

RESOLUTION NO. 09-093
FOR A RESTATED AND AMENDED
DEVELOPMENT ORDER
POLK COUNTY, FLORIDA

INSTR # 2009116191
BK 07913 PGS 0712-0729 PG(S) 18
RECORDED 06/23/2009 01:41:27 PM
RICHARD M WEISS, CLERK OF COURT
POLK COUNTY
RECORDING FEES 154.50
RECORDED BY X THAO

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, ISSUING AN AMENDED DEVELOPMENT ORDER OF APPROVAL WITH CONDITIONS FOR AN APPLICATION FOR APPROVAL OF A DEVELOPMENT OF REGIONAL IMPACT (DRI) KNOWN AS THE SOUTH FORT MEADE PHOSPHATE MINE, SUBMITTED BY MOSAIC FERTILIZER, L.L.C.; SETTING FORTH FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL PURSUANT TO CHAPTER 380, FLORIDA STATUTES.

WHEREAS, the Polk County Board of County Commissioners, hereafter referred to as "the Board", as 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 ("DRI"); and

WHEREAS, the Mobil Mining and Minerals Company (Formerly Mobil Chemical Company) hereafter referred to as "Mobil", filed the following documents with the Board pursuant to Section 380.06, F.S.;

1. An Application for Development Approval, hereafter referred to as "the Application," dated May 4, 1981, seeking approval of phosphate mine Development of Regional Impact; and
2. Amendments to the Polk County mine site plan, hereafter referred to as "Amendments," which conform to the original site plan to the above-referenced application, which amendments are dated August 28, 1981.

WHEREAS, The Board held a duly noticed public hearing on said application on September 15, 1981, as required by Section 380.06, Florida Statutes; and

WHEREAS, Mobil, 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; and

WHEREAS, The Board reviewed all of the above referenced evidence and on September 22, 1981, approved, with conditions, a Development Order ("DO") for the South Fort Meade Phosphate Mine DRI; and

WHEREAS, on November 9, 1981, the State Department of Veteran and Community Affairs filed a Notice and Petition Challenging the waste disposal and reclamation plans approved in the Polk County order; and

WHEREAS, Mobil, the Department of Veteran and Community Affairs, Polk County (approved by the Polk County Commission on September 22, 1981) and the Central Florida Regional Planning Council entered into an Amended Stipulation which adopted as a modification of the Development Order by a Final Order entered on May 12, 1982, by the Florida Land and Water Adjudicatory Commission; and

WHEREAS, on February 26, 1993, Mobil submitted a Notification of Proposed Change to amend the Development Order; and

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WHEREAS, on June 8, 1993, the Board found that the requested amendment did not constitute a Substantial Deviation and approved the requested amendment; and

WHEREAS, on November 15, 1994 Mobil proposed changes to the mine that necessitated an amendment to the Development Order; and

WHEREAS, the Board held a duly noticed public hearing on said application on May 23, 1995, as required by Section 380.06, Florida Statutes; and

WHEREAS, on May 23, 1995, the Board found that the requested amendment did not constitute a Substantial Deviation and approved the requested amendment; and

WHEREAS, in December 1995 Cargill Fertilizer, Inc. ("Cargill") and South Ft. Meade Partnership, L.P. ("SFMP") purchased the land and facilities addressed and regulated by the South Fort Meade Phosphate Mine DRI; and

WHEREAS, Cargill assumed responsibility for the development and operation of the phosphate mining and processing activities approved under the South Ft. Meade Phosphate Mine DRI and agreed to be bound by the terms of this Development Order; and

WHEREAS, on May 22, 1998, a substantial deviation application for certain mining amount amendments was found to be sufficient for review by the staff of the Central Florida Regional Planning Council; and

WHEREAS, on July 8, 1998, a public hearing was held by the Central Florida Regional Planning Council and the Substantial Deviation was recommended for approval; and

WHEREAS, the Board held a duly noticed public hearing on said application on August 18, 1998, as required by Section 380.06, Florida Statutes and approved the amendment; and

WHEREAS, Cargill has purchased an additional 37.7 acres of land from the area of the "outparcels" adjacent to the existing South Ft. Meade Mine; and

WHEREAS, because the addition of the 37.7 acres parcel does not constitute a Substantial Deviation to the approved DRI, in October 1998 Cargill filed a Notice of Proposed Change with Polk County, the Central Florida Regional Planning Council and the Florida Department of Community Affairs to add the parcel; and

