'00"
C6	15.00	23.56	90°00'00"
C7	15.00	23.52	97°28'52"
C8	15.00	20.00	76°23'50"
C9	15.00	28.14	107°28'53"
C10	15.00	23.56	90°00'00"
C11	122.00	80.12	37°37'34"
C12	178.00	142.03	45°43'07"
C13	122.00	74.30	34°53'33"
C14	178.00	108.40	34°53'33"
C15	122.00	67.34	31°37'40"
C16	178.00	98.26	31°37'40"
C17	150.00	82.80	31°37'40"
C18	150.00	91.35	34°53'33"
C19	150.00	144.27	55°06'27"
C20	178.00	42.42	13°39'11"
C21	178.00	19.21	6°07'55"
C22	122.00	45.18	21°13'11"
C23	178.00	14.11	4°32'27"
C24	178.00	40.04	12°53'23"
C25	178.00	40.13	12°54'49"
C26	122.00	23.18	10°53'12"
C27	178.00	40.00	12°54'37"
C28	178.00	40.02	12°54'51"
C29	178.00	34.92	11°14'29"
C30	178.00	27.09	8°43'10"
C31	122.00	51.12	24°00'20"
C32	178.00	14.12	4°32'44"
C33	122.00	22.16	10°24'29"
C34	178.00	36.64	11°47'34"
C35	15.00	23.56	90°00'00"
C36	122.00	23.18	10°53'12"
C37	150.00	119.69	45°43'08"
C38	150.00	98.51	37°37'34"
C39	150.00	24.58	9°23'20"
C40	150.00	45.77	17°28'53"
C41	200.00	14.71	4°12'30"
C42	200.00	26.11	7°28'52"
C43	200.00	24.98	7°09'25"
C44	200.00	13.578	3°57'24"
C45	608.00	78.94	07°53'33"
C46	608.00	41.99	3°57'27"
C47	608.00	41.99	3°57'27"
C48	608.00	6.51	0°36'48"
C49	608.00	40.06	3°46'30"
C50	608.00	40.01	3°46'30"
C51	378.00	23.77	3°27'07"
C52	378.00	28.02	4°14'52"
C53	378.00	83.29	12°37'29"
C54	15.00	22.53	88°02'32"
C55	15.00	22.53	88°02'32"
C56	608.00	21.01	1°58'49"
C57	608.00	21.01	1°58'49"
C58	15.00	22.66	88°32'52"
C59	15.00	21.92	83°43'06"



- LEGEND**
- = MONUMENT TO BE SET
 - = PRIVATE UTILITY EASEMENT
 - = BOUNDARY LINE
 - = RIGHT OF WAY LINE
 - = LOT LINE
 - = CENTER LINE ROAD
 - = PUBLIC UTILITY EASEMENT
 - = BUILDING ENVELOPE
 - = STREET LIGHTS
 - = FOUND SECTION CORNER
 - = NO STREET ACCESS
 - = OPEN SPACE

(TO THE MATCHLINE)
 R=608.00'
 L=289.55'
 Δ = 27°17'12"
 CH. BRG = S10°49'27"W
 CH. = 286.83'

WINTER HAVEN PHASE 2
 LEHI, UTAH

PSOMAS
 2825 East Cottonwood Parkway, Suite 120
 Salt Lake City, Utah 84123
 (801) 270-3177 (801) 270-5782 (FAX)

