

RESOLUTION NO. 98-182

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED  
DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA  
STATUTES, ON AN APPLICATION FOR AMENDMENT BY A NOTICE OF  
PROPOSED CHANGE FILED BY NU-GULF INDUSTRIES, INC. FOR THE  
WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT;  
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, Nu-Gulf Industries, Inc., as successors in interest to Beker Phosphate Corporation and Beker Industries, Corporation (together referred to as "Beker"), possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

**WHEREAS**, Resolution R-88-236 also amended the Master Mine Plan and Operating Permit for the Wingate Creek Mine; and

**WHEREAS**, The BOCC on July 17, 1990, R-90-60, approved an amendment to the Development Order deleting property from the mine; and

**WHEREAS**, on August 14, 1990, Manatee County approved Resolution R-90-147 adopting an amendment to the Amended Development Order approved by R-88-236 to allow the transport of phosphate rock by truck via an approved haul route; and

**WHEREAS**, on November 5, 1991, Manatee County approved Resolution R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine DRI and amending the Master Mine Plan and Operating Permit for this mine; and

**WHEREAS**, on July 25, 1996, Manatee County approved Resolution R-96-188 deleting property from the legal description of the Development Order for the Wingate Creek Mine DRI as a result of the Manatee County Archery and Gun Club settlement with Manatee County; and

**WHEREAS**, on December 16, 1997, Manatee County approved Resolution R-97-241 extending the expiration date for the Wingate Creek Mine Development Order to July 31, 2004, extending the life of the authorized haul routes to July 31, 2004, and the completion of mining reclamation to December 31, 2008; and

**WHEREAS**, on December 16, 1997, Manatee County approved Resolution R-97-242, amending the Master Mine Plan and Operating Permit to conform to the amended Development Order; and

**WHEREAS**, Nu-Gulf Industries Inc. have not had active mining operations since September, 1992; and

**WHEREAS**, on June 15, 1998, Nu-Gulf Industries filed a NOPC to their approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

**WHEREAS**, the Tampa Bay Regional Council, the Central Florida Regional Planning Council, and Florida Department of Community Affairs were provided copies of the Notice of a Proposed Change by Nu-Gulf Industries and were therefore afforded the opportunity to comment on the proposed change; and

**WHEREAS**, the Tampa Bay Regional Council has determined that the change proposed in the NOPC is presumed to create a substantial deviation pursuant Subsection 380.06 (19)(e)3, Florida Statutes, however, Nu-Gulf Industries has provided information which successfully rebuts this presumption and it is found that no regional impact will occur from the addition of a third haul route and change in authorized haulers of phosphate rock because all regional impacts to the transportation system will be mitigated by the applicant; and

**WHEREAS**, the Planning Commission has reviewed the Application for Amendment (NOPC) and has filed a recommendation on said Application with the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners of Manatee County has on October 27, November 17, 1998 and November 24, 1998 held a duly noticed public hearing on said amendment to the Wingate Creek Mine DRI, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant.

**WHEREAS**, the described Project lies within the unincorporated area of Manatee County; and

**WHEREAS**, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT THE BOARD FINDS THAT THE PROPOSED CHANGES TO THE DEVELOPMENT ORDER FOR WINGATE CREEK MINE ARE NOT A SUBSTANTIAL DEVIATION AND THE CONDITIONS CONTAINED IN THIS ORDER ADEQUATELY ADDRESS THE IMPACT OF THE PROPOSED CHANGES.**

**SECTION 1. FINDINGS OF FACTS:**

The Board of County Commissioners, after considering the testimony, evidence, application for development approval, Notice Of Proposed Change, the recommendation and findings of the Planning Commission, and all other matters presented at the public hearings, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Resolution are adopted as findings of fact.
- B. The Planning Commission held a Public Hearing on October 8, 1998, November 5, 1998 and November 12, 1998 on the Notice Of Proposed Change Filed by Nu-Gulf, Industries for the Wingate Creek Mine DRI.
- C. The Board of County Commissioners held a public hearing on October 27, 1998, November 17, 1998 and November 24, 1998 regarding the Notice Of Proposed Change in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- D. The real property which is subject of the Notice of Proposed Change is legally described in Section 11 of this Resolution.
- E. The development is not in area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- F. The Authorized Agents for Nu-Gulf Industries are Hugh E. McGuire, Esquire & Carol Masio, Esq., McGuire, Pratt, Masio, Farrance & Rice, P.A., Attorneys at Law, Suite 600, 1001 3rd Avenue West, Bradenton, Fl. 34206.

**SECTION 2: CONCLUSIONS OF LAW**

**Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:**

- A. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and previous local government approvals.
- B. The Concerns raised in DCA'S September 25, 1998 and TBRPC'S November 5, 1998 letters have been addressed.
- C. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- D. The review by the County, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

**SECTION 3. AMENDMENT OF PRIOR DEVELOPMENT ORDERS FOR DRI #4 (TBRPC DRI #42, #95).**

The previous Amended Development Order for Wingate Creek Mine in Manatee County, which was adopted on October 18, 1988 (R-88-236) and subsequently amended by Resolutions 90-60, 90-147, 91-250, 96-188, and 97-241 is hereby amended by this Resolution, as follows:

**SECTION 4: DEVELOPMENT CONDITIONS:**

III. Conditions and Agreements

The development of Nu-Gulf's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (Exhibit C); the Application for Amendment filed in 1983 (Exhibit D) and; the Notice of Proposed Change dated June 15, 1998 (including additional information dated July 23, 1998, August 3, 1998, August 26, 1998, and September 3, 1998), except as all of the above may be modified by the terms and conditions of this Amended Development Order.

A. Transportation Matters

- (1) Nu-Gulf is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul routes and subject to the tonnage limitations listed below:

HAUL ROUTE:

- (a) Up to 2.0 million tons per year from the Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to US 41 north to Port Manatee, or to the phosphate plant at Piney Point.
- (b) Up to 650,000 tons per year from the Wingate Creek Mine east via State Road 64 to Hardee County Road 633, south to Farmland Industries, Inc. Hickory Creek Mine.
- (c) Up to 2.0 million tons per year from the Wingate Creek Mine, east via State Road 64 to Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant.

- (d) Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant. Once the construction of this road is complete, Haul route (c), above shall not be used except in an emergency situation.
- (e) Beginning December 15, 1998 and until July 31, 1999 or completion of the improvements identified in paragraph 16, below, whichever occurs first, and during any time that Duette Road is unavailable due to construction required by this Development Order, up to 175 truck trips per day are permitted from the Wingate Creek Mine, west via State Road 64 to Interstate 75, north to Big Bend Road, east to US 301, south to County Road 672, east to State Road 39, north to County Road 640, east to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant, subject to all other restrictions contained in this Development Order.

