

**Manatee County**

**CLERK OF THE CIRCUIT COURT**

**Richard B. "Chips" Shore**

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CLERK CIRCUIT AND COUNTY COURT - CLERK BOARD OF COUNTY COMMISSIONERS -- COUNTY COMPTROLLER, AUDITOR AND RECORDER

P.O. BOX 1000 -- MANATEE COUNTY COURTHOUSE -- BRADENTON, FLORIDA 34206 -- (813) 749-1800 -- FAX (813) 749-7194

*July 19, 1990*

July 19, 1990

*42*

Tampa Bay Regional Planning Council  
Attn: Ms. Julia Green, Executive Director  
9455 Koger Boulevard  
St. Petersburg, Florida 33702

Dear Ms. Green:

Enclosed for your records is a certified copy of Resolution R-90-60 adopted by the Board of County Commissioners, Manatee County, Florida, in open session on July 17, 1990.

Sincerely,



R. B. Shore

RBS/rll  
enclosure  
cc: Board Records

*DEF 1/15/95*

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO THE LEGAL DESCRIPTION OF THE DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE, DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, the Wingate Creek Mine possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, certain property within the Wingate Creek Mine described in R-88-236 has been sold to BB/Manatee Associates, a successor of Roger B. Broderick; and

WHEREAS, the Development Order specifies, in Section D, that the deletion of property can occur upon meeting certain conditions; and

WHEREAS, Manatee County has received a letter from the Florida Department of Natural Resources certifying that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions and the property has been released from the Reclamation Plan; and

WHEREAS, the Director of Public Works for Manatee County has certified that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions, and the property has been released from the Reclamation Plan; and

WHEREAS, the County has received a legal description, attached hereto as Exhibit "A", of the property proposed for deletion and has received a written request from the owner's attorney; and

WHEREAS, Manatee County has received a Mineral Right and Royalty Transfer from Nu-Gulf Industries, recorded in the Official Records of Manatee County at O. R. Book 1284, Page 2683.

NOW, THEREFORE, be it resolved by the Board of County Commissioners that:

1. The conditions specified in R-88-236 have been fulfilled for the deletion of the property described on Exhibit "A".

2. The Board hereby deletes the property described in Exhibit "A" from the Amended Development Order for Wingate C1 Mine Development of Regional Impact, the Master Mine Plan and the Operating Permit for Wingate Creek Mine and directs that it be reflected in the next annual report submitted pursuant to Subsection 380.06(18), Florida Statutes.

3. The deletion of property shall be effective as of January 19, 1990, the date of recording of the transfer of property to BB/Manatee Associates.

4. The Clerk of the Board of County Commissioners is directed to send certified copies of this Resolution to Roger B. Broderick, Hugh McGuire, Registered Agent for Nu-Gulf Industries, Tampa Bay Regional Planning Council and the Department of Community Affairs, within fifteen (15) days of its adoption.

ADOPTED with a quorum present and voting this the 17<sup>th</sup> day of July, 1990.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: *John A. Shore*  
Chairman

ATTEST: *R. B. Shore*  
Clerk of the Circuit Court

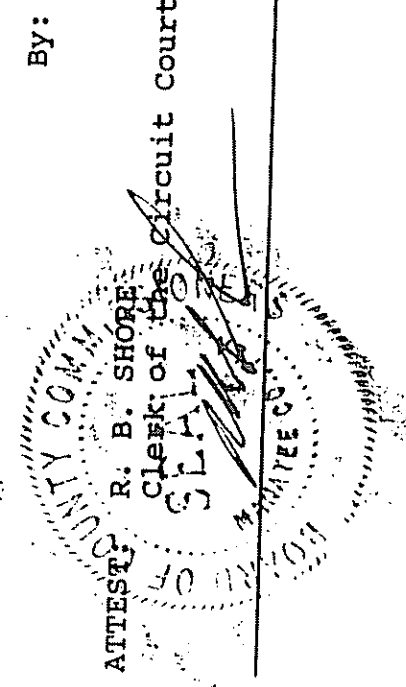


EXHIBIT "A"