DATE: 06-14-04
 PLAN DATE:
 SCALE: 1" = 40'
 PROJECT NUMBER: 8LCF01200

DESIGNED: BDA
 DRAFTER: JAJ
 CHECKER: BDA

2
 3

21/25

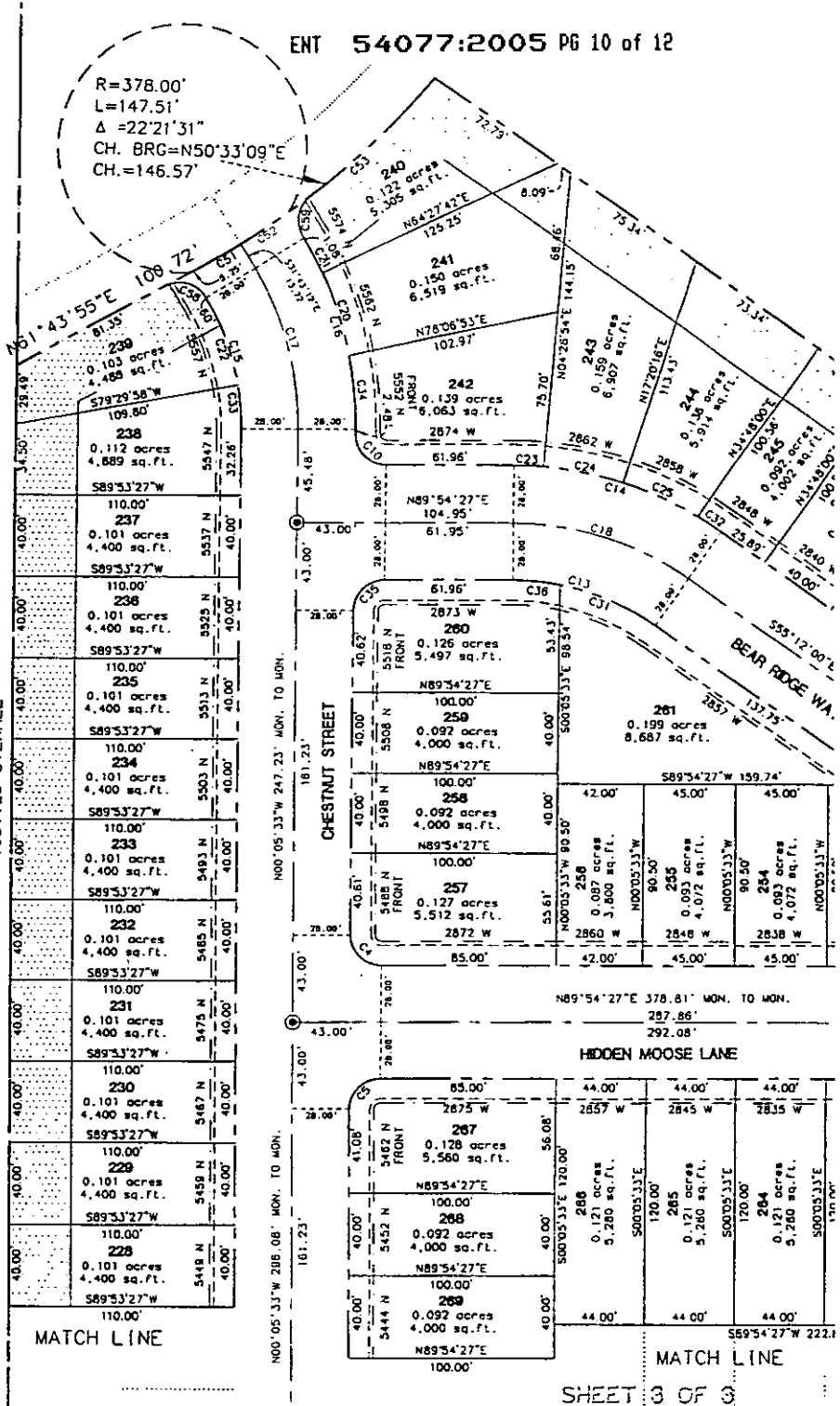
WINTER HAVEN PHA

A PLANNED COMMUNITY DEVELOPMENT LOCATED IN SECTIONS
RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, LEHI UT

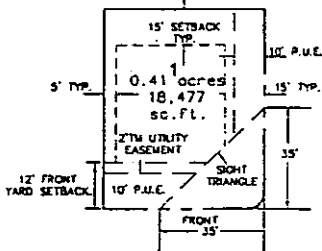
ENT 54077:2005 PG 10 of 12

AREA SUMMARY TABLE

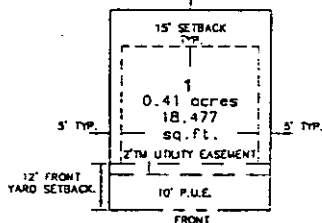
Lot Number	Area (acres)	Lot Number	Area (acres)
200	0.167	260	0.126
201	0.118	261	0.199
202	0.119	262	0.137
203	0.099	263	0.112
204	0.104	264	0.121
205	0.101	265	0.121
206	0.098	266	0.121
207	0.096	267	0.128
208	0.099	268	0.092
209	0.160	269	0.092
212	0.125	270	0.092
213	0.095	271	0.146
214	0.093	272	0.121
215	0.135	273	0.121
216	0.172	274	0.121
217	0.083	275	0.112
218	0.093	276	0.137
219	0.101	277	0.122
220	0.101	278	0.101
221	0.101	279	0.100
222	0.101	280	0.102
223	0.101	281	0.121
224	0.101	282	0.121
225	0.101	283	0.161
226	0.101	284	0.119
227	0.101	285	0.097
228	0.101	286	0.101
229	0.101	287	0.107
