

Haynesworth

RESOLUTION

WHEREAS, the Polk County Board of County Commissioners, hereafter referred to as "the Board," is the governing body of local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider applications for a development of regional impact; and

WHEREAS, the Board adopted a development order with conditions of approval on December 8, 1981; and

WHEREAS, the Board heard on January 14, 1986, a request to add 132 acres to the Haynsworth Mine Extension Development of Regional Impact, and found the request not to be a substantial deviation and approved the request; and

WHEREAS, The Board heard on April 5, 1994, a request to add 24 acres of mining to the mine plan, delete conditions B & C, extend the completion of mining to January 1, 2000 to the Haynsworth Mine Extension Development of Regional Impact, and found the request not to be a substantial deviation and approved the request; and

WHEREAS, The Board heard on March 18, 1997, a request to add 39 acres (Clark Property) to the Haynsworth Mine Extension Development of Regional Impact, and found the request not to be a substantial deviation and approved the request; and

WHEREAS, IMC-AGRICO submitted a Notice of Propose Change on December 18, 1997 to Polk County, Central Florida Regional Planning Council and the Florida Department of Communities Affairs (said Notice being incorporated and made a part of this resolution by reference) pursuant to Section 380.06, Florida Statutes, to add a 20-acre parcel to the mine, and mine an additional 20 acres, see figure 1 attached; and

WHEREAS, the Board held a duly noticed public hearing on said application on 2-17, 1998 as required by Section 380.06, Florida Statutes; and

WHEREAS, IMC-Agrico, other units of Government, local agencies and interested citizens were afforded the opportunity to participate in all proceedings before the Board relating to the application and were provided the opportunity to present witnesses, evidence and argument on all issues, conduct cross examination, and submit rebuttal evidence.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION AS DEFINED BY §380.06(19), FLORIDA STATUTES, AND THAT THE DEVELOPMENT ORDER FOR THE HAYNSWORTH DRI IS AMENDED BY ADDING THE FOLLOWING FINDINGS OF FACT AND CONDITIONS, WITH THE BALANCE OF THE ADOPTED DEVELOPMENT ORDER AS PREVIOUSLY AMENDED, REMAINING IN EFFECT IN ITS ENTIRETY.

I. FINDINGS OF FACT

- A. The addition of the Maddox tract and mining of the additional 20 acres will not have any significant change in the impacts of the mine operation.
- B. The real property, which is the subject of this Application is described as set forth in the attached legal description.
- C. This proposed development is not in an Area of Critical State Concern, as designated pursuant to Section 380.05, F.S., and does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.
- D. The authorized agent for IMC-AGRICO Company is Mr. Lee Thurner, Vice President, Minerals - Florida, IMC-AGRICO Company, P.O. Box 2000, Mulberry, Florida 33860.
- E. The property will be owned or controlled by IMC-AGRICO Company when it is mined.
- F. Any presumption of a Substantial Deviation has been rebutted.

III. CONDITIONS -

A. Commencement, Downzoning and Expiration

Development on the DRI property has already been initiated by IMC-AGRICO and thus, a commencement deadline is not required. Polk County agrees that the DRI property shall not be subject to down-zoning, unit density reduction, or intensity reduction unless the County 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 the local government to be essential to the public health, safety or welfare. This

Development Order shall expire upon completion of all mining activities approved herein, but no later than January 1, 2000. The time period for this Development Order may be extended by the Board upon a finding of good cause.

B. Recording of Notice of Adoption

Notice of the adoption of this Development Order shall be recorded by IMC-AGRICO in accordance with the provisions of Section 380.06(15)(f), F.S.

C. All conditions of the existing Development Order that apply to the Extension Area, also equally apply to this 20-acre addition.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THIS 17 DAY OF February, 1998.