COMMENCE AT THE S.E. CORNER OF SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST; THENCE N 00°31'38" E, ALONG THE EAST LINE OF SAID SECTION 36, 1550.00 FT.; THENCE N 09°28'22" W, PERPENDICULAR TO THE EAST LINE OF SAID SECTION 36, 99.97 FT. TO THE INTERSECTION WITH THE WEST R/W (200.0 FT. WIDE) OF STATE ROAD NO. 39 (SECTION 13170-2502), FOR A P.O.B.; THENCE CONTINUE N 09°28'22" W, 3400.00 FT.; THENCE S 00°31'38" W, PARALLEL TO THE EAST LINE OF SAID SECTION 36 AND SOUTHERLY EXTENSION THEREOF, 4000.00 FT. THENCE S 09°28'22" E, PERPENDICULAR TO THE EAST LINE OF SAID SECTION 36 AND SOUTHERLY EXTENSION THEREOF, 1500.00 FT.; THENCE S 00°31'38" W, PARALLEL TO THE EAST LINE OF SAID SECTION 36 AND SOUTHERLY EXTENSION THEREOF, 600.00 FT.; THENCE S 05°12'02" E, 2140.71 FT. TO THE INTERSECTION WITH THE WEST R/W OF SAID STATE ROAD NO. 39, SAID POINT BEING ON THE ARC OF A CURVE, WHOSE RADIUS POINT LIES S 00°21'26" W, 5629.58 FT. AND HAVING A CHORD OF N 10°15'24" W, 106.13 FT.; THENCE NORTHERLY, ALONG SAID WEST R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°53'40", 106.14 FT. TO THE P.T. OF SAID CURVE; THENCE N 11°32'14" W, ALONG SAID WEST R/W, 300.00 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 5829.58 FT. AND A CHORD OF N 05°38'40" W, 1196.99 FT.; THENCE NORTHERLY, ALONG SAID WEST R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°47'07", 1199.10 FT. TO THE P.T. OF SAID CURVE; THROUGH A CENTRAL ANGLE OF 11°47'07", 1199.10 FT. TO THE P.T. OF SAID CURVE; THENCE N 00°14'53" E, ALONG SAID WEST R/W, 1543.26 FT.; THENCE N 00°31'43" E, ALONG SAID WEST R/W, 1550.17 FT. TO THE P.O.B., BEING AND LYING IN SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST AND SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.  
CONTAINING 345.000 ACRES.

COMMENCE AT THE S.E. CORNER OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST; THENCE N 00°14'53" E, ALONG THE EAST LINE OF SAID SECTION 1, 1764.04 FT. TO THE INTERSECTION WITH THE NORTH R/W (100.0 FT. WIDE) OF STATE ROAD NO. 64 (SECTION 1314-103) AND THE WEST R/W (200.0 FT. WIDE) OF STATE ROAD NO. 39 (SECTION 13170-2502), FOR P.O.B.; THENCE CONTINUE N 00°14'53" E, ALONG THE EAST LINE OF SAID SECTION 1 AND THE WEST R/W OF SAID STATE ROAD NO. 39, 549.57 FT. TO THE P.C. OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 5629.58 FT. AND CHORD OF N 04°41'50" W, 970.61 FT.; THENCE NORTHWESTERLY, ALONG SAID WEST R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09°53'27", 971.02 FT.; THENCE N 05°12'02" W, 186.90 FT.; THENCE S 00°14'53" W, PARALLEL TO THE EAST LINE OF SAID SECTION 1, AND 270.0 FT. WESTERLY THEREFROM, 1574.24 FT. TO THE INTERSECTION WITH THE NORTH R/W OF SAID STATE ROAD NO. 64; THENCE N 09°38'42" E, ALONG THE SAID NORTH R/W, 270.00 FT. TO THE P.O.B., BEING AND LYING IN SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.  
CONTAINING 0.823 ACRES.

FILED AND RECORDED  
R.B. SHORE, CLERK  
MANATEE COUNTY, FL.

JAN 19 1990

STATE OF FLORIDA  
COUNTY OF MANATEE

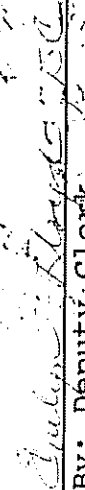
I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of a RESOLUTION adopted by the Board of County Commissioners of said County in session on the 17th day of July, 1990.

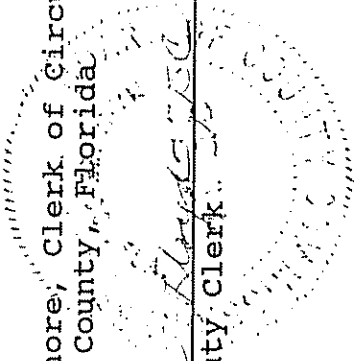
SUBJECT: **RESOLUTION R-90-60:**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO THE LEGAL DESCRIPTION OF THE DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE, DEVELOPMENT OF REGIONAL IMPACT.