Trucks would return along the same described haul routes, except for routes (c) or (d), above, where the return route shall be from the Mulberry Corporation Phosphate Plant, turn right upon exiting and proceed easterly on SR 60 to Bonnie Mine Road, then turn right and proceed southerly on Bonnie Mine Road to CR 640. At the intersection of Bonnie Mine Road and CR 640, turn right again and proceed westerly to SR 37. At the intersection of CR 640 and SR 37, turn left and proceed south on SR 37 (these routes to be hereinafter referred to as the Haul Route) until July 31, 2004.

- (13) Nu-Gulf shall resume its payments into an irrevocable trust the sum of \$135,416.66 in five equal monthly payments of \$27,083.33. Payments shall begin immediately upon commencement of trucking operations.
- (14) Nu-Gulf shall require that its hauler prevent debris from leaving trucks, full or empty, during their travel on the haul route.
- (15) Nu-Gulf shall utilize only one of the approved eastbound haul routes at any time. Nu-Gulf shall provide advance written notice of a change in a eastbound haul route to the Manatee County Planning Director and Mining Coordinator. This notice shall be provided 30 calendar days prior to changing routes. Nu-Gulf shall provide advance written notice of the use of the temporary haul route to the Manatee County Planning Director and Mining Coordinator, as well as to Polk County and Hillsborough County.
- (16) Nu-Gulf shall construct the following permanent improvements to the transportation system before use of the haul route to Mulberry may commence:

(a) At the mine entrance @ SR 64:

- 1. Installation of street lighting as approved by the Manatee County Transportation Department;
- 2. A westbound right-turn lane on SR 64 per Standard Index # 301; and
- 3. Enlarge the inbound radius to 50'.

(b) At the SR 64 and Duette Road Intersection:

- 1. An eastbound left-turn lane on SR 64 per Standard Index # 301;
- 2. A southbound right-turn lane on Duette Road per Standard Index # 301;
- 3. Enlarge the inbound radius on Duette Road to 50'.

4. Installation of street lighting as approved by the Manatee County Transportation Department; and
5. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(c) At the Duette Road and SR 62 intersection:

1. A northbound left-turn lane on Duette Road per Standard Index # 301;
2. An eastbound right-turn lane on SR 62 per Standard Index # 301;
3. Enlarge the inbound radii on the southwest and southeast corners of Duette Road to 50'; and
4. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(d) At the SR 62 and SR 37 intersection:

1. Realign the intersection to 90 degrees to the centerline of SR 62 and make it a standard "T" intersection with stop bar and stop sign on SR 37 for southbound traffic;
2. A westbound right-turn lane on SR 62 per Standard Index # 301;
3. A southbound right-turn lane on SR 37 per Standard Index # 301;
4. A northbound acceleration lane on SR 37 per Standard Index # 301;
5. Mark the existing southbound lane on SR 37 as a southbound to eastbound left-turn lane per Standard Index # 301;
6. A eastbound left-turn lane on SR 62 per Standard Index # 301; and
7. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(e) SR 60 @ the Mulberry Corporation plant entrance ( in Polk County):

1. An eastbound right-turn lane on SR 60 per Standard Index # 301;

(17) Nu-Gulf may commence use of the new Haul route to Mulberry before certain required permanent improvements to the transportation system are constructed, provided that:

- 1) Nu-Gulf provides a bond or other financial surety acceptable to Manatee County for the costs of completion of all improvements listed in this condition;
- 2) Nu-Gulf completes the required improvements within 90 days of the effective date of this Resolution or the acquisition of right-of-way, whichever occurs later for each specific improvement; and
- 3) Nu-Gulf completes all improvements identified in Section 4.(A)(16) above, prior to commencing use of the haul route. The required final improvements that shall be constructed after commencing use of the new haul route are:

(a) At the Curve in Duette Road (mile 1.9):

1. Dedicate the land necessary for road-right-of-way to accommodate a realignment of the existing curve from a centerline radius of  $\pm 520'$  to  $1,250'$ ;
2. If the mine access road across the "Texaco" tract is not completed and operational by July 31, 1999, then Nu-Gulf shall design and construct geometric improvements to this curve in accordance with designs approved by the Manatee County Transportation Department. At a minimum, the new curve will have a centerline radius not less than  $1,250'$ ;
3. If two or more accidents involving Nu-Gulf's trucks on the haul route occur at this curve during the time the mine access road across the Texaco tract is under construction, and Nu-Gulf's trucks are determined to be the cause of the accident, then Nu-Gulf shall design and construct geometric improvements to this curve in accordance with designs approved by the Manatee County Transportation Department or cease use of the haul route until the mine access road across the "Texaco" tract is completed. At a minimum, the new curve will have a centerline radius not less than  $1,250'$ .
4. Install new signs as specified by the Manatee County Transportation Department.
5. Widen the existing road for the length of the  $520'$  radius section to  $30'$  in width with two (2)  $14'$  wide travel lanes, provided that this improvement will not be required if the mine access road across the Texaco tract is constructed prior to commencement of hauling on Duette Road;
6. Construct rumble strips to the north and south of the curve in accordance with specifications approved by the Manatee County Transportation Department; and
7. Additional warning signs as required by the Manatee County Transportation Department.

(b) At the Duette Road Bridge (Myakka headwaters - mile 0.8):

1. Guardrail improvements as specified by the Manatee County Transportation Department.

(c) At the Duette Road and new mine access road intersection (at the "Texaco" tract - mile 2.85) Nu-Gulf shall undertake the following improvements:

1. Intersection construction, drainage, surfacing, and sign requirements as determined by the Manatee County Transportation Department.

(d) At the 90 degree turn of Duette Road (mile 5):

1. Provide designs for and construct geometric improvements to this curve as approved by the Manatee County Transportation Department. At a minimum, the radius of the curve shall be no less than  $1,250'$ ;
2. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements; and
3. Install new temporary and permanent signs as specified by the Manatee County Transportation Department.

(e) At the bridge over the East Fork of the Manatee River (mile 6.5):

1. Widen the bridge deck surface to 24';
2. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements or to construct any temporary bypass road (as determined by the Manatee County Transportation Department) that may be necessary during construction work on the bridge. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements;
3. Clearing of vegetation to improve the line of sight, as specified by the Manatee County Transportation Department; and
4. Guardrail Improvements as specified by the Manatee County Transportation Department;

(f) The northern section of Duette Road ( 3.7 miles):

1. Design and widen the roadway surface to 22' and provide a shoulder in accordance with designs approved by the Manatee County Transportation Department; and
2. Provide any stormwater facilities that are required for the widened roadway; and
3. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

- (18) Upon completion of the mine access road, Nu-Gulf shall not use that portion of the new haul route between SR 64 and the Texaco tract except in case of emergency.
- (19) For the northern 3.7 miles Nu-Gulf will be reconstructing this portion of Duette Road prior to material transportation, Nu-Gulf shall not have any further obligation with regard to this segment so long as it is in better condition after completion of mining activity. Nu-Gulf shall document the existing conditions of the roadway in a manner acceptable to the Manatee County Transportation Department. Upon completion of mining activity, Nu-Gulf shall rebuild the Duette Road roadway to existing conditions. For the portion of the southern 6.3 miles that is part of the permanent haul route (i.e., north of the location where the mine access road intersects Duette Rd) , this is effectively a new roadway surface. For the portion of the southern 6.3 miles that is not part of the permanent haul route, (i.e., south of the location where the mine access road intersects Duette Road), Nu-Gulf shall be responsible for repairing any damage caused during the time(s) this portion of the haul route is used, including during emergency use.
- (20) Nu-Gulf shall provide and install raised pavement markers (RPM's) for the entire length of Duette Road as determined by the Manatee County Transportation Department.
- (21) Nu-Gulf shall have a structural Engineer examine the bridge at the East Fork of the Manatee River every 6 months. A copy of the engineer's findings shall be submitted to the Manatee County Transportation and Planning Departments for review. Should the report identify that the

bridge is not structurally sound to handle the phosphate truck traffic, then Nu-Gulf shall cease use of that haul route until such time as the bridge deficiencies are corrected.