230	0.101	288	0.107
231	0.101	289	0.107
232	0.101	290	0.107
233	0.101	291	0.107
234	0.101	292	0.109
235	0.101	293	0.092
236	0.101	294	0.092
237	0.101	295	0.092
238	0.112	296	0.111
239	0.103	297	0.092
240	0.122	298	0.092
241	0.150	299	0.092
242	0.139	300	0.092
243	0.159	301	0.092
244	0.136	302	0.092
245	0.092	303	0.099
246	0.092	304	0.107
247	0.092	305	0.103
248	0.092	306	0.115
249	0.117	Lot Total	11.830
250	0.139	Open Space	0.026
251	0.189	Roads	4.251
252	0.240	Total	16.284
253	0.141	Units per Acre	6.57
254	0.093		
255	0.093		
256	0.087		
257	0.127		
258	0.092		
259	0.092		



TYPICAL CORNER LOT SETBACKS DETAIL (N.T.S.)

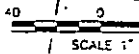


TYPICAL LOT SETBACKS DETAIL (N.T.S.)



TYPICAL INTERNAL LOT EASEMENTS:

The areas designated herein as T.M. Utility are private utility easements and are not dedicated for use by the general public but are for use of those private utilities and telecommunications providers authorized by subdivision, its successors and assigns, pursuant to a written agreement.



NOTES:

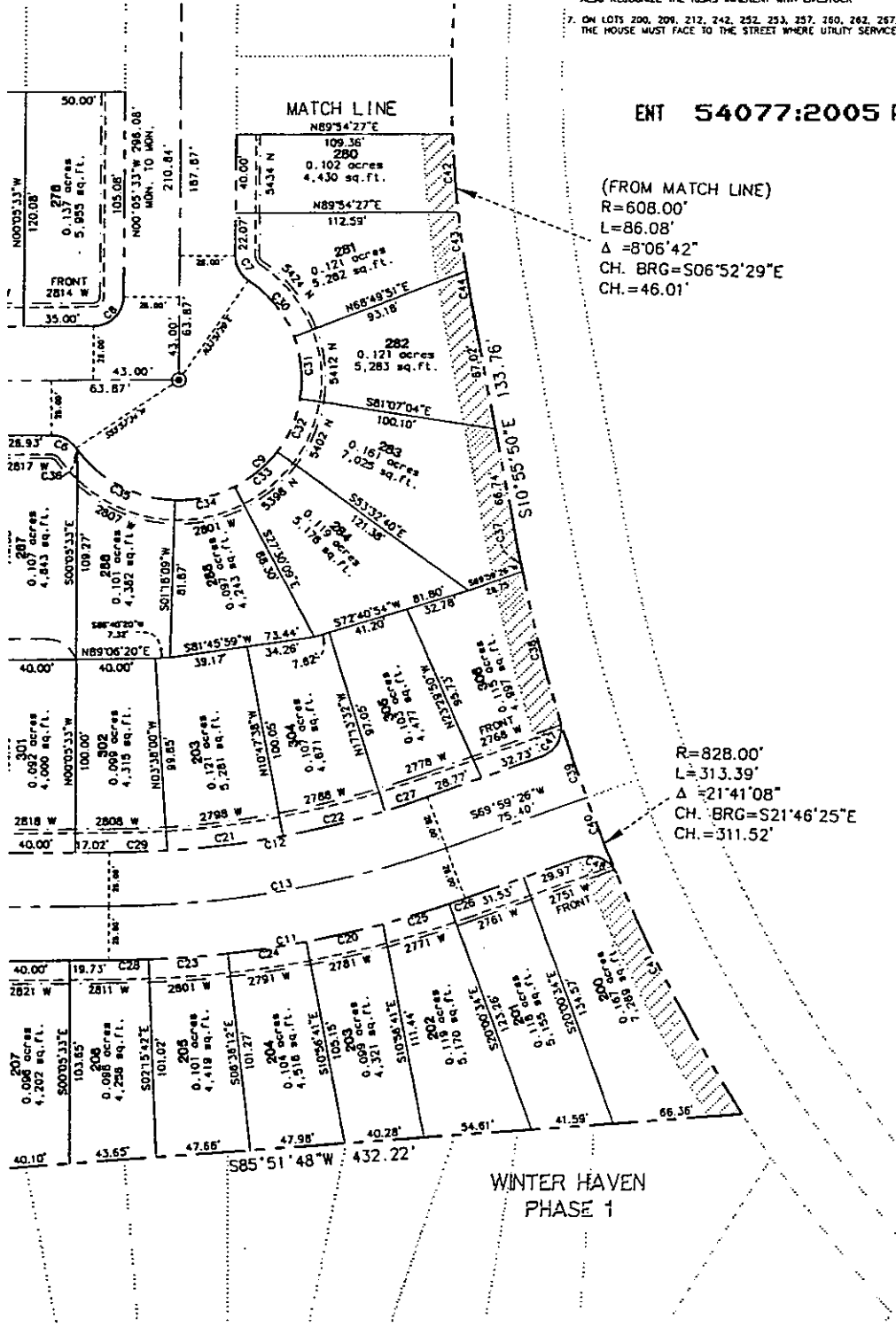
1. ALL FRONT LOT CORNERS TO HAVE A RIVET SET ON TOP OF CURB ON THE PROLONGATION OF EACH LOT LINE.
2. ALL OPEN SPACE TO BE DEDICATED TO AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
3. DRAINAGE FROM THIS PROJECT WILL BE DETAINED IN THE TRAVERSE MOUNTAIN MAIN DETENTION POND LOCATED AT THE NORTHWEST CORNER OF THE TRAVERSE MOUNTAIN PROJECT. THIS PROJECT WILL REQUIRE 0.33 ACRE-FOOT OF STORAGE. THE POND HAS A CURRENT CAPACITY OF 4.25 ACRE-FOOT. IT WILL BE EXPANDED BY 3.8 ACRE-FOOT TO ACCOMMODATE ALL OF THE MOUNTAIN CREEK DISTRICT DETENTION POND DESIGN. DESIGN IS A PART OF SHADOW RIDGE PHASE 1 CONSTRUCTION DRAWINGS. THE TOTAL POND CAPACITY OF 8.03 ACRE-FOOT WILL BE REACHED UPON THE COMPLETION OF CONSTRUCTION OF WINTER HAVEN PHASE 1 & 2, EAGLE CREST PHASE 1 & 2 AND ANTHONY RIDGE PHASE 1 & 2.
4. LANDSCAPING WITHIN PUBLIC ROW WILL BE OWNED AND MAINTAINED BY THE MASTER ASSOCIATION.
5. THE PRIOR PRELIMINARY PLAT UNDERLYING THIS AREA IS STILL APPLICABLE TO FUTURE PHASES.
6. THIS AREA IS SUBJECT TO THE NORMAL EVERYDAY SOUNDS, ODORS, SIGHTS, FACILITIES, AND ASPECTS ASSOCIATED WITH AN AGRICULTURAL LIFESTYLE. RESIDENTS SHOULD ALSO RECOGNIZE THE RISKS INHERENT WITH LIVESTOCK.
7. ON LOTS 200, 209, 212, 242, 252, 253, 257, 260, 262, 267, 271, 276, 277, 292, 298 AND 306 THE FRONT OF THE HOUSE MUST FACE TO THE STREET WHERE UTILITY SERVICE LATERALS ENTER THE LOT.

