

RESTATED AND AMENDED DEVELOPMENT ORDER

*Signed & Sealed
copy
Clear Springs*

RESOLUTION 01-116

**IMC FERTILIZER INC.- A DIVISION OF
INTERNATIONAL MINERALS AND CHEMICAL CORPORATION
CLEAR SPRINGS MINE EXTENSION**

A DEVELOPMENT OF REGIONAL IMPACT

DRI 87-01

LET IT BE KNOWN, THAT PURSUANT TO SECTION 380.06, OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, HAS HEARD, AT PUBLIC HEARINGS CONVENED ON JULY 7, SEPTEMBER 8, SEPTEMBER 15, AND AGAIN ON SEPTEMBER 29, 1987, THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE CLEAR SPRINGS MINE EXTENSION WHICH CONSISTS OF 6,143 ACRES TO BE DEVELOPED IN THE MANNER AS DESCRIBED IN THE APPLICATION FILED BY IMC FERTILIZER INC., A DIVISION OF INTERNATIONAL MINERALS AND CHEMICAL CORPORATION, AND REPRESENTED BY MR. W.C. CROSS, FOR SAID DEVELOPMENT.

WHEREAS, pursuant to Section 380.06, Florida Statutes, the Board of County Commissioners of Polk County, Florida, hereafter referred to as "the Board", has considered the application for development approval for the Clear Springs Mine Extension which consists of 6,143 acres to be developed in the manner described in said application filed by IMC Fertilizer, Inc; a division of International Minerals and Chemical Corporation and has heard comments from interested persons at public hearings convened on July 7, September 8, September 15, September 29, December 8, December 22, 1987, and again on January 26, 1988; and on February 2, 1988, the Board, pursuant to Section 380.06, *Florida Statutes*, adopted a Development Order with conditions of approval for the Clear Springs Mine Extension Development of Regional Impact, said DRI being subsequently amended August 2, 1988, September 13, 1988, June 20, 1989, February 26, 1991, August 9, 1994, and April 16, 1996, said amendments having been initiated by IMC-Agrico Company as the owner and developer of the Clear Springs Mine Extension Development of Regional Impact; and

WHEREAS, IMC-Agrico Company., that became IMC-Fertilizer Inc, has changed its name to IMC Phosphates Company; and

WHEREAS, the Board has considered the report and recommendations of the Central Florida Regional Planning Council, hereafter referred to as "the CFRPC." the Polk County Planning Division and Zoning and Codes Division staff, and the documents and comments upon the record made before the Board; and

WHEREAS, the City Commission of Bartow, Florida, as the government having jurisdiction pursuant to Section 380.06, *Florida Statutes*, is authorized and empowered to consider applications for accepting jurisdiction over development of regional impacts; and

WHEREAS, Clear Springs Land Company, LLC, hereafter referred to as "Clear Springs Land Co.", filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact requesting Bartow to accept jurisdiction from Polk County as to those lands which have been annexed into the City of Bartow; and

WHEREAS, IMC-Agrico Company in 1999 sold 4,881 acres of lands lying in unincorporated Polk County, which were included in the Clear Springs Mine Extension Development of Regional Impact (DRI 87-01) to Clear Springs Land Co.; and

WHEREAS, on the 7th day of May, 2001, Clear Springs Land Co. annexed 11,146 acres into the City of Bartow which annexation petition included the 4,881 acres which were subject to the Clear Springs Mine Extension DRI; and

WHEREAS, Clear Springs Land Co., pursuant to the filing of a Notification of a Proposed Change to a Previously Approved Development of Regional Impact, is requesting the City of Bartow assume jurisdiction over that portion of the DRI lands which have been annexed into the City of Bartow thereby relieving Polk County of this responsibility; and

WHEREAS, Clear Springs Land Co. will be preparing a Section 380.06(032) agreement involving the Central Florida Regional Planning Council and the Department of Community Affairs, which will define the process for complying with Chapters 163 and 380.06, Florida Statutes; and

WHEREAS, a copy of the Notice of Proposed Change was provided to the Central Florida Regional Planning Council and the Florida Department of Community Affairs and the Bureau of Mines of the Department of Environmental Protection, and they were afforded an opportunity to participate in the review of this proposed change; and

WHEREAS, the City Commission of Bartow held the first of two duly noticed public hearings on said application on the 17th day of September, 2001, as required by Section 380.06, *Florida Statutes*; and

WHEREAS, the City Commission of Bartow has convened the required public hearing on the Clear Springs Application for Annexation, heard testimony, and received evidence and documents pertaining to the Notice of a Proposed Change, including the report and recommendation of the Central Florida Regional Planning Council, and the recommendation of the City of Bartow administration; and

WHEREAS, the Board, after due consideration, hereby makes the following Findings of Fact and Conclusions of Law which address the overall 6,028 acres described in Appendix A in the ADA/DRI, hereby incorporated by reference:

FINDINGS OF FACT

1. IMC Fertilizer Inc., a division of International Minerals and Chemical Corporation, hereafter referred to as "the Applicant," submitted an Application for Development Approval (ADA) entitled "Clear Springs Mine Extension DRI", hereafter referred to as "the Application", to the Board, said Application with exhibits being incorporated and made part of this Development Order by reference. Amendments to the Application were approved by the Board on June 28, 1988, said amendments being hereby incorporated by reference.
2. Subsequent to submitting Application for Development Approval (ADA), IMC Fertilizer Inc., entered into a joint venture with Agrico Chemical Company, to become known as the IMC-Agrico Company, and thereafter IMC-Agrico changed its title, and is now known as IMC Phosphates Company.
3. The real property which is subject to the application, is legally described in the Application, said descriptions being hereby incorporated by reference, and is located in Polk County.
4. The Application includes land use plans and maps illustrating the general distribution of land uses, major transportation routes, development phases, drainage plans, overall mine plans, waste clay settling areas, vegetation and soils plans in the pre and post reclamation periods, and proposed reclamation plans.
5. The Application proposes to integrate several parcels into the Applicant's existing Clear Springs phosphate rock mine, extending the productive life of the existing Clear Springs Mine plant.
6. The Applicant's Conceptual Mine Plan for the Clear Springs Mine was approved by the Board on November 2, 1982, under the Polk County Phosphate Mining Regulation, Polk County Ordinance Number 81-26, as amended. Conceptual Mine Plan Amendments were approved on July 1, 1986, September 29, 1987, and June 28, 1988.
7. The Mine extension will not increase demand for potable or non-potable water. The only impact will be on the duration of demand, which shall increase by approximately six (6) years. Consumptive Use Permit No.203049 authorized average annual withdrawal of 23,330,000 gallons per day, with a maximum combined withdrawal rate not to exceed 27,000,000 gallons during a single day.
8. Minimal domestic wastewater would be generated by the proposal. Water used to transport phosphate matrix, flotation tailings, and waste clays is obtained by collecting rainfall and mine pit drainage and adding some

deep well water. The quality of discharged water meets or exceeds National Pollutant Discharge and Emission System (NPDES) Standards of the U.S. Environmental Protection Agency, and is not classified as wastewater.

9. The proposed mine extension is located in the north central sector of the Peace River Drainage Basin.
10. The applicant will construct all necessary surface water management facilities for the development.
11. The primary transportation network will be U.S. Highway 17-98 between Bartow and Fort Meade, U.S. Highway 17 between Spirit Lake Road and Fort Meade, U.S. Highway 98 between Lakeland and Fort Meade, Spirit Lake Road between County Road 540 and U.S. Highway 17, County Road 655 between Wahneta and S.R. 60, County Road 559 between S.R. 60 and County Road 640, and S.R. 60 between Mulberry and Lake Wales. All of these roads currently operate at level of Service C or better. No significant additional traffic will be generated by the project. No systems level transportation impact will result from the project.
12. The proposed development is not located within an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
13. The development will have positive economic impacts in the form of additional tax revenues, maintenance of current employment at the mine, and supporting industries. Government capital and operating expenses as a result of the mine extension do not appear to be significantly affected.
14. Records of the Secretary of State's office, Division of Archives, and Records Management (DAHRM) indicate that one site, subarea A of 8PO441, is eligible for nomination to the National Register of Historic Places and has recommended that this area be preserved.
15. The State of Florida has adopted a statewide comprehensive plan. This development does not unreasonably interfere with the achievement of the objectives of an adopted state land development plan applicable to the area.
16. The Board has adopted a Comprehensive Plan for Polk County pursuant to Section 163.3161, Florida Statutes, which is applicable to the development site.
17. The northwest portion of the mine site is approximately 2 miles from the city limits of Bartow, having a population of approximately 16,455, and

therefore would have potential impacts to that unit of government and its future comprehensive planning for the area immediately east of the City.

18. Prior to the repeal of the Polk County Zoning Ordinance on March 1, 2000, the site of the proposed development was zoned Rural Conservation (RC) and did not require rezoning to allow the intended uses for phosphate mining, land reclamation and subsequent agricultural and rural uses. Rural Conservation zoning was intended to preserve the rural characteristics of an area and allow a residential development density of one dwelling unit per acre. The Polk County Zoning Ordinance was replaced by the Polk County Land Development Code, which became effective on September 1, 2000. Under the Polk County Land Development Code, the Future Land Use Designations for the site are Phosphate Mining (PM) and Agricultural Rural Residential (A/RR).
19. The proposal appears compatible with the Board's policy of the promotion of land reclamation techniques which result in the creation of reclaimed land available for a variety of uses including agricultural research, crop/range land production, viable wildlife habitat, and recreation areas.
20. The proposal's plan of mining and reclamation can be monitored through the information required for the annual mine report submitted to Polk County Zoning and Codes Division and the State Department of Natural Resources (DNR), and through the DRI monitoring report submitted to the CFRPC, the Polk County Planning Division and the Department of Community Affairs (DCA).
21. Phosphate mining has many impacts which may be incompatible with adjacent occupied residential properties unless an adequate buffer is provided between the residential properties and the phosphate mining activities. These adverse impacts include, but are not limited to, noise, lights, vibration, dust, aquifer drawdown, diminution of property value, and ground water pollution.
22. The information and data contained within the application were sufficient for the Board to review it as required by Section 380.06 Florida Statutes.
23. On July 7, September 8, September 15, September 29, December 8, December 22, 1987, and again on January 26, 1988, the Board conducted the required public hearings and received the report and recommendations of the CFRPC and the report and recommendations of the Polk County Planning and Zoning and Codes Divisions.
24. The development is consistent with the report and recommendations of the CFRPC submitted pursuant to Chapter 380, Florida Statutes.

