RESOLUTION NO. 97-241

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 360, FLORIDA STATUTES, ON AN APPLICATION FOR AMENDMENT BY A NOTICE OF PROPOSED CHANGE FILED BY NU-GULF INDUSTRIES, INC. FOR THE WINGATE CREEK MINING 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 (hereinafter referred to as "Beker"), possess 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 ROCC on July 17, 1990, R-89-50, approved an amendment to the Development Order deleting property from the mine; and

WHEREAS, on August 14, 1990, Manatee County approved Resolution R-89-147 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-81-26 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, authorization for Nu-Gulf, Industries, Inc., to haul phosphate rock from the site expires on January 26, 1998; and

WHEREAS, the Amended Development Order for the Wingate Creek Mine has an expiration date of January 25, 1999; and

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

WHEREAS, on July 25, 1997, Nu-Gulf Industries filed a NOCP to their approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 360.06, Florida Statutes; and

WHEREAS, the Tampa Bay Regional 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 NOCP is presumed to create a substantial deviation pursuant Subsection 360.06 (19)(a)(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 this extension due to previous transportation mitigation performed by the applicant and the cessation of mining operations in 1992; and

WHEREAS, the Planning Commission has reviewed the Application for Amendment (NOCP) 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 December 15, 1997 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 360.06, 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 MINING ARE NOT A SUBSTANTIAL
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 December 11, 1997 on the Notice Of Proposed Change filed by Nu-Gulf, Industries for the Wingate Creek DRI.

C. The Board of County Commissioners held a public hearing on December 16, 1997 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 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 15 of this Resolution.

E. The development is not in an area of Critical State Concern as designated pursuant to Section 380.06, Florida Statutes.

F. The Authorized Agent for NU-Gulf Industries is Hugh E. McGuire, Esquire & Carol Maslo, Esq., McGuire, Pratt, Maslo & Parrance, 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 Board concluded that:

A. The Development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

B. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and previous local government approvals.

C. The Concerns raised in OCA'S September 5, 1997 and TBRC'S September 3, 1997 letters have been addressed.

D. 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 he conditions, restrictions, and limitations set forth below.

E. The review by the County, TBRC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statues, 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 (TBPRC DRI #42, #55).

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 90-50, 90-147, 91-250, and 95-188 is hereby amended by this Resolution, as follows:

All references to Beker Industries, Beker Phosphates, or Beker shall be construed as references to Nu-Gulf Industries, Inc. and their successors in title and interest.

SECTION 4: DEVELOPMENT CONDITIONS:

Conditions and Agreements

The development of Nu-Gulf's Wingate Creek Mine shall be in conformity with the provisions of the Application for Amendment filed in 1983 (Exhibit D);
N-ce of Proposed Change dated July 25, 1997; and the amended Master Mining Plan and Operating Permit as approved by Resolution 97-242, 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 route listed below; however, no more than 850,000 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 US 41 north to Port Manatee, or to the phosphate plant at Pinney Point, or east via State Road 64 to Hardee County Road 633, south to Farmland Industries, Inc., Hickory Creek Mine, and return along the same route (this route to be hereinafter referred to as the Haul Route) until July 31, 2004.

(13) NU-GULF shall assume 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.

B. Mining and Reclamation Matters

(1) Ordinance 81-22. Except as otherwise provided in subparagraphs (a)-(f) below, Nu-Gulf shall operate the Wingate Creek Mine in full compliance with Ordinance 81-22:

(a) The County shall have the right to perform on-site inspections of the Wingate Creek mine, from time to time, upon reasonable notice to Nu-Gulf and during normal business hours, so long as the Wingate Creek Mine is being used for phosphate mining purposes.

(b) Nu-Gulf shall be required to provide environmental impairment insurance as required by Ordinance 81-22.