ENT 54077:2005 PG 11 of 12

(FROM MATCH LINE)
R=608.00'
L=86.08'
Δ=8°06'42"
CH. BRG=S06°52'29"E
CH.=46.01'

R=828.00'
L=313.39'
Δ=21°41'08"
CH. BRG=S21°46'25"E
CH.=311.52'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	15.00	23.56	90°00'00"
C2	15.00	14.67	56°33'07"
C3	15.00	14.67	56°33'07"
C4	15.00	23.56	90°00'00"
C5	15.00	23.56	90°00'00"
C6	15.00	14.67	56°33'07"
C7	15.00	14.67	56°33'07"
C8	15.00	23.56	90°00'00"
C9	62.00	218.70	202°06'14"
C10	62.00	218.70	202°06'14"
C11	528.00	183.54	19°55'01"
C12	472.00	184.08	19°55'01"
C13	500.00	173.81	19°55'01"
C14	62.00	23.12	21°21'57"
C15	62.00	52.68	48°41'12"
C16	62.00	30.13	27°30'34"
C17	62.00	40.74	37°49'00"
C18	62.00	40.79	37°41'30"
C19	62.00	31.24	28°32'00"
C20	528.00	40.04	4°20'41"
C21	472.00	56.99	7°09'47"
C22	472.00	52.98	6°25'54"
C23	528.00	40.01	4°20'30"
C24	528.00	40.01	4°20'30"
C25	528.00	35.02	3°48'01"
C26	528.00	6.47	0°35'11"
C27	472.00	22.93	2°47'03"
C28	528.00	19.99	2°10'09"
C29	472.00	29.17	3°32'27"
C30	62.00	37.85	34°38'31"
C31	62.00	32.52	30°03'05"
C32	62.00	29.84	27°34'25"
C33	62.00	28.18	26°02'31"
C34	62.00	31.17	28°48'18"
C35	62.00	56.04	53°38'15"
C36	62.00	1.10	1°01'10"
C37	828.00	8.74	0°36'16"
C38	828.00	80.21	5°33'01"
C39	828.00	42.25	2°55'28"
C40	828.00	42.25	2°55'28"
C41	828.00	139.93	8°44'58"
C42	608.00	40.14	3°44'57"
C43	608.00	30.44	2°52'05"
C44	608.00	15.51	1°27'49"
C45	15.00	23.56	90°00'00"
C46	15.00	23.56	90°00'00"
C47	15.00	22.80	87°04'34"
C48	15.00	22.80	87°04'34"



DATE: 06-14-04
 PLAN DATE:
 SCALE: 1" = 40'
 PROJECT NUMBER: BLCT01200

WINTER HAVEN PHASE 2
LEHI, UTAH

PSOMAS

2025 East Cottonwood Parkway, Suite 120
 Salt Lake City, Utah 84171
 (801) 270-5777 (801) 270-5782 (FAX)

DESIGNED: BDA
 DRAWN: JAJ
 CHECKED: BDA

3
 3
 22/25

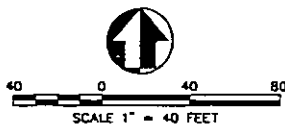
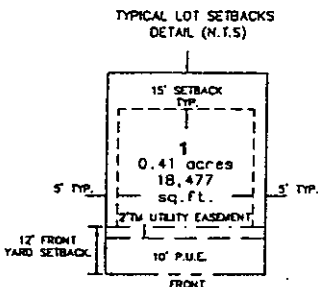
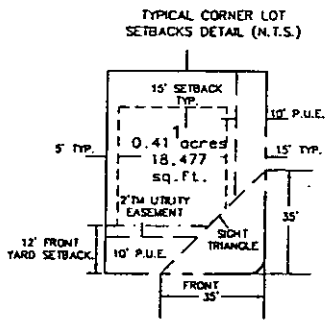
WINTER HAVEN I