WHEREAS, Cargill filed an application for an amendment to the Polk County Comprehensive Plan Future Land Use Map for the parcel, which application has been reviewed by all appropriate government agencies; and

WHEREAS, Cargill, 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 arguments on all issues, conduct cross-examination, and submit rebuttal evidence; and

WHEREAS, on June 8, 1999, the Board of County Commissioners of Polk County duly passed and adopted the proposed amendment with conditions, as set forth in Resolution No. 99-39; and

WHEREAS, Cargill purchased an additional out-parcel legally described as approximately one (1) acre in the south 150 feet of the north 422 feet of the east 290.4 feet of the north ½ of the northwest ¼ of the northwest ¼ of Section 26, Township 32

South, Range 25 East, less 25.00' right of way of Mt. Pisgah Road, Polk County, Florida; and

WHEREAS, on May 31, 2002, Cargill submitted a Notice of Proposed Change to a previously approved Development of Regional Impact (DRI) Development Order pursuant to subsection 380.06 (19), Florida Statutes to the Polk County Commission, the Central Florida Regional Planning Council, and to the Florida Department of Community Affairs to add said out parcel to the DRI Development Order.

WHEREAS, Cargill, 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 arguments on all issues, conduct cross-examination, and submit rebuttal evidence; and

WHEREAS, on September 4, 2002, the Board of County Commissioners of Polk County duly passed and adopted the proposed amendment with conditions, as set forth in Resolution No. 02-48; and

WHEREAS, on October 22, 2004, Mosaic Fertilizer, LLC ("Mosaic") was created from a merger between Cargill Crop Nutrition and IMC Global, Inc.; and

WHEREAS, Mosaic assumed responsibility for the Development and operation of the phosphate mining and processing activities approved under the South Ft. Meade Phosphate Mine DRI and agreed to be bound by the terms of this Development Order; and

WHEREAS, in October 2008, Mosaic was granted permission to permit the requested mining and related activities on the land known as the "Devane" and "Best" parcels, as described in Exhibit C, with the intention to purchase the property; and

WHEREAS, in October 2008, Mosaic was granted permission to permit within an easement currently owned by Sun Grown Citrus as described in Exhibit D; and

WHEREAS, on January 14, 2009, Mosaic filed an application to amend the Polk County Comprehensive Plan Future Land Use Map for the Devane & Best parcels in order to change the Future Land Use designation from Agricultural/Residential-Rural (A/RR) to Phosphate Mining (PM); and

WHEREAS, on January 14, 2009, Mosaic Fertilizer, LLC submitted a Notification of Proposed Change to amend the Development Order to add 237.5 acres, including the aforementioned 19.4 acre "Devane" parcel and the 19.8 acre "Best" parcel, the three acre "Sun Grown Citrus" parcel, and an additional 195.3 acres known as the "Old Colony Addition" currently owned by Mosaic Fertilizer, LLC and described in Exhibit E; and

WHEREAS, on February 13, 2009, Mosaic purchased the "Devane" and "Best" properties; and

WHEREAS, on March 17, 2009, the Central Florida Regional Planning Council advised Polk County that the proposed change did not constitute a Substantial Deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, on May 20, 2009, the Board of County Commissioners conducted a duly noticed public hearing for the issuance of a Development Order, and, during the conduct of said hearing, solicited and evaluated comments, testimony and reports, both oral and written, from local, state, and regional agencies and interested citizens

concerned with the issuance of the amended Development order by Polk County for Mosaic; and

WHEREAS, on May 20, 2009, the Board of County Commissioners conducted a public hearing pursuant to Section 380.06 (19)(f)(3), Florida Statutes, with due public notice having been provided, and determined that the proposed changes presented at the public hearing do not constitute a substantial deviation from the adopted Development Order and the Board also determined that the proposed changes be approved and the amendments be adopted in the form of a Restated and Amended Development Order for the South Fort Meade Mine cumulatively incorporating all changes to the Development Order through May 20, 2009.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THAT THE AMENDMENTS SUBMITTED BY MOSAIC ARE HEREBY APPROVED WITH CONDITIONS; SAID APPROVAL AND FINDINGS BEING BASED UPON THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW.

