



Mosaic Fertilizer, LLC
13830 Circa Crossing Drive
Lithia, FL 33547
www.mosaicco.com

Tel 813-500-6300
Fax 813-571-6925

January 30, 2025

Ms. Chanda Bennett
Comprehensive Planning Administrator
Polk County Planning and Development
330 W. Church Street, Drawer TS05
Bartow, Florida 33831-9005

**Re: 2024 Annual DRI Development Order Report
South Fort Meade Mine – Polk County**

Dear Ms. Bennett,

Enclosed for your review is the 2024 Annual DRI Development Order Report as required by Resolution 18-007 Condition III.I for Mosaic's South Fort Meade Mine in Polk County. A \$423.00 check also accompanies this report to cover the DRI Annual Report review fee, per Polk County Resolution No. 01-28, Schedule of Fees.

If you have any questions or require further information, please contact me at (813) 500-6399 or Allison.Gordon@mosaicco.com.

Sincerely,

A handwritten signature in blue ink that reads "Allison Gordon". The signature is written in a cursive, flowing style.

Allison Gordon
Senior Permitting Engineer

Enclosure

cc: Distribution List
Shelley Thornton – Mosaic (via email)

**SOUTH FORT MEADE – POLK COUNTY
DEVELOPMENT OF REGIONAL IMPACT
ANNUAL REPORT**

Reporting Period: January 1, 2024 December 31, 2024
Month/Day/Year **Month/Day/Year**

Development: South Fort Meade Mine – Polk County
Name of DRI

Location: Fort Meade Polk
City **County**

Developer: Name: Mosaic Fertilizer, LLC
Company Name

Address: 13830 Circa Crossing Drive
Street Location
Lithia, Florida 33547
City, State, Zip Code

- 1. Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.**

Note: If a response is to be more than one sentence, attach as Exhibit A a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items if applicable:

- a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;**

Please refer to the attached Map 1 for a summary of the remaining mining left at the South Fort Meade Mine in Polk County.

- b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;**

On October 24, 2024 Mosaic submitted an application to amend DRI Resolution 18-007 to extend the current November 4, 2025, DRI expiration date by an additional 20 years to facilitate the continued processing of rock from Hardee County.

- c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S.**

A copy of the recorded version of Resolution 18-007 is attached to this annual report.

- 2. Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new DRI development order for the project? Provide a copy of the order adopted by the annexing local government.**

There have been no changes in jurisdiction.

- 3. Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.**

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

Please refer to the attached Map 1 for a summary of the remaining mining left at the South Fort Meade Mine in Polk County.

- 4. Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.**

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response is to be more than one sentence, attach as Exhibit C.

The following summarizes mining status to date:

| Period | Acres Mined | Cumulative Acres Mined to Date | Cumulative Average Acres Mined to Date |
|--------|-------------|--------------------------------|--|
| 1991 | 0 | 0 | 0 |
| 1992 | 0 | 0 | 0 |
| 1993 | 0 | 0 | 0 |
| 1994 | 0 | 0 | 0 |
| 1995 | 188.00 | 188.00 | 37.60 |
| 1996 | 409.00 | 597.00 | 99.50 |
| 1997 | 520.24 | 1,117.24 | 159.61 |
| 1998 | 703.43 | 1,820.67 | 227.58 |
| 1999 | 624.29 | 2,444.96 | 271.66 |
| 2000 | 662.02 | 3,106.98 | 310.70 |
| 2001 | 803.28 | 3,910.26 | 355.48 |
| 2002 | 784.99 | 4,695.25 | 391.27 |
| 2003 | 802.75 | 5,498.00 | 422.92 |
| 2004 | 671.83 | 6,169.83 | 440.70 |
| 2005 | 863.51 | 7,033.34 | 468.89 |
| 2006 | 814.9 | 7,848.24 | 490.52 |
| 2007 | 991.8 | 8,840.04 | 520.00 |
| 2008 | 799.9 | 9,639.94 | 535.55 |
| 2009 | 668.56 | 10,308.5 | 542.55 |
| 2010 | 382.4 | 10,690.9 | 534.55 |
| 2011 | 209.4 | 10,900.3 | 519.1 |
| 2012 | 236.5 | 11,136.8 | 506.2 |
| 2013 | 6.1 | 11,142.9 | 484.5 |
| 2014 | 0 | 11,142.9 | 464.3 |
| 2015 | 0 | 11,142.9 | 445.7 |
| 2016 | 0 | 11,142.9 | 428.6 |
| 2017 | 0 | 11,142.9 | 412.7 |
| 2018 | 0 | 11,142.9 | 397.96 |
| 2019 | 43.86 | 11,186.76 | 385.75 |
| 2020 | 177.6 | 11,364.36 | 378.81 |
| 2021 | 0 | 11,364.36 | 366.59 |
| 2022 | 0 | 11,364.36 | 355.14 |
| 2023 | 0 | 11,364.36 | 344.37 |
| 2024 | 0 | 11,364.36 | 334.25 |

5. **Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps which show the tracts involved.**

| | |
|--------------|--------------|
| Tract | Buyer |
|--------------|--------------|

Note: If a response is to be more than one sentence, attach as Exhibit D.

No tracts were sold during this reporting period.

6. Describe any lands purchased or optioned adjacent to the original DRI site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

Note: If a response is to be more than one sentence, attach as Exhibit E.

