

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: *OP 2010-0003 Transfer Vested Operating Permits for Limerock Mines MI-91-1 and MI-91-2 – Dixie Lime & Stone Company and Resource Holdings, LLC (Staff recommends approval).

REQUESTED ACTION: Approve Transfer of Vested Operating Permits MI-91-1 and MI-91-2

Work Session (Report Only) **DATE OF MEETING:** 8/24/2010
 Regular Meeting Special Meeting

CONTRACT: N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept Planning _____

BUDGET IMPACT: _____
 Annual **FUNDING SOURCE:** _____
 Capital **EXPENDITURE ACCOUNT:** _____
 N/A

HISTORY/FACTS/ISSUES:

In 1991, the Board approved vested operating permits for limerock mining for Dixie Lime & Stone Company (Dixie) and Bedrock Resources (Bedrock). The Dixie Lime & Stone Company vested operating permit (MI-91-1) generally vested the property where the existing mining activity is occurring in Dixie Mine on the north side of C-470 and also property located on the south side of C-470. The Bedrock Resources vested operating permit (MI-91-2) vested 34 acres MOL on the north side of C-470 across from the Bedrock Mine on the south side of C-470

Dixie and Bedrock intend on swapping property under these vested operating permits. Bedrock will take ownership of the vested Dixie property south of C-470. Dixie will take ownership of the vested Bedrock property north of C-470. A map of the areas swapped is included with the supporting attached information.

The change of owners/operators of limerock mines under an operating permit requires approval by the Board. A Transfer of Operating Permit reflecting the land swap is attached for the Board's consideration and approval. This transfer of vested mining lands between Dixie and Bedrock does not expand or change the existing vested entitlements or conditions of the underlying vested operating permits (MI-91-1 and MI-91-2). This action simply allows for the change of ownership of the land.

The proposed Transfer of Operating Permit contains a condition that cancels the operating permit transfer if the real estate transaction between Dixie and Bedrock does not occur. In addition, a condition is included that clarifies each mine operator is responsible for their own compliance with permit conditions and that a default of one party does not impact the other party.

The Development Review Committee (DRC) will review the proposed Transfer of Operating Permit on August 23, 2010. Staff will present the DRC recommendation at the August 24, 2010, Board meeting.

Also attached are the original vested operating permits (MI-91-1 and MI-91-2).

SUMTER BOARD OF COUNTY COMMISSIONERS

TRANSFER OF OPERATING PERMIT

OP 2010-0003

Applicant: Resource Holdings, LLC and Dixie Lime & Stone Company

Requested Action Transfer of Vested Mine Operating Permit MI-91-2 to Dixie Lime & Stone
Transfer of Portion of Vested Mine Operating Permit MI-91 1 to Bedrock Resources

Legal Description Vested Operating Permit MI-91-2 · SE ¼ of SW ¼ of Section 8, Township 20S, Range 23E, less Four (4) acres, more or less, in the NW corner of same, and except road right-of-ways.
Portion of Vested Operating Permit MI-91 1 – See Attachment A.

FINDINGS OF FACT

- 1 The applicants own or control the real property that was issued vested Operating Permits for limerock mines by the Board of County Commissioners on January 22, 1991 (MI-91-2) and February 12, 1991 (MI-91-1).
- 2 The requested action is to transfer the vested Operating Permit MI-91-2 from Bedrock Resources to Dixie Lime & Stone Company and transfer a portion of the vested Operating Permit MI-91-1 (as described in Attachment A) from Dixie Lime & Stone Company to Bedrock Resources.
- 3 Resource Holdings, LLC intends to transfer title to the real property under vested Operating Permit MI-91-2 to Dixie Lime & Stone Company, and Dixie Lime & Stone Company intends to transfer title to a portion of the real property (as described in Attachment A) under vested Operating Permit MI-91-1 to Resource Holdings, LLC

CONCLUSIONS OF LAW

- 1 The Sumter County Land Development Code requires that a transfer of an operating permit between entities must be reviewed and approved by the Board of County Commissioners (Section 13-174 (6)).
- 2 All other terms and conditions of the vested Operating Permits MI-91-1 and MI-91-2 shall remain in full force and effect.
- 3 The Development Review Committee reviewed the application and recommended approval.

FINAL ACTION

- 1 Transfer of vested Operating Permit MI-91-2 to Dixie Lime & Stone Company is approved.