I. FINDINGS OF FACT

- A. Mobil submitted the application to the Board on May 12, 1981, said application being incorporated and made a part of this resolution by reference.
- B. Mosaic submitted this request for an amendment to the approved Development Order, in the form of a Notice of Proposed Change, to the Board on January 14, 2009, said Notice being incorporated and made a part of this resolution by reference.
- C. The South Fort Meade Mine currently involves approximately 17,271 acres, which are currently owned or controlled by Mosaic. This amendment is to add approximately 237.5 additional acres ("Additional Land") to the current acreage resulting in a total of approximately 17,508.5 acres attached as Exhibit B.
- D. The proposed change does not exceed the Substantial Deviation criteria listed in subsection 380.06 (19), Florida Statutes (F.S.) and, therefore, does not constitute a Substantial Deviation.
- E. The Application also involves the construction of ore processing and mine facilities. The average annual mining rate will remain 645 acres per year.
- F. The proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, F.S.
- G. The Board has adopted a Comprehensive Plan for Polk County pursuant to Section 163.161, F.S., which is applicable to the development site and the requested additional acreage. At the time of application for the proposed change (January 14, 2009), approximately 39.2 acres of the Additional Land had a current land use designation of A/RR (Agriculture/Residential Rural). Consequently, an amendment to the Polk County Comprehensive Plan Future Land Use Map was submitted to change these acres to PM (Phosphate Mining). The remaining 198.3

acres of Additional Land within the proposed change is currently designated as PM (Phosphate Mining).

- H. Subject to the conditions provided herein, the proposed amendment will not have an unfavorable impact on the environment and natural resources of the region.
- I. The proposed amendment and the development will have a favorable impact on the economy of the region.
- J. The proposed amendment will not significantly burden the existing public facilities of the region, including transportation facilities.
- K. The proposed amendment will not adversely affect the ability of people to find adequate housing reasonable accessible to their place of employment.
- L. Existing Sources of energy are sufficient and will not be unduly burdened by the proposed amendment.
- M. Waste disposal and land reclamation technologies have been thoroughly evaluated by Mosaic and considered by the Board.
- N. When the South Ft. Meade mine was originally approved, the property contained several "out parcels" not owned or controlled by Mobil at the time the original application was made. The "out parcels" are located within the interior of the South Fort Meade Mine. Although the Application did not include the mining of these "out parcels", Mobil did plan to purchase and mine these parcels. The original DO stated that "inclusion of these parcels into the mining plan and subsequent reclamation will not result in any increased regional impacts." Although Additional Lands to be added by a proposed 2009 change were not within the "out parcels" boundary, they are adjacent to the current mine boundary. The inclusion of this Additional 237.5 acres into the mine and reclamation plans has been evaluated pursuant to Section 380.06, F.S., and will not result in any increased regional impacts.
- O. On January 21, 1999, the Board of County Commissioners convened the required public hearing on the proposed amendment to the Future Land Use Map of the Polk County Comprehensive Plan. Cargill agreed to restrict mining to 11.8 acres of the Additional Land from the 1999 NOPC.
- P. On September 4, 2002, the Board convened the required public hearing on the application, heard testimony and received evidence and documents pertaining to the Notice of Proposed Change for the amendment of the Development Order.

II. CONCLUSIONS OF LAW

- A. The Board's review of the application for the amendment of the Development Order has been conducted pursuant to and complied with the provisions of Chapter 380, F.S.

- B. The application for the amendment of the Development order as submitted, complies with the requirements of Section 380.06, F.S. and Chapter 28-24, Florida Administrative Code.
- C. The amendment is consistent with the report and recommendation of the Central Florida Regional Planning Council.
- D. The amendment is consistent with the Polk County Comprehensive Plan, and local land development regulations.
- E. The amendment is consistent with and applicable portion of the State Comprehensive Plan. The amendment does not unreasonably interfere with the achievement of the objectives of any applicable state land development plan.
- F. All development activities described in the application shall be subject to the terms of this Development Order and shall not be subject to future Development of Regional Impact review pursuant to Section 380.06, F.S. unless the Board determines that any proposed changes to the development constitutes a substantial deviation pursuant to Section 380.06(17), F.S. and the conditions herein.
- G. The provisions of the Development Order shall not be construed as a waiver or exception of any rules, regulations, or ordinances of Polk County and, therefore, and further review and approval required by Polk County shall be subject to all such applicable rules, regulations or ordinances in effect at the time of review.
- H. The annual report of mining operations required by Polk County regulations is an appropriate vehicle for monitoring the development, as required by Section 380.06(15)(1) Florida Statutes and further is an appropriate vehicle for the annual report required by Section 380.06(15)(3) Florida Statutes and 9J-2.025(7), Florida Administrative Code, and shall be utilized to satisfy those provisions of Chapter 380, F.S.
- I. The Polk County Code Enforcement Director shall be the local official responsible for assuring compliance with this Development Order.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA THAT THE APPLICATION FOR THE AMENDMENT OF THE DEVELOPMENT ORDER IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS.