No lands have been purchased or optioned in Polk County adjacent to the mine boundary since the issuance of the most current development order (Resolution No. 18-007).

7. List any substantial local, state and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

Note: If a response is to be more than one sentence, attach as Exhibit F.

The two-year renewal for the Polk County Operating Permit was submitted to the County in January of 2025.

The following is a tabulation of permits that were active during the reporting period:

| Action* | Agency | Permit No. | For |
|---------|----------|--------------------------|---|
| C | Polk Co. | Resolution 18-007 | Development Order for a DRI |
| A | Polk Co | Unnumbered | 2025-2027 Operating Permit |
| C | Polk Co | Unnumbered | 2009 Conceptual Mine Plan Change |
| C | FDEP | 0146465-010 | Environmental Resource Permit for Old Colony |
| C | FDEP | 0146465-011 | Environmental Resource Permit for Devane & Best |
| C | FDEP | MOS-SFM-CPC | Conceptual Reclamation Plan |
| C | FDEP | 0146465-012 | Wetland Resource Permit Modification |
| C | FDEP | 0146465-032 | Wetland Resource Permit Modification |
| C | FDEP | 0146465-033 | Permit Expiration Extension for Devane & Best |
| C | FDEP | 0146465-046 | Environmental Resource Permit for Thompson Grove & Mott |
| C | FDEP | 0146465-047 | Transfer to Operational Phase for Devane & Best |
| C | FDEP | 0146465-048 | Wetland Resource Permit Modification |
| C | FDEP | 0146465-049 | Wetland Resource Permit Modification |
| C&A | FDEP | 0146465-052 | Permit Expiration Extension for Old Colony |
| C | ACOE | SAJ-1993-00450 | Mine Wide |
| C | ACOE | SAJ-1993-00450 (SP-MGH) | Permit Expiration Extension for Mine Wide |
| C | ACOE | SAJ-1993-00450 (NPR-MH) | No Permit Required for Old Colony |
| C | ACOE | SAJ-1993-00450 (NPR-MGH) | No Permit Required for Devane & Best |

* A – Applied for
 O – Obtained
 C – Continued in Effect
 C & A – Applied for Modification of Active Permit

- 8. Provide a list specifying each development order conditions and each developer commitment as contained in the ADA. State how and when each condition or commitment has been complied with during the annual report reporting period.
Note: Attach as Exhibit G.**

See Exhibit "G".

- 9. Provide any information that is specifically required by the development order to be included in the annual report.**

Information that is specifically required by the development order is contained within this report.

- 10. Provide a statement certifying that all persons have sent copies of the annual report in conformance with Subsections 380.0(15) and (18), F.S.**

By my signature below, I certify that all of those persons shown on the Distribution List have been provided a copy of this report.

Signature:



Person completing the
questionnaire:

Allison Gordon

Title:

Senior Permitting Engineer

Representing:

Mosaic Fertilizer, LLC

Distribution List:

Ms. Jennifer Codo-Salisbury
Executive Director, CFRPC
P.O. Box 2089
555 E. Church Street
Bartow, FL 33831

Ms. Marisa Rhian
Environmental Administrator
Florida Department of Environmental Protection*
Mining and Mitigation Program, MS 3577
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Mr. John Fellows
USACOE*
Tampa Regulatory Office
10117 Princess Palm Ave. Suite 120
Tampa, FL 33610

Mr. James Golden
Southwest Florida Water Management District*
2379 Broad Street
Brooksville, FL 34604

Ms. Donna Harris
Department of Economic Opportunity*
Bureau of Comprehensive Planning
Caldwell Building
107 E Madison Street
Tallahassee, FL 32399-4120

*DRI Annual Report Submitted Electronically via Email.

EXHIBIT G
SUMMARY STATUS OF DEVELOPMENT ORDER CONDITIONS

| Condition No. | Condition Summary | Status |
|---------------|--|---|
| III.A. | <p><u>Location of Above Grade Clay Settling Areas</u> No above grade clay settling areas shall be allowed within 100 year floodplain of Bowlegs Creek.</p> | <p>No CSAs exist within the 100-year floodplain of Bowlegs Creek.</p> |
| III.B. | <p><u>Reclamation of Freshwater Marsh</u> 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.</p> | <p>A plan for the reclamation of non-forested wetlands was included in the Life-of-Mine Wetland Resource Permit application for Mining and Reclamation of Wetlands submitted to the Florida Department of Environmental Protection in September 1998. The permit was approved by the Department on May 20, 1999 and a copy was included in the 1999 compliance report submittal.</p> <p>On April 7, 2011, The Florida Department of Environmental Protection issued a modification to the South Fort Meade Mine Wide Wetland Resource Permit (Modification No. 0146465-012). An update to the Conceptual Reclamation Plan, MOS-SFM-CPC, was issued concurrently. A copy of this modification was attached to the 2011 Annual DRI Report.</p> <p>On July 22, 2014, The Florida Department of Environmental Protection issued a modification to the South Fort Meade Mine Wide Wetland Resource Permit (Modification No. 0146465-032). A copy of this modification was attached to the 2014 Annual DRI Report.</p> <p>On October 23, 2019, The Florida Department of Environmental Protection issued a modification to the South Fort Meade Mine Wide Wetland Resource Permit (Modification No. 0146465-049). A copy of this modification was attached to the 2019 Annual DRI Report.</p> |
| III.C. | <p><u>Rail Service</u> 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.</p> <p>Mosaic is authorized to transport 268 truckloads of rock from the South Pasture Mine in Hardee County to the South Fort Meade Mine. Conditions related to these additional truck trips are further addressed in CU 18-06.</p> | <p>There have been no rail service interruptions.</p> <p>A copy of CU 18-06 is attached in this submittal. See attached Summary Status of CU 18-06.</p> |

