

FILED FOR RECORD
R. B. SHORE

2009 FEB 20 13 (aka: Z-03-01) MOSAIC FERTILIZER, LLC/FOUR CORNERS MINE
NORTHEAST TRACT
ALTMAN TRACT PARCEL 4

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS, (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 2,048 ACRES IN THE NORTHEAST CORNER, NORTH OF SR 62, EAST OF SR 37, AND EXTENDING TO THE MANATEE COUNTY/HARDEE LINE FROM A (GENERAL AGRICULTURE) TO THE EX (EXTRACTION) ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mosaic Fertilizer, LLC (the "Applicant") filed an application to rezone approximately 2,048 acres described in Exhibit "A", attached hereto, (the "Property") from A (General Agriculture, 1 dwelling unit per 5 acres) to the EX (Extraction) zoning district; and,

WHEREAS, the Manatee County Planning Commission, has reviewed the rezone request and has filed its recommendation on the rezone application with the Board of County Commissioners.

WHEREAS, the Manatee County Planning Commission has reviewed the Altman Tract – Parcel 4* ADA*; and has filed a recommendation on that application with the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners as the governing body of the local government has the authority to consider and approve the rezone request; and

WHEREAS, the public notice requirements of Manatee County have been satisfied; and

WHEREAS, the Board of County Commissioners has received and considered the comments of the Manatee County Planning Commission; and

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WHEREAS, on February 5, 2008, April 14, 2008, June 3, 2008, June 5, 2008, July 31, 2008, September 16, 2008, and January 15, 2009, the Board of County Commissioners of Manatee County held duly noticed public hearings on the Altman Tract – Parcel 4* - Rezone request and solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department; and following the September 16, 2008 public hearing, the Board of County Commissioners denied the Rezone application; and

WHEREAS, on September 29, 2008, Mosaic filed a claim pursuant to the Bert J. Harris, Jr. Private Property Rights Protection Act (Sec. 70.001, Florida Statutes) alleging the County's action inordinately burdened Mosaic's property; and

WHEREAS, on October 14, 2008, Mosaic filed a Certiorari Appeal challenging the denial of the rezone request; and

WHEREAS, on October 29, 2008, Mosaic appealed the denial of the DRI Development Order to the Florida Land and Water Adjudicatory Board; and

WHEREAS, on December 16, 2008, the Board authorized the County Attorney to submit a written settlement offer to Mosaic to settle all of the above noted claims against the County; and

WHEREAS, Pursuant to the Settlement Agreement, the County scheduled public hearings to consider adoption of the DRI Development Order and Zoning Ordinance on January 15, 2009 and the Master Mine Plan and Operating Permit on February 5, 2009; and

WHEREAS, on January 15, 2009, the Board of County Commissioners of Manatee County again held duly noticed public hearings on the Altman Tract—Parcel 4* - Rezone Request (Ordinance Z-07-13) and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies, the applicant, and the review and report of the Manatee County Planning Department; and

WHEREAS, the Board of County Commissioners has found the request to be consistent with the Manatee County Comprehensive Plan and Land Development Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners. The Board of County Commissioners after considering the testimony, evidence, documentation,

application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from A (General Agriculture, 1 dwelling unit per 5 acres) to the EX (Extraction) zoning district.

B. The Board of County Commissioners held numerous public hearings, with the final public hearing held on January 15, 2009 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code), and has further considered the information received at the public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 3 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01 (the Manatee County Comprehensive Plan).

Section 2. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 90-01 the Manatee County Land Development Code) is hereby amended by changing the zoning district classification of the property described in Exhibit "A" incorporated by reference herein, from A (General Agriculture, 1 dwelling unit per 5 acres) to the EX (Extraction) zoning district, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

Section 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 15th day of January, 2009.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman



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

BY: *Susan P. Louie*
Deputy Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

Altman Tract (Parcel 4) Addition:

Section 11: All that part lying south and east (or southeasterly) of State Road 37.