25. Subsequent to the adoption of the Development Order for the Clear Springs Mine Extension DRI/ADA on February 2, 1988, six amendments were approved for the DRI, as follows:
- a. On August 2, 1988 an amendment was approved amending the area to be mined within the total approved area, located in Section 24 and Section 25, Township 30 South, Range 25 East.
 - b. On September 13, 1988, an amendment was approved amending the language of the Development Order Paragraph B.1, concerning setbacks from property lines.
 - c. On June 20, 1989, an amendment was approved amending boundaries to add and remove parcels for a net reduction in the mining and total approved area.
 - d. On February 26, 1991, an amendment was approved adding a thirteen (13) acre "window" Parcel adjacent to the mining area in Section 3, Township 30 South, Range 24 East.
 - e. On August 9, 1994, an amendment to revise Condition A.9, to remove the requirement that a third party conduct monitoring, was approved.
 - f. On April 16, 1996, an amendment was approved, removing ten (10) acres of land from the DRI area.
26. In concert with the annexation, by the City of Bartow, of that portion of the DRI described in attached Exhibit A-2, Clear Springs Land Company, L.L.C., seeks to amend the Clear Springs Mine Extension DRI, releasing said portion of the DRI from the jurisdiction of Polk County and granting jurisdiction to the City of Bartow.

CONCLUSIONS OF LAW

- 1. The Board's review of the proposed application has been conducted pursuant to and is in compliance with the provisions of Chapter 380, Florida Statutes.
- 2. The application as submitted complies with the requirements of Section 380.06, Florida Statutes, and Chapter 9J-2, Florida Administrative Code.
- 3. The development as proposed in the application and conditioned by this Order is consistent with the Polk County Comprehensive Plan and local land development regulations.
- 4. The rights and obligations set forth in this Development Order shall inure to the benefit of and be binding upon the applicant, any subsequent

property owners affected by this Order, and their successors, assignees, and grantees.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, that the proposed change of jurisdiction does not constitute a Substantial Deviation as defined by Chapter 380.06, *Florida Statutes*, that Polk County releases jurisdiction over the real property described in the attached Exhibit "A-2", being a part of the Clear Springs Mine Extension DRI, and that said real property shall henceforth be under the jurisdiction of the City of Bartow, the balance of the adopted Development Order as previously amended to remain in effect in its entirety.

A. Environment and Natural Resources

1. The applicant shall place, maintain, and operate three high volume air samplers located on its property lines adjacent to residential land uses. Monitoring shall begin at least one year prior to mining operations. An analysis of the collected data shall be submitted with the Annual Report. Data shall be maintained so that Polk County may review it at any time.
2. Mining shall not take place within a three hundred (300) foot buffer zone on either side of the Peace Creek Bed. No mining shall occur within the floodway zone of the Peace Creek/Peace Canal system, as defined by the polk county Flood Protection and Surface Water Management Code, Polk County Ordinance 81-28, as amended.
3. Mining shall not take place within a fifty (50) foot buffer zone of the Bartow airport swamp. There shall be no alteration of the twenty-five (25) foot buffer area adjacent to the airport swamp with the exception of environmental monitoring devices. The applicant shall, exclusive of this buffer zone, utilize the stacked overburden and perimeter ditch procedure as committed to by the applicant in the ADA.
4. Dragline crossings shall be constructed so as not to impede flow within the Peace Creek or the Peace Creek Canal. Specifications for crossings shall be subject to the approval of the Southwest Florida Water Management District (SWFWMD), CFRPC and Polk County staff.
5. A bridge crossing shall be constructed for the eastern crossing of the Peace Creek. The bridge crossing shall not have a substantial backwater effect during flood events. The western crossing proposed for the Peace Creek may be a paved, culverted, low water crossing, rather than a bridge crossing, provided it is approved by SWFWMD and the Department of Environmental Regulation (DER), and will not have a backwater effect during flood events.
6. Surface water sampling of the Peace Creek system shall be conducted by the applicant at points where it enters and leaves the applicant's property north of S.R. 60. This monitoring shall begin at least six (6) months prior to mining and preparatory activities north of S.R. 60. Sampling parameters shall include dissolved oxygen, turbidity, total phosphorus, and total suspended solids,

and shall be monitored at least on a monthly basis. An analysis of the collected data shall be submitted with the Annual Report. Data shall be maintained so that Polk County may review it at any time.

7. Piezometer locations shall be established at a distance of twenty-five (25) feet inside the fifty (50) foot buffer zone around the airport swamp and monitored by the applicant for surficial water depth. Monitoring shall occur on a monthly basis at least six (6) months prior to mining activities beginning adjacent to the swamp. During mining activities adjacent to the swamp, monitoring shall occur on at least a weekly basis. An analysis of the collected data shall be submitted with the Annual Report. Data shall be maintained so that Polk County may review it at any time.
8. The applicant shall place, maintain, and monitor readings from one rainfall monitor located north of S.R. 60. An analysis of the collected data shall be submitted with the Annual Report. Data shall be maintained so that Polk County may review it at any time.
9.
 - (a) The applicant shall provide relief for any property owner whose well is demonstrated to be adversely affected by the applicants' mining operations. Relief shall include but is not limited to, replacement or modification of an existing well, or provision of a community water supply.
 - (b) In the event of a mining related impact on an adjacent water supply system, a continuous provision of potable water shall be made available to affected parties, until such time that an approved permanent, or fully mitigated water supply is established. Relief shall be required regardless of whether mining operations are otherwise consistent with state and local permits, if it is shown that mining activates caused any particular water supply problems of concern.
 - (c) The applicant may utilize the existing system of piezometers located approximately one thousand three hundred and twenty (1,320) feet apart along the property lines of the project site to monitor water level and quality until such time as it is determined by IMC Phosphates Company or Polk County, that additional piezometers are needed or warranted.
 - (d) IMC Phosphates Company shall be the entity responsible for the drafting of the required monitoring plan prior to the mining of each area. The monitoring plan shall be conducted according to DEP approved quality assurance criteria. All laboratory analyses and field sampling shall be performed according to a DEP approved Comprehensive Quality Assurance Program (ComQAP) .Polk County Environmental Management shall review the proposed monitoring plan and shall either approve or reject the plan within 20 working days of receipt. Rejection of the monitoring plan will be accompanied by valid technical reasons for the rejection. A copy of the approved monitoring program will be attached to the 1994 Annual DRI report as reference information to the agencies.

- (e) Monitoring of residential wells shall be conducted as proposed by IMC Phosphates Company, subject to approval by Polk County and approval and waiver of liability by the well owner.
 - (f) An initial determination of the natural directional flow of the water table shall be conducted prior to the onset of any mining activities and submitted with the required monitoring report.
 - (g) Monitoring shall begin one (1) year prior to the onset of mining related activities of each area. When mining is to occur within one thousand (1000) feet of a property line that is residentially used at the time of the issuance of the annual operating permit for the mining unit, monitoring shall take place on a weekly basis for water level and monthly for water quality.
 - (h) Monitoring data for water quality shall be collected and analyzed using the parameters specified in the County approved monitoring plan. Monitoring data for water level shall be collected using the parameters outlined in Chapter 40D-2, F.A.C.
 - (i) All complaints regarding adverse mining effects on adjacent landowner water supplies shall be directed to Polk County Planning Division and Polk County Environmental Management. Polk County Environmental Management shall determine if a complaint may be attributed to mining activities and if so, will require IMC Phosphates Company to investigate the complaint. IMC Phosphates Company will provide the County with an analysis and recommendations within 5 days of notification.
 - (j) If relief is determined to be required through the monitoring process, the Board shall determine the required action to be taken based upon the findings of the monitoring report.
 - (k) The applicant shall provide all pre-mining historical monitoring data on water levels and quality to the entity involved to allow for a determination of what, if any adverse impact has occurred to adjacent water wells.
 - (l) The County, or its representatives, shall have the right to accompany IMC Phosphates Company staff during the conduct of any monitoring activity. In addition, the County has the right to reasonable advance notice to IMC Phosphates Company as necessary to collect the required sample volumes.
10. The applicant shall coordinate with the Polk County Department of Environmental Services as to the best management practices to be utilized to prevent the breeding of mosquitos in the perimeter ditches. These practices shall be utilized by the applicant to minimize any impact on adjacent properties.
11. Radiation levels of all surface waters in areas reclaimed as lakes

or wetlands shall not exceed applicable standards.