EXHIBIT G
SUMMARY STATUS OF DEVELOPMENT ORDER CONDITIONS

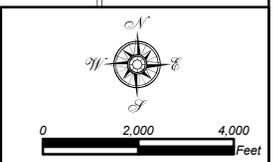
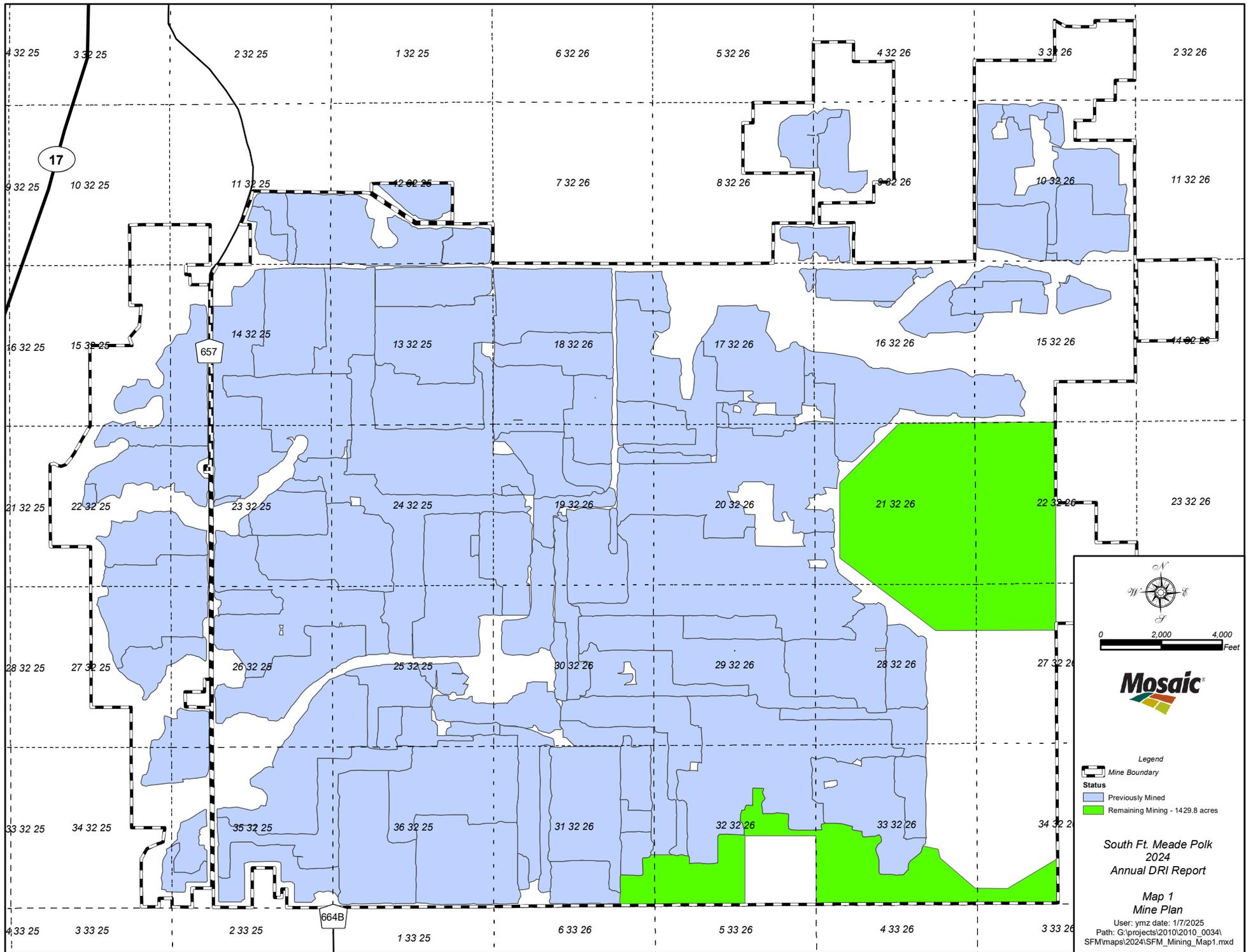
| Condition No. | Condition Summary | Status |
|---------------|---|--|
| III.D. | <p><u>Mining Rate</u> Mosaic is authorized to mine at an average rate of 645 acres per year.</p> | <p>The annual average mining rate from 1991 (SFM DRI approval) through the end of calendar year 2024 is 334.25 acres.</p> |
| III.E. | <p><u>Substantial Deviation</u></p> <p>1. Any proposal to mine within the 25-year floodplain of Bowlegs Creek shall be considered by the Board as a substantial deviation subject to a Level 4 Conditional Use Review.</p> <p>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 subject to a Level 4 Conditional Use Review.</p> <p>a. Any increase in the area to be mined except for any “out parcels” located within the Mosaic Tract.</p> <p>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.</p> <p>c. Any change which would result in an increase in the regional impacts.</p> <p>3. The following changes shall be presumed not to be a substantial deviation subject to a Level 4 Conditional Use Review:</p> <p>a. Any decrease in the area used for above grade clay settling.</p> <p>b. A decrease in the regional impact of the development.</p> <p>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 of by and appropriate federal regulatory agency.</p> | <p>1. No mining has occurred or is proposed within the 25-year floodplain of Bowlegs Creek.</p> <p>2.a. On January 14, 2009, Mosaic submitted a Notification of Proposed Change to amend the Development Order to add 237.5 acres. The Polk County Board of County Commissioners determined that this did not constitute a substantial deviation and approved this addition by adopting Resolution No. 09-093 on May 20, 2009.</p> <p>2.b. A variance to the Polk County Mining Ordinance 88-19, Article 1, Section 1-4 was granted by the Polk County Board of County Commissioners on June 15, 2005 to allow the permanent storage of clays generated by the mining of reserves located in Hardee County in the three remaining planned settling areas to be constructed at the South Fort Meade Mine in Polk County. The approved variance also included an increase in the dam height up to 50 feet for the remaining settling areas to be constructed.</p> <p>2.c. On December 12, 2017, Mosaic submitted a request to modify South Fort Meade Mine – Polk County DRI condition III.C. to allow 268 truckloads per day of phosphate rock from the South Pasture Mine in Hardee County to be brought to the South Fort Meade Mine beneficiation plant in Polk County for blending. The Polk County Board of County Commissioners approved this request by adopting Resolution No. 18-007 on February 20, 2018.</p> |
| III.F. | <p><u>Restriction as to Additional Land Subject to Resolution 99-39</u> 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.</p> | <p>The 11.8 acres referred to as "Additional Land" in Condition F was mined during 2000 and reported as so in the 2000 compliance report.</p> |