- (22) Nu-Gulf shall agree to assume responsibility for expense of extraordinary maintenance of the Duette Road roadway through the life of the haul route (i.e., July 31, 2004). Extraordinary maintenance is defined as the actual costs incurred by Manatee County for maintenance of Duette Road that are over and above the average annual per-mile cost of maintenance of similar roadways in Manatee County. Nu-Gulf shall ensure reimbursement for the required maintenance through a bond or other financial guarantees acceptable to Manatee County, when furnished with verified cost estimates.

- (23) Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mulberry Chemical Plant or travel on S.R. 64, Duette Road, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Nu-Gulf personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Nu-Gulf operations personnel, scale operator, and Material Hauler's terminal manager. The 1998/99 schedule for school buses on the haul route is attached. For the 1998/99 school year the hours during which trucking shall not occur are:

Morning/AM - 5:15 a.m to 9:15 a.m.

Afternoon/PM 1:45 p.m. to 5:15 p.m.

Before the start of a new school year or summer-school, Nu-Gulf will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

No trucking will occur on S.R. 64 between I-75 and Lorraine Road during peak traffic hours, excluding holidays and weekends. These hours have been established to be 7:00 - 8:00 a.m. and 4:45 - 5:45 p.m.

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

- (24) Nu-Gulf shall not use more than one (1) material transportation firm for eastbound trips and one (1) material transportation firm for westbound trips at any time. Nu-Gulf shall provide written notice to Manatee County of which material transportation firms will be utilized. This notice shall be provided at least 30 days prior to changing material transporters unless a strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm, they shall provide written notice to Nu-Gulf at least 7 days prior to the proposed change, unless because of strike or act of God, Nu-Gulf has given less notice than thirty days. If such notice is issued by Manatee County to Nu-Gulf, Nu-Gulf shall not change to the new material transporter until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

- (25) Nu-Gulf shall only use one of the eastbound haul routes at any one time.



- (26) Nu-Gulf shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Nu-Gulf's trucks in Manatee County, to determine compliance with the conditions of the amended Development Order and to enforce highway safety regulations.

**SECTION 5. CONTROLLING DOCUMENT**

The terms and conditions of this Amended Development Order shall control to the extent that they are inconsistent with the previous approvals, to the extent that the previous approvals have not been modified they remain in full force and effect.

**SECTION 6. EFFECTIVE DATES**

This Resolution shall take effect upon being signed by the Chairman of the Board of County Commissioners and rendered as provided in Section 7, Rendition, of this order provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal.

**SECTION 7. RENDITION**

The Planning Department is hereby directed to send certified copies of the Development Order within thirty (30) days of the BOCC approval to Nu-Gulf Industries, Inc, DCA, and TBRPC.

**SECTION 8. COMPLIANCE AND MONITORING**

The Manatee County Planning Director or the Director's designee shall be responsible for monitoring and ensuring compliance with the amended Development Order.

**SECTION 9. NOTICE OF RECORDING**

Nu-Gulf Industries shall record a notice of adoption of the Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

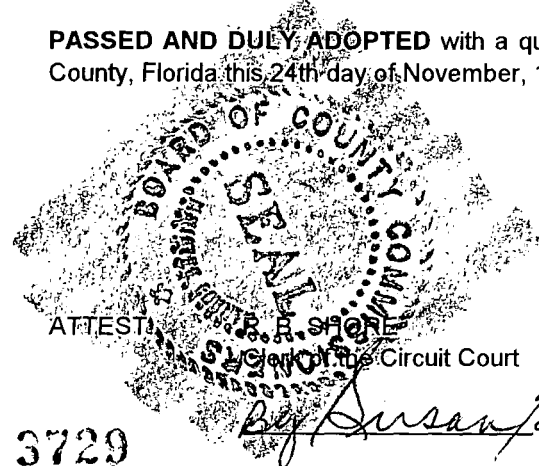
**SECTION 10. SEVERABILITY**

It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Resolution or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding of invalidity shall not affect the remaining portions or applications of this Resolution, and to this end the provisions of this Resolution are declared severable.

**SECTION 11. LEGAL DESCRIPTION**

Development of Wingate Creek Mine shall be restricted to 3,015.23 acres owned by Nu-Gulf Industries, Inc and described by the legal description included as Exhibit A and made a part of this Development Order.

**PASSED AND DULY ADOPTED** with a quorum present by the Board of County Commissioners of Manatee County, Florida, this 24th day of November, 1998.



BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: *Patricia M. Glass*  
Chairman

*Susan B. Romine*

3729

EXHIBITS C and D

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE  
AS ATTACHMENTS TO:

- C. DRI Development Order recorded in Page 122, Minute Book 25 on 1/28/75.
- D. Application for Amendment filed in 6/83 (DOAH 83-4002) as approved by R-88-236.

EXHIBITS A and E ARE ATTACHED

EXHIBIT A

LEGAL DESCRIPTION FOR R-98-182 - NU-GULF DRI#4

**LEGAL DESCRIPTION SUMMARY**

PARCEL B	1,221.87
PARCEL C	1,984.36 ACRES
	<hr/>
	3,206.23 ACRES

LESS

101 ACRES (CONVEYED 2/14/95 TO BB/MANATEE)	101.00 ACRES
	<hr/>
	3,105.23 ACRES

**TOTAL NU-GULF LANDS 3,105.23 ACRES**

**PARCEL B**

BEGINNING AT THE N.E. CORNER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 03° 05' 41" W, A DISTANCE OF 5596.62 FEET TO THE S.E. CORNER OF SAID SECTION 31; THENCE S 85° 55' 55" E, ALONG THE NORTH LINE OF SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST, A DISTANCE OF 181.26 FEET TO THE N.E. CORNER OF SAID SECTION 6; THENCE S 00° 10' 08" W, A DISTANCE OF 4313.15 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE S 89° 46' 04" W, ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5135.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF S.R. 39; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING SIX COURSES; N 00° 22' 15" E, A DISTANCE OF 547.42 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5829.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 11° 24' 52" W, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5629.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 00° 22' 15" E, A DISTANCE OF 1542.85 FEET; THENCE N 00° 39' 05" E, A DISTANCE OF 5306.50 FEET TO THE NORTH LINE OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 88° 59' 12" E, ALONG SAID NORTH LINE, A DISTANCE OF 5482.62 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST AND SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS , RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 1221.87 ACRES, MORE OR LESS.