III. CONDITIONS

A. Location of Above Grade Clay Settling Areas

No above grade clay settling areas shall be allowed within 100 year floodplain of Bowlegs Creek.

B. Reclamation of Freshwater Marsh

Prior to the commencement of their reclamation, Mosaic shall provide a plan for the reclamation of non-forested wetlands which shall reflect the most recent, accepted technology, the most economically and technologically sound approach, and the best management practices for

such reclamation. The plan shall address water quality, plant and animal species diversity, and techniques, such as natural revegetation, the transplanting of desired vegetation, and the utilization of substrate from existing marshes as a seed source. The plan shall be submitted to and approved by the Florida Department of Environmental Protection.

C. Rail Service

Should rail service from the mine site be interrupted for a period of more than five consecutive days for reasons beyond Mosaic's control, Mosaic will be allowed to utilize truck transportation from the mine site to its existing fertilizer manufacturing locations in Polk and Hillsborough counties. Prior to initiating trucking, Mosaic will submit to the Central Florida Regional Planning Council and Polk County a proposed route study for the truck traffic.

D. Mining Rate

Mosaic is authorized to mine at an average rate of 645 acres per year.

E. Substantial Deviation

1. Any proposal to mine within the 25-year floodplain of Bowlegs Creek shall be considered by the Board as a substantial deviation.
2. Any proposed changes to the application which involve the following shall be submitted to the Board for a determination if such change constitutes a substantial deviation and, therefore, requiring further review pursuant to Section 380.06, F.S.
 - a. Any increase in the area to be mined except for any "out parcels" located within the Mosaic Tract.
 - b. Any increase in the above grade clay settling areas except for waste clay disposal resulting from the mining of "out parcels," provided such disposal and reclamation if performed in the same methodology used for the South Fort Meade Mine and otherwise complies with the conditions of this Development Order.
 - c. Any change which would result in an increase in the regional impacts.
3. The following changes shall be presumed not to be a substantial deviation requiring further review:
 - a. Any decrease in the area used for above grade clay settling.
 - b. A decrease in the regional impact of the development.
 - c. A change required by permit conditions or requirements imposed by the Department of Environmental Protection (DEP), the Department of Natural Resources, the Southwest Florida Water Management District, or any of their successor agencies or by and appropriate federal regulatory agency.

F. Restriction as to Additional Land Subject to Resolution 99-39

Mosaic's mining operations on the Additional Land from the 1999 NOPC, subject to Resolution 99-39, amending the Development Order to add

37.7 acres from the area of the out-parcels shall be limited to 11.8 acres in the southeast portion of the Additional Land from the 1999 NOPC, in order to maximize buffering along the north and west boundaries.

G. Polk County Mining Regulation

This Development Order approves conceptual mining and reclamation plans. Actual mining operation implementing these plans shall comply with the Polk County Mining Ordinance (88-19) in effect at the time of mining. This condition shall not restrict or preclude Mosaic from participating fully in amendments to the Polk County mining ordinance or adoption of new ordinances, or otherwise seek relief from regulations imposed by the board. Mosaic shall submit the necessary applications to amend the South Fort Meade's Conceptual Plan and Operating Permit to add the 237.5 acres of Additional Land as described in the 2009 NOPC prior to mining any area within the Additional Land.

H. Review and Comment on Permits for the Additional Land

Portions of the additional lands that are apart of the 2009 NOPC applications appear to contain sensitive lands that may require inspection/permits to determine the limits of mining in these areas. Environmental Resource Permits may be required to determine the exact limits of mining in these areas. Mosaic shall provide Polk County and the CFRPC the opportunity to participate in the field inspections for these permits and provide copies of these permits and any correspondence regarding these permits to Polk County and the CFRPC and allow comments on the permits.