WITNESS My Hand and Official Seal this the 19th day of July, 1990, in  
Bradenton, Florida.

R. B. Shore, Clerk of Circuit Court  
Manatee County, Florida

  
By: Deputy Clerk



RESOLUTION MODIFYING A PORTION OF A DRI DEVELOPMENT ORDER AND  
A RESOLUTION GRANTING SPECIAL EXCEPTION AND APPROVING MASTER PLAN

WHEREAS, a DRI Development Order (D. R. I. -5) and a Resolution Granting Special Exception And Approving Master Plan (S. E. -774) were both duly entered or adopted by the Board of County Commissioners of Manatee County, Florida, on January 28, 1975, in connection with an Application For Development Approval Of A Development Of Regional Impact and an Application For A Special Exception, together with an Application For Approval Of A Master Plan By Beker Phosphate Corporation, hereinafter referred to as "Beker", and

WHEREAS, paragraph 8 on page 4 of said Development Order and paragraph (e) on page 3 of said Resolution both provided that Beker shall construct two certain secondary dams prior to the beginning of mining operations, and

WHEREAS, new Wetlands Rules were originally adopted on June 10, 1975, by the Florida Department of Environmental Regulation, hereinafter referred to as the "DER", which required Beker to make application for and to obtain a Permit from the DER for the construction of said secondary dams, and

WHEREAS, Beker filed an Application on July 23, 1976, with the DER for a Permit to construct said secondary dams, and

WHEREAS, written notice dated November 24, 1976, was given Beker by the DER of the intention of DER to deny said Permit Application because in the opinion of the DER the construction of said secondary dams was not needed for water quality protection and the actual construction thereof would adversely affect water quality, and

WHEREAS, the DER has determined that the primary dam proposed by Beker for its Phosphate Mining Project meets the requirements of the DER for construction and the DER will require that the requirement for maintenance and inspection of said primary dam be adhered to, and

WHEREAS, it is recognized that greater demands will be made in the future upon the water resources of Manatee County, Florida, that the site of the construction of the proposed secondary dam on the East Fork of the Manatee River has been identified as having suitable geological characteristics for the construction of a dam and reservoir for the Manatee

County Utilities System, and that the waters proposed to be stored and conserved by said reservoir will augment surface and ground water resources of Manatee County, Florida, to provide water for consumptive use by persons in Manatee County, Florida, and said dam and reservoir would provide flood control for Lake Manatee and the portions of the Manatee River below or downstream therefrom, and

WHEREAS, a Notice Of Public Hearing on the possible modification of said DRI Development Order and said Resolution to eliminate the requirement that said secondary dams be constructed prior to the commencement of mining operations, was duly published on March 23, 1977, in the Bradenton Herald, a newspaper of general circulation in Manatee County, Florida, with a copy of said Notice Of Public Hearing being furnished to Beker and to the attorney of record for Beker, and

WHEREAS, pursuant to said Notice Of Public Hearing, a public hearing was duly held on April 12, 1977, before said Board of County Commissioners and representatives of Beker and others made presentations, and said Board of County Commissioners having considered the foregoing is fully advised and informed in the premises.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, as findings of fact, that:

1. Construction of the two certain secondary dams by Beker prior to the commencement of the proposed mining operations by Beker are not needed to provide positive protection against dam or dike failure in said mining operations.
2. The primary dam proposed by Beker shall meet the rules of the DER pertaining to minimum requirements for earthen dams and this affords maximum protection against any such dam or dike failure.
3. Amending the above-identified DRI Development Order and the above-identified Resolution entered or adopted January 28, 1975, to delete the requirement that Beker construct two secondary dams prior to the beginning of its mining operations is not a significant or substantial deviation from the terms and conditions of said DRI Development Order and does not represent a change in the development plans which would create a reasonable likelihood of adverse local or regional impacts.

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

- A. The above-identified DRI Development Order entered or adopted January 23, 1975, is hereby amended by striking and deleting therefrom all of paragraph 5 on page 4 thereof in its entirety.
- B. The above-identified Resolution Granting Special Exception And Approving Master Plan adopted December 28, 1975, is hereby amended by striking and deleting therefrom all of paragraph (e) on page 3 thereof in its entirety.
- C. Except as herein specifically amended, nothing herein contained shall be construed as altering, modifying or otherwise changing any portion of said DRI Development Order or said Resolution, and same shall remain in full force and effect except for the specific provisions thereof stricken or deleted by the provisions of this Resolution.
- D. The County Attorney is hereby authorized and directed to cause a certified copy hereof to be served upon the Florida Division of State Planning, the Tampa Bay Regional Planning Council, the Southwest Florida Water Management District and Beker Phosphate Corporation.