**PARCEL C**

BEGINNING AT THE S.E. CORNER OF SECTION 28, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 89° 11' 57" W, A DISTANCE OF 5281.33 FEET TO THE S.W. CORNER OF SAID SECTION 28; THENCE N 88° 43' 52" W, A DISTANCE OF 5424.50 FEET TO THE S.W. CORNER OF SECTION 29, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 01° 01' 47" W, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2633.20 FEET TO THE EAST 1/4 CORNER OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 88° 48' 07" W, ALONG THE SOUTH LINE OF THE N.E. 1/4 OF SAID SECTION 30, A DISTANCE OF 2388.95 FEET; THENCE N 01° 00' 59" E, A DISTANCE OF 1408.27 FEET; THENCE N 58° 32' 10" E, A DISTANCE OF 2231.23 FEET; THENCE N 08° 14' 52" W, A DISTANCE OF 226.69 FEET; THENCE N 41° 44' 44" E, A DISTANCE OF 3357.00 FEET; THENCE EAST, A DISTANCE OF 1200.00 FEET; THENCE SOUTH, A DISTANCE OF 517.52 FEET; THENCE EAST, A DISTANCE OF 7808.85 FEET TO THE EAST LINE OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 00° 17' 16" W, A DISTANCE OF 2414.64 FEET TO THE S.E. CORNER OF SAID SECTION 21; THENCE S 00° 08' 00" E, A DISTANCE OF 5246.25 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 19, 20, 21, 28, 29 AND 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS RIGHTS OF WAY AND RESTRICTIONS OF RECORD. CONTAINING 1984.36 ACRES, MORE OR LESS.

**LESS:**

**DESCRIPTION: NUGULF 101 ACRE PARCEL (REVISED)**

FROM THE N.E. CORNER OF SECTION 1, TOWNSHIP 35 S, RANGE 21 E, RUN N 87° 08' 37" W ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 102.88 FEET TO THE EAST RIGHT OF WAY LINE OF S.R. 39; THENCE S 00° 22' 15" W ALONG SAID EAST LINE, A DISTANCE OF 1050.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: THENCE S 00° 22' 15" W, A DISTANCE OF 492.85 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5629.58 FEET; THENCE SOUTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T.; THENCE S 11° 24' 52" E, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5829.58 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T.; THENCE S 00° 22' 15" W, A DISTANCE OF 547.42 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE N 89° 46' 04" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1836.35 FEET; THENCE N 00° 22' 15" E, A DISTANCE OF 1754.87 FEET; THENCE N 89° 37' 45" W, A DISTANCE OF 959.03 FEET; THENCE N 34° 58' 09" W, A DISTANCE OF 1348.48 FEET; THENCE N 00° 22' 15" E, A DISTANCE OF 800.00 FEET; THENCE N 89° 37' 45" W, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35 S, RANGE 21 E AND SECTION 6, TOWNSHIP 35 S, RANGE 22 E, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 101.000 ACRES, MORE OR LESS.

MANATEE COUNTY  
RESOLUTION R-98-182  
EXHIBIT E

1. CARGO

The cargo being hauled is phosphate rock and has no specific toxicity problems which would cause special transportation problems.

2. TRUCK LIMITS

The trucks have two specific capacity limits determined by the number of axles on the tractor/trailer combination. Trucks having two trailer axles and two tractor axles shall be allowed to carry a maximum weight of 73,280 pounds, while trucks having three axles on both tractor and trailer have a maximum capacity of 80,000 pounds. No special D.O.T. emblems are required. Each truck will be identified as a Nu-Gulf truck by the use of a Nu-Gulf sign on the tailgate which will be visible from a normal safe following distance.

3. LOADING-TARE WEIGHT

The loading will take place at the Wingate Mine. Trucks will proceed to the scale upon arrival at the mine. Before entering the scales each truck will come to a complete stop. The truck will proceed onto the scale and stop when correctly positioned. The scale operator will light weigh the truck and inform the driver which material is to be loaded (pebble, concentrate or combination of both). This weight will appear as the "tare" weight on the bill of lading. The weight is normally 22,000 - 25,000 pounds. Any variation of the tare should be reported to the plant shift supervisor.

4. LOADING-CARGO

Trucks will then proceed to the loading area. The loader operators should load a truck evenly both front to back and side to side. This will minimize the possibility of a load shift during transit. While at the piles the truck drivers will get out of their trucks and sample each bucket of material that is placed in their truck. The sample is placed in a bucket and then covered. This is important to get an accurate moisture sample. Moisture will be controlled at 8-13% to minimize dusting and excess leakage. The sample analysis will be reported on the daily production report. The month-to-date analysis can also be found on the report. The daily production report can be found in the general manager's files and is saved four years.

5. LOADING - INSPECTION

While outside the truck each driver is responsible to make an inspection tour of his vehicle. During this tour the vehicle will be observed for tire condition, tailgate position, leakage, tail lights, tractor lights, brakes. If the driver or loader operator finds a problem with the truck it will be removed from the line until it can be repaired.

6. LOADING - TOPPING & WEIGH-OUT

Once loaded the truck will proceed to the scale for topping and weigh-out. The driver will again bring the truck to a full stop before proceeding onto the scale. This will minimize scale damage and insure weight accuracy. As the truck is weighed, the scale operator will determine if it is overweight or underweight from the aforementioned gross vehicle weights. If the truck is overweight it will be backed off the scale and dumped. The under weight trucks will be topped to the correct weight with the truck

topping hopper. After topping, the truck driver will cover his load with a tarp. At no time will trucks be allowed to leave the scale untarped. This is a violation of the Florida Motor Vehicle code and will not be tolerated! The driver will proceed to the scale house where he signs to accept the load on the "load dispatch sheet" and the driver's copy of the bill of lading will be completed.

## 7. SCALE - OPERATION & RECORDS

The scale operator is responsible for the accuracy of the scale operation and the time intervals of all trucks dispatched. When the truck returns to the scale and the weight does not need adjustment, the operator will print this weight on the bill of lading along with the time and date. Otherwise, after the load has been adjusted, the adjusted weight will be printed on the bill of lading as the gross weight. The truck dispatch sheet will be filled in at this time. The tractor/trailer numbers; weight before topping and weight after topping; and drivers signature will be put on dispatch sheet. The final loaded weight along with the time and date will be printed on the bill of lading. The tractor/trailer numbers and driver's signature will also be placed on the bill of lading. If the time has been at least four minutes since the departure of the previous truck, the driver will be allowed to leave. If the time is less than four minutes, he will be required to remain until the correct time interval is obtained. At this time the bill of lading will be stamped again on the bottom. This will be the official departure time.