I. Annual Report

Mosaic shall submit the annual report of mining operations as required by Polk County regulations to the Polk County Code Enforcement Director, the Central Florida Regional Planning Council, the Florida Department of Community Affairs and the affected permit agencies pursuant to Section 380.06(16), F.S. on or before the fifteenth day of February of each year. The annual report shall include the status of all permits for the added parcels.

J. Expiration

This Development Order shall take effect upon approval and shall remain in effect for the life of the mine, not to exceed September 22, 2021.

K. Recording of Notice of Adoption

In addition to the requirements of Section 380.06(15) (f) Florida Statutes, this Development Order shall be recorded by the developer in accordance with the provisions of the Polk County Land Development Code within fifteen (15) days after its rendering to the applicant.

Resolution 09- 093 List of Exhibits

Exhibit A – Description of SFM from Approved DRI Area, September 1998

Exhibit B – Description of SFM from NOPC, January 2009

Exhibit C – Legal Description of Devane and Best properties

Exhibit D – Legal Description of Sun Grove Citrus property

Exhibit E – Legal Description of Old Colony Addition

DULY PASSED AND ADOPTED BY THE Board of County Commissioners of Polk County,
Florida this 20th day of May 2009.

Description of SFM from Approved DRI Area, September 1998

Township 32 South, Range 25 East			Township 32 South, Range 25 East (cont.)		
<u>Section 10</u>	SE 1/4 of SE 1/4	40 ac	<u>Section 35</u>		
<u>Section 11</u>	NW 1/4 of SE 1/4	33 ac	(cont.)	SE 1/4 of SE 1/4	40 ac
	NE 1/4 of SE 1/4	32 ac		SW 1/4 of SE 1/4	15 ac
	SE 1/4 of SE 1/4	40 ac		NW 1/4 of SW 1/4	39 ac
	SW 1/4 of SE 1/4	40 ac		NE 1/4 of SW 1/4	20 ac
	NE 1/4 of SW 1/4	3 ac		SE 1/4 of SW 1/4	19 ac
	SW 1/4 of SW 1/4	40 ac		SW 1/4 of SW 1/4	32 ac
<u>Section 12</u>	NW 1/4 of SE 1/4	39 ac	<u>Section 36</u>	ALL	641 ac
	NE 1/4 of SW 1/4	39 ac		Subtotal	<u>6,544 ac</u>
	NW 1/4 of SW 1/4	33 ac			
	S 1/4	160 ac			
<u>Section 13</u>	ALL	649 ac	Township 32 South, Range 26 East		
<u>Section 14</u>	NW 1/4 of NW 1/4	30 ac	<u>Section 3</u>	NW 1/4 of SE 1/4	34 ac
	SE 1/4 of NW 1/4	39 ac		NE 1/4 of SE 1/4	40 ac
	SW 1/4 of NW 1/4	39 ac		SE 1/4 of SE 1/4	30 ac
	E 1/2	322 ac		SW 1/4 of SE 1/4	40 ac
	NW 1/4 of SW 1/4	39 ac		SE 1/4 of SW 1/4	40 ac
	NE 1/4 of SW 1/4	39 ac	<u>Section 4</u>	SW 1/4 of SW 1/4	40 ac
	SE 1/4 of SW 1/4	39 ac		NW 1/4 of SW 1/4	18 ac
	SW 1/4 of SW 1/4	39 ac		SE 1/4 of SW 1/4	12 ac
<u>Section 15</u>	NE 1/4 of NE 1/4	40 ac	<u>Section 8</u>	SW 1/4 of SW 1/4	30 ac
	SE 1/4 of NE 1/4	34 ac		NE 1/4 of NE 1/4	30 ac
	SE 1/4	160 ac		SE 1/4 of NE 1/4	25 ac