ADOPTED, in regular session with a quorum present and voting, this the 12th day of April, 1977.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: Louis E. Diggers  
Chairman

ATTEST: R. B. SHORE,  
Clerk of Circuit Court

R. B. Shore



NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN, that the possible modification of the DRI Development Order (D.R.I. -5) and the Resolution Granting Special Exception And Approving Master Plan (S.E. -774) entered and adopted by the Board of County Commissioners of Manatee County, Florida, on January 28, 1975, to eliminate the requirement that Beker Phosphate Corporation construct two certain secondary dams prior to the beginning of mining operations, will be considered at a public hearing of said Board of County Commissioners on Tuesday, April 12, 1977, at 9:00 a.m., or as soon thereafter as same may be heard in the County Commission Chambers, Manatee County Court House, Bradenton, Florida.

All interested parties are invited to appear in person or by written communication concerning said possible modification.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

CERTIFICATE OF SERVICE

It is hereby certified that a copy hereof has been served upon Beker Phosphate Corporation, Southeast National Bank Building, 920 Manatee Avenue West, Bradenton, Florida 33505 and upon John P. Harllee, III, of Harrison, Harllee, Porges & Mastry, 1205 Manatee Avenue West, Bradenton, Florida 33505, as the attorney for Beker Phosphate Corporation, by mail, this the 18th day of March, 1977.

  
\_\_\_\_\_  
of Mann, Fay and Price, Chartered  
Post Office Box 959

Bradenton, Florida 33506

As the attorneys for the Board of County Commissioners of Manatee County, Florida

STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, Ex Officio Clerk, Board of County Commissioners, Manatee County, Florida, do hereby certify that the above and foregoing is a true copy of a RESOLUTION adopted by said Board in session on 12th day of April, 1977.

Subject:

Resolution Modifying a Portion of a DRI Development Order and a Resolution Granting Special Exception and Approving Master Plan

WITNESS my hand and official seal this 15th day of April, 1977.

R. B. Shore, Clerk of Circuit Court,  
Ex Officio Clerk, Board of County  
Commissioners, Manatee County, Florida

By



JAN 30 1975

Planning & Development Dept.

DRI DEVELOPMENT ORDER

WHEREAS, on the 11th day of October, 1974, Beker Phosphate Corporation, a wholly owned subsidiary of Beker Industries Corp., filed its Application for Development of Regional Impact pursuant to Section 380.06(6), Florida Statutes, requesting approval to conduct phosphate mining operations on the following described property located in Manatee County, Florida:

Township 34 South, Range 21 East, Manatee County Sections 12, 13, 24, 25 and the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 26 and all of Section 36 except right of way for State Road 39.

Township 34 South, Range 22 East, Manatee County Sections 19, 20, 21, 28, 29, 31 and the North  $\frac{1}{2}$  of Section 30.

Township 35 South, Range 22 East, Manatee County In Section 6, that part of the N 3/4 lying North of State Road 64 and that part of the S $\frac{1}{2}$  of SW $\frac{1}{4}$  and of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  lying South of State Road 64; all of Section 7, less the E $\frac{1}{2}$  of the NE $\frac{1}{4}$ ; Section 17, all of the SW $\frac{1}{4}$  west of Myakka Road; and in Section 18, all less the NE of NW and SW of NE

Township 35 South, Range 21 East, Manatee County The E $\frac{1}{2}$  of Section 12 and all of Section 1 less and except strip conveyed to the State for highway, also less that part of the SW $\frac{1}{4}$  lying South of State Road 64. Also, all of Section 13.