The bill-of-lading driver copies are given to the driver and include the following:

Yellow copy - Port Manatee/Piney Point Phosphate/Mulberry Phosphate records  
Pink copy - Material hauler records

The white copies of the bill of lading are kept at the scale and compiled with the truck dispatch sheets. The day's shipping will be sent to the accounting department for compilation. A shipping day starts at 07:00 AM and ends at 06:59 AM. After the data is input to the computer and the computer shipping report and bill of lading white copies are stored at Nu-Gulf Industries. Nu-Gulf Accounting will compare truck counts leaving the Wingate Creek Mine vs. trucks received at Port Manatee, Piney Point Phosphates, or Mulberry Phosphates on a daily basis. The white copies will then be kept in storage for a minimum of five years. The truck dispatch sheets will be sent to the plant superintendent for like storage.

The truck scale will be calibrated a minimum of once every three months or whenever a discrepancy may occur between other scales that are check weighing trucks. The contractor will be Central Florida Scales or an equivalent contractor. The calibration report will be given to the Plant Superintendent who will store them for a period of two years. The trucks will be check-weighed on a periodic basis at the Port Manatee, Piney Point Phosphate, or Mulberry Phosphates scale. The scale is inspected and certified annually by the Florida D.O.T. The comparisons between the port and mine scales will be made the Port Secretary or by the Piney Point or Mulberry Superintendent and sent to the mine for analysis. These will be kept in the files at the mine office. A sample bill of lading can be found in the Appendix along with a mine dispatch sheet.

## 8. TRUCK ROUTE

The drivers will proceed on the designated route as detailed in County Resolution R-98-182. There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following page.

## 9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets

while the return trip will be monitored by the dispatcher from the appropriate terminal, depending on the route.

If the trucks are not at least four minutes apart, the dispatcher will detain them until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

#### 10. SAFETY MONITORS

The Material Hauler will maintain a safety monitoring staff who will travel the route continuously. During this trip the conditions of the trucks, road, weather, traffic and any defects or problems encountered will be recorded on the observation report form. The safety engineer will file these reports with his supervisor at the Material Haulers terminal. Reports will be filed by individual truck number. A sample report can be found in the Appendix. This report will be reviewed by the terminal manager and then forwarded to the Material Haulers main office for review by the safety Manager and then storage.

#### 11. TRUCKING SCHEDULES

Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mulberry Chemical Plant or travel on S.R. 64, Duette Road, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Nu-Gulf personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Nu-Gulf operations personnel, scale operator, and Material Hauler's terminal manager. The 1998/99 schedule for school buses on the haul route is attached. For the 1998/99 school year the hours during which trucking shall not occur are:

Morning/AM - 5:15 a.m to 9:15 a.m.

Afternoon/PM 1:45 p.m. to 5:15 p.m.

Before the start of a new school year or summer-school, Nu-Gulf will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee county.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

No trucking will occur on S.R. 64 between I-75 and Lorraine Road during peak traffic hours, excluding holidays and weekends. These hours have been established to be 7:00 - 8:00 a.m. and 4:45 - 5:45 p.m.

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

#### 12. TRUCK DRIVERS

One of the most critical parts of a safe trucking operation is the driver. The driver must be alert at all times, knowledgeable of his equipment and well trained. The Material Hauler's attitude towards obtaining, training, and maintaining a qualified staff is paramount with the management.

#### 13. DRIVER APPLICANTS

An applicant for a driver's position must fulfill the following requirements.

- (1) Be able to fill out application for employment;
- (2) Posses a valid Florida commercial driver's license;
- (3) Pass a D.O.T physical examination;
- (4) Pass a material hauler road test;
- (5) Attend a material hauler orientation school and complete required examination;
- (7) And complete all employment procedures as required by the Material Hauler and all regulatory agencies.

Enclosed in the appendices is a sample of a complete employment package. This package includes the following:

- (1) Application
- (2) Checklist
- (3) Insurance Enrollment Form
- (4) W-4 Form
- (5) Physical Examination Form
- (6) Request for Information - Former Employer
- (7) Record of Road Test
- (8) Certification of Road Test
- (9) Driver License Information Date
- 10) Reference Check

#### 14. DRIVER TRAINEES

After the above information is completed the applicant will become a trainee. He will enter a training program by completing a trainee/trainer agreement. This agreement defines the trainee's responsibility, trainer's responsibility, and monetary rewards. The trainee will then perform normal duties under the observation of the trainer for a three-day training period. Each day the trainer will complete a "Trial Trip Report". This report summarizes the trainee's basic driving abilities. After the training period is over a final report and pay request is completed. The trainer will receive a basic wage while training applicant and after a successful ninety day probationary period he will receive an incentive pay for each trained driver. Copies of these forms and agreement can be found in the appendices.

#### 15. TRAINED DRIVERS

Once the applicant has become a trained driver he is continuously monitored by the safety engineer and dispatchers. He is required to complete a trip inspection. The following is that inspection.

1. Inspect tractor/trailer license plates.



2. Insure all fluid levels are adequate.
3. Tire pressures meet minimum requirements.
4. Insure all safety equipment is in place.
5. Insure GV weights are not exceeded.

If the driver discovers a problem with the truck before or during his shift, he will return to the terminal and fill out the driver's vehicle inspection report. The vehicle will not be returned to service until the repairs are completed and the mechanic and driver check it out.

A trained driver must also be able to:

- (1) Maintain efficient and safe operation of the assigned vehicle.
- (2) Follow assigned routes and road maps.
- (3) Operate the radio in accordance to F.C.C. and Material Hauler regulations.
- (4) Maintain and keep daily logs in accordance of D.O.T. regulations.
- (5) Physically and mentally load and unload freight as required.
- (6) Read and comprehend computerized payroll print-outs and manifests.

In the appendices is a Driver's Vehicle Inspection Report and Driver's Dail Log.

#### 16. DRIVER CHECK RIDES

Lastly in addition to the observation reports completed by the safety engineer, a check ride report was initiated to maintain driver awareness. A check ride can be made by the safety engineer at any time with any driver of his choosing. An evaluation form is completed by the safety engineer after the check ride. A copy of this report form is also in the appendices. This report is reviewed by the Material Hauler's manager and forwarded to the head office.

#### 17. DRIVER PERFORMANCE

Driver performance will be reported to Nu-Gulf Industries on a monthly basis. The report will detail any violations that have occurred during the prior month and the disciplinary actions as a result of those violations. The Material Hauler's Manager will send the written report to the General Manager of Nu-Gulf Industries. Additionally the report should contain a status report concerning equipment status, full time driver availability, part-time driver availability, and any additional information that impacts the trucking operation.

#### 18. TRUCK MONITORING

The trucks are equipped with a Eaton- Vorad or equivalent device that analyzes truck and driver performance. Each device records driver performance regarding following distances and truck speed over time. Periodically the information is removed from each device in the fleet and put into a computer. The computer will analyze the data and formulate a report indicating driving/operating problems.

These reports are kept in the Material Hauler's principal Florida office.

#### 19. DRIVER DISCIPLINE

Following is the accepted procedure that is observed in case of accidents.