<u>Section 22</u>	NE 1/4 of NW 1/4	14 ac		SE 1/4 of SE 1/4	40 ac
	SE 1/4 of NW 1/4	40 ac	<u>Section 9</u>	NW 1/4 of NW 1/4	40 ac
	E 1/2	320 ac		NE 1/4 of NW 1/4	7 ac
	NE 1/4 of SW 1/4	40 ac		SW 1/4 of NW 1/4	40 ac
<u>Section 23</u>	NW 1/4 of NW 1/4	39 ac		SE 1/4 of NW 1/4	9 ac
	NE 1/4 of NW 1/4	39 ac		NW 1/4 of SW 1/4	2 ac
	SE 1/4 of NW 1/4	39 ac		SW 1/4 of SW 1/4	40 ac
	SW 1/4 of NW 1/4	38 ac	<u>Section 10</u>	NW 1/4	160 ac
	E 1/2	323 ac		NW 1/4 of NE 1/4	31 ac
	NW 1/4 of SW 1/4	40 ac		SE 1/4 of NE 1/4	40 ac
	NE 1/4 of SW 1/4	39 ac		SW 1/4 of NE 1/4	40 ac
	SE 1/4 of SW 1/4	39 ac		S 1/2	320 ac
	SW 1/4 of SW 1/4	40 ac	<u>Section 14</u>	NW 1/4	161 ac
<u>Section 24</u>	ALL	648 ac	<u>Section 15</u>	W 1/2	322 ac
<u>Section 25</u>	ALL	644 ac		NE 1/4	161 ac
<u>Section 26</u>	NW 1/4 of NW 1/4	38 ac		NW 1/4 of SE 1/4	40 ac
	NE 1/4 of NW 1/4	39 ac		NE 1/4 of SE 1/4	40 ac
	SE 1/4 of NW 1/4	39 ac	<u>Section 16</u>	ALL	643 ac
	SW 1/4 of NW 1/4	39 ac	<u>Section 17</u>	ALL	642 ac
	E 1/2	323 ac	<u>Section 18</u>	ALL	641 ac
	NW 1/4 of SW 1/4	29 ac	<u>Section 19</u>	ALL	641 ac
	NE 1/4 of SW 1/4	39 ac	<u>Section 20</u>	ALL	642 ac
	SE 1/4 of SW 1/4	39 ac	<u>Section 21</u>	ALL	644 ac
	SW 1/4 of SW 1/4	39 ac	<u>Section 22</u>	W 1/2	324 ac
<u>Section 27</u>	NE 1/4	161 ac		NW 1/4 of SE 1/4	40 ac
	NW 1/4 of SE 1/4	40 ac		SE 1/4 of SE 1/4	40 ac
	NE 1/4 of SE 1/4	40 ac	<u>Section 27</u>	SW 1/4 of SE 1/4	40 ac
	SE 1/4 of SE 1/4	40 ac		W 1/2	320 ac
<u>Section 34</u>	NE 1/4 of NE 1/4	40 ac		NW 1/4 of NE 1/4	39 ac
	SE 1/4 of NE 1/4	40 ac		NE 1/4 of NE 1/4	39 ac
	NE 1/4 of SE 1/4	20 ac	<u>Section 28</u>	ALL	639 ac
	SE 1/4 of SE 1/4	27 ac	<u>Section 29</u>	ALL	645 ac
<u>Section 35</u>	NW 1/4 of NW 1/4	39 ac	<u>Section 30</u>	ALL	640 ac
	NE 1/4 of NW 1/4	39 ac	<u>Section 31</u>	ALL	637 ac
	SE 1/4 of NW 1/4	39 ac	<u>Section 32</u>	ALL	641 ac
	SW 1/4 of NW 1/4	39 ac	<u>Section 33</u>	ALL	639 ac
	NE 1/4	160 ac	<u>Section 34</u>	W 1/2	320 ac
	NW 1/4 of SE 1/4	40 ac		Subtotal	<u>10,688 ac</u>
	NE 1/4 of SE 1/4	40 ac		Total	<u>17,232 ac</u>

Description of SFM from NOPC, January 2009

Township 32 South, Range 25 East

Section	Quarter	Quarter Quarter	Acres
10	SE	SE	40
11	SE	NE	32
		NW	33
		SE	40
		SW	40
SW	NE	3	
	SW	40	
12	SE	NW	39
		SE	40
		SW	40
	SW	NE	39
		NW	32
		SE	41
SW		41	
13	All	All	649
14	NE	All	161
	NW	NE	38
		NW	29
		SE	39
		SW	40
	SE	All	161
	SW	NE	39
NW		39	
SE		39	
SW		40	
15	NE	NE	40
		SE	33
	SE	All	161
22	NE	All	161
	NW	NE	13
		SE	40
	SE	All	160
	SW	NE	40
23	NE	All	161
	NW	NE	39
		NW	40
		SE	39
		SW	39
	SE	All	161
	SW	NE	39
		NW	40
SE		39	
SW		40	
24	All	All	648
25	All	All	644
26	NE	All	160
	NW	NE	39
		NW	40
		SE	40
		SW	39
	SE	All	161
	SW	NE	40
		NW	28
SE		40	
SW		39	