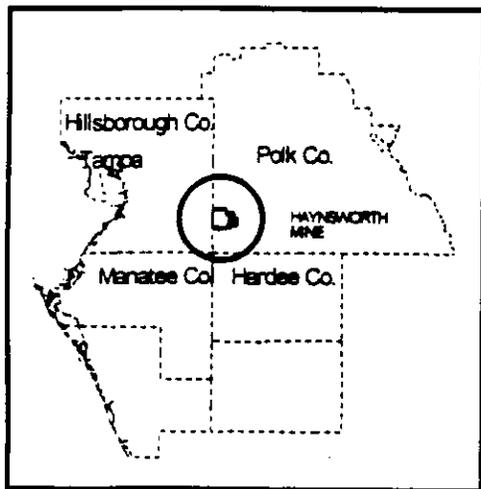
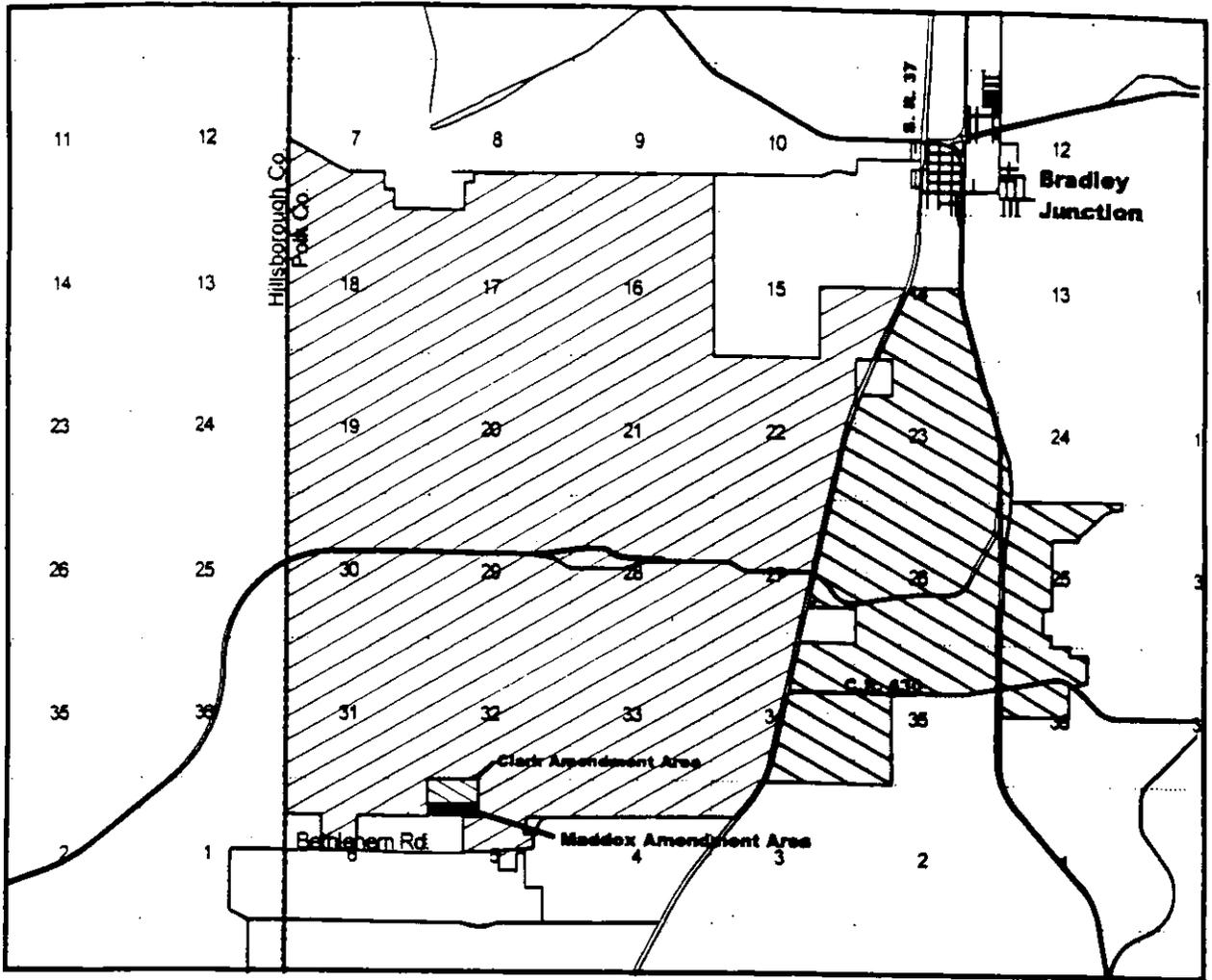
Board Of County Commissioners
of Polk County