WHEREAS, pursuant to Section 380.06(7), Florida Statutes, and Section VIII, A, 1, of the Manatee County Zoning Ordinance, the Manatee County Planning Commission gave notice of the hearing to be held on the application; and

WHEREAS, pursuant to Section 380.06(8), Florida Statutes, Tampa Bay Regional Planning Council, the appropriate regional planning agency, prepared and submitted to the Manatee County Planning Commission their report and recommendations on the regional impact of the proposed development; and

WHEREAS, pursuant to Section 380.06(7), Florida Statutes, and Section VIII, A, 1, of the Manatee County Zoning Ordinance, the Manatee

County Planning Commission on January 8, 1975, held a public hearing on the application and by letter submitted to this Board their report and recommendations; and

WHEREAS, on January 21, 1975, the Board at an open public meeting considered the report and recommendations of Tampa Bay Regional Planning Council, the certified record of the documentary and oral evidence presented to the Planning Commission, the report and recommendations of the Planning Commission, the application for development of regional impact submitted by Beker and the comments upon the record made to this Board at said meeting. After full consideration of the reports, recommendations and testimony, this Board hereby finds and determines:

- a. The development is not in an area designated an area of critical concern pursuant to the provisions of Section 380.05, Florida Statutes.
- b. The State has not adopted a land development plan which is applicable to this area.
- c. The development is consistent with the land development regulations of Manatee County.
- d. The development is consistent with the report and recommendations of Tampa Bay Regional Planning Council and the Manatee County Planning Commission.

NOW THEREFORE, after due consideration of the consistency of this development with regulations and the regional impact, this Board in open public meeting assembled hereby approves the application for development of regional impact submitted by Beker Phosphate Corporation subject to the following terms and conditions:

1. Beker shall initiate an ambient air monitoring program to determine present conditions and shall continue the program throughout the life of the development. The data from the program shall be made available to the Manatee County Health Department and the Florida Department of Pollution Control.

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2. Beker shall, in order to minimize the effect of its mining operation upon the vegetative communities and wildlife,

(a) Monitor the river hardwood areas in order to prevent excess flooding but to allow adequate moisture.

TBRPC# 2  
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(b) Establish a monitoring program in consultation with the Manatee County Health Department to insure water quality of the river systems located on the site.

(c) Provide in its ultimate reclamation plan that some areas will be restored in a manner that is conducive to the re-establishment of local climax vegetation communities.

(d) Seek the aid of the Florida Fresh Water Fish and Game Commission to determine sound management practices before constructing large lakes and reservoirs on the site.

(e) Furnish Tampa Bay Regional Planning Council with copies of its Annual Progress Report, required by Section VI, paragraph 16, of the Manatee County Zoning Ordinance.

3. Beker shall direct its reclamation plans toward agricultural uses wherever possible. TBRPC # 3

4. Beker shall coordinate the operation of the gate structures on the secondary dams with the Manatee County Utilities System; however, the control of the structures and the responsibility for same shall be Beker's. TBRPC# 4

5. In the event of a primary dam failure, Beker shall be required to remove silt which is captured by the secondary dam, and return it to the mining area. TBRPC # 5

6. Beker shall initiate and maintain a monitoring program designed to determine the effect of its mining operations upon salt water intrusion and upon the surface and subsurface water systems by creating data on the water levels in the deep and shallow aquifer systems, as well as on surface discharges. This data shall be made available to any agency of this County, the appropriate water management ~~TBRPC#5~~ agency or the Department of Pollution Control, if applicable.

7. Any significant deviation from the terms of this development order and the plans described in the DRI Application for development approval shall cause a termination of all development activity and a retriggering of the DRI process. ~~TBRPC#6~~

8. Beker shall construct the two secondary dams prior to the beginning of mining operations.

9. Beker shall comply with the provisions of Section VI, paragraph 16 of the Manatee County Zoning Ordinance and all of the provisions contained in the Resolution Granting Special Exception and approving Master Plan of the Board of County Commissioners dated the 28th day of January, 1975.

10. Beker shall undertake an archaeological and historical survey of the property by a qualified archaeologist prior to commencing mining operations.

11. That this Development Order shall remain in effect from this date for a period to terminate twenty-three (23) years from the date of this order, provided that this effective period may be extended by this Board upon a showing of good cause.

12. This DRI Development Order shall be deemed rendered as of this date for the purposes of computing the thirty-day appeal period provided under Section 380.07(2), Florida Statutes.

13. Certified copies of this order are to be sent immediately to the Division of State Planning, Tampa Bay Regional Planning Council and Beker Phosphate Corporation.

ORDERED at Bradenton, Manatee County, Florida, this  
28th day of January, 1975.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

By: Don P McChesney  
Chairman

ATTEST: M. T. McInnis  
Clerk of the Circuit Court

By: [Signature]  
Deputy Clerk

JAN 30 1975

Planning & Development Dept.