B. Land Use

1. A requirement for the establishment of a setback for mining related activities, except as otherwise provided herein, from residentially used properties, shall be contained in each Annual Operating Permit issued after the date of this Development Order as follows:
 - a. Adjacent to subdivisions both recorded and unrecorded the setback shall be 1,000 feet as measured from the property line.
 - b. Adjacent to isolated rural residences the setback shall be 1,000 feet as measured from the residential structure.
 - c. The setbacks described in subparagraphs a. and b. above shall apply only where mining is immediately adjacent to residential uses. In the event there is land between a residential use and the owners property line which is not of a residential character, the mining setback from the property line shall be reduced by the distance across such non-residential intervening land.
 - d. The setbacks described in subparagraphs a. and b. above shall not apply where the land to be protected by the setback was subdivided or actually utilized for residential purposes after the adjacent land to be mined was acquired by a mining entity. It shall be the burden of the applicant to establish conclusively the non-applicability of a setback under this subparagraph.
 - e. Where a setback from residentially used property would preclude access to a mining area not within a setback, the applicant may utilize a reasonable corridor, approved both as to location and manner of use by the County, through the setback area, limited to the minimum space required and positioned as far from residentially used property as practical, for essential needs including dragline movement, power transmission lines, pipelines, and other utility services. Such uses shall be terminated and all equipment and installations shall be removed from the setback, as soon as possible after completion of mining activities in the area served by the corridor.
 - f. Spoil or overburden from the first cut may be placed within the setback area immediately adjacent to the mining cut and the setback area used for spoil placement may be regraded during reclamation and used for temporary access roads to the mine area.
 - g. Should the Polk County Mining Ordinance be amended to provide for setbacks. but allow support activities within the setback. IMC shall be entitled to conduct such activities in the setback without further review under Chapter 380. F.S.

2. When mining occurs within two hundred and fifty (250) feet of any residential setback buffer, the hours of operation shall be limited to the first two shifts (7 a.m. to 11 p.m.) as stated in the Annual Operating Permit or during such other hours as are prescribed in the Polk County Phosphate Mining Regulation, Polk County Ordinance Number 81-26, as amended.
 3. A minimum setback of five hundred (500) feet shall be observed adjacent to the Gandy cemetery. Spoil or overburden from the first cut may be placed within the setback area immediately adjacent to the mining cut.
 4. The above setback requirements shall not apply in the following cases:
 - a. Where the owners of the land immediately adjacent to the mining area have expressly consented to a reduction thereof as evidenced by a recordable instrument executed with the formality of a deed and the applicant submits documentation which demonstrates that the public health, safety and welfare will not be adversely affected. In that case the Board may approve the waiver of the setback requirement at a regularly scheduled public meeting and the applicant shall record the instrument described at its expense.
 - b. The Board may grant a waiver of the setback requirements upon a showing by the applicant that the public health, safety, and welfare will not be adversely affected, notwithstanding the lack of consent of the affected property owners, provided the waiver is granted at a noticed public hearing at which the affected property owners will be given full opportunity to comment on the requested waiver. Criteria to be considered by the Board, in connection with a requested waiver will include but not be limited to the effects of noise, dust, vibrations, light, and other mining related impacts on the affected property.
 - c. This waiver provision shall be superseded by any waiver provisions hereafter contained in Polk County Phosphate Mining Regulation, Polk County Ordinance No.81-26, as amended.
- C. Archaeological Sites
1. Subarea A of 8PO441 shall be preserved as a green space and protected from mining or related activities.
- D. Vegetation and Wildlife
1. Prior to any disturbance or mining activities on the onsite sand pine/xeric oak habitat, the applicant shall prepare a management plan for relocation, establishment, and monitoring of the off-site sand pine/xeric oak habitat at old lands program areas IMC-CS-OI4 and IMC-CS-OI5. This plan shall include: 1) relocation and/or establishment of gopher tortoises and other known xeric oak/sand pine animals and plants having federal and state status as endangered, threatened, or a species of special concern; and 2) formulation of a long and short term revegetation and management plan, including determination of satisfactory re-establishment of the sand pine/xeric oak habitat, shall be jointly formulated and agreed upon by the applicant, the Vero Beach Office of Environmental Service of the Florida Game and Freshwater Fish Commission (GFWFC), the Polk County

Planning Department and the CFRPC. Within sixty (60) days after the effective date of this development order, the applicant shall meet with CFRPC, GFWFC, and the Polk County Planning Department for the purpose of defining the details and relocation criteria for life of the sand pine/xeric oak habitat reclamation and monitoring program covered under this DRI/ADA.

2. The relocated sand pine/xeric oak habitat acreage shall be a protected land use. The applicant shall have these areas rezoned to Preservation Area (PA Zoning Districts per Ordinance 83-2, as amended), six (6) months prior to intent to mine existing sand pine/xeric oak habitats.
3. Correspondence between the applicant, GFWFC, the Polk County Planning Department, and the CFRPC concerning satisfaction of these conditions regarding sand pine/xeric oak habitat shall be distributed to all four involved parties.

E. Reclamation

1. The placement of sand tailings shall be allowed in a twenty-five (25) acre parcel located in the southwest portion of CS-9. Additional sand tailings from this site shall not be used to cap CS-9 without written permission of the Polk County Board of County Commissioners and the Department of Natural Resources.
2. Within 180 days of the effective date of the development order, the applicant shall submit to DNR a waste clay management plan addressing the feasibility of adapting the present Clear Spring Mine clay disposal points to a stage filled system.
3. The applicant shall, prior to mining the forested wetland in Section 36, demonstrate successful forested wetland reclamation. Success criteria shall be formulated jointly by CFRPC staff, GFWFC staff, Polk County Planning Staff and SWFWMD staff.
4. Areas which are mined adjacent to any buffer surrounding residentially used property as described in the Annual Operating Permit shall be reclaimed within sixty (60) days of the completion of excavation of the second cut, or within such other time period as is contained in the Polk County Phosphate Regulation, Polk County Ordinance 81-26, as amended.

F. Transportation

1. No private access to public roads shall be interrupted unless adequate alternative access exists to that parcel.
2. A setback of one hundred (100) feet from the right-of-way shall be required for all mining activities conducted adjacent to a County road. This setback requirement may be reduced, by the Board, if the applicant can demonstrate through a third party engineering consultant, that the proposed activity will not damage the structural integrity of the right-of-way. At no time shall the required setback be less than fifty (50) feet from the right-of- way.
3. The applicant shall be held responsible for any damage caused by the

applicant to public streets or roads used as a haul route. The Polk County Engineering Division shall monitor structural conditions of the roads on a yearly basis throughout the mining of the site. Upon completion of hauling associated with mining activities, the Engineering Division shall assess the amount of structural degradation which has occurred based on the applicant's mining related traffic. The Board of County Commissioners will then prescribe the method of payment or bonding which will be required by the applicant.

G. Annual Report

1. Copies of all annual reports and renewed operating permits shall be provided to CFRPC, Polk County, and DCA and shall include all monitoring data specified above. Required monitoring may cease after the end of the first year growing season of the reclamation unit identified in the operating permits.
2. The Annual Report shall be submitted prior to February 15th of each year to coincide with the Annual Progress Report required under the Polk County Phosphate Mining Ordinance, Polk County Ordinance Number 81-26, as amended, to the CFRPC, DCA, and the Polk County Planning Division. This report shall contain the information required in Section 9J-2.025 (7), Florida Administrative Code. Failure to submit the annual report shall be governed by Subsection 380.06 (18), Florida Statutes.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Polk County, that:

1. The Polk County Director of the Department of Development Coordination shall be the local official responsible for assuring compliance with this Development Order.
2. All commitments made in the ADA and subsequent submittals of information made during the DRI review shall be considered to be binding upon the applicant.
3. The applicant shall resolve ownership of the land delineated by the Department of Natural Resources as possibly being state owned prior to any mining.
4. The terms and conditions of this agreement shall become effective upon the recording of this document and shall expire in the event that substantial development activity does not commence at the site on or before September 1, 1988. This order shall expire in any event fifteen (15) years from the date hereof.
5. The Board agrees that this development shall not be subject to down zoning, unit density reduction, or intensity reduction prior to fifteen (15) years from the date hereof, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety or welfare.
6. Subsequent requests for development permits shall not require further

review pursuant to Section 380.06, Florida Statutes, unless it is found by the Polk County Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

- a. A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated by the CFRPC.
- b. An expiration of the period of effectiveness of this development order as provided herein.
- c. Failure to comply with the conditions listed in this Development Order, shall be determined to be a substantial deviation from the adopted Development Order and may result in the termination of development activities.

Upon finding that any of the above is present, the Polk County Board of County Commissioners may order a termination of all development activity until such time as a new DRI application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.

7. The approval granted by this Development Order is limited. The provisions of this development order shall not be construed as a waiver or exception to any rule, regulation, or ordinance of Polk County and therefore, any further review and approval required by Polk County shall be subject to all local and state rules, regulations, or ordinances in effect at the time of review.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA THIS 19th DAY OF September, 2001.

BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY

By: 
NEIL COMBEE, CHAIRMAN

ATTEST: Richard M. Weiss, Clerk

By: 
Deputy Clerk

P:\DRI\2001\DR\DevOrder\NewlyAmendedDevOrd.wpd

EXHIBIT A-1

LEGAL DESCRIPTION

The Total IMC Agrico Clear Springs Mine Extension DRI

In Township 29 South, Range 25 East, Polk County, Florida:

- Section 25 The W 3/4, and, The E 1/2 of SE 1/4, .
- Section 26 The N 1/2, and, The W 3/4 of NW 1/4 of SW 1/4, and, The SW 1/4 of SW 1/4, Less the East.330 feet of the North 684 feet, and Less the South 210 feet of the North 474 feet of the West 165 feet of the East 660 feet, and Less the following described parcel: Beginning at a point on the north line of said SW 1/4 of SW 1/4 lying 1154.87 feet west of the northeast corner thereof; run thence South 264 feet; thence West 183.11 feet, more or less, to the west line of said SW 1/4 of SW 1/4 ; thence northerly along said West line 264 feet to the northwest corner of said SW 1/4, of SW 1/4, ; thence East 185.61 feet, more or less, to the Point of Beginning. and, The SE 1/4 of SW 1/4, and, The NE 1/4 of SE 1/4, and, The SW 1/4, of SE 1/4, Less the North 440.4 feet of the West 233.7 feet, and Less the South 229 feet of the West 280 feet thereof and, The SE 1/4, of SE 1/4 .and, The E 1/2 of NW 1/4., of SE 1/4 .
- Section 27 All lying south of the right-of-way of U.S. Highway 17, Less the following described parts thereof: (a) That part of the N 1/4 lying east of 91 Mine Road; (b) That part of the N 1/2 of NE 1/4 lying west of 91 Mine Road; (c) Begin at the southwest corner of the NW 1/4 of NE 1/4, ; run thence north along the west line of Gordon Heights Subdivision Phase Two (plat Book 52, page 1) A distance of 544.50 feet, thence North 89°47'02" West 400 feet, thence South 544.50 feet, thence South 89°47'02" East 400 feet to the Point of Beginning; (d) Begin at the southwest corner of the NW 1/4 of NE 1/4, run thence South 89°03'46" West a distance of 400.0 feet, thence South 0°56'14" East a distance of 800.00 feet, thence North 89°03'46" East a distance of 2837.83 feet to the centerline of 91 Mine Road, thence northeasterly along the centerline of 91 Mine Road a distance of 1233 feet more or less to Its intersection with the north boundary of the S 1/2 of the NE 1/4 , thence South 89°03'46" West along said north boundary a distance of 1517.53 feet to the Point of Beginning.
- Section 28 That part of the E 1/2 lying south of the right-of-way of U.S. Highway 17.
- Section 34 The SE 1/4 of SE 1/4, LESS the south 10 acres lying east of 91 Mine Road and north of State Road 60, and The North 152 feet of the SE 1/4 of SW 1/4 of NE 1/4, and , The NE 1/4 of SW 1/4 of NE 1/4 Less the North 20 feet thereof, and, The W 1/2 of NW 1/4 of SE 1/4, and The W 1/2 of NW 1/4 of NE 1/4, Less that portion thereof lying north of the centerline of Peace Creek, and That part of the NE 1/4 of NW 1/4 and the NW 1/4 of NE 1/4 of NE 1/4 described as follows: Beginning 72 feet east of the

northeast corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 34; run thence West 732 feet; thence South 598 feet; thence easterly to a point lying 518 feet south of said northeast corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence continue in the same easterly direction a distance of 72 feet to the eastern boundary of the land owned by Roger B. Lyle and wife as of July 3, 1906; thence north to the Point of Beginning. and, That part of the E $\frac{1}{2}$ of W $\frac{1}{2}$ and the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ lying east of the following described line: Beginning on the south boundary of Section 34, said south boundary of Section 34 also being, in part, the north boundary of Section 3, Township 30 South, Range 25 East, at a point lying 350.00 feet west of the northwest corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 3; thence North $50^{\circ}40'17''$ West, 1204.88 feet; thence North $01^{\circ}22'29''$ West, parallel with the west boundary of Section 34, 3248.13 feet to a point on the south boundary of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 34; thence South $89^{\circ}20'54''$ West along said South boundary 500.00 feet to a point lying 1625.00 feet east of the west boundary of Section 34; thence North $01^{\circ}22'29''$ West, parallel with said west boundary of Section 34, 1157.9 feet, more or less, to the centerline of Peace Creek; thence meandering northeasterly following the centerline of said creek 560 feet, more or less, to the Point of Termination on the north boundary of said Section 34.

Section 35

That part of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying north of Peace Creek Less the West 280 feet thereof. and, The E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$. and, The West 400 feet of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Less that part thereof described as follows: Commence at the southwest corner of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$; thence east along south line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, 290 feet; thence north and parallel with the west line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, 25 feet to a point on the northerly right-of-way line of River Drive for the Point of Beginning; thence continue north, parallel with said West line, 198 feet; thence East 110 feet; thence South 198 feet to a point on said northerly right-of-way line of River Drive; thence West along said northerly right-of-way line, 110 feet to the Point of Beginning. and, That part of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ lying south of the following described line: Commence at the southwest corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence North $0^{\circ}12'16''$ West, along the west boundary of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$, 184.00 feet to the Point of Beginning; thence North $88^{\circ}40'00''$ East, 584.51 feet; thence North $58^{\circ}10'00''$ East, 421.31 feet; thence North $39^{\circ}15'00''$ East, 271.00 feet; thence North $47^{\circ}40'00''$ East, 288.69 feet to the Point of Termination on the east boundary of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ lying 513.43 feet south of the northeast corner thereof. and, The South 792 feet of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$. and, The North 132 feet of the South 924 feet of the East 305 feet of the West 660 feet of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$. and, The North 264 feet of the South 1056 feet of the East 305 feet of the West 965 feet of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$. and, The SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Less that portion thereof lying south of the right-of-way of State Road 60. and, The SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Less the North 190 feet of the South 575 feet of the West 225 feet of the East 795 feet thereof. and, The S $\frac{1}{2}$ of SW $\frac{1}{4}$ Less the following described parts thereof: (a) The North 215 feet of the East

300 feet; (b) That part of the East 443.88 feet of the West 1891.17 feet lying north of the right-of-way of State Road 60, Less the North 247.94 feet thereof; © The East 350.00 feet of the West 1243.45 feet of the North 247.94 feet; (d) Commence at the northwest corner of said S ½ of SW ¼, run thence North 89°52'41" East along the north boundary of said S ½ of SW ¼, 893.45 feet; thence South 00°40'45" East parallel with the west boundary of said S ½ of SW ¼, 247.94 feet; thence North 89°52'41" East 272.94 feet to the Point of Beginning; thence South 00°21'26" East, 1013.89 feet to the north right-of-way line of State Road 60; thence easterly along said north right-of-way line 286.59 feet, more or less, to the southwest corner of a parcel of land owned by Perry R. Gattie according to deed recorded in O.R. 2260 pg. 1496 of the Public Records of Polk County, Florida; thence North 00°40'45" West, 1009.85 feet; thence South 89°52'41" West, 280.90 feet to the Point of Beginning.

Section 36 All Less the following described parcel: Commence at the northeast corner of Section 1, Township 30 South, Range 25 East (said corner being on the south boundary of said Section 36 at a point 736.80 feet west of the southeast corner of said Section 36); run thence south along the east boundary of said Section 1, 2.35 feet; thence South 89°31'30" West 115.20 feet; thence running from said Section 1 into said Section 36, North 0°28'30" West 400 feet to the Point of Beginning; thence continue North 0°28'30" West 400 feet; thence North 89°31'30" East 500 feet; thence South 0°28'30" East 400 feet; thence South 89°31'30" West 500 feet to the Point of Beginning.

In Township 29 South, Range 26 East, Polk County, Florida:

Section 30 The S ¼ of W ½. and, The SW ¼ of SE ¼.

Section 31 That part of the W ¼ lying north of State Road 60.

In Township 30 South, Range 25 East, Polk County, Florida:

Section 1 The S ½. and, The S ½ of SE ¼ of NE ¼. and, The SW ¼ of NE ¼. and, The West 560 feet of the NW ¼ of NE ¼. and, That part of the NW ¼ of NE ¼ described as follows: Beginning at a point 560 feet east of the southwest corner of the NW ¼ of NE ¼; run thence North 873 feet; thence East 760 feet; thence South 873 feet; thence West 760 feet to the Point of Beginning. and, The NW ¼, Less the following described portion thereof: Beginning at the northeast corner of the W ½ of NW ¼ of NW ¼; run thence North 89°41'33" West, along the north boundary of said W ½ of NW ¼ of NW ¼, 654.90 feet to the Northwest corner of said Section 1; thence South 0°39'24" West, along the west boundary of said Section 1, 389.33 feet; thence North 68°00'27" East, 709.75 feet to the east boundary of said W ½ of NW ¼ of NW ¼; thence North 0°35'43" East, along said east boundary, 120.00 feet to the Point of Beginning.

Section 2

The $\frac{3}{4}$. and, The E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Less the following described portion thereof: Beginning at the northeast corner of said Section 2; run thence North $89^{\circ}43'17''$ West, along the north boundary thereof, 659.20 feet to the northwest corner of said E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$; thence South $0^{\circ}38'02''$ West, along the west boundary thereof, 660.00 feet; thence North $68^{\circ}00'27''$ East, 714.20 feet to the East boundary of said Section 2; thence North $0^{\circ}39'24''$ East, along said boundary, 389.33 feet to the Point of Beginning. and, The W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Less the North 720.00 feet thereof. and, The South 35 acres of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$. and, The N $\frac{1}{2}$ of NW $\frac{1}{4}$, Less the following described portion thereof: Beginning at a point 560 feet east of the northwest corner of said N $\frac{1}{2}$ of NW $\frac{1}{4}$; run thence South $26^{\circ}44'$ East, 947.31 feet; thence North 520.30 feet; thence East 85.00 feet; thence North 86.90 feet; thence East 350.16 feet; thence North 46.35 feet to a point lying 184 feet south of the north boundary of said N $\frac{1}{2}$ of NW $\frac{1}{4}$; thence North $89^{\circ}30'15''$ East, parallel with said north boundary, 1071.60 feet; thence South $27^{\circ}07'44''$ East; 179.72 feet; thence North $89^{\circ}30'15''$ East; 62.52 feet to the east boundary of said N $\frac{1}{2}$ of NW $\frac{1}{4}$; thence North $0^{\circ}09'35''$ West, along said east boundary, 343.56 feet, more or less, to the northeast corner of said N $\frac{1}{2}$ of NW $\frac{1}{4}$; thence South $89^{\circ}30'15''$ West, 2076.10 feet to the point of beginning, and Less that part lying east of the centerline of Lake Garfield Road as quit claimed to Dorothy May Pylant Seay under deed dated November 4, 1974, recorded in Official Records Book 1635, page 292 of the public records of Polk County, Florida.

