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 of 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:


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.
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 (7th) day of November, 1990.

Board of County Commissioners of Manatee County, Florida

BY: [Signature]
Chairman

ATTEST:

[Signature]
R. E. Shope
Clerk of the Circuit Court
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:


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.
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 14th day of August, 1990.

Board of County Commissioners of Manatee County, Florida

BY: [Signature]
Chairman

ATTEST:

[Signature]
R. E. Shore
Clerk of the Circuit Court
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

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