- 2 Transfer of a portion of vested Operating Permit MI-91-1 (as described in Attachment A) to Bedrock Resources is approved
- 3 If the transfer of title of the real property between Resource Holdings, LLC and Dixie Lime & Stone Company does not occur, then the Operating Permits MI-91-2 and a portion of MI-91-1 (as described in Attachment A) shall not transfer
- 4 The ability for either party to continue to operate under this Operating Permit transfer shall not be dependent upon the performance, compliance, or permit maintenance of the other party

Deputy Clerk

PERMIT ISSUED

Date _____

Doug Gilpin, Chair
Board of Sumter County Commissioners

By _____
Bradley Cornelius, AICP
Planning Manager

Attachment A

The N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 18, Township 20 South, Range 23 East, and

The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 20 South, Range 23 East, and

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 20 South, Range 23 East; and

The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 20 South, Range 23 East; and

The NW $\frac{1}{4}$ of Section 18, Township 20 South, Range 23 East, less the S.A.L. Railroad right-of-way and less the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said section, and

The S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 18, Township 20 South, Range 23 East; and

The N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 18, Township 20 South, Range 23 East, less S.A.L. Railroad right-of-way and less the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said section, and

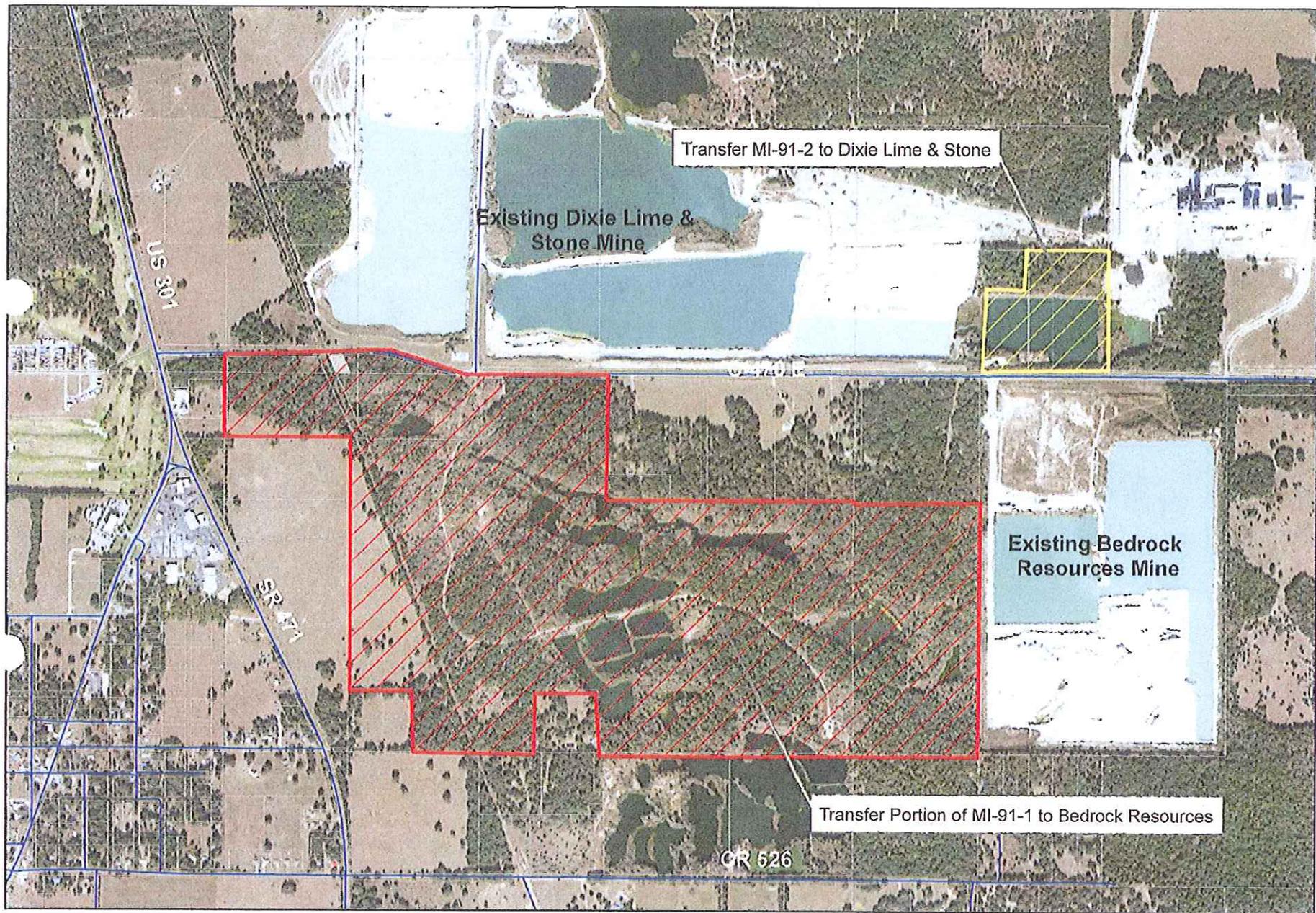
The N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 20 South, Range 23 East except railroad and road right-of-way; and

That part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 20 South, Range 23 East that lies South of C-470; and

That portion of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 20 South, Range 22 East that lies South of C-470 less and except the West 25 feet thereof and all of Tract 3, as described in vested Operating Permit MI-91 1 approved by the Sumter County Board of County Commissioners on February 12, 1992, is less and except the right-of-way for C-470 and railroad, and

Six (6) acres square in the NE corner in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 20 South, Range 22 East except railroad right-of-way; and

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, less six (6) acres in the NE corner of Section 13, Township 20 South, Range 22 East less the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 20 South, Range 22 East, except N 12 81 feet thereof and except railroad right-of-way and except W 25 feet of N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and West 25 feet of N 12 81 feet of S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 13, Township 20 South, Range 22 East.



OP2010-0003

**Transfer Vested Operating Permits Between
Bedrock Resources and Dixie Lime & Stone**

0 810 1,620 Feet

Prepared by: Sumter County Planning
August 28, 2010





SUMTER COUNTY ZONING AND ADJUSTMENT BOARD

910 N. Main Street, Suite 301 Bushnell, FL 33513
Tel. (352) 793-0270 Fax (352) 793-0274

Project No: OP2010-0003

Application: 8/4/2010 BC

OPERATING PERMIT

PROJECT TYPE OPERATING PERMIT		PROJECT SUBTYPE CHANGE OF OCC/OPER		PROJECT DESCRIPTION Dixie Lime/Bedrock Transfer			
OWNER DIXIE LIME & BEDROCK		ADDRESS PO BOX 1209 ANTHONY, FL 32617		PHONE			
AGENT/APPLICANT SCOTT LANKER & BILL HOUGHTON		ADDRESS		PHONE			
PARCEL # K18=001	SEC/TWP/RNG 182023	GENERAL Sumterville	DIRECTIONS TO PROPERTY North on US 301. East on C-470.				
Property Address							
PARCEL SIZE 540 acres MOL		F.L.U. AGR		LEGAL DESCRIPTION			
PRESENT ZONING M1, M2, A5		PRESENT USE Vacant/Vested Mine		S1/2 OF NE1/4 AND N1/2 OF SE1/4 AND NW1/4 LESS N1/2 OF NW1/4 OF NW1/4 AND N1/2 OF SW1/4 LESS SW1/4 OF NW1/4 OF SW1/4 AN LESS SE1/4 OF NE1/4 OF SW1/4 & LESS RR R/W OR 157 PG 779 J12=026 THAT PORTION OF SE1/4 OF SE1/4 LYING S OF SR 470 LESS W 25 FT THEREOF & LESS RR J13=002 NE1/4 OF NE1/4 & LESS THE S 647.19 FT THEREOF & LESS THE W 25 FT OF N672 81 FT THEREOF & LESS R/R R/W K07=007 THAT PORTION OF SW1/4 OF SW1/4 LYING S OF SR 470 K08=002 4 ACRES IN NW COR OF SE1/4 OF SW1/4 OR 182 PG 381 K08=003 W 726 FT OF SE1/4 OF SW1/4 LESS 4 AC IN A SQ IN NW COR OR 157 PG 740 OR 170 PG 257 & LESS E 264 FT THEREOF K08=005 E 594 FT OF SE1/4 OF SW1/4 OR 157 PG 739 OR 170 PG 256 K08=007 E 264 FT OF W 726 FT OF SE1/4 OF SW1/4 K17=006 SW1/4 OF NW1/4 & NW1/4 OF SW1/4 OR 157 PG 779 K18=002 NW 1/2 OF NW 1/4 OF NW 1/4			
REQUESTED USE Transfer Portion of MI 91-1 from Dixie to Bedrock and MI 91-2 from Bedrock to Dixie		ACREAGE TO BE UTILIZED 540 acres MOL		LEGAL DESCRIPTION TO BE UTILIZED See Attached Legal 500 acres MOL for Transfer from Dixie to Bedrock 40 acres MOL for Transfer from Bedrock to Dixie			
As owner/agent, I agree to post the hearing plaques within 24 hours on the property's road frontage at the corners and at 300' intervals between. I understand any action on my application will be governed by Sumter County's Comprehensive Plan and Development Code, and my payment of the non-refundable application fee will not influence the decision made on this application.				FEES			
				Recording Fees		Amount	Payment
				Change of Operator		0.00	250.00
				TOTAL	\$250.00		

UNDER PENALTIES OF PERJURY I DECLARE THE ABOVE INFORMATION THAT I HAVE GIVEN TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



August 4, 2010

Signature(s)

Date

A Public Hearing before the Zoning and Adjustment Board will be held on the date indicated below in the Sumter County Courthouse, Bushnell, FL. This application will be heard at the time indicated below. Your appearance or representation at this hearing is required, and lack of same will cause your application to be disposed of according to the policy adopted by the Board of County Commissioners. The recommendation of the Zoning and Adjustment Board on this request will be presented to the Board of County Commissioners at a Public Hearing to be held at the date/time indicated below in the Sumter County Courthouse, Bushnell, FL, room number indicated below.

Development Review Committee 8/23/2010 2:00 PM Room: 142 Recommendation: _____

County Commission Meeting 8/24/2010 5:30 PM Room: CC Action: _____

NOTICES SENT

RECEIVED IN FAVOR

RECEIVED OBJECTING

Please Note: In preparation of the application, county zoning staff will visit the site to take photographs. This will be done in county-marked vehicles. Generally, staff will take photographs from the roadway or easement, and will not come on site unless access requires it.



August 2, 2010

To Whom It May Concern:

As discussed in our meeting on July 8, Bedrock Resources and Dixie Lime and Stone Company intend to complete a transaction involving swapping of mining land, and would like to request the following changes to Operating Permit No. 91-1 (Dixie Lime and Stone Company) and Operating Permit No. 91-2 (Bedrock Resources):

Operating Permit No. 91-1 (Currently Dixie Lime and Stone Company):

Tracts 1, 2C-2H, 6, 7, 8, and 9 (Legal descriptions contained in the attached permit), will be owned and operated by Bedrock Resources. In addition, All other tracts will remain owned/operated by Dixie Lime and Stone Company.

Add a statement acknowledging that ability of either owner/operator to operate under this permit will not, in any way, depend on performance, compliance, or permit maintenance by the other permittee.

Operating Permit No. 91-2 (Currently Bedrock Resources):

All land (Legal description contained in attached permit): Change Owner and Operator to Dixie Lime and Stone Company.

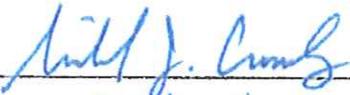
Additionally, both operators acknowledge that these changes are contingent on final closing of the transaction, and should a closing fail to occur for any reason, we request that both permits would revert back to their original condition.

Sincerely,

Signed: 

Date: 8/3/10

Printed Name: Scott D. Lanker
for Bedrock Resources

Signed: 

Date: 8-3-10

Printed Name: Michael J. Crowley
for Dixie Lime and Stone Co.

Attachments:

- 1) Operating Permit No: MI 91-1
- 2) Operating Permit No: MI 91-2
- 3) Graphic depiction of changes to permits

SUMTER COUNTY BOARD OF COMMISSIONERS

**VESTED MINE REGISTRATION
AND OPERATING PERMIT**

BOARD FINDINGS: The Sumter County Board of Commissioners finds that mining operations on the real property described below were lawfully existing on September 19, 1990, and therefore the right to mine said property is vested, subject to the Operating Permit terms and conditions set forth herein.

Legal Description Of Vested Property: See attached legal description, submitted with application, for Tracts 1, 2C thru 2H, 3A thru 3D, 4A thru 4D, 5, 6, 7, 8 and 9 for a total of 2,149 acres, more or less.

OPERATING PERMIT NO: MI 91-1

Property Owners:

Dixie Lime & Stone Company; P.O. Box 1209, Anthony, FL 32617
Knowles Co. & Sun First National Bank; P.O. Box 8, Leesburg FL 34748
E. A. Kowert & Bruce H. Kowert; 1853 Olive Road, Homewood, IL 60430

Mine Operator:

Dixie Lime & Stone Company; P.O. Box 1209, Anthony, FL 32617

GENERAL TERMS AND CONDITIONS OF THE PERMIT ARE AS FOLLOWS:

1. That all statements in the application and supporting data are true and accurate and based upon the best information available, and that all conditions set forth herein will be complied with. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if applicant fails to comply with all of the conditions set forth herein, then this Permit may be suspended or revoked, pursuant to Sec. 13.166-9(A), Sumter County Code.
2. That the mining operation shall be conducted as presented in the application unless specified otherwise in this Permit. Substantial deviation from the permitted mining operation must receive prior approval from the Board, and failure to obtain such approval may be cause for permit suspension or revocation, pursuant to Sec 13.166-9(A), Sumter County Code.
3. That the operation of this mine shall not constitute a hazard or threat to the health, safety, or general welfare of the public. The determination of a hazard by the Board shall be cause for permit amendment, suspension or revocation, pursuant to Sec. 13.166-9(A), Sumter County Code.

4. That all applicable sections of the Florida Statutes, Florida Administrative Code, and Sumter County Code shall be complied with. That all mining operations shall remain in compliance with all permits, authorizations, and conditions applicable to this mine. All terms and conditions of permits issued by other agencies for the mining operation, not in conflict with the herein terms and conditions, shall be adhered to. A substantial, or repeated violation of the terms and conditions of this permit, or the disobedience of any other ordinance, regulation or law, shall be cause for this Permit to be suspended or revoked, pursuant to Sec. 13.166-9(A), Sumter County Code.
5. An authorized Board representative may, upon reasonable notice, times, enter the property, inspect the facility, and make permit compliance assessments. The Permittee shall either accompany Board's representative onto the property or make provision for access onto the property. The Permittee shall reasonably assist the Board's representative in investigating complaints filed regarding alleged adverse impacts from mining activities.
6. Should mining activities cease for a period of three (3) years, this permit shall expire unless extended by the Board upon request of the Permittee. A request for an extension must be submitted to the Board at least sixty (60) days prior to the permit's expiration date.
7. Subject to other conditions contained herein, this permit shall remain valid and in force throughout the life of the vested mining operation as presented and approved.
8. Dumping of debris, trash, garbage, hazardous or contaminated materials is prohibited in any excavation not permitted for such under local and state laws, and said dumping shall be cause for suspension or revocation of this permit pursuant to Sec 13 166-9(A), Sumter County Code..
- 9 Permittee shall submit annually, to the Board, a progress report pursuant to Sec 13.166-4, Sumter County Code.
- 10 This permit is issued jointly to the property owner and mine operator designated herein. A change in owner or operator shall be reported to Sumter County within 30 days of such change by the new owner or operator. A change in owner or operator may require a new operating permit, as determined by the Board.
11. Any haul road connection to any county, state or federal road is to be constructed and maintained to the satisfaction of the applicable governing agency.

SPECIFIC TERMS AND CONDITIONS OF THE PERMIT ARE AS FOLLOWS:

1. Any excavation within 100 feet of C-470 shall be secured with a berm or other improvement to provide protection to vehicular traffic on said road.

REGISTRATION AND PERMIT APPROVAL: Date

July 12, 1991

Attest:

Jean K. Patrick
Deputy Clerk

Stanton Gideons
Stanton Gideons, Chairman
Sumter County
Board of Commissioners

PERMIT ISSUED: Date

3/29/1991

By

Merwin E. Nelson

SIXE PROPERTY OWNED & LEASED

TRACT 1 Knowles Co

The South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 18, Township 20 South, Range 23 East, less and except that portion thereof within the right-of-way of the Main line of the Seaboard Air Line Railroad.

TRACT 2 Knowles Co.

C. The North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 18, Township 20 South, Range 23 East; and

D. The Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 17, Township 20 South, Range 23 East; and

E. The Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 17, Township 20 South, Range 23 East; and

F. The Northwest Quarter (NW 1/4) of Section 18, Township 20 South, Range 23 East, less the S.A.L. Railroad right-of-way and less the North Half (N 1/2) of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of said Section; and

G. The South Half (S 1/2) of the Northeast Quarter (NE 1/4) of Section 18, Township 20 South, Range 23 East; and

H. The North Half (N 1/2) of the Southwest Quarter (SW 1/4) of Section 18, Township 20 South, Range 23 East, less S.A.L. Railroad right-of-way and less the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) and the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section.

TRACT 3 Knowles Co.

A. The South Half (S 1/2) of the Southeast Quarter (SE 1/4) of Section 6 Township 20 South, Range 23 East, and

B. The East Half (E 1/2) of Section 7, Township 20 South, Range 23 East, less and except the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) thereof; and

C. The West Half (W 1/2) of the Southwest Quarter (SW 1/4) of Section 8, Township 20 South, Range 23 East and

D. The Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 8, Township 20 South, Range 23 East.

TRACT 4

Cowart & Lyons

A. Section 1, Township 20 South, Range 22 East, all East of the Seaboard Air Line Railroad right-of-way, with the exception of the N 1/2 of the NE 1/4 of the NE 1/4, and the NW 1/4 of NW 1/4, thereof; and

B. The W 1/2, except the N 1/2 of the NE 1/4 of the NW 1/4, less the South 1/4 of the SW 1/4 in Section 6, Township 20 South, Range 23 East; and

C. The W 1/2 less the N 3/4 of NW 1/4 of Section 7, Township 20 South, Range 23 East, and less a parcel described as follows: Beginning at a point on South Boundary of N 3/4 of NW 1/4 of Section 7, Township 20 South, Range 23 East, N 89°46'16" E 1323.39 feet from the Southwest Corner of said N 3/4 of NW 1/4, thence N 89°46'16" E along said South Boundary, 100.01 feet, thence S 0°42'27" W 1408.32 feet, thence S 1°07'18" W 751.20 feet, thence S 0°08'02" W 573.97 feet, thence S 0°56'46" W 533.63 feet to a point on the North right-of-way line curve of S.R. 470, said curve being concave Northerly and having a radius of 1850.43 feet, thence Northwesterly along and with said curve a chord bearing and distance of N 87°14'48" W 100.05 feet, thence N 0°56'46" E 529.76 feet, thence N 0°08'02" E 574.12 feet, thence N 1°07'18" E 751.71 feet, thence N 0°42'27" E 1406.33 feet to the point of beginning, and less that part of the SW 1/4 of the SW 1/4 of Section 7, Township 20 South, Range 23 East that lies South of S.R. 470, and less and except that right-of-way for S.R. 470 and the right-of-way for the Seaboard Coastline Railroad; and

D. The E 1/2 of the NE 1/4; the N 1/2 of the NE 1/4 of the SE 1/4 and the SE 1/4 of the SE 1/4; and that part of the NW 1/4 of the NE 1/4 lying East of the railroad right-of-way; and all lying East of the railroad right-of-way within the following described tract: Beginning at the Northeast corner of the SW 1/4 of the NE 1/4 of Section 12, Township 20 South, Range 22 East, and run South 2.95 chains, thence West to the right-of-way line of the S.A.L. railway, thence Northwesterly along said right-of-way line to the North boundary line of said SW 1/4 of the NE 1/4, thence East to the point of beginning, all being in Section 12, Township 20 South, Range 22 East.

✓ *Dejeune Lumber & Stone Co.*

TRACT 5 ✓

S 1/4 of SW 1/4 of Section 6, Township 20 South, Range 23 East, and N 3/4 of NW 1/4 of Section 7, Township 20 South, Range 23 East, and a parcel described as follows:
Beginning at a point on south boundary of North 3/4 of NW 1/4 of Section 7, Township 20 South, Range 23 East, N 89°46'16" E 1323.39 feet from the SW corner of said North 3/4 of NW 1/4, thence N 89°46'16" E along said south boundary, 100.01 feet, thence S 0°42'27" W 1408.32 feet, thence S 1°07'18" W 751.20 feet, thence S 0°08'02" W 573.97 feet, thence S 0°56'46" W 533.63 feet to a point on the North right-of-way line curve of S.R. 470 said curve being concave northerly and having a radius of 1850.43 feet. thence northwesterly along and with said curve a chord bearing and distance of N 87°14'48" W 100.05 feet, thence N 0°56'46" E 529.76 feet, thence N 0°08'02" E 574.12 feet, thence N 1°07'18" E 751.71 feet, thence N 0°42'27" E 1406.33 feet to the point of beginning

TRACT 6 ✓

The North 1/2 of the NW 1/4 of the NW 1/4 of Section 18 Township 20 South, Range 23 East, except railroad and state road rights-of-way

TRACT 7 ✓

A That part of the SW 1/4 of the SW 1/4 of Section 7, Township 20 South, Range 23 East that lies South of S.R. 470; and

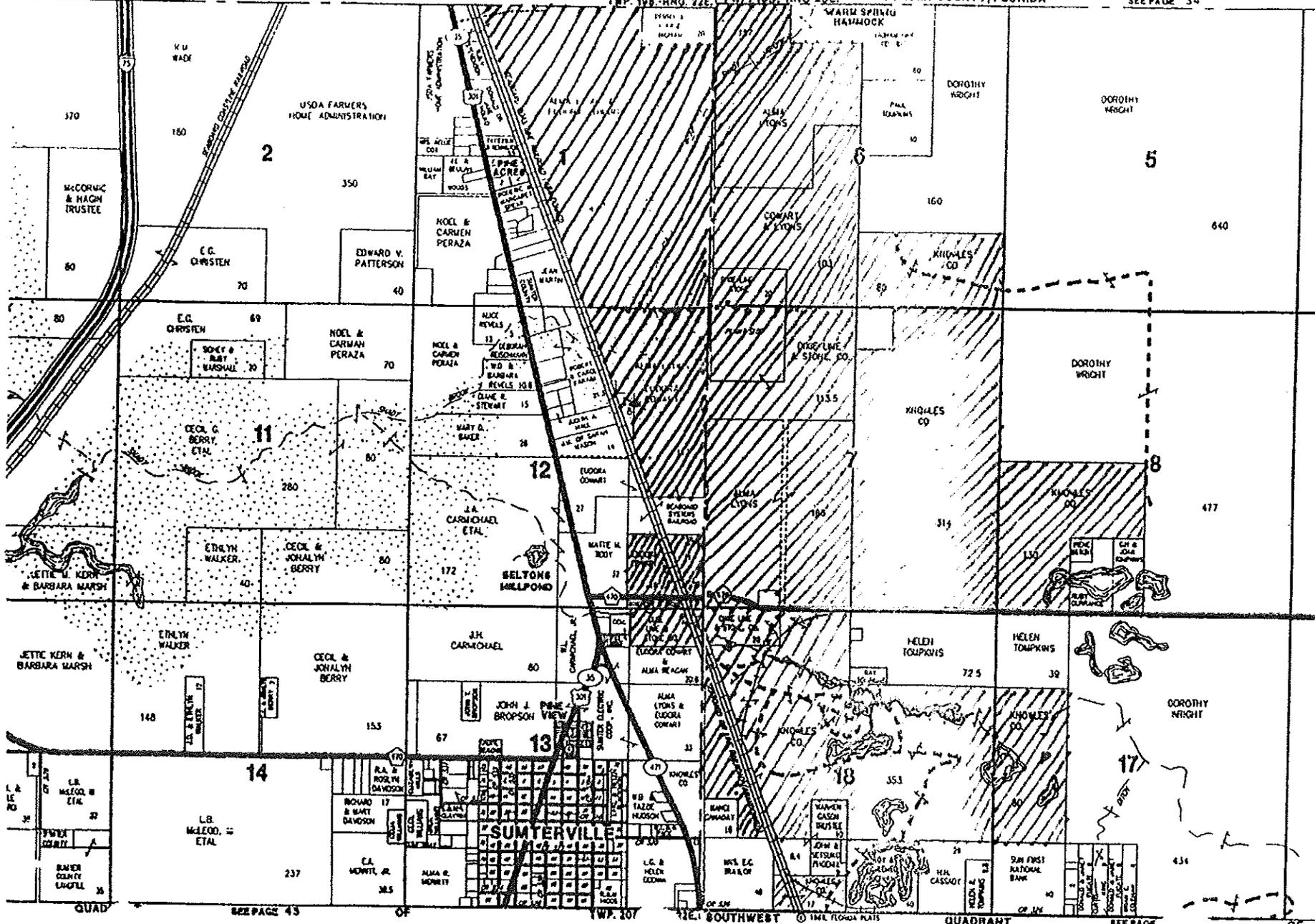
B. That portion of the SE 1/4 of the SE 1/4 of Section 12, Township 20 South, Range 22 East that lies South of S.R. 470 less and except the West 25 feet thereof and all of Tract 3 is less and except the right-of-way for S.R. 470 and right-of-way for the Seaboard Coastline Railroad.

TRACT 8 ✓

Six (6) acres square in the Northeast corner of the NE 1/4 of NE 1/4 of Section 13, Township 20 South, Range 22 East, except railroad right-of-way.

TRACT 9 ✓

The NE 1/4 of the NE 1/4, less six (6) acres in the Northeast corner of Section 13 Township 20 South, Range 22 East in Sumter County, Florida, less the South 1/2 of the NE 1/4 of NE 1/4 of Section 13, Township 20 South, Range 22 East, except North 12.81 feet thereof and except railroad right-of-way (and) except West 25 feet of N 1/2 of NE 1/4 of NE 1/4 and West 25 feet of North 12.81 feet of S 1/2 of NE 1/4 of NE 1/4 of Section 13 Township 20 South Range 22 East



SEE PAGE 31

TWP. 19S. - R1NG. 22E. TWP. 19S. - R1NG. 23E.

SEE PAGE 34

SEE PAGE 43

TWP. 20T

T1E. SOUTHWEST

QUADRANT

SEE PAGE

OF

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SUMTER COUNTY BOARD OF COMMISSIONERS

VESTED MINE REGISTRATION
AND OPERATING PERMIT

BOARD FINDINGS: The Sumter County Board of Commissioners finds that mining operations on the real property described below were lawfully existing on September 19, 1990, and therefore the right to mine said property is vested, subject to the Operating Permit terms and conditions set forth herein.

Legal Description Of Vested Property:

SE 1/4 of SW 1/4 of Sec. 8, Twp. 20S, Rge. 23E, Less four acres, more or less, in the NW corner of same, and except road right-of--ways.

OPERATING PERMIT NO: MI -91-2

Property Owner:

Charles H. & Joan Tompkins, Ruby Durrance
Rt. 1, Box 287c5, Hawthorne, FL 32640

Mine Operator: Bedrock Resources; 1520 SW 5th Ave.; Ocala, FL 32674

GENERAL TERMS AND CONDITIONS OF THE PERMIT ARE AS FOLLOWS:

1. That all statements in the application and supporting data are true and accurate and based upon the best information available, and that all conditions set forth herein will be complied with. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if applicant fails to comply with all of the conditions set forth herein, then this Permit may be suspended or revoked, pursuant to Sec. 13.166-9(A), Sumter County Code.
2. That the mining operation shall be conducted as presented in the application unless specified otherwise in this Permit. Substantial deviation from the permitted mining operation must receive prior approval from the Board, and failure to obtain such approval may be cause for permit suspension or revocation, pursuant to Sec. 13.166-9(A), Sumter County Code.
3. That the operation of this mine shall not constitute a hazard or threat to the health, safety, or general welfare of the public. The determination of a hazard by the Board shall be cause for permit amendment, suspension or revocation, pursuant to Sec. 13.166-9(A), Sumter County Code

4. That all applicable sections of the Florida Statutes, Florida Administrative Code, and Sumter County Code shall be complied with. That all mining operations shall remain in compliance with all permits, authorizations, and conditions applicable to this mine. All terms and conditions of permits issued by other agencies for the mining operation, not in conflict with the herein terms and conditions, shall be adhered to. A substantial, or repeated violation of the terms and conditions of this permit, or the disobedience of any other ordinance, regulation or law, shall be cause for this Permit to be suspended or revoked, pursuant to Sec. 13.166-9(A), Sumter County Code.
5. An authorized Board representative may, upon reasonable notice, enter the property, inspect the facility, and make permit compliance assessments. The Permittee shall either accompany Board's representative onto the property or make provision for access onto the property. The Permittee shall reasonably assist the Board's representative in investigating complaints filed regarding alleged adverse impacts from mining activities.
6. Should mining activities cease for a period of three (3) years, this permit shall expire unless extended by the Board upon request of the Permittee. A request for an extension must be submitted to the Board at least sixty (60) days prior to the permit's expiration date.
7. Subject to other conditions contained herein, this permit shall remain valid and in force throughout the life of the vested mining operation as presented and approved.
8. Dumping of debris, trash, garbage, hazardous or contaminated materials is prohibited in any excavation not permitted for such under local and state laws, and said dumping shall be cause for suspension or revocation of this permit pursuant to Sec. 13.166-9(A), Sumter County Code..
9. Permittee shall submit annually, to the Board, a progress report pursuant to Sec. 13