Section 3

That part of the East 350 feet of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying North of the right-of-way for State Road 60. and, That part of the E $\frac{1}{4}$ lying north of the old abandoned Kissimmee Branch main track right-of-way, Less the following described portion thereof: Beginning at a point 140.49 feet south of the northwest corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$; run thence southerly and easterly along the southwesterly right-of-way line of a paved county road approximately 1405 feet to a point on the westerly right-of-way line of the old abandoned Conner and Shallenburger spur track; thence South $9^{\circ}14'$ West, approximately 1030 feet to a point on the north right-of-way line of the aforementioned Kissimmee Branch main track; thence North $62^{\circ}57'56''$ West, along said north right-of-way line, approximately 590 feet to a point on the west boundary of said E $\frac{1}{4}$; thence north along said west boundary approximately 1910 feet to the point of beginning. and, That part of the old abandoned Kissimmee Branch main track right-of-way in the SE $\frac{1}{4}$ lying southeasterly from a point lying 1584 feet southeast of Milepost SV-853 being further described as follows: A strip of land 100 feet wide, the centerline of which is described as follows: Commence at the northeast corner of said SE $\frac{1}{4}$; run thence westerly along the north boundary of said SE $\frac{1}{4}$ 630.58 feet; thence South $9^{\circ}14'$ West, 1025.61 feet to the centerline of the Kissimmee Branch main track right-of-way; thence South $63^{\circ}18'$ East along said centerline, 442.50 feet to the point of beginning; thence continue South $63^{\circ}18'$ East, 433.20 feet, more or less, to the point of termination on the east boundary of said SE

¼ lying 1433 feet, more or less, southerly from the northeast corner thereof. AND, Those parts of the SE-¼ of NE-¼ and the NE-¼ of SE-¼, and the NW-¼ of SE-¼ described as follows: begin a point in the north line of the NE-¼ of SE-¼, said point being in the west right-of-way line of the Seaboard Coast Line Railroad Company spur track (conveyed by E. C. Stuart and C. G. Memminger by instrument dated November 2, 1914, Deed Book 138, page 313, Polk County, Florida, and as such spur track right-of-way existed on December 29, 1977), 630.58 feet west of the northeast corner of the NE-¼ of SE-¼, thence run south 9°14' west 973.10 feet to the north right-of-way line of the Seaboard Coast Line Railroad Company (conveyed by E. C. Stuart and C. G. Memminger by instrument dated January 12, 1915, Deed Book 139, page 175, Polk County, Florida) mainline (as such mainline right-of-way existed on December 29, 1977), thence north 62°57'56" west along said north right-of-way line 922.33 feet, to a point in the boundary line of a tract owned on December 29, 1977, by Polk County, thence north 48°31'22" east along said boundary 1,114.32 feet to a point in the southwesterly right-of-way line of a paved county road (known as Peace Creek Road, as such road right-of-way existed on December 29, 1977), thence southerly and easterly along said county road right-of-way line to a point in the westerly right-of-way line of said Seaboard Coast Line Railroad Company spur track, thence south 9°14' west along said railroad spur track right-of-way line to the point of beginning.

- Section 11 The E ½ of NW ¼ . and, The W ½ of NE ¼ . and, The NE ¼ of SW ¼ , Less the South 792 feet thereof. and, The SE ¼ of SE ¼ . and, That part of the NE ¼ of NE ¼ lying north of the southerly right-of-way line of the old abandoned Kissimmee Branch main track.
- Section 12 That part of the NW ¼ of NW ¼ lying north of the southerly right-of-way line of the old abandoned Kissimmee Branch main track. and, The SW ¼ of SW ¼ . and, The E ½ of W ½. and, The W ½ of NE ¼ . and, The SE ¼ of NE ¼ . and, The NE ¼ of NE ¼ .
- Section 14 The N ½ of NE ¼ of NE ¼ . and, That part of the S ¾ of E ½ of SE ¼ described as follows: Beginning at the northwest corner of the S ¾ of E ½ of SE ¼ , run thence east along the north boundary thereof 41.80 feet; thence southeasterly to a point on the south boundary of the SE ¼ of SE ¼ lying 500 feet east of the southwest corner thereof; thence West 500 feet to the southwest corner of the SE ¼ of SE ¼ ; thence North 1989.77 feet to the point of beginning.
- Section 17 That part of the SE ¼ of SE ¼ of SE ¼ described as follows: Beginning at the southeast corner of Section 17; run thence South 89°21'35" West along the south line of said Section 17, 431.66 feet; thence northeasterly 475.74 feet, more or less, to a point on the east line of said Section 17, lying 200.79 feet north of the southeast corner of said Section 17; thence south along the east line of the section, 200.79 feet

to the point of beginning.

- Section 20 That part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ described as follows: Beginning at the southeast corner of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$; run thence South $89^{\circ}21'35''$ West along the south boundary of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ 575.60 feet to the east right-of-way line of State Road 35 (U.S. 17 and 98); thence North $0^{\circ}43'00''$ west along said east right-of-way line 421.90 feet; thence North $89^{\circ}17'00''$ East along the south right-of-way line of Six Mile Creek 335 feet; thence North $0^{\circ}43'00''$ West along the easterly right-of-way line of Six Mile Creek 135 feet; thence South $89^{\circ}17'00''$ West along the north right-of-way line of Six Mile Creek 355 feet to the easterly right-of-way line of State Road 35 (U.S. 17 and 98); thence North $0^{\circ}43'00''$ West along said right-of-way line 28.07 feet; thence northeasterly 177.89 feet to a point on the north line of said Section 20 lying 431.66 feet west of the northeast corner of said Section 20; thence North $89^{\circ}21'35''$ East along said north line 431.55 feet to said northeast corner of Section 20; thence South $0^{\circ}56'25''$ East along the east boundary of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, 660.05 feet to the point of beginning.
- Section 23 The West 500 feet of the E $\frac{1}{2}$ of NE $\frac{1}{4}$. and, The West 500 feet of the N $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$. and, The South 50 feet of the N $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Less the West 500 feet thereof. and, The SE $\frac{1}{4}$ of SW $\frac{1}{4}$.
- Section 24 The SW $\frac{1}{4}$.
- Section 25 The N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$. and, The E $\frac{1}{2}$ of NW $\frac{1}{4}$. and, The S $\frac{1}{2}$ of NE $\frac{1}{4}$. and, The S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$.
- Section 26 The W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$. and, The NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$.
- Section 35 The East 60 feet of the North 9 chains of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$.

Consisting of approximately 6,028 acres.

EXHIBIT A-2

LEGAL DESCRIPTION

That Portion of the IMC Agrico Clear Springs Mine Extension DRI Annexed into the City of Bartow, To Be Released From The Jurisdiction of Polk County

In Township 29 South, Range 25 East, Polk County, Florida:

Section 25: All LESS the W 1/2 of NW 1/4 and LESS the E 1/2 of NE 1/4.

Section 26: The SW 1/4 of SW 1/4 LESS the east 330 feet of the north 684 feet thereof, and LESS the south 210 feet of the north 474 feet of the west 165 feet of the east 660 feet thereof, and LESS a parcel described as: beginning at a point on the north boundary of the SW 1/4 of SW 1/4, 1,154.87 feet west of the northeast corner of the SW 1/4 of SW 1/4; thence south 264 feet; thence west 183.11 feet, more or less, to the west boundary of the SW 1/4 of SW 1/4; thence northerly along the west boundary a distance of 264 feet to the northwest corner of the SW 1/4 of SW 1/4; thence east 185.61 feet, more or less, to the point of beginning; and

The SE 1/4 of SE 1/4.

Section 27 : All lying south of the right-of-way of U.S. Highway 17, less the following described parts thereof: (a) That part of the N 3/4 lying east of 91 Mine Road; (b) That part of the N 1/2 of NE 1/4 lying west of 91 Mine Road; (c) Begin at the southwest corner of the NW 1/4 of NE 1/4 ; run thence north along the west line of Gordon Heights Subdivision Phase Two (plat Book 52, page 1) A distance of 544.50 feet, thence North 89°47'02" West 400 feet, thence South 544.50 feet, thence South 89°47'02" East 400 feet to the Point of Beginning; (d) Begin at the southwest corner of the NW 1/4 of NE 1/4 , ru thence South 89°03'46" West a distance of 400.0 feet, thence South 0°56'14" East a distance of 800.00 feet, thence North 89°03'46" East a distance of 2837.83 feet to the centerline of 91 Mine Road, thence northwesterly along the centerline of 91 Mine Road a distance of 1233 feet more or less to its intersection with the north boundary of the S 1/2 of the NE 1/4, thence South 89°03'46" West along said north boundary a distance of 1517.53 feet to the Point of Beginning.

Section 28 : That part of the E 1/2 lying south of the right-of-way of U.S. Highway 17.

Section 23:

- (a) The SE ¼ of SW ¼.
- (b) The SE-1/4 of SE-1/4;
- (c) The S-3/4 of NE-1/4 of SE-1/4; and
- (d) The west 500 feet of the E-1/2 of NE-1/4, and the west 500 feet of the N-1/4 of NE-1/4 of SE-1/4; all LESS that part thereof described as: begin at the northeast corner of the west 500 feet of the E-1/4 of said Section 23, and run south 0° 02' 13" west, parallel with the west boundary of the E-1/4, 2,985.73 feet to the south boundary of the N-1/4 of NE-1/4 of SE-1/4 to a concrete monument; thence run south 89° 49' 17" west, along said boundary, 178.80 feet to a concrete monument; thence northerly, following the east rim of an existing ditch, the following courses and distances: north 1° 37' 10" west, 190.63 feet; north 5° 08' 09" east, 80.39 feet; north 42° 16' 41" east, 70.48 feet; north 29° 27' 30" west, 85.46 feet; north 9° 00' 59" west, 178.83 feet to the east boundary of the west 300 feet of said E-1/4 of said section; thence north 0° 02' 13" east, along said boundary 102.36 feet; north 9° 19' 06" east, 580.91 feet; north 1° 52' 49" east, 395.88 feet; north 2° 22' 21" west, 1,342.24 feet to a concrete monument on the north boundary of Section 23; thence run north 89° 57' 16" east, along said boundary, 150.00 feet to the point of beginning.