1. The driver reports immediately, of accident involvement and it any bodily injury at scene.
2. Driver remains at scene of accident until investigation is completed by law enforcement personnel, company insurance adjuster, and /or company personnel.
3. The driver completes an accident report when arriving at the terminal.

Disciplinary action would be the following:

1. Minor accidents and/or incidents - driver would be allowed to return to work pending any further review by company personnel.
2. More severe accidents will result in temporary suspension pending investigation of driver record and involvement.
3. Accidents involving drivers charged with reckless driving, or driving under the influence will be immediately terminated from the company.

Incidents involving company drivers, other than accidents, will be reviewed by the appropriate company personnel and disciplinary action recommendations from those persons administered as necessary.

20. NOTICE OF CHANGE IN MATERIAL HAULER

Nu-Gulf shall not use more than one (1) material transportation firm for eastbound trips and one material transportation firm for westbound trips at any time. Nu-Gulf shall provide written notice to Manatee County of which material transportation firms will be utilized. This notice shall be provided at least 30 days prior to changing material transporters unless strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm, they shall provide written notice to Nu-Gulf at least 7 days prior to the proposed change. If such notice is issued by Manatee County to Nu-Gulf, Nu-Gulf shall not change to the new material transported until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

21. Nu-Gulf shall only use one of the eastbound haul routes at any one time.

APPENDIX

- I. Bill of Lading
  - Truck Dispatch Sheet
- II. Observation Report
  - Driver Evaluation Form
- III. Application Package
- IV. Driver Training Final Report & Pay Request
  - Trainee/Trainer Checklist
  - Driver Trainer Agreements (2)
- V. Driver's Daily Log
  - Driver's Vehicle Inspection Report
- VI. 1998-99 School schedule
- VII. County Resolution R-98-182

3 Cert Copies to  
Joanne - Planning  
1 Cert Copy to  
McGinn/Mason  
12/17/98 J

# BRADENTON HERALD

www.bradenton.com

P.O. Box 921  
Bradenton, FL 34206-0921  
102 Manatee Avenue West  
Bradenton, FL 34205-8894

Bradenton Herald  
Published Daily  
Bradenton, Manatee, Florida

STATE OF FLORIDA  
COUNTY OF MANATEE;

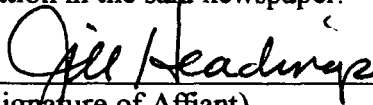
Before the undersigned authority personally appeared Jill Headings, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of

Notice of Establishment

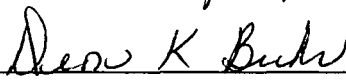
\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of

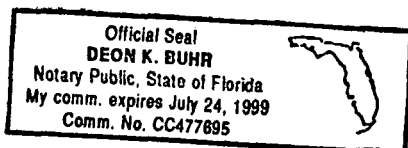
9/4/98

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

  
(Signature of Affiant)

Sworn to and subscribed before me this  
4th day of September, 19 98

  
SEAL & Notary Public



3740

## NOTICE OF ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND IN INCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, October 8, 1998, at 9:00 A.M. or as soon thereafter as may be heard and that the Board of County Commissioners will conduct a Public Hearing on Tuesday, October 27, 1998, at 9:00 A.M. or as soon thereafter as may be heard, in the Chambers of the Board of County Commissioners, located at the Manatee County Administrative Center, 1112 Manatee Avenue West, 1st Floor. The Planning Commission will consider, act upon and forward a recommendation to the Board of County Commissioners and the Board of County Commissioners will consider and act upon the following matter:

**R-98-182 Nu-Gulf Industries, Inc. (Wingate Creek Mine DRI #4/aka TBRPC #42/95)**

**Approval of an amendment to the Development of Regional Impact Development Order for Wingate Creek Mine, Resolution R-88-236, as amended, to:**

(1) Amend Condition III.A. (1) within the Development Order to add a new truck haul route from the mine site to Mulberry, Florida;

The new haul route is from the mine entrance road, then east on SR 64, then north on Duette Road, then west on SR 62, then north on SR 37, then east on SR 60 to the Mulberry Corporation plant. As an option, the mine may construct a new mine access road to the west (across the "Texaco" tract) to intersect with Duette Road. The trucks would return to the mine along the same haul routes. Up to 2.0 million tons per year of product may be transported across this route.

The new haul routes will be in addition to the two existing haul routes:

1. From the mine entrance road, then west on SR 64, then north on I-75, then west on I-275, then north on US 41 to the Piney Point Phosphate Plant or Port Manatee. Up to 2.0 million tons per year of product may be transported across this route.

2. From the mine entrance road, then east on SR 64, then south on Hardee County Road 663 to the Farmland Industries Hickory Creek Mine in Hardee County. Up to 650,000 tons per year of product may be transported across this route.

The applicant proposes that the mine may use any of the three haul routes at any time. The proposed change in routes will not result in any change in the mine production levels (an aggregate total of 2.0 million tons per year) or total number of truck trips on the roadway (not to exceed 4 truck trips per 4 minutes leaving the mine);

(2) Amend Exhibit E attached to Resolution R-88-236 where a specific transport hauler "Commercial Carrier" is named, to be modified to "Material Transporter"; and

(3) A determination of whether such amendments constitute a Substantial Deviation pursuant to Section 380.06 Florida Statutes, for the Wingate Creek Mine Development of Regional Impact.

(4) The Wingate Creek Mine is located north of SR 64 at 38651 SR 64 East, +/- 9 miles east of Rutland Road (CR675), and +/- 6 miles west of the Manatee and Hardee County lines in Sections 19, 20, 21, 28, 29, and 31, Township 34 South, Range 22 East and Section 6, Township 35 South, Range 22 East. Present zoning: EX (Extraction) and EX/WP-M (Extraction/Watershed Protection Lake Manatee Overlay District) (+/- 3,105.23 acres).

Rules of Procedure for these public hearings are in effect pursuant to Resolution 94-104(PC) and Resolution 94-90. Copies of these Resolutions are available for review, or purchase at cost, from the Planning Department.

All interested parties are invited to appear at these hearings and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Planning Department will be heard and considered by the Planning Commission and entered into the record.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners.

Interested parties may examine the Official Zoning Atlas, the application, and related documents, and may obtain assistance regarding these matters from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 749-3070.

**SAID HEARINGS MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.**

Manatee County Planning Commission  
Manatee County Board of County Commissioners  
Manatee County Planning Department  
Manatee County, Florida  
9/4/98

Orig from: 10/20/98 PC Mtg  
10/26/98e

**AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGN, AND  
NOTIFICATION BY U.S. MAIL TO CONTIGUOUS PROPERTY OWNERS**

STATE OF FLORIDA

COUNTY OF MANATEE

BEFORE ME, the undersigned authority, personally appeared CAROL A. MASIO, who, after having first been duly sworn and put upon oath, says as follows:

1. That he/she is the AGENT (owner, agent for owner, attorney in fact for owner, etc.) of the property identified in the application for **R-98-182 Nu-Gulf Industries, Inc. (Wingate Creek Mine DRI #4/aka TBRPC #42/95)**, to be heard before the **Manatee County Planning Commission** at a public hearing to be held on **October 8, 1998**, and to be heard before the **Manatee County Board of County Commissioners** at a public hearing to be held on **October 27, 1998**, and as such, is authorized to execute and make this Affidavit and is familiar with the matters set forth herein, and they are true to the best of his/her knowledge, information and belief.