Description of SFM from NOPC, January 2009 (continued)

Township 32 South, Range 25 East (Continued)

Section	Quarter	Quarter Quarter	Acres
27	NE	All	160
	SE	NE	40
		NW SE	40 40
34	NE	NE	40
		SE	40
	SE	NE SE	19 27
35	NE	All	161
	NW	NE	39
		NW	40
		SE	39
		SW	40
	SE	NE	40
		NW	40
		SE	40
		SW	14
	SW	NE	39
NW		40	
SE		38	
SW		29	
36	NE	All	641
Subtotal			6,623

Description of SFM from NOPC, January 2009 (continued)

Township 32 South, Range 26 East

Section	Quarter	Quarter Quarter	Acres
3	SE	NE	39
		NW	35
		SE	29
		SW	40
	SW	SE	40
		SW	40
4	SW	NW	20
		SE	40
		SW	40
8	NE	NE	40
		NW	25
		SE	30
		SW	23
	SE	SE	40
9	NW	NE	40
		NW	40
		SE	40
		SW	40
	SW	NE	10
		NW	23
		SW	40
10	NE	NW	30
		SE	39
		SW	40
	NW	All	161
SE	All	159	
SW	All	161	
14	NW	All	161
15	NE	NE	39
		NW	40
		SE	40
		SW	40
	NW	All	162
SE	NE	40	
		NW	40
SW	All	162	
16	All	All	643
17	All	All	641
18	All	All	641
19	All	All	641
20	All	All	642
21	All	All	644
22	NW	All	162
	SE	NW	40
		SE	40
		SW	41
SW	All	161	
27	NE	NE	40
		NW	40
	NW	All	159
SW	All	159	
28	All	All	639
29	All	All	645
30	All	All	640
31	All	All	637
32	All	All	641
33	All	All	639
34	NW	All	161
	SW	All	159
Subtotal			10,885
Grand Total			17,508

Legal Description of Devane and Best properties

DEVANE

19.4 acres located in the S $\frac{1}{2}$ of the NE $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 35, Township 32S, Range 25E, Polk County, FL (referred to as the "Devane" parcel).

BEST

19.8 acres located in the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 32S, Range 25E, Polk County, FL (referred to as the "Best" parcel).

Legal Description of Sun Grove Citrus property

West 200 feet (approximately 3.0 acres) of the S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9,
Township 32S, Range 26E.

Legal Description of Old Colony Addition

IN TOWNSHIP 32 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA:

Section 4:

- a) SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$.
- b) E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$.
- c) W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$.
- d) N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$.
- e) E $\frac{3}{4}$ of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$.

Section 8:

- a) N $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$.
- b) NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$.
- c) E $\frac{3}{4}$ of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$.
- d) E $\frac{3}{4}$ of the N $\frac{3}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$.
- e) W $\frac{1}{4}$ of the N $\frac{3}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ LESS the N $\frac{1}{4}$ thereof.

Section 9:

- a) NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- b) S $\frac{3}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- c) N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- d) E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- e) S $\frac{3}{4}$ of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- f) SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$.
- g) W $\frac{3}{4}$ of the N $\frac{1}{4}$ of the SW $\frac{1}{4}$ LESS: the N $\frac{1}{2}$ of the W $\frac{1}{4}$ of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$.
- h) West 200 feet of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$.

POLK COUNTY BOARD OF COUNTY COMMISSIONERS
Polk County, Florida

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. 09-093 of the Board of County Commissioners, which was adopted by the said Board on the 20th day of May 2009.

WITNESS my hand and official seal on this 21st day of May 2009.

Richard M. Weiss
Clerk and Auditor

By: *Freda L. Wade*
Deputy Clerk

(SEAL)



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 the Resolution No. 09-093, the Restated and Amended Development Order for the South Fort Meade Phosphate Mine Development of Regional Impact which was adopted by said Board on May 20, 2009.

WITNESS my hand and official seal on this 1st day of June 2009.

RICHARD M. WEISS, CLERK

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