DRI DEVELOPMENT ORDER

WHEREAS, on the 11th day of October, 1974, Beker Phosphate Corporation, a wholly owned subsidiary of Beker Industries Corp., filed its Application for Development of Regional Impact pursuant to Section 380.06(6), Florida Statutes, requesting approval to conduct phosphate mining operations on the following described property located in Manatee County, Florida:

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Township 35 South, Range 22 East, Manatee County In Section 6, that part of the N 3/4 lying North of State Road 64 and that part of the S $\frac{1}{2}$  of SW $\frac{1}{4}$  and of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  lying South of State Road 64; all of Section 7, less the E $\frac{1}{2}$  of the NE $\frac{1}{4}$ ; Section 17, all of the SW $\frac{1}{4}$  west of Myakka Road; and in Section 18, all less the NE of NW and SW of NE

Township 35 South, Range 21 East, Manatee County The E $\frac{1}{2}$  of Section 12 and all of Section 1 less and except strip conveyed to the State for highway, also less that part of the SW $\frac{1}{4}$  lying South of State Road 64. Also, all of Section 13.

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WHEREAS, pursuant to Section 380.06(8), Florida Statutes, Tampa Bay Regional Planning Council, the appropriate regional planning agency, prepared and submitted to the Manatee County Planning Commission their report and recommendations on the regional impact of the proposed development; and

WHEREAS, pursuant to Section 380.06(7), Florida Statutes, and Section VIII, A, 1, of the Manatee County Zoning Ordinance, the Manatee

WL ✓  
DG ✓  
MM ✓

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County Planning Commission on January 8, 1975, held a public hearing on the application and by letter submitted to this Board their report and recommendations; and

WHEREAS, on January 21, 1975, the Board at an open public meeting considered the report and recommendations of Tampa Bay Regional Planning Council, the certified record of the documentary and oral evidence presented to the Planning Commission, the report and recommendations of the Planning Commission, the application for development of regional impact submitted by Beker and the comments upon the record made to this Board at said meeting. After full consideration of the reports, recommendations and testimony, this Board hereby finds and determines:

- a. The development is not in an area designated an area of critical concern pursuant to the provisions of Section 380.05, Florida Statutes.
- b. The State has not adopted a land development plan which is applicable to this area.
- c. The development is consistent with the land development regulations of Manatee County.
- d. The development is consistent with the report and recommendations of Tampa Bay Regional Planning Council and the Manatee County Planning Commission.

NOW THEREFORE, after due consideration of the consistency of this development with regulations and the regional impact, this Board in open public meeting assembled hereby approves the application for development of regional impact submitted by Beker Phosphate Corporation subject to the following terms and conditions:

1. Beker shall initiate an ambient air monitoring program to determine present conditions and shall continue the program throughout the life of the development. The data from the program shall be made available to the Manatee County Health Department and the Florida Department of Pollution Control.

TBR'  
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2. Beker shall, in order to minimize the effect of its mining operation upon the vegetative communities and wildlife,

(a) Monitor the river hardwood areas in order to prevent excess flooding but to allow adequate moisture.

TBRPC# 2  
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(b) Establish a monitoring program in consultation with the Manatee County Health Department to insure water quality of the river systems located on the site.

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7. Any significant deviation from the terms of this development order and the plans described in the DRI Application for development approval shall cause a termination of all development activity and a retriggering of the DRI process. ~~TBRPC#6~~ TBRPC#6

8. Beker shall construct the two secondary dams prior to the beginning of mining operations.

9. Beker shall comply with the provisions of Section VI, paragraph 16 of the Manatee County Zoning Ordinance and all of the provisions contained in the Resolution Granting Special Exception and approving Master Plan of the Board of County Commissioners dated the 28th day of January, 1975.

10. Beker shall undertake an archaeological and historical survey of the property by a qualified archaeologist prior to commencing mining operations.

11. That this Development Order shall remain in effect from this date for a period to terminate twenty-three (23) years from the date of this order, provided that this effective period may be extended by this Board upon a showing of good cause.

12. This DRI Development Order shall be deemed rendered as of this date for the purposes of computing the thirty-day appeal period provided under Section 380.07(2), Florida Statutes.

13. Certified copies of this order are to be sent immediately to the Division of State Planning, Tampa Bay Regional Planning Council and Beker Phosphate Corporation.

ORDERED at Bradenton, Manatee County, Florida, this  
28th day of January, 1975.

BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA

By: Don P McClure  
Chairman

ATTEST: M. T. McInnis  
Clerk of the Circuit Court

By: [Signature]  
Deputy Clerk