2. That the Affiant has caused the required public notice sign to be posted pursuant to Manatee County Ordinance No. 90-01, on the property identified in said application, and said sign was conspicuously posted 12 feet from the front property line on the 4th day of September 1998. \*\*\*No more than 8' from Right of Way at 12 requested locations

3. That the Affiant has caused the mailing of the required letter of notification to contiguous property owners pursuant to Manatee County Ordinance No. 90-01, by U.S. Mail, on the 4th day of September 1998, and attaches hereto, as a part of and incorporated herein, a complete list of the names and addresses of the persons entitled to notice.

4. That Affiant is aware of and understands that failure to adhere to the provisions of Manatee County Ordinance No. 90-01, as it relates to the required public notice, may cause the above identified hearing to be postponed and rescheduled only upon compliance with the public notice requirements.

FURTHER YOUR AFFIANT SAITH NOT.



Property Owner/Agent Signature  
CAROL A. MASIO, ESQ.

SIGNED AND SWORN TO before me on September 16th, 1998 (date) by CAROL A. MASIO (name of affiant). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.



Signature of Person Taking Acknowledgment  
Melinda S. Blevins



MELINDA S. BLEVINS  
COMMISSION # CC625553  
EXPIRES MAR 24, 2001  
BONDED THROUGH  
ATLANTIC BONDING CO., INC.

Type Name MELINDA BLEVINS

Title or Rank NOTARY PUBLIC

Serial Number, if any \_\_\_\_\_

My Commission Expires:

Commission No.:

3741

**PLANNING  
SEP 16 1998  
DEPARTMENT**

63 40

\*\*\*ADDITIONAL PROPERTY OWNERS ON DUETTE ROAD  
 WHO HAVE REQUESTED Mailed NOTICE

Address List Verification Report

417.1010/4	ABBOTT, CONSTANCE BRADDOCK	2625 BUD RD	BOWLING GREEN, FL 33834
340.0000/0	ALBRITTON & SONS LTD	NO 3 ALBRITTON RD	ALTURAS, FL 33820
326.0000/9	ALBRITTON, NINA MAE	325 SOUTH 7TH AVE	WAUCHULA, FL 33873
417.1005/4	BRADDOCK, JAMES ALTON	RT 2 BOX 105	BOWLING GREEN, FL 33834
254.0000/3	CFI USA INC	4602 DOGWOOD HILLS CT	BRANDON, FL 33511
260.0000/0	CFI USA INC	4602 DOGWOOD HILLS CT	BRADENTON, FL 34203
341.0000/8	CHANCEY, GILFORD J	1115 61ST AVENUE TERR E	BRADENTON, FL 34203
341.0000/7	CHANCEY, GILFORD J	1115 61ST AVENUE TERR E	DUETTE, FL 33834
486.1060/4	FARR, WALTER S *	4090 DUETTE RD	WAUCHULA, FL 33873
296.0000/4	FLM INC	P O BOX 995	BRANDON, FL 33511
401.0000/0	FP TWO CORP	4602 DOGWOOD HILLS CT	ATTN: MR JAMES P PEYTON
415.0000/0	FP TWO CORP	GENERAL MOTORS INVEST MGMT	767 FIFTH AVENUE
401.1000/9	IMC-AGRICO COMPANY	GENERAL MOTORS INVEST MGMT	767 FIFTH AVENUE
1025/2	JOHNS, RUTH ANN BRADDOCK	ATTN: LAND RESOURCES	MULBERRY, FL 33860
1005/4	JOHNSON, DALE TC	P O BOX 1177	P O BOX 2000
323.0000/6	JOHNSON, DALE ALLEN TC	3049 CR 664	WAUCHULA, FL 33873
343.1000/3	MANATEE COUNTY	3049 CR 664	BOWLING GREEN, FL 33834
353.1000/2	MANATEE COUNTY	P O BOX 1000	BRADENTON, FL 34206
364.0000/0	MANATEE COUNTY	P O BOX 1000	BRADENTON, FL 34206
401.0005/9	MANSON, GEORGE L TR EST OF	P O BOX 1000	BRADENTON, FL 34206
361.0000/6	MCNEVIN, SUE W	MANSON, JOHN C	406 13TH ST W
376.0000/4	NOBLES, CREED *	6216 BAYSHORE BLVD	TAMPA, FL 33611
497.0000/8	PASOLA-ALBERINO, TUULA	7611 MANATEE AVE W	BRADENTON, FL 34209
369.0000/9	PEACE VALLEY GROVES INC	14 TERRACE DR	SO NYACK, NY 10960
372.0000/3	PEACE VALLEY GROVES INC	P O BOX 95002	LAKELAND, FL 33804-5002
396.0000/2	PEACE VALLEY GROVES INC	P O BOX 95002	LAKELAND, FL 33804-5002
417.1000/5	RUOLF, JERRY TC	P O BOX 95002	LAKELAND, FL 33804-5002
417.2000/4	RUOLF, MARY JEAN BRADDOCK	14650 SE 24TH ST RD	OKLAHAWA, FL 32179
493.0015/5	TAYLOR, DORIS G EST OF	14650 SE 24TH ST RD	OKLAHAWA, FL 32179
486.0020/9	TAYLOR, MELVIN H	2371 S DUETTE RD	ONA, FL 33865
493.1029/5	TAYLOR, MELVIN H	2371 SOUTH DUETTE RD	ONA, FL 33865
493.1050/1	TAYLOR, MELVIN H	2371 SOUTH DUETTE ROAD	ONA, FL 33865
493.1155/8	TAYLOR, MELVIN H	2371 SOUTH DUETTE RD	ONA, FL 33865
493.1250/7	TAYLOR, MELVIN H	2371 SOUTH DUETTE RD	ONA, FL 33865
486.1045/5	TAYLOR, MELVIN H *	2371 S DUETTE RD	ONA, FL 33865
1000/0	TAYLOR, MELVIN H * TE	2371 SOUTH DUETTE RD	ONA, FL 33865
.0005/1	TAYLOR, PERRY	2371 SOUTH DUETTE RD	ONA, FL 33865
486.1020/8	TAYLOR, PERRY J	1650 SOUTH DUETTE RD	ONA, FL 33865
493.1026/1	TAYLOR, PERRY J	1650 SOUTH DUETTE RD	ONA, FL 33865
493.1030/3	TAYLOR, PERRY J *	1650 SOUTH DUETTE ROAD	ONA, FL 33865
375.0005/5	THORNTON, SAMUEL A *	1650 SOUTH DUETTE RD	ONA, FL 33865
373.0000/1	THORNTON, SAMUEL A *	2371 SOUTH DUETTE RD	ONA, FL 33865
536.0000/3	TROLANO, D A	3200 DUETTE RD	DUETTE, FL 33834
184.0000/2	TURNER, D C JR	3200 DUETTE RD	DUETTE, FL 33834
308.0000/7	TURNER, D C JR	P O BOX 829	LAKELAND, FL 33802
321.0000/0	TURNER, D C JR	6955 TURNER RD	DUETTE, FL 33834
290.0000/7	TUVESON, ARTHUR	6955 TURNER RD	DUETTE, FL 33834
486.1015/8	WALKER, MARVIN B III *	4819 SWEET MEADOW CIR	SARASOTA, FL 34238
488.0000/7	WALKER, MARVIN BARNEY JR *	1850 SOUTH DUETTE RD	ONA, FL 33865
534.1000/7	WHALEY, ROB *	1731 SOUTH DUETTE RD	ONA, FL 33865
525.0000/6	WHALEY, ROB ROY *	45505 SR 64 E	ONA, FL 33865
454.0000/9	WINGATE LAND CORPORATION	45505 SR 64 E	ONA, FL 33865
456.0000/4	WINGATE LAND CORPORATION	4000 STATE ROAD 60 E	MULBERRY, FL 33860
458.0000/0	WINGATE LAND CORPORATION	4000 STATE ROAD 60 E	MULBERRY, FL 33860
464.0000/8	WINGATE LAND CORPORATION	4000 STATE ROAD 60 E	MULBERRY, FL 33860
486.1025/7	YOUNG, RUTH T	45901 SR 64 E	ONA, FL 33865