EXHIBIT G
SUMMARY STATUS OF DEVELOPMENT ORDER CONDITIONS

| Condition No. | Condition Summary | Status |
|---------------|--|--|
| III.G. | <p><u>Polk County Mining Regulation</u> 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.</p> | <p>The most recent application for a conceptual mine plan change was submitted by Mosaic on January 30, 2009. On September 16, 2009, the Board of County Commissioners approved the Conceptual Mine Plan Change.</p> <p>The two-year renewal for the Polk County Operating Permit was submitted to the County in January of 2025.</p> |
| III.H. | <p><u>Review and Comment on Permits for the Additional Land</u> Portions of the additional lands that are part 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.</p> | <p>Copies of the Environmental Resource Permits for the "Devane & Best" (No. 0146465-011) and "Old Colony Addition" (No. 0146465-010) were attached to the 2009 report.</p> <p>The permit expiration for the Environmental Resource Permit for "Devane & Best" was extended to July 11, 2019 (No. 0146465-033) and was attached to the 2014 report.</p> <p>The Environmental Resource Permit for "Devane & Best" was transferred to operational phase on July 17, 2019 (No. 0146465-047) and was attached to the 2019 report.</p> <p>The permit expiration for the Environmental Resource Permit for "Old Colony" was extended to December 17, 2024 (No. 0146465-052) and was attached to the 2019 report. A 10-year time extension request and minor modification was submitted on December 13, 2024 to FDEP and is included on the enclosed CD.</p> <p>The FDEP re-issued an Environmental Resource Permit for "Thompson Grove & Mott" (No. 0146465-046) on April 25, 2018 and the permit was attached to the 2018 report.</p> |
| III.I. | <p><u>Annual Report</u> 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 Economic Opportunity 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 status of all permits for the added parcels.</p> | <p>Submittal of this report satisfies this condition.</p> |

SUMMARY STATUS OF CU 18-06 CONDITIONS OF APPROVAL

| Condition No. | Condition Summary | Status |
|---------------|--|---|
| 1. | In addition to the uses permitted under Resolution 09-93, as amended, for the South Fort Meade Mine DRI, the property shall be approved for 268 trucks per day of phosphate material being brought to the beneficiation plant at the South Fort Meade Mine in Polk County from the South Pasture Mine in Hardee County using only the roadways of US 17, County Line Road, and Manley Road. These 268 trucks may transport material off site only using Manley Road to access US 17. [PLG] | Noted. |
| 2. | The applicant shall be responsible to inspect roadway conditions for material spillage and provide for its clean-up and removal at least once a day for each day of operation for roadways within Polk County. [ENG] | No truckloads of phosphate rock from the South Pasture Mine in Hardee County were brought to the South Fort Meade Mine beneficiation plant in Polk County for blending in 2024. |
| 3. | The applicant shall provide the average number of trucks hauling materials from the South Pasture Mine to the subject facility and leaving in each DRI Annual Report and the Annual Progress Report required by Ordinance 88-19, as amended, the Phosphate Mining Ordinance. [PLG] | No truckloads of phosphate rock from the South Pasture Mine in Hardee County were brought to the South Fort Meade Mine beneficiation plant in Polk County for blending in 2024. |
| 4. | The CU is valid for the life of the South Fort Meade Mine DRI Development Order which shall not exceed September 22, 2021. | Please see attached letter that was sent to Polk County on March 13, 2019 extending the life of the development order for the South Fort Meade Mine in Polk County and Beneficiation Plant from September 22, 2021 to November 4, 2025. An application to amend the existing Conditional Use Level 4 approval (Res. 18-007; CU 18-06) for the South Fort Meade Mine in Polk County DRI Development Order was submitted on October 24, 2024 to Polk County. The request is to extend the current expiration date an additional 20 years beyond the current DO expiration date of November 4, 2025 to November 4, 2045, to continue processing mined material at the SFM beneficiation plant. |
| 5. | By May 1, 2018, the applicant shall provide a surety, to be determined in consultation between the County Engineer and Mosaic, to guarantee the cost of repairing any damage to County Line Road as a result in the increase of 268 trucks per day. This shall include damage to the pavement, shoulders, bridge, and drainage facilities. | Mosaic submitted a Surety Bond on May 1, 2018 to Polk County. The Surety Bond was revised and re-submitted on May 9, 2018 to Polk County. A copy of the Surety Bond that was accepted by the Polk County Board of County Commissioners was included with the 2018 report. |