(c) Nu-Gulf shall adhere to the 200' setback requirements of Ordinance 81-22 at all points along the exterior boundary of the Wingate Creek Mine and shall not, without prior consent of the County, conduct any mining operations (including stockpiling) within such setback areas; provided, however, that the 200' setback requirements shall be reduced to 50' setback requirements at all points along the exterior boundary of the Wingate Creek Mine located in Sections 30 and 21, Township 22 East, Range 34 South (the 50' Setback Area). Notwithstanding the foregoing, Baker shall observe a 200' setback in respect to any stockpile area located within the 50' Setback Area.

(d) Nu-Gulf shall reclaim the mined property located within the Wingate Creek Mine consistent with the Revised Conceptual Reclamation Plan "C" for the Wingate Creek Mine (as approved by the Department of Environmental Protection for the State of Florida on June 16, 1996) (the DNR Revised Conceptual Plan) and the terms and conditions as contained in this Amended Development Order.

(e) Nu-Gulf shall comply with any of the financial responsibility and bonding requirements set forth in Ordinance 81-22, except that in lieu of submitting financial statements, Nu-Gulf shall submit a certification for a certified public accountant that the net worth and mining reclamation reserve is sufficient to respond to liability in the amount determined by Subsection 2-30-324(11) of the Manatee County Code of Laws.

D. Deletion of Property Subject to Amended Development Order

1. This Amended Development Order, the Master Mine Plan and Operating Permit for the Wingate Creek Mine are hereby amended to delete parcels C and E as described on the attached Exhibit H, which is incorporated herein by reference, subject to the mineral rights to Parcel E being conveyed to the County in compliance with the requirements of the Manatee County Settlement Agreement.

2. Further, this Amended Development Order, the Master Mine Plan and the Operating Permit shall be automatically amended from time to time to provide for the deletion of certain additional property, without the necessity of complying with the provisions of Subsection 380.061(11), Florida Statutes, upon the following conditions:
The Florida Department of Environmental Protection must certify in writing to the County that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions and the property has been released from the reclamation plan.

The Director has certified in writing that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions and the property has been released from the reclamation plan.

The County shall be provided with a legal description of the property so proposed for deletion and a written request for deletion, which written request shall include a deed conveying any and all mineral rights and interests in the property to the County, specifically excluding, however, any and all surface rights of entry, together with funds sufficient to defray all documentary stamp tax and recording fees required for such transfer.

The County shall formally act on all requests for deletion at regularly scheduled meeting of the Board of County Commissioners and, if all conditions set forth in (c) above have been satisfied, shall approve said requests and shall direct the Clerk of the Court for Manatee County to send copies of its action by certified mail to the requesting party, DCA, and the TBRC and further file a copy of the action with this Amended Development Order.

The property so deleted shall be reported in the annual report submitted by Nu-Gulf pursuant to Subsection 380.06(18), Florida Statute.

SECTION 6. DEVELOPMENT ORDER EXPIRATION DATE AND COMPLETION DATES

The Amended Development Order shall remain in effect from this date in accordance with the following time periods:

1. Mining completion and hauling phosphate rock by truck via the haul route shall be completed by July 31, 2004.


SECTION 7. 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 8. 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 5, Preamble, of this order provided, however, that the filling of a Notice of Appeal pursuant to Section 380.07, Florida Statute, shall suspend development authorization granted by this Development Order, until the resolution of said appeal.

SECTION 9. RENDERING

This 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 TBRC.

SECTION 10. 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. References in previous Development Orders to the Director of the Manatee County Division of Mining Regulation shall be construed as the Director of the Department of Environmental Management or the Director's authorized designee.

SECTION 11. 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 12. 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 for a court
WHEREAS, 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 Attachment 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 16th day of December, 1997.