NEW YORK, NY 10153  
 NEW YORK, NY 10153

BRADENTON, FL 34205



Address List Verification Report  
\*\*\*ADJACENT PROPERTY OWNERS LIST PROVIDED  
BY MANATEE COUNTY PROPERTY APPRAISER

1568.1755/3	ACEVEDO, ADRIAN	273 LOGUE RD	MYAKKA CITY, FL 32451	
480.0000/4	ARIF, SYED	1705 ASTOR AVE	OAKBROOK TERRACE, IL 60181	
482.0000/0	ARIF, SYED	1705 ASTOR AVE	OAKBROOK TERRACE, IL 60181	
571.0000/0	ARIF, SYED	1705 ASTOR AVE	OAKBROOK TERRACE, IL 60181	
542.0000/1	BAUKNIGHT, GERTRUDE G	43005 SR 64 E	ONA, FL 33865	
564.0005/4	BAUKNIGHT, GERTRUDE G	43005 SR 64 E	ONA, FL 33865	
476.0000/2	BOJOR GROVES LTD PARTNERSHIP	BANCFIRST TR	ATTN: JOHN DUTY	P O BOX 26883
417.1005/4	BRADDOCK, JAMES ALTON	RT 2 BOX 105	BOWLING GREEN, FL 33834	OKLAHOMA CITY, OK 73126-0883
486.1006/7	CHAPMAN, CLIFFORD E TR	1400 99TH ST NW	BRADENTON, FL 34209	
486.1050/5	FARR, WALTER S *	P O BOX 995	WAUCHULA, FL 33873	
486.1060/4	FARR, WALTER S *	P O BOX 995	WAUCHULA, FL 33873	
412.0000/7	FP TWO CORP	GENERAL MOTORS INVEST MGMT	ATTN: MR JAMES P PEYTON	NEW YORK, NY 10153
1568.1760/3	JOHNSON, DAVID A *	2520 11TH AVE W	BRADENTON, FL 34205	
1568.1765/2	JOHNSON, DAVID A *	2520 11TH AVE W	BRADENTON, FL 34205	
499.1000/3	MAFERA, RICKY D *	605 21ST ST E	BRADENTON, FL 34208	
0000/2	MANATEE COUNTY	P O BOX 1000	BRADENTON, FL 34206	
400.0000/1	MANATEE COUNTY	P O BOX 1000	BRADENTON, FL 34206	
431.1000/6	MANATEE COUNTY	P O BOX 1000	BRADENTON, FL 34206	
438.2000/0	MANATEE COUNTY	P O BOX 1000	BRADENTON, FL 34206	
573.0001/4	MANATEE COUNTY	P O BOX 1000	BRADENTON, FL 34206	
1538.0005/7	MANATEE COUNTY	P O BOX 1000	BRADENTON, FL 34206	
1538.0010/7	MANATEE COUNTY GUN & ARCHERY	120 53RD AVE W	BRADENTON, FL 34207	
1568.1515/1	MANATEE COUNTY GUN & ARCHERY	120 53RD AVE W	BRADENTON, FL 34207	
1568.1711/6	MANFULL, WILLIAM	1008 31ST AVE E	BRADENTON, FL 34208	
478.0000/8	NU-GULF INDUSTRIES INC	38651 SR 64 E	MYAKKA CITY, FL 34251	
1568.1770/2	PANIPINTO, FRANCIS C *	191 49TH ST W	BRADENTON, FL 34209	
1568.1780/1	PEARSON, RICHARD S RS	5435 DUNCANWOOD DR	SARASOTA, FL 34232	
1568.1785/0	PEARSON, RICHARD S RS	5435 DUNCANWOOD DR	SARASOTA, FL 34232	
1568.1775/1	RODRIGUEZ, JAIME *	FELDMAN & ROBACK, ATTORNEYS	5895 HUMMINGBIRD AVE	SARASOTA, FL 34291
1568.1750/4	SICARD, DANIEL A	2205 SR 39	MYAKKA CITY, FL 34251	
573.0200/2	SKINNER, STEVEN R	2112 2ND AVE E	BRADENTON, FL 34208	
576.0005/8	SMITH, DANIEL H	P O BOX 432	WAUCHULA, FL 33873	
573.0205/1	SMITH, DELMAR RAY	PO BOX 430	ONECO, FL 34264	
500.0100/7	TAYLOR, J MARVIN	4670 KERSEY RD	ONA, FL 33865	
493.1155/8	TAYLOR, MELVIN H	2371 SOUTH DUETTE RD	ONA, FL 33865	
486.1045/5	TAYLOR, MELVIN H *	2371 SOUTH DUETTE RD	ONA, FL 33865	
500.0200/5	TAYLOR, PERRY J	1650 SOUTH DUETTE RD	ONA, FL 33865	
-2000/9	TITTF/STATE OF FLORIDA	C/O DEP DOUGLAS BUILDING	TALLAHASSEE, FL 32399	
000.0102/0	TREVOR INVESTMENTS INC	RR 1 BOX 568 E	MYAKKA CITY, FL 34251	
536.0000/3	TROIANO, D A	P O BOX 829	LAKELAND, FL 33802	
539.0005/6	TROIANO, D A	P O BOX 829	LAKELAND, FL 33802	
573.0220/0	WELDON, RICHARD L *	705 37TH AVENUE DR E	BRADENTON, FL 34208	
462.0005/1	WILLIS, ZULA MCLEOD	46655 MCLEOD RD	ONA, FL 33865	
462.0010/1	WILLIS, ZULA MCLEOD	46655 MCLEOD RD	ONA, FL 33865	