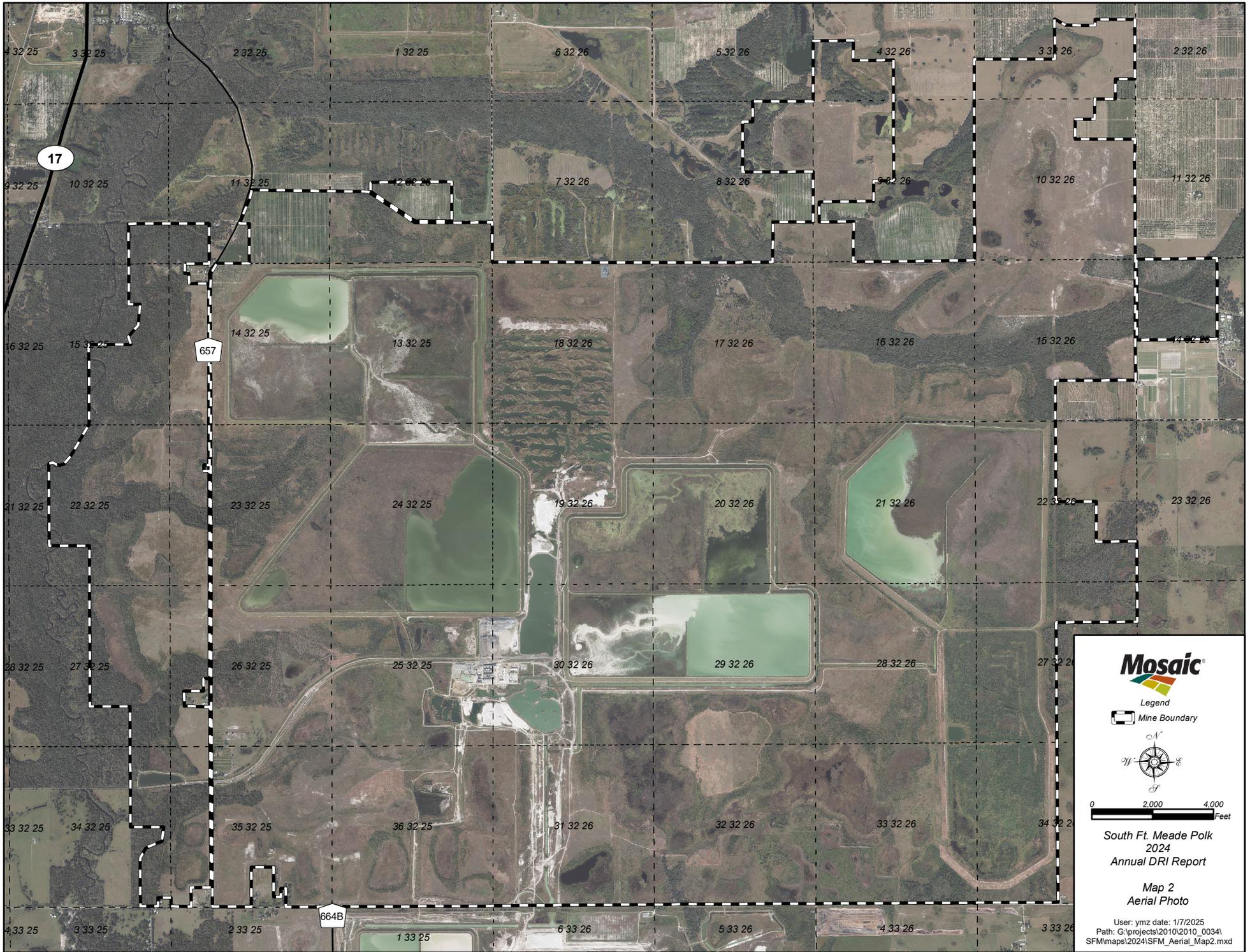


- Legend**
-  Mine Boundary
 - Status**
 -  Previously Mined
 -  Remaining Mining - 1429.8 acres

South Ft. Meade Polk
2024
Annual DRI Report

Map 1
Mine Plan

User: ymz date: 1/7/2025
Path: G:\projects\2010\2010_0034\ SFM\maps\2024\SFM_Mining_Map1.mxd



Mosaic

Legend

 Mine Boundary



0 2,000 4,000 Feet

South Ft. Meade Polk
2024
Annual DRI Report

Map 2
Aerial Photo

User: ymz date: 1/7/2025
Path: G:\projects\2010\2010_0034\
SFM\maps\2024\SFM_Aerial_Map2.mxd