Section 24: The SW ¼.

Section 25: The N ½ of NW ¼ of NW ¼. and, ~~The E ½ of NW ¼. and, The S ½ of NE ¼. and, The S ½ of NW ¼ of NE ¼.~~

Section 26: The W ½ of NW ¼ of NE ¼. and, The NE ¼ of NE ¼ of NW ¼.

Section 35: The East 60 feet of the North 9 chains of the NW ¼ of NE ¼.

Consisting of approximately 4,881 acres

- Section 11 : The E $\frac{1}{2}$ of NW $\frac{1}{4}$. and, The W $\frac{1}{2}$ of NE $\frac{1}{4}$. and, The NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Less the South 792 feet thereof. and, The SE $\frac{1}{4}$ of SE $\frac{1}{4}$. and, That part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ lying north of the southerly right-of-way line of the old abandoned Kissimmee Branch main track.
- Section 12 : That part of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ lying north of the southerly right-of-way line of the old abandoned Kissimmee Branch main track. and, The SW $\frac{1}{4}$ of SW $\frac{1}{4}$. and, The E $\frac{1}{2}$ of W $\frac{1}{2}$. and, The W $\frac{1}{2}$ of NE $\frac{1}{4}$. and, The SE $\frac{1}{4}$ of NE $\frac{1}{4}$. and, The NE $\frac{1}{4}$ of NE $\frac{1}{4}$.
- Section 14 : The N $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$. and, That part of the S $\frac{3}{4}$ of E $\frac{1}{2}$ of SE $\frac{1}{4}$ described as follows: Beginning at the northwest corner of the S $\frac{3}{4}$ of E $\frac{1}{2}$ of SE $\frac{1}{4}$, run thence east along the north boundary thereof 41.80 feet; thence southeasterly to a point on the south boundary of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ lying 500 feet east of the southwest corner thereof; thence West 500 feet to the southwest corner of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$; thence North 1989.77 feet to the point of beginning.
- Section 17 : That part of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ described as follows: Beginning at the southeast corner of Section 17; run thence South 89°21'35" West along the south line of said Section 17, 431.66 feet; thence northeasterly 475.74 feet, more or less, to a point on the east line of said Section 17, lying 200.79 feet north of the southeast corner of said Section 17; thence south along the east line of the section, 200.79 feet to the point of beginning.
- Section 20 : That part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ described as follows: Beginning at the southeast corner of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$; run thence South 89°21'35" West along the south boundary of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ 575.60 feet to the east right-of-way line of State Road 35 (U.S. 17 and 98); thence North 0°43'00" west along said east right-of-way line 421.90 feet; thence North 89°17'00" East along the south right-of-way line of Six Mile Creek 335 feet; thence North 0°43'00" West along the easterly right-of-way line of Six Mile Creek 135 feet; thence South 89°17'00" West along the north right-of-way line of Six Mile Creek 355 feet to the easterly right-of-way line of State Road 35 (U.S. 17 and 98); thence North 0°43'00" West along said right-of-way line 28.07 feet; thence northeasterly 177.89 feet to a point on the north line of said Section 20 lying 431.66 feet west of the northeast corner of said Section 20; thence North 89°21'35" East along said north line 431.55 feet to said northeast corner of Section 20; thence South 0°56'25" East along the east boundary of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, 660.05 feet to the point of beginning.

Section 3 :

That part of the East 350 feet of the NW ¼ of NE ¼ lying North of the right-of-way for State Road 60. and, That part of the E ¼ lying north of the old abandoned Kissimmee Branch main track right-of-way, Less the following described portion thereof: Beginning at a point 140.49 feet south of the northwest corner of the SE ¼ of NE ¼ ; run thence southerly and easterly along the southwesterly right-of-way line of a paved county road approximately 1405 feet to a point on the westerly right-of-way line of the old abandoned Conner and Shallenburger spur track; thence South 9°14' West, approximately 1030 feet to a point on the north right-of-way line of the aforementioned Kissimmee Branch main track; thence North 62°57'56" West, along said north right-of-way line, approximately 590 feet to a point on the west boundary of said E ¼ ; thence north along said west boundary approximately 1910 feet to the point of beginning. and, That part of the old abandoned Kissimmee Branch main track right-of-way in the SE ¼ lying southeasterly from a point lying 1584 feet southeast of Milepost SV-853 being further described as follows: A strip of land 100 feet wide, the centerline of which is described as follows: Commence at the northeast corner of said SE ¼ ; run thence westerly along the north boundary of said SE ¼ 630.58 feet; thence South 9°14' West, 1025.61 feet to the centerline of the Kissimmee Branch main track right-of-way; thence South 63°18' East along said centerline, 442.50 feet to the point of beginning; thence continue South 63°18' East, 433.20 feet, more or less, to the point of termination on the east boundary of said SE ¼ lying 1433 feet, more or less, southerly from the northeast corner thereof. AND, Those parts of the SE-¼ of NE-¼ and the NE-¼ of SE-¼ , and the NW-¼ of SE-¼ described as follows: begin a point in the north line of the NE-¼ of SE-¼ , said point being in the west right-of-way line of the Seaboard Coast Line Railroad Company spur track (conveyed by E. C. Stuart and C. G. Memminger by instrument dated November 2, 1914, Deed Book 138, page 313, Polk County, Florida, and as such spur track right-of-way existed on December 29, 1977), 630.58 feet west of the northeast corner of the NE-¼ of SE-¼ , thence run south 9°14' west 973.10 feet to the north right-of-way line of the Seaboard Coast Line Railroad Company (conveyed by E. C. Stuart and C. G. Memminger by instrument dated January 12, 1915, Deed Book 139, page 175, Polk County, Florida) mainline (as such mainline right-of-way existed on December 29, 1977), thence north 62°57'56" west along said north right-of-way line 922.33 feet, to a point in the boundary line of a tract owned on December 29, 1977, by Polk County, thence north 48°31'22" east along said boundary 1,114.32 feet to a point in the southwesterly right-of-way line of a paved county road (known as Peace Creek Road, as such road right-of-way existed on December 29, 1977), thence southerly and easterly along said county road right-of-way line to a point in the westerly right-of-way line of said Seaboard Coast Line Railroad Company spur track, thence south 9°14' west along said railroad spur track right-of-way line to the point of beginning.

Section 2:

That part of the W ½ lying south of the Connersville-Garfield Road; and that part of the W ¼ of E ½ lying south of the Connersville-Garfield Road; and the S ¼ of E ¾ of SE ¼; and that part of the N ¾ of E ¾ of SE ¼ lying west of the following described line: Begin at the northwest corner of said N ¾ of E ¾ of SE ¼, thence southeasterly to the Point of Termination at the southwest corner of the NE ¼ of SE ¼ of SE ¼; and that part of the NW ¼ of NW ¼ lying north of the Connersville-Garfield and south of State Road 60 and west of the following described line:

Commence at the northeast corner of the NW ¼ of Section 2 and run thence north 00°31'31" east 11.37 feet to the centerline of State Road 60, thence south 88°54'14" west along said centerline 669.01 feet to the point of intersection with the north boundary of the NW ¼ of Section 2, thence continue south 89°55'42" west along the road centerline 996.51 feet, thence south 00°04'18" east 33 feet to the south right-of-way line of State Road 60 and the northeast corner of property described in a deed recorded in Official Records Book 343, page 468, public records of Polk County, Florida, thence south 89°55'42" west along the south right-of-way line of State Road 60 and the north boundary of the property described in Official Records Book 343, page 468, a distance of 386.42 feet to the Point of Beginning at the northwest corner of the property described in Official Records Book 343, page 468, thence south 00°22'22" west, parallel with the west boundary of Section 2 a distance of 756.53 feet to the Point of Termination on the north right-of-way line of Connersville-Garfield Road.

That part of the E-1/2 of NE-1/4 of NE-1/4 lying North of Connersville-Garfield Road (Official Records Book 2848, page 1328, and Official Records Book 2888, page 808) and East of the canal (as such canal existed on December 15, 1980), LESS that part of the following described lands within Section 2: Begin at the Northeast corner of the W-1/2 of NW-1/4 of NW-1/4 of Section 1, Township 30 South, Range 25 East, run thence West to the Northwest corner of the E-1/2 of NE-1/4 of NE-1/4 of Section 2, Township 30 South, Range 25 East, thence South 660 feet, thence Northeast to a point lying 120 feet South of the Point of Beginning.

PARCEL 'C':

That part of the NE1/4 of Section 1 described as follows: Commence at the Northeast corner of Section 1; thence N89°58'05"W, along the North boundary of said Section 1, a distance of 1309.80 feet to the Northeast corner of the NW1/4 of the NE1/4 of said Section 1; thence S00°02'03"W, along the East boundary of said NW1/4 of NE1/4, a distance of 1834.32 feet to the Point of Beginning; thence N89°40'57"W, 18.57 feet; thence S00°52'02"E, 667.51 feet; thence S89°41'20"E, 8.07 feet to the Northwest corner of the S1/2 of SE1/4 of NE1/4; thence N00°02'03"E, along the West boundary of said SE1/4 of NE1/4, 667.38 feet to the Point of Beginning.

Less and except that portion of the NW-1/4 of Section 1, Township 30 South, Range 25 East described.