A PLANNED COMMUNITY DEVELOPMENT LOCATED IN SE RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

ENT 54077:2005 PG 12 of 12

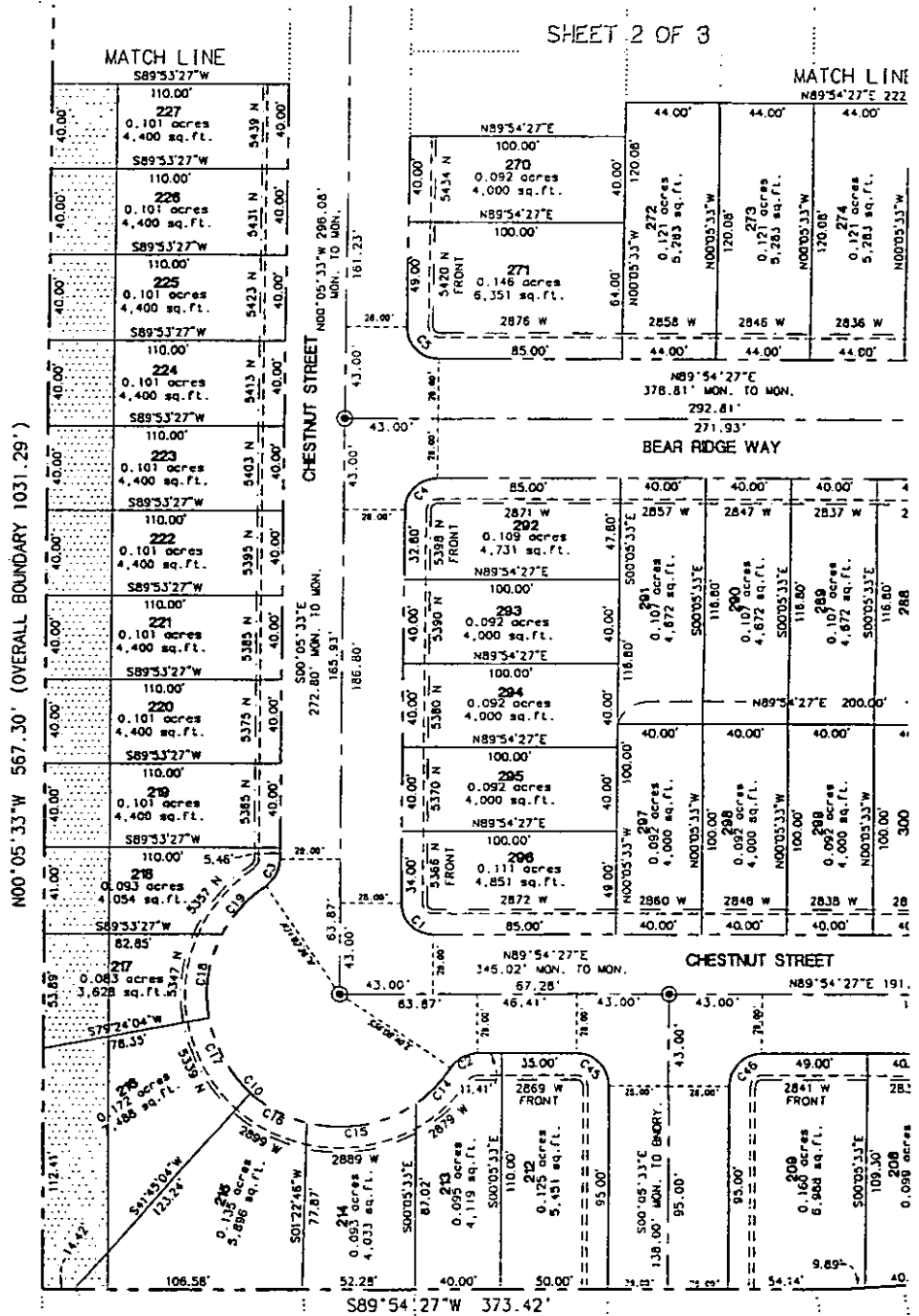
TYPICAL INTERNAL LOT EASEMENTS:

The areas designated herein as T.M. Utility are private utility easements and are not dedicated for use by the general public but are for use of those private utilities and telecommunications providers authorized by subdivider, its successors and assigns, pursuant to a written agreement.



- LEGEND**
- = MONUMENT TO BE SET
 - = PRIVATE UTILITY EASEMENT
 - = BOUNDARY LINE
 - = RIGHT OF WAY LINE
 - = LOT LINE
 - = CENTER LINE ROAD
 - = PUBLIC UTILITY EASEMENT
 - = BUILDING ENVELOPE
 - = STREET LIGHTS
 - = FOUND SECTION CORNER
 - = NO STREET ACCESS

ANY CONSTRUCTION IN THIS AREA MUST CONFORM TO CLASS 3 IGNITION RESISTANCE CONSTRUCTION AS DEFINED IN SECTION 506 OF THE 1997 URBAN WILDLAND INTERFACE CODE. LANDSCAPING ON THESE LOTS SHALL CONFORM TO SECTION 604 OF THE 1997 URBAN WILDLAND INTERFACE CODE.



WINTER HAVEN PHASE 1

SHEET 2 OF 3