INSTR # 2018105210
 BK 10467 Pgs 1517-1531 PG(s)15
 RECORDED 05/16/2018 02:55:35 PM
 STACY M. BUTTERFIELD,
 CLERK OF COURT POLK COUNTY
 RECORDING FEES \$129.00
 RECORDED BY rhorcamp

RESOLUTION NO. 18-007
 FOR A RESTATED AND AMENDED
 DEVELOPMENT ORDER
 POLK COUNTY, FLORIDA

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, RESTATING AND AMENDING A ~~ISSUING AN AMENDED~~ DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES THE SOUTH FORT MEADE PHOSPHATE MINE, A DEVELOPMENT OF REGIONAL IMPACT (DRI); 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 amendment of 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 dated May 4, 1981, seeking approval of a phosphate mine DRI; and
2. Amendments to the Polk County mine site plan which conform to the original site plan to the above-referenced application, which amendments are dated August 28, 1981.

WHEREAS, The Board reviewed the 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 was 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

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, 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 Fort 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 ~~amouunt~~ amendments was found to be sufficient for review by the staff of the Central Florida Regional Planning Council; 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 purchased an additional 37.7 acres of land from the area of the "outparcels" adjacent to the then existing South Fort Meade Mine; and

WHEREAS, because the addition of the 37.7 acres parcel did 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 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 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; 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, 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 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 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 adopted the proposed change 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.

WHEREAS, in 2011, the Florida Legislature amended Section 380.06(24)(t) to exempt changes to solid mineral mines from the DRI review and to provide that DRI development orders for solid mineral mines shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer;

WHEREAS, Section 380.06(24)(t) requires changes to solid mineral mines to comply with applicable local government regulations in lieu of DRI review:

WHEREAS, the Polk County Land Development Code provides that Phosphate Mining is subject to Level 4 Conditional Use Review,

WHEREAS, on December 12, 2017, Mosaic submitted an application for Level 4 Conditional Use Review to amend the Development Order to add 268 trucks to the South Fort Meade mine transportation approval during normal operations ("Proposed Change");

WHEREAS, this Development Order is being amended to include reference to a Conditional Use Level 4 approval issued pursuant to local law and procedures and which is being issued contemporaneously with this amendment to the Development Order;

WHEREAS, on February 20, 2018, the Board of County Commissioners conducted a public hearing with due public notice having been provided, and determined that the Proposed Change is not subject to DRI review but that amendment of this Development Order is necessary to reference the Conditional Use Level 4 Review process and approval; and

WHEREAS, the Board also determined that approval of Proposed Change requires the adoption of a Restated and Amended Development Order for the South Fort Meade Mine cumulatively incorporating all previous changes to the Development Order through February 20, 2018.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THAT THE APPLICATION FOR AN AMENDMENT SUBMITTED BY MOSAIC IS 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. The Application for Development Approval dated May 4, 1981, seeking approval of a phosphate mine DRI is being incorporated and made a part of this resolution by reference.
- B. Mosaic submitted this request for an amendment to the Development Order, in the form of a Level 4 Conditional Use application on December 12, 2017, said application being incorporated and made a part of this resolution by reference.

- C. The South Fort Meade Mine currently covers approximately 17,508.5 acres as described in Exhibit B.
- D. The Development Order covers the construction of ore processing and mine facilities. The average annual mining rate will remain 645 acres per year.
- E. The ~~proposed~~ development is not located in an area of critical state concern as designated pursuant to Section 380.05, F.S.
- F. The Board has adopted a Comprehensive Plan for Polk County pursuant to Section 163.161, F.S., which is applicable to the South Fort Meade Mine DRI. The land within the mine is currently designated as PM (Phosphate Mining).
- G. Subject to the conditions provided herein, the Proposed Change will not have an unfavorable impact on the environment and natural resources of the region.
- H. The Proposed Change and the development will have a favorable impact on the economy of the region.
- I. The Proposed Change will not significantly burden the existing public facilities of the region, including transportation facilities.
- J. The Proposed Change will not adversely affect the ability of people to find adequate housing reasonable accessible to their place of employment.
- K. Existing sources of energy are sufficient and will not be unduly burdened by the proposed amendment.
- L. Waste disposal and land reclamation technologies have been thoroughly evaluated by Mosaic and considered by the Board and are unchanged by the Proposed Change.
- M. When the South Fort. 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 the 2009 NOPC change were not within the "out parcels" boundary, they were adjacent to the current mine boundary. The inclusion of the 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.

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 Section 380.06(24)(t).
- B. The amendment is consistent with the Polk County Comprehensive Plan, and local land development regulations.

- C. 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.
- D. All development activities described in the application shall be subject to the terms of this Development Order and pursuant to Section 380.06(24)(t), F.S. shall not be subject to future DRI but shall instead be reviewed pursuant to local Polk County requirements.
- E. 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, any 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.
- F. 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)(c)(1) Florida Statutes and further is an appropriate vehicle for the biennial report required by Section 380.06(15)(c)4 Florida Statutes, and shall be utilized to satisfy those provisions of Chapter 380, F.S.
- G. 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 and Truck Transportation

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.

Mosaic is authorized to transport 268 truckloads of rock from the South Pasture Mine in Hardee County to the South Fort Meade Mine. Conditions related to these additional truck trips are further addressed in CU 18-06.