By: [Signature]
Chairman

ATTJ ST: [Signature]
Clerk of the Circuit Court
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' 35" 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' 09" W, A DISTANCE OF 4313.15 FEET TO THE NORTHELY RIGHT OF WAY LINE OF S.R. 64; THENCE S 89° 46' 04" W, ALONG THE SAID NORTHELY RIGHT OF WAY LINE, A DISTANCE OF 5135.87 FEET TO THE EASTERNLY RIGHT OF WAY LINE OF S.R. 39; THENCE NORTHELY ALONG SAID EASTERNLY 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 NORTHELY 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 NORTHELY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1157.36 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 1842.05 FEET; THENCE N 00° 10' 09" E, A DISTANCE OF 5306.50 FEET TO THE NORTH LINE OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 98° 59' 12" E, ALONG SAID NORTH LINE, A DISTANCE OF 5462.62 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST AND SECTION 8, 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.

ATTACHMENT "A"

Page 1 of 3 Pages
PARCEL C

BEGINNING AT THE S.E. CORNER OF SECTION 28,
TOWNSHIP 34 SOUTH, RANGE 22 EAST; THEREFORE N 69° 11' 57" W, A DISTANCE OF 5281.32 FEET TO THE S.W. CORNER OF SAID SECTION 28; THEREFORE N 68° 43' 52" W, A DISTANCE OF 5424.90 FEET TO THE S.W. CORNER OF SECTION 29, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THEREFORE N 01° 01' 47" W, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2653.20 FEET TO THE EAST 1/4 CORNER OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THEREFORE N 86° 48' 07" W, ALONG THE SOUTH LINE OF THE S.E. 1/4 OF SAID SECTION 30, A DISTANCE OF 2388.95 FEET; THEREFORE N 01° 00' 59" E, A DISTANCE OF 1406.27 FEET; THEREFORE N 59° 32' 10" E, A DISTANCE OF 2231.83 FEET; THEREFORE N 08° 14' 52" W, A DISTANCE OF 226.69 FEET; THEREFORE N 41° 44' 44" E, A DISTANCE OF 3357.00 FEET; THEREFORE E, A DISTANCE OF 1200.00 FEET; THEREFORE S, A DISTANCE OF 517.22 FEET; THEREFORE E, A DISTANCE OF 1806.55 FEET TO THE EAST LINE OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THEREFORE S 00° 17' 16" W, A DISTANCE OF 2414.64 FEET TO THE S.E. CORNER OF SAID SECTION 21; THEREFORE 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 1964.36 ACRES, MORE OR LESS.

ATTACHMENT "A"
Page 2 of 3 Pages
DESCRIPTION: NOQULP 10 L ACRES PARCEL (REVISED)

FROM THE N.W. 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; THEREON N 09°22'25" W ALONG SAID EAST LINE, A DISTANCE OF 1050.00 FEET TO THE POINT OF BEGINNING; THEREON CONTINUING SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: THEREON S 00°32'15" W, A DISTANCE OF 452.85 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 3629.85 FEET; THEREON SOUTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 1157.86 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T.; THEREON 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 3923.50 FEET; THEREON 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.; THEREON S 00°22'15" W, A DISTANCE OF 317.42 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THEREON N 89°46'04" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1336.35 FEET; THEREON N 00°22'15" E, A DISTANCE OF 1754.07 FEET; THEREON N 89°37'45" W, A DISTANCE OF 955.03 FEET; THEREON N 34°58'39" W, A DISTANCE OF 1348.48 FEET; THEREON N 00°22'15" E, A DISTANCE OF 850.00 FEET; THEREON 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.

ATTACHMENT "A"
Page 3 of 3 Pages
EXHIBITS C, D, AND H

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 (DDAH 63-4002) as approved by R-83-236.
H. Deletion of parcels C and E as approved by R-83-236.