By: _____
Chairman



Attest:
Richard M. Weiss, Clerk

By: Marie L. Kessler
Deputy Clerk



Location Key

-  Vested Mine Area
-  Mine Extension DRI Area
-  Clark Amendment Area
-  Maddox Amendment Area Addition



FIGURE 1
Maddox Amendment Location
Haynsworth Mine Extension
DRI Amendment

1,240 ft. MORE OR LESS to the intersection of the line defining the west $\frac{3}{4}$ of the west $\frac{1}{4}$, and bounded to the south by a line beginning from a point 2,210' south of the northeast corner of section 35 on the line between sections 35 and 36, heading south 60° west a distance of 3.650 ft., thence heading north 65° west 1,240 MORE OR LESS to the intersection of the line defining the west $\frac{3}{4}$ of the west $\frac{1}{4}$, and bounded to the west by the line defining the west $\frac{3}{4}$ of the west $\frac{1}{4}$, and bounded to the east by the section line between sections 35 and 36, LESS the Seaboard Coast Line right-of-way and LESS the Ft. Green Springs Road right of way.

Section 36: That portion of the NW- $\frac{1}{4}$ lying south of the C.R. 630 R.O.W. and east of the Seaboard Coast Line R.O.W. AND a parcel described as beginning at the northwest corner of the NE- $\frac{1}{4}$, heading east 330 ft. MORE OR LESS to the northwest corner of the NE- $\frac{1}{4}$ of the NW- $\frac{1}{4}$ of the NE- $\frac{1}{4}$, thence 330 ft. south MORE OR LESS to the southwest corner of the NE- $\frac{1}{4}$ of the NW- $\frac{1}{4}$ of the NE- $\frac{1}{4}$, thence 660 ft. east MORE OR LESS to the northeast corner of the SW- $\frac{1}{4}$ of the NE- $\frac{1}{4}$ of the NW- $\frac{1}{4}$ of the NE- $\frac{1}{4}$, thence 990 ft. south MORE OR LESS to the southwest corner of the SE- $\frac{1}{4}$ of the SE- $\frac{1}{4}$ of the NW- $\frac{1}{4}$ of the NE- $\frac{1}{4}$, thence 990 ft. west MORE OR LESS to the northwest corner of the SW- $\frac{1}{4}$ of the NE- $\frac{1}{4}$, thence 1,320 ft. north MORE OR LESS to the point of beginning, AND a parcel described as beginning at the northwest corner of the SW- $\frac{1}{4}$ of the NE- $\frac{1}{4}$ heading south 200 ft. along the quarter section line thence 632 ft. heading north $71^\circ 34'$ MORE OR LESS to a point 600 ft. east of the point of beginning on the $\frac{1}{4}$ of the $\frac{1}{4}$ line, thence to the point of beginning, LESS the right-of-way for County Road 630.

Being approximately 132 acres.

CLARK AMENDMENT AREA:

Township 32 South, Range 23 East,

Section 5: The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ less the South 471 ft. thereof and the West 528 ft. of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ less the South 471 ft., containing 39 acres, more or less.

MADDOX AMENDMENT AREA:

Township 32 South, Range 23 East,

Section 5: The South 471 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the South 471 feet of the West 528 feet of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, containing 20 acres, more or less.

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 a Resolution approving a Development Order for the Development of Regional Impact known as the IMC-Agrico Haynesworth Mine Extension which was adopted by the said Board on February 17, 1998.

WITNESS my hand and official seal on this 26th day of February, 1998.

RICHARD M. WEISS
Clerk and Auditor

(SEAL)

By Marie E. Kessler
Marie E. Kessler
Deputy Clerk