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 subject to a Level 4 Conditional Use Review.
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 subject to a Level 4 Conditional Use Review.
 - 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 subject to a Level 4 Conditional Use 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 of 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. Biennial Report
Mosaic shall submit the biennial 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 Economic Opportunity 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- 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 February, 2018.

Description of SFM from Approved DRI Arca, 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 | 6,544 ac |
| | 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 | <u>Section 14</u> | S 1/2 | 320 ac |
| | SW 1/4 of SW 1/4 | 40 ac | <u>Section 15</u> | NW 1/4 | 161 ac |
| <u>Section 24</u> | ALL | 648 ac | | 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 | | SW 1/4 of SE 1/4 | 40 ac |
| | SE 1/4 of SE 1/4 | 40 ac | <u>Section 27</u> | 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 | 10,888 ac |
| | NE 1/4 of SE 1/4 | 40 ac | | Total | 17,232 ac |

Description of SFM from NOPC, January 2009

Township 32 South, Range 26 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 | 40 |
| | | SE | 40 |
| 34 | NE | NE | 40 |
| | | SE | 40 |
| | SE | NE | 19 |
| | | SE | 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 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, Stacy M. Butterfield, 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. 18 - 007 of the Board of County Commissioners, which was adopted by the said Board on the 20th day of February, 2018.

WITNESS by hand and official seal on this 20 day of Feb, 2018.

Stacy M. Butterfield
Clerk and Auditor

Stacy M. Butterfield

(SEAL)



By: *Gene Valle*
Deputy Clerk

STATE OF FLORIDA)
)
COUNTY OF POLK)

I, Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Resolution No. 18-007 approving the South Fort Meade Phosphate Mine Development of Regional Impact approved by the Polk County Board of County Commissioners Board meeting held on February 20, 2018.

WITNESS my hand and official seal on this 1st day of May 2018.

STACY M. BUTTERFIELD, CLERK

By: Erin Valle
Erin Valle
Deputy Clerk



330 West Church Street
PO Box 9005 • Drawer GM03
Bartow, Florida 33831-9005



PHONE: 863-534-6792
FAX: 863-534-6407
www.polk-county.net

LAND DEVELOPMENT DIVISION

March 21, 2018

Mosaic Fertilizer LLC
13830 Circa Crossing Drive
Lithia, Florida 33547

Re: Case File: CU 18-06/DMS #59949

Request: CU to bring Phosphate Rock from Hardee County and amend a resolution adopting a Development Order

Location: North of Hardee County and County Line Road (Hardee/Highlands), east of US 17, west of Lastinger Road and Singletary Road and Avon Park Cutoff Road, and south of US 98, southeast of the city of Fort Meade, Florida, in S-10-15, 22-27 and 34-36, T-32, R-25 and S-03, 04, 07 through 10, 14-22, 27-34, T-32, R-26

Dear Sir/Madame:

This is to officially notify you of the action taken by the Board of County Commissioners on Tuesday, February 20, 2018, regarding the above captioned request for a Conditional Use (CU) for the South Fort Meade Mine Development of Regional Impact (DRI) to bring phosphate rock via trucks from Hardee County to the Beneficiation Plant at the South Fort Meade Mine site. This request also includes amending the resolution adopting a Development Order for the South Fort Meade Mine DRI on 17,509 +/- acres.

The Board of County Commissioners voted 5/0 to approve the request subject to the following condition:

1. In addition to the uses permitted under Resolution 09-93, as amended, for the South Fort Meade Mine DRI, the property shall be approved for 268 trucks per day of phosphate material being brought to the beneficiation plant at the South Fort Meade Mine in Polk County from the South Pasture Mine in Hardee County using only the roadways of US 17, County Line Road, and Manley Road. These 268 trucks may transport material off site only using Manley Road to access US 17. [PLG]

2. The applicant shall be responsible to inspect roadway conditions for material spillage and provide for its clean-up and removal at least once a day for each day of operation for roadways within Polk County. [ENG]
3. The applicant shall provide the average number of trucks hauling materials from the South Pasture Mine to the subject facility and leaving in each DRI Annual Report and the Annual Progress Report required by Ordinance 88-19, as amended, the Phosphate Mining Ordinance. [PLG]
4. The CU is valid for the life of the South Fort Meade Mine DRI Development Order which shall not exceed September 22, 2021.

GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.

NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with LDC Section 930 D.

NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Approval of this request is only for Level 4 Review and only for those development decisions within the Board of County's Commissioners' jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

GENERAL NOTES

NOTE: Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with LDC Section 930 D.

NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the variance approval.

NOTE: All written commitments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such commitments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

For further information, please call (863) 534-6084.

Sincerely,



Erik E. Peterson, AICP
Principal Planner
Planning Commission Coordinator

c: County Attorney (Elizabeth Voss)
South Ft. Meade Partnership LP

Case File

by the County and any non-reclaimed inactive mining areas for which foreseeable development is unlikely as of the adoption of the Comprehensive Plan in 1991. (See Policy 2.114-A2).

- *The Comprehensive Plan defines Compatibility in Section 4.400 as “A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”*

Development Review Committee

Based upon the information provided by the applicant and a recent site visit, the Development Review Committee finds that with the recommended conditions the request **IS COMPATIBLE** with the surrounding land uses and general character of the area, **IS CONSISTENT** with the Comprehensive Plan, and is consistent with the Land Development Code.