Section 12: All that part lying south and east (or southeasterly) of State Road 37.

Section 13: All, LESS the following described parcel: Begin at the Southwest corner of Section 13, thence proceed N 00°08'22" W, along the west line of the Section, 703.32 feet to the Watershed Boundary Line between the Horse Creek and East Fork Manatee River Basins; thence S 70°39'27" E, along the Watershed Boundary Line, 656.33 feet; thence N 54°20'37" E, 808.35 feet; thence N 87°01'51" E, 1471.24 feet; thence S 80°42'49" E, 1522.00 feet; thence S 35°44'47" W, 453.75 feet; thence S 12°20'01" E, 368.48 feet; thence S 47°27'45" W, 120.57 feet to the south line of the Section; thence N 89°39'59" W, along the south line of the Section, 1329.46 feet to the southeast corner of the SW 1/4 of the Section; thence N 89°41'26" W, along the south line of the Section, 2641.09 feet to the POINT OF BEGINNING.

Section 14: All LESS the following described parcel: Begin at the southeast corner of Section 14, thence proceed N 88°49'39" W, along the south line of the Section, 2612.74 feet to the southwest corner of the SE 1/4 of the Section; thence N 88°49'12" W, along the south line of the Section, 2612.69 feet to the southwest corner of the section; thence N 00°09'14" E, along the west line of the Section, 5259.60 feet to the northwest corner thereof; said point also being on the Watershed Boundary Line between the Horse Creek and East Fork Manatee River basins; thence S 62°44'01" E, along the Watershed Boundary Line 911.05 feet; thence S 39°26'30" E, 2045.00 feet; thence S 09°12'34" E, 1639.06 feet; thence S 44°35' 27" E, 830.69 feet; thence N 70°36'14" E, 1118.03 feet; thence S 37°25'01" E, 701.66 feet; thence S 70°39'27" E, 819.34 feet to the east line of the Section; thence S 00°08'22" E, along the east line of the Section, 703.32 feet to the POINT OF BEGINNING.

Section 24: That part lying north of State Road 62 (also known as the Parrish – Wauchula Road) LESS the following described parcel: Begin at the Northwest corner of Section 24, thence proceed S 89°41'26" E, along the north line of the Section, 2641.09 feet to the northeast corner of the NW 1/4 of the Section; thence S 89°39'59" E, along the north line of the Section, 1329.46 feet to the Watershed Boundary Line between the Horse Creek and East Fork Manatee River Basins; thence S 47°27'45" W along the Watershed Boundary Line, 937.28 feet; thence S 47°27'45" W, 1057.84 feet; thence S 44°00'59" W, 862.70 feet; thence S 47°00'11" W, 985.07 feet; thence S 69°40'57' E, 1180.90 feet to the north right-of-way line of State Road 62; thence S 80°20'42" W, along the north right-of-way of State Road 62, 54.02 feet; thence S 81°43'26" W, 199.90 feet; thence S 83°26'32" W, 100.04 feet; thence S 84°35'11" W, 100.12 feet; thence S 82°35'00" W, 200.02 feet; thence S 82°35'00" W, 200.02 feet; thence S 81°43'26" W,

499.61 feet; thence S 81°22'48" W, 500.01 feet; thence S 81°49'02" W, 499.49 feet to the west line of the Section; thence N 00°44'51" E, along the west line of the Section, 763.16 feet to the southwest corner of the NW 1/4 of the Section; thence N 00°41'53" E, along the west line of the Section, 2638.46 feet to the POINT OF BEGINNING.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 20th day of January, 2009.

R.B. SHORE
Clerk of Circuit Court

By: Diane E. Volmer



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FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

January 26, 2009

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Vicki Jarratt

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 20, 2009 and certified copies of Manatee County Ordinance Nos. 08-32 and Z-07-013, which were filed in this office on January 23, 2009.

As requested, one date stamped copy is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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