

RESOLUTION R-91-250

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY REPEALING R-91-26 AND ADOPTING AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT AND AMENDING THE MASTER MINE PLAN AND OPERATING PERMIT FOR THE WINGATE CREEK MINE.

WHEREAS, on January 28, 1975, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to Beker Phosphate Corporation and Beker Industries Corporation (together referred to as "Beker") for development of a 10,971 acre phosphate mine, known as the Wingate Creek Mine, and on the same day adopted a separate resolution granting a special exception and approving the Master Mine Plan, which DRI and Master Mine Plan were modified on April 12, 1977;

WHEREAS, on February 28, 1978, the Board granted Beker an operating permit for the Wingate Creek Mine, which permit has been modified;

WHEREAS, on October 18, 1988, the Board adopted resolution 88-236 amending the Development Order for the Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and Operating Permit for the Wingate Creek Mine;

WHEREAS, on August 14, 1990 the Board of County Commissioners granted Resolution No. R-90-147 amending the Development Order for Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and operating permit for the Wingate Creek Mine;

WHEREAS, on March 5, 1991 the Board of County Commissioners adopted R-91-26 amending the approved haul route;

WHEREAS, Tampa Bay Regional Planning Council filed an administrative appeal of said Resolution;

WHEREAS, all parties have entered into a settlement agreement which requests the repeal of R-91-26 and the adoption of this amended order;

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board finds that the proposed change to the haul route is a substantial deviation and that the conditions contained in this order adequately address the impact of the proposed change Condition III.A.(1) and Paragraphs 8 and 9 of Exhibit E of the BPC Trucking Operation is hereby amended as follows:

1. Condition III.A.(1):

Beker 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 route listed below, however, no more than 650,000 tons per year of the 2.0 million dry tons per year shall be transported to the Hickory Creek Mine:

HAUL ROUTE: From Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to U.S. 41 north to Port Manatee, or to the phosphate plant at Piney Point, or east via State Road 64 to Hardee County Road 663, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route (this route hereinafter referred to as the Haul Route) until January 28, 1998.

2. Paragraph 8 of Exhibit E of the BPC Trucking Operation:

(8) TRUCK ROUTE: The drivers will proceed on the designated route. The route shall be as follows:

HAUL ROUTE: From Wingate Creek Mine west via State Road 64 to I-75, to I-275, to U.S. 41 north to Port Manatee, or to the phosphate plant at Piney Point, or east via State Road 64 to Hardee County Road 663, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route.

There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following map.

3. Paragraph 9 of Exhibit E of the BPC Trucking Operation:

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 from the port, the Royster site and the Hickory Creek Mine will be monitored by the Commercial Carrier dispatcher. The dispatcher is located at the Commercial Carrier terminal on U.S. 41 one mile south of the port entrance road. If trucks are not at least four minutes apart the dispatcher will radio them and have them enter the yard 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.

STIPULATIONS

1. Prior to commencing use of the eastbound route on State Road 64, the signage and signalization requirement of Resolution No. R-88-236, Condition III.A.(8) shall be installed and operational.
2. Upon the passage of this Development Order and prior to commencing use of the eastbound route, Nu-Gulf shall enter into a Joint Participation Agreement with FDOT which shall provide at a minimum that Beker shall pay into an irrevocable trust the sum of \$650,000.00 in twenty-four equal monthly payments of \$27,083.33. Said payments shall begin immediately upon signing of the Joint Participation Agreement. The Joint Participation Agreement shall require FDOT to utilize Nu-Gulf's contribution of \$650,000.00 plus interest to widen and resurface State Road 64 from one tenth (0.1) mile east of Beker Road to the Hardee County line. Said construction to be in accordance with Florida Department of Transportation Standard Specifications for Road and Bridge Construction (1991) and Roadway and Traffic Design Standards (1991). The remaining terms of the Joint Participation Agreement shall be to the satisfaction of FDOT, NU-GULF and TBRPC.
3. Upon the complete execution of the Joint Participation Agreement, Nu-Gulf shall provide a copy of the Joint Participation Agreement to Manatee County and TBRPC and provided the terms outlined above are contained in the Joint Participation Agreement, Nu-Gulf may begin using the eastbound route.

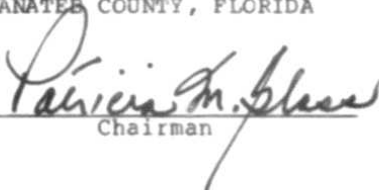
4. All other provisions of Amended Development Order Resolution Nos. R-88-236 and R-90-147 shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

UPON the effective date of this resolution, Resolution R-91-26 is hereby rescinded.

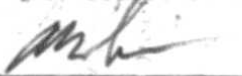
ADOPTED AND APPROVED with a quorum present and voting this 5th day of November, 1991.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY:


Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court



REVISED HAUL ROUTE
MAP