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 1, AND RUN ALONG THE NORTH BOUNDARY THEREOF OF N-89°58'05"-W, 2059.58 FEET; THENCE S-00°08'12"-W, 58.40 FEET TO A POINT ON THE SOUTH BOUNDARY OF STATE ROAD 60; THENCE ALONG SAID SOUTH BOUNDARY S-89°51'44"-W, 880.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY THE FOLLOWING TWO (2) COURSES: CONTINUING S-89°51'44"-W, 299.02 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE NORTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 5779.58 FEET, A CENTRAL ANGLE/DELTA OF 03°32'32", A CHORD DISTANCE OF 357.26 FEET; A CHORD BEARING OF N-88°22'00"-W, FOR AN ARC DISTANCE OF 357.31 FEET; THENCE ALONG A NON-RADIAL LINE S-00°00'00"-E, 310.18 FEET; THENCE ALONG A NON-RADIAL LINE N-90°00'00"-E, 769.00 FEET TO A POINT ON CURVE THE RADIUS POINT FOR WHICH BEARS N-62°02'52"-E; THENCE NORTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 537.90 FEET, A CENTRAL ANGLE/DELTA OF 27°48'52", A CHORD DISTANCE OF 258.57 FEET, A CHORD BEARING OF N-14°02'42"-W, FOR AN ARC DISTANCE OF 261.13 FEET TO A POINT OF TANGENT REVERSE CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE/DELTA OF 90°00'00", A CHORD DISTANCE OF 70.71 FEET, A CHORD BEARING OF N-45°08'16"-W, FOR AN ARC DISTANCE OF 78.54 FEET TO THE POINT OF BEGINNING.

In Township 30 South, Range 25 East, Polk County, Florida:

Section 1: That part of the E ½ lying south of the Connersville-Garfield Road; and the S ¼ of the SW ¼.

That part of the NW-1/4 lying North of Connersville-Garfield Road as described in Official Records Book 2848, Page 1328 of the public records for Polk County, Florida, LESS that part included in a parcel described as: Begin at the Northeast corner of the NW-1/2 of NW-1/4 of NE-1/4 of Section 1, run thence West to the Northwest corner of the E-1/2 of NE-1/4 of NE-1/4 of Section 2, Township 30 South, Range 25 East, thence South 860 feet, thence Northeast to a point lying 120 feet South of the Point of Beginning, thence North 120 feet to the Point of Beginning;

That part of the S-1/2 of SE-1/4 of NE-1/4 and that part of the SW-1/4 of NE-1/4 lying North of Connersville-Garfield Road;

The West 560 feet of the NW-1/4 of NE-1/4; AND

That part of the NW-1/4 of NE-1/4 described as: Begin 560 feet East of the Southwest corner of the NW-1/4 of NE-1/4 (said corner also being the Southwest corner of U.S. Government Lot 2 of the NE-1/4 of Section 1), run thence North 873 feet, thence East 760 feet, thence South 873 feet, thence West 760 feet to the Point of Beginning.

LESS AND EXCEPT right-of-way for State Road 60.

LESS AND EXCEPT Parcels 'A', 'B' and 'C'.

PARCEL 'A':

That part of the NW1/4 of the NE1/4 of Section 1 described as follows: Commence at the Northeast corner of Section 1; thence N89°58'05"W, along the North boundary of Section 1, a distance of 1309.80 feet to the Northeast corner of the NW1/4 of the NE1/4 of said Section 1 and to the Point of Beginning; thence continue N89°58'05"W, along the North boundary of Section 1, a distance of 822.53 feet to a point being 2132.33 feet West of the Northeast corner of said Section 1; thence S00°53'05"E, 773.10 feet to a point on a line lying 773 feet South of and parallel to the North boundary of said Section 1; thence S89°58'05"E, along said line, 810.15 feet, more or less, to the East boundary of the NW1/4 of the NE1/4; thence N00°02'03"E, along said East boundary, 773.00 feet to the Point of Beginning.

PARCEL 'B':

That part of the N1/2 of the NE1/4 of Section 1 described as follows: Commence at the Northeast corner of Section 1; thence N89°58'05"W, along the North boundary of Section 1, a distance of 1309.80 feet to the Northeast corner of the NW1/4 of the NE1/4 of Section 1; thence S00°02'03"W, along the East boundary of said NW1/4 of NE1/4, a distance of 768.45 feet to the North boundary of the South 873 feet of the N1/2 of the NE1/4 and to the Point of Beginning; thence continue S00°02'03"W, along the East boundary of said NW1/4 of NE1/4, a distance of 245.04 feet; thence N89°57'57"W, 5.98 feet; thence S00°11'25"W, 98.53 feet; thence S89°57'57"E, 6.24 feet to the East boundary of said NW1/4 of the NE1/4; thence S00°02'03"W, 529.44 feet to the Southeast corner of said NW1/4 of NE1/4; thence S89°40'57"E, along the South boundary of N1/2 of NE1/4, a distance of 7.28 feet to the East boundary of the West 1320 feet of said N1/2 of NE1/4; thence N00°08'12"E, along said East boundary, 873.00 feet to the North boundary of the South 873 feet of said N1/2 of NE1/4; thence N89°40'57"W, along said North boundary, 8.83 feet to the Point of Beginning.

Section 35:

~~The N ½ of NE ¼ of NE ¼ LESS that part of the west 400 feet thereof lying south of the mid-channel of Peace Creek (River) (as such mid-channel existed on June 30, 1978), and~~

~~That part of the west 365 feet of the SW ¼ of SW ¼ lying north of the right-of-way for State Road 60 (as such right-of-way existed on December 16, 1977); and~~

Part of the SW ¼ of SW ¼ described as: commencing at the northwest corner of the SW ¼ of SW ¼, run thence north 89°52'41" east 365.0 feet to the POINT OF BEGINNING, thence continue north 89°52'41" east 528.45 feet, thence south 00°40'45" east 247.94 feet, thence north 89°52'41" east 272.94 feet, thence south 00°21'26" east 1,013.89 feet to the north right-of-way line of State Road 60 (as such right-of-way line existed on January 4, 1980), thence west along said north right-of-way line of State Road 60 to a point south of the point of beginning and 365 feet east of the west boundary of the SW ¼ of SW ¼, thence north 00°40'45" west 1,266.80 feet, more or less, to the point of beginning, less the East 272.94 feet thereof.

Section 36 :

All Less the following described parcel: Commence at the northeast corner of Section 1, Township 30 South, Range 25 East (said corner being on the south boundary of said Section 36 at a point 736.80 feet west of the southeast corner of said Section 36); run thence south along the east boundary of said Section 1, 2.35 feet; thence South 89°31'30" West 115.20 feet; thence running from said Section 1 into said Section 36, North 0°28'30" West 400 feet to the Point of Beginning; thence continue North 0°28'30" West 400 feet; thence North 89°31'30" East .500 feet; thence South 0°28'30" East 400 feet; thence South 89°31'30" West 500 feet to the Point of Beginning.

In Township 29 South, Range 26 East, Polk County, Florida:

Section 30 : The S ¼ of W ½. and, The SW ¼ of SE ¼.

Section 31: That part of the W ¼ lying north of State Road 60.

Section 34:

The North 702 feet of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ lying east of 91 Mine Road.

and,

That portion of Section 34 described as: commence at the northwest corner of Section 34, run thence north $89^{\circ}29'57''$ east, along the north boundary of Section 34 a distance of 1,625.00 feet; thence south $01^{\circ}22'29''$ east, parallel with the west boundary of said Section 34 a distance of 187 feet, more or less, to the POINT OF BEGINNING on the centerline of Peace Creek (as such centerline existed on February 1, 1982), thence meandering northeasterly following said centerline of said creek a distance of 560 feet, more or less, to a point on the north boundary of Section 34, thence north $89^{\circ}29'57''$ east along said north boundary 800 feet, more or less, to said centerline of Peace Creek; thence meandering southeasterly along said centerline to a point on the east boundary of the W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence south 1,232.00 feet, more or less, to the southeast corner of said W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence west to the southwest corner of said W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence south along the east boundary of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ to the southeast corner thereof, thence east along the north boundary of the W $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ to the northeast corner thereof; thence south along the east boundary of said W $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ to the southeast corner thereof; thence east along the north boundary of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ to the northeast corner thereof; thence continue east along the north boundary of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ a distance of 518.73 feet; thence south $1^{\circ}42'28''$ east 1,324.58 feet, more or less, to a point on the south boundary of Section 34 lying 550.93 feet east of the southwest corner of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, said south boundary also being the north boundary of Section 3, Township 30 South, Range 25 East; thence south $88^{\circ}57'43''$ west along said south boundary approximately 1,460 feet to a point lying 350.00 feet west of the northwest corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, Township 30 South, Range 25 East; thence north $50^{\circ}40'17''$ west 1,204.88 feet, thence north $01^{\circ}22'29''$ west 3,248.13 feet to a point on the south boundary of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34, thence south $89^{\circ}20'54''$ west along said south boundary 500.00 feet to a point lying 1,625.00 feet east of the west boundary of Section 34, thence north $01^{\circ}22'29''$ west, parallel with said west boundary of Section 34 a distance of 1,157.9 feet, more or less, to the point of beginning.

