

RESOLUTION R-90-147

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO R-88-236 AN AMENDED 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

(27)

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, the applicant has requested that the amended development order be amended to allow a change in the Haul Route;

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 hereby amends Conditions III.A.(1), III.A.(3), and Paragraph 8 of Exhibit E of the BPC Trucking Operation 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:

Haul Route: From Wingate Creek Mine, West via State Route 64 to I-75, to I-275, to U.S. 41 North to Port Manatee, or to the phosphate plant at Piney Point, and return along the same route (this route to be hereinafter referred to as the Haul Route) until January 28, 1998.

The trucking operations approved herein shall be conducted in accordance with Exhibit E, "BPC Trucking Operation", which is attached hereto and by reference incorporated herein.

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, 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.

THIS IS A CORRECTIVE DOCUMENT

3. Condition III.A.(3):

The applicant shall check-weigh trucks going to Royster Phosphate, Inc. at the scales at the Royster Site and continue to check-weigh trucks going to Port Manatee at the Port Manatee scales. The applicant shall maintain the weight records for a period of five years. Said records shall be available for inspection by the Director of Public Works upon reasonable notice to the applicant. Scales shall be provided and be operational on the Royster site within sixty (60) days of commencement of the right turn into the Royster site. An employee of Manatee County may at the County's discretion verify check-weighs at the Royster Site at the time a weigh-in occurs.

Stipulation #1:

A traffic light shall be provided by the applicant at such time as the Florida Department of Transportation and Manatee County Public Works determine that it meets the warrant requirements of the Florida Department of Transportation (US 41 and Piney Point Road).

All other provisions of the Amended Development Order R-88-236 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.

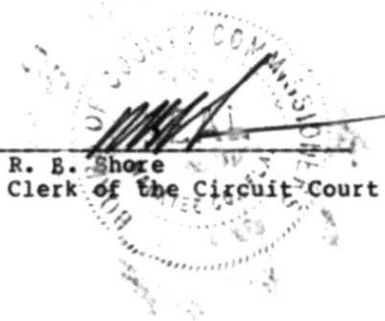
Previously ADOPTED with a quorum present and voting the 14th day of August, 1990.

Correction to document APPROVED with a quorum present and voting this 10th day of November, 1990.

Board of County Commissioners of Manatee County, Florida

BY: *Patricia M. Bless*
Chairman

ATTEST:



R. B. Shore
Clerk of the Circuit Court

THIS IS A CORRECTIVE DOCUMENT

RECORDED

8/14/90

PAGE

149-150

MINUTE BOOK

40

54

RESOLUTION R-90-147

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO R-88-236 AN AMENDED 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, the applicant has requested that the amended development order be amended to allow a change in the Haul Route;

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 hereby amends Conditions III.A.(1), III.A.(3), and Paragraph 8 of Exhibit E of the BPC Trucking Operation 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:

Haul Route: From Wingate Creek Mine, West via State Route 64 to I-75, to I-275, to U.S. 41 North to Port Manatee, or to the phosphate plant at Piney Point, and return along the same route (this route to be hereinafter referred to as the Haul Route) until January 28, 1998.

The trucking operations approved herein shall be conducted in accordance with Exhibit E, "BPC Trucking Operation", which is attached hereto and by reference incorporated herein.

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, 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.

1583

540-253

3. Condition III.A.(3):

The applicant shall check-weigh trucks going to Royster Phosphate, Inc. at the scales at the Royster Site and continue to check-weigh trucks going to Port Manatee at the Port Manatee scales. The applicant shall maintain the weight records for a period of five years. Said records shall be available for inspection by the Director of Public Works upon reasonable notice to the applicant. Scales shall be provided and be operational on the Royster site within sixty (60) days of commencement of the right turn into the Royster site. An employee of Manatee County may at the County's discretion verify check-weighs at the Royster Site at the time a weigh-in occurs.

Stipulation #1:

A traffic light shall be provided by the applicant at such time as the Florida Department of Transportation and Manatee County Public Works determine that it meets the warrant requirements of the Florida Department of Transportation.


All other provisions of the Amended Development Order R-88-236 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.

ADOPTED with a quorum present and voting this 14 th day of August, 1990.

Board of County Commissioners of
Manatee County, Florida

BY: Patricia G. Slaw
Chairman

ATTEST:



R. E. Shore
Clerk of the Circuit Court

Joanna

AUG 01 1990

RECEIVED



The Bradenton Herald

102 MANATEE AVE. WEST, P.O. BOX 921
BRADENTON, FLORIDA 34206
TELEPHONE (813) 748-0411

PUBLISHED DAILY
BRADENTON, MANATEE COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF MANATEE:

Before the undersigned authority personally appeared Linda L. Rikke, who on oath says that she is the Legal Advertising Clerk and the official representative of the Publisher of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida, with the express, limited authority to execute this affidavit for the purpose of establishing proof of publication of the public or legal notice and advertisement in the form attached hereto; that the attached copy of advertisement, being a legal advertisement in the matter of

Notice of Public Hearing/DRI #4 Nu-Gulf Industries

in the _____ Court,

was published in said newspaper in the issues of _____

7/27, '90

Affiant further says that the said The Bradenton Herald is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Bradenton, 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 one year next preceding the first publication of the attached copy of advertisement; and the 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.

Sworn to and subscribed before me this

30th day of July

A.D. 1990

(SEAL) Notary Public

Notary Public, State of Florida at Large
My Commission Expires May 30, 1991

1755

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN, that the Board of County Commissioners of Manatee County will conduct a Public Hearing on Tuesday, August 14, 1990, at 10:00 A.M. in the Chambers of the Board of County Commissioners, located at The Manatee County Administrative Center, 1112 Manatee Avenue West, 1st Floor, to consider, act upon the following matters:
DRI #4 Nu-Gulf Industries, Inc. (AKA Wingate Creek Mine Development)
Determination of whether a change to the "haul route" established in Resolution 88-236 to include a turn into the Royster Phosphate plant constitutes a Substantial Deviation pursuant to Section 380.06, Florida Statutes to the amended Development Order for the Wingate Creek Mine Development of Regional Impact. The mine is located on the north and south sides of State Route 64, 3 miles west of Myakka-Wauchula Road. The proposed change to the haul route is located at the intersection of U.S. 41 and Piney Point Road.
All interested parties are invited to appear at this Hearing and be heard. Additionally, any written comments filed with the Planning Commission or the Planning and Zoning Department will be heard and considered by the Board of County Commission.
Interested parties may examine the Official Zoning Atlas, the application and related documents and may obtain assistance regarding this matter from the Manatee County Planning and Zoning Department, 1112 Manatee Avenue West, Suite 804, Bradenton, Florida.
According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at said Public Hearing will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.
SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.
MANATEE COUNTY BOARD OF COUNTY COMMISSION
Manatee County Planning & Zoning Department
Manatee County, Florida
7/27/90