CONDITIONS OF APPROVAL

Based upon the findings of fact the Development Review Committee recommends **APPROVAL** of CU 18-06 with the following conditions:

1. In addition to the uses permitted under Resolution 09-93, as amended, for the South Fort Meade Mine DRI, the property shall be approved for 268 trucks per day of phosphate material being brought to the beneficiation plant at the South Fort Meade Mine in Polk County from the South Pasture Mine in Hardee County using only the roadways of US 17, County Line Road, and Manley Road. These 268 trucks may transport material off site only using Manley Road to access US 17. [PLG]
2. The applicant shall be responsible to inspect roadway conditions for material spillage and provide for its clean-up and removal at least once a day for each day of operation for roadways within Polk County. [ENG]
3. The applicant shall provide the average number of trucks hauling materials from the South Pasture Mine to the subject facility and leaving in each DRI Annual Report and the Annual Progress Report required by Ordinance 88-19, as amended, the Phosphate Mining Ordinance. [PLG]
4. The CU is valid for the life of the South Fort Meade Mine DRI Development Order which shall not exceed September 22, 2021.
5. By May 1, 2018, the applicant shall provide a surety, to be determined in consultation between the County Engineer and Mosaic, to guarantee the cost of repairing any damage to County Line Road as a result in the increase of 268 trucks per day. This shall include damage to the pavement, shoulders, bridge, and drainage facilities.

GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.

NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with LDC Section 930 D.

Hopping Green & Sams

Attorneys and Counselors

Writer's Direct Dial No. (850) 222-7500

Writer's E-mail: VinetteG@hgslaw.com

March 13, 2019

VIA OVERNIGHT DELIVERY AND ELECTRONIC MAIL

Ms. Chanda Bennett, AICP, CPM
Comprehensive Planning Administrator
Office of Planning & Development / Long Range Planning
330 West Church St.
Bartow, Florida 33813-9005
chandabennett@polk-county.net

*Re: Notice of Expiration Date Extension to Mosaic South Fort Meade
Phosphate Mine Development of Regional Impact Development Order
pursuant to Section 252.363, Florida Statutes*

Dear Ms. Bennett:

The purpose of this letter is to file notice on behalf of my client, Mosaic Fertilizer, LLC ("Mosaic"), pursuant to Section 252.363, Florida Statutes (2018) ("F.S.") regarding an expiration date extension to Mosaic's South Fort Meade Phosphate Mine Development of Regional Impact Development Order (Polk County Resolution No. 18-007) (the "Development Order").

The Development Order is currently scheduled to expire on September 22, 2021. However, according to Section 252.363(1)(a), F.S., "[t]he declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration[,] including among (other things) "[t]he expiration of a development order issued by a local government[,] for a period of six months in addition to the tolled period. See § 252.363(1)(a), F.S. The holder of the authorization must notify the issuing authority of the intent to exercise the tolling and extension provisions of this statutory provision within 90 days after expiration of the declaration. See § 252.363(1)(b), F.S.

Based upon the emergency declarations issued by former Governor Rick Scott and current Governor Ron DeSantis identified in Exhibit "A" attached hereto, and calculated pursuant to Section 252.363, F.S., Mosaic requests written recognition by Polk County of an extension of four (4) years and forty-three (43) days to the expiration date for the Development Order, making the new expiration date **November 4, 2025**.

I hereby request a letter from your office confirming that the new expiration date for the Development Order is now **November 4, 2025**. Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me at the number provided above.

Best Regards,

HOPPING GREEN & SAMS, P.A.



Vinette Godelia

cc (email only): Ms. Rita Karacson, CPM, CPS
Development Coordination Supervisor
Land Development Division
Office of Planning & Development
RitaKaracson@polk-county.net

EXHIBIT "A"
EXECUTIVE ORDER EXTENSION CALCULATION

| State of Emergency Declaration | Executive Order Declaration and Extension Dates | Additional Time per Section 252.363, F.S. |
|--------------------------------|--|--|
| Opioid Epidemic | 17-146 (May 3, 2017) 17-177/178 (Jun. 29, 2017) 17-230 (Aug. 28, 2017) 17-285 (Oct. 27, 2017) 17-329 (Dec. 22, 2017) 18-047 (Feb. 19, 2018) 18-110 (Apr. 19, 2018) 18-177 (Jun. 20, 2018) 18-235 (Aug. 17, 2018) 18-279 (Oct. 16, 2018) 18-362 (Dec. 5, 2018) 19-036 (Feb. 1, 2019) | 1 year, 10 months, 30 days tolled between May 3, 2017 (date of the initial declaration) and Apr. 2, 2019 (scheduled expiration date unless extended), plus 6 months. |
| Hurricane Maria | 17-259 (Oct. 2, 2017) 17-304 (Nov. 28, 2017) 18-017 (Jan. 25, 2018) 18-080 (Mar. 23, 2018) 18-135 (May 22, 2018) 18-214 (Jul. 20, 2018) 18-236 (Aug. 17, 2018) 18-281 (Oct. 16, 2018) | 1 year, 2 months, 13 days tolled between Oct. 2, 2017 (date of the initial declaration) and Dec. 15, 2018 (the expiration date), plus 6 months. |
| TOTAL: | | September 22, 2021 (current expiration date for the Developer Order) plus 4 years and 43 days is <u>Nov. 4, 2025.</u> |