EXHIBIT A-3

LEGAL DESCRIPTION

That Portion of the IMC Agrico Clear Springs Mine Extension DRI To Remain
Under The Jurisdiction of Polk County

In Township 29 South, Range 25 East, Polk County, Florida:

- Section 25 The W 1/2 of NW 1/4.
- Section 26 The N 1/2 and, The W 3/4 of NW 1/4 of SW 1/4 and, The SE 1/4 of SW 1/4 and, the NE 1/4 of SE 1/4 and, The SW 1/4 of SE 1/4, Less the North 440.4 feet of the West 233.7 feet, and Less the South 229 feet of the West 280 feet thereof and, The E 1/2 of NW 1/4 of SE 1/4.
- Section 34 The North 152 feet of the SE 1/4 of SW 1/4 of NE 1/4 and, The NE 1/4 of SW 1/4 of NE 1/4 Less the North 20 feet thereof and, That part of the NE 1/4 of NW 1/4 of NE 1/4 and the NW 1/4 of NE 1/4 described as follows: Beginning 72 feet east of the northeast corner of the NW 1/4 of NE 1/4 of said Section 34; run thence West 732 feet; thence South 598 feet; thence easterly to a point lying 518 feet south of said northeast corner of the NW 1/4; thence continue in the same easterly direction a distance of 72 feet to the eastern boundary of the land owned by Roger B. Lyle and wife as of July 3, 1906; thence north to the Point of Beginning.
- Section 35 That part of the NW 1/4 of NW 1/4 of NE 1/4 lying north of Peace Creek Less the West 280 feet thereof, and, The E 1/2 of NW 1/4 of NE 1/4 and, The West 400 feet of the SW 1/4 of NE 1/4 of NE 1/4 , Less that part thereof described as follows: Commence at the southwest corner of said SW 1/4 of NE 1/4 of NE 1/4 ; thence east along south line of said SW 1/4 of NE 1/4 of NE 1/4 , 290 feet; thence north and parallel with the west line of said SW 1/4 of NE 1/4 of NE 1/4 , 25 feet to a point on the northerly right-of-way line of River Drive for the Point of Beginning; thence continue north, parallel with said West line, 198 feet; thence East 110 feet; thence, South 198 feet to a point on said northerly right-of-way line of River Drive; thence West along said northerly right-of-way line, 110 feet to the Point of Beginning. and, That part of the NW 1/4 of SE 1/4 lying south of the following described line: Commence at the southwest corner of the NW 1/4 of SE 1/4 ; thence North 0° 12'16" West, along the west boundary of said NW 1/4 of SE 1/4 , 184.00 feet to the Point of Beginning; thence North 88 ° 40'00" East, 584.51 feet; thence North 58° 10'00" East, 421.31 feet; thence North 39° 15'00" East, 271.00 feet; thence North 47°40'00" East, 288.69 feet to the Point of Termination on the east boundary of the NW 1/4 of SE 1/4 lying 513.43 feet south of the northeast corner thereof, and, The South 792 feet of the NE 1/4 of SE 1/4, and, The North 132 feet of the South 924 feet of the East 305 feet of the West 660 feet of the NE 1/4 of SE 1/4, and, The North 264 feet of the South 1056 feet of the East 305 feet of the West 965 feet of the NE 1/4 of SE 1/4, and, The SE 1/4 of SE 1/4, Less that portion thereof lying south of the right-of-way of State Road 60. and, The SW 1/4 of SE 1/4 Less the North 190 feet of the South 575 feet of the West 225 feet of the East 795 feet thereof. and, The S 1/2 of SW 1/4, Less the following described parts thereof: (a) The North 215 feet of the East

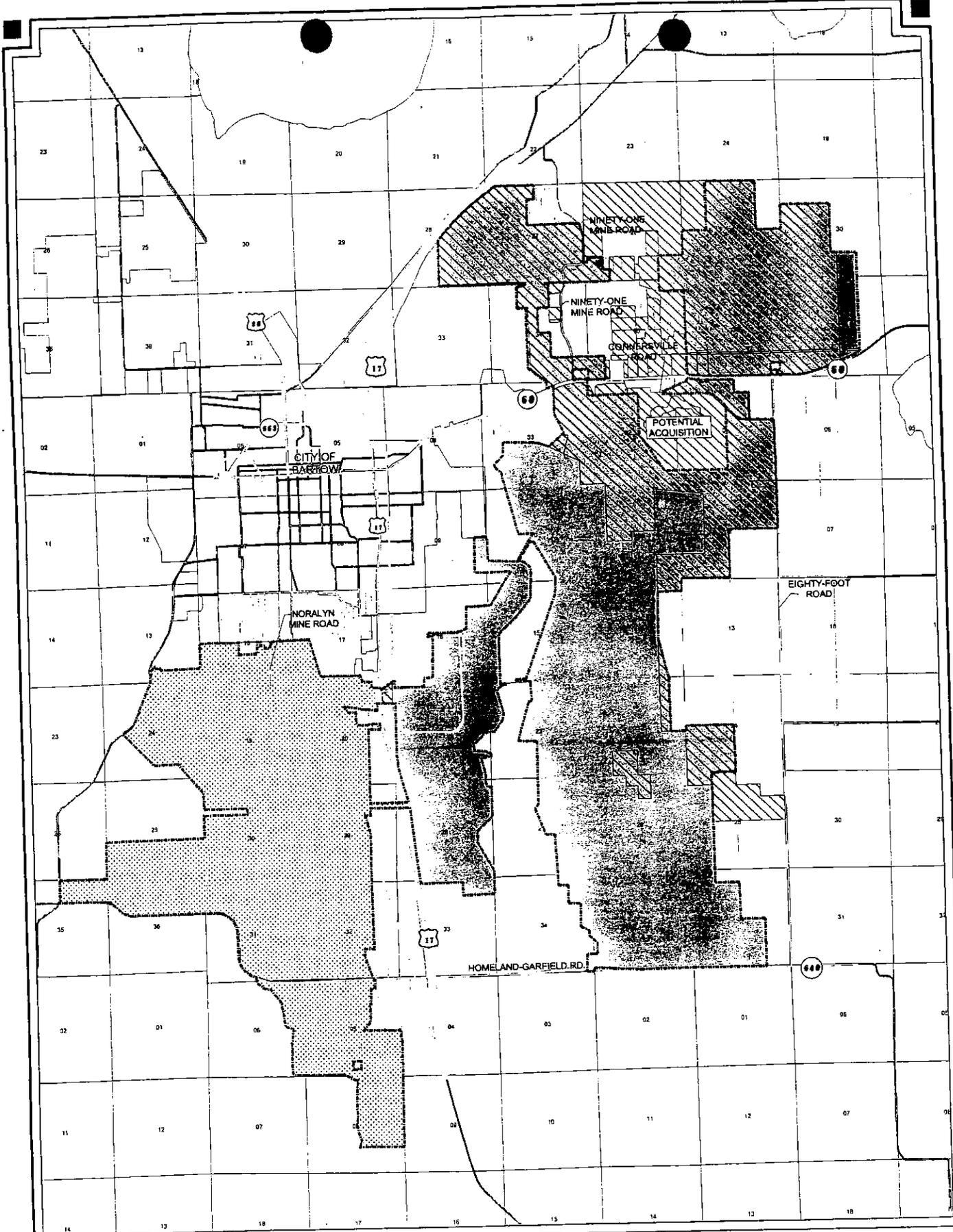
300 feet; (b) That part of the East 443.88 feet of the West 1891.17 feet lying north of the right-of-way of State Road 60, Less the North 247.94 feet thereof; © The East 350.00 feet of the West 1243.45 feet of the North 247.94 feet; (d) Commence at the northwest corner of said S ½ of SW ¼, run thence North 89°52'41" East along the north boundary of said S ½ of SW ¼, 893.45 feet; thence South 00°40'45" East parallel with the west boundary of said S ½ of SW ¼, 247.94 feet; thence North 89°52'41" East 272.94 feet to the Point of Beginning; thence South 00°21'26" East, 1013.89 feet to the north right-of-way line of State Road 60; thence easterly along said north right-of-way line 286.59 feet, more or less, to the southwest corner of a parcel of land owned by Perry R. Gattie according to deed recorded in O.R. 2260 pg. 1496 of the Public Records of Polk County, Florida; thence North 00°40'45" West, 1009.85 feet; thence South 89°52'41" West, 280.90 feet to the Point of Beginning.

Less Part of the SW ¼ of SW ¼ described as: commencing at the northwest corner of the SW ¼ of SW ¼, run thence north 89°52'41" east 365.0 feet to the POINT OF BEGINNING, thence continue north 89°52'41" east 528.45 feet, thence south 00°40'45" east 247.94 feet, thence north 89°52'41" east 272.94 feet, thence south 00°21'26" east 1,013.89 feet to the north right-of-way line of State Road 60 (as such right-of-way line existed on January 4, 1980), thence west along said north right-of-way line of State Road 60 to a point south of the point of beginning and 365 feet east of the west boundary of the SW ¼ of SW ¼, thence north 00°40'45" west 1,266.80 feet, more or less, to the point of beginning, less the East 272.94 feet thereof.

In Township 30 South, Range 25 East, Polk County, Florida:

Section 25 The E ½ of NW ¼ and, The S ½ of NE ¼ and, The S ½ of NW ¼ of NE ¼.

Consisting of approximately 1,147 acres.



LEGEND

-  CLEAR SPRING PROPERTY BOUNDARY
-  SECTION LINES
-  RIGHT OF WAY
-  CLEAR SPRINGS MINE DRI LIMITS
-  OTHER CLEAR SPRING LAND COMPANY PROPERTY
-  ANNEXED LANDS (CLEAR SPRINGS LAND COMPANY)

**CLEAR SPRINGS LAND COMPANY
PROPERTY HOLDINGS
EXHIBIT 2**

4000 0 4000 Feet

cmh associates



STATE OF FLORIDA)
)
COUNTY OF POLK)

I, Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Resolution No. 01-116, adopting a Restated and Amended Development Order for the Clear Springs Mine Extension Development of Regional Impact (DRI 87-01) which was adopted by the said Board on September 19, 2001.

Witness my hand and seal this 24th day of September 2001.

RICHARD M. WEISS
Clerk and Auditor

(SEAL)

By *Freda L. Wade*
Freda L. Wade
Deputy Clerk