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Receipt for Certified Mail
No Insurance Coverage Provided
Do not use for internal mail

Ms. Julia Green
Tampa Bay Regional Planning Council
3455 Rogers Blvd St Pete 33705

Date: 1/21/95

Receipt for Certified Mail
No Insurance Coverage Provided
Do not use for internal mail

Ms. Julia Green
Tampa Bay Regional Planning Council
3455 Rogers Blvd St Pete 33705

Date: 1/21/95

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Copyright: Thomas Back, 1995, 1-16-98

Copyright: 3 Cert. Copies to Jean Wanning 12/23/97

3585

Copy made: 12/23/97

Dated: Copy made: 12/23/97
I also wish to receive the following services (for an extra fee):
1. Addresser's Address
2. Restricted Delivery
Consult postmaster for fee.

SHERIDAN
Complete name 1 and/or 3 for additional services.
Complete name 3, 4a, and 4b.
Print your name and address on the reverse of this form so that we can return the form to you.
Adhere the form to the front of the package, or on the back if space does not permit.
If "Return Receipt Requested" on the reverse below the article number is checked, the Return Receipt will show to whom the article was delivered and the date delivered.

3rd Article Addressed to
3a. Article Number
3b. Service Type
3c. Registered
3d. Insured
3e. Return Receipt for Merchandise
3f. Certified
3g. Express Mail
3h. C.O.D
3i. Signature (First Name)
3j. Addresser's Address (Only if requested and fee is paid)

SHERIDAN
Complete name 1 and/or 3 for additional services.
Complete name 3, 4a, and 4b.
Print your name and address on the reverse of this form so that we can return the form to you.
Adhere the form to the front of the package, or on the back if space does not permit.
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4th Article Addressed to
4a. Article Number
4b. Service Type
4c. Registered
4d. Insured
4e. Return Receipt for Merchandise
4f. Certified
4g. Express Mail
4h. C.O.D
4i. Signature (First Name)
4j. Addresser's Address (Only if requested and fee is paid)

5th Article Addressed to
5a. Article Number
5b. Service Type
5c. Registered
5d. Insured
5e. Return Receipt for Merchandise
5f. Certified
5g. Express Mail
5h. C.O.D
5i. Signature (First Name)
5j. Addresser's Address (Only if requested and fee is paid)
STATE OF FLORIDA
COUNTY OF MANATEE

Before the undersigned authority personally appeared Jill Headings, who on oath says that she is 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

was published in said newspaper in the issues of 11/14, 21, '97

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)

Witness

[Signature]

3557

Personally Known or Produced Identification

Type of Identification Produced
STATE OF FLORIDA
COUNTY OF MANATEE:

Before the undersigned authority personally appeared

Sandy Riley

who on oath says that he/she is 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 Estab.-Resol. No. 97-241

was published in said newspaper in the issues of

11/28/97

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 he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission nor refund for the purpose of securing this advertisement for publication in the said newspaper.

Sandy Riley

(Signature of Affiant)

Sworn to and subscribed before me this
23rd day of November 1997

SIAAL & Notary Public

3588
STATE OF Florida  
COUNTY OF Manatee  

BEFORE ME, the undersigned authority, personally appeared Carol A.,  

in the above-referenced action, who, after having first been duly sworn and put upon oath, says as follows:

1. That he/she is the (agent for owner) (owner, agent for owner, etc.) of the property identified in the application for Resolution No. 97-441 & 97-442 - La-Golf Industries, Inc. (Winward Creek Phase), to be heard before the Manatee County Planning Commission at a public hearing to be held on December 11, 1997 and to be heard before the Manatee County Board of County Commissioners at a public hearing to be held on December 16, 1997, 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 within 100 feet from the front property line on the 25th day of November, 1997.

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 25th day of November, 1997, 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.

Carol A. [Signature]

Property Owner/Agent Signature

SIGNED AND SWORN TO before me on December 2, 1997, (date)

by Carol A. [Signature] (name of affiant). He/she is personally known to me or has purchased (type of identification) as identification and who did take an oath.

[Signature]

Witness, without Acknowledgement

Type Name

Notary Public

Title or Rank

My Commission Expires:

[Signature]

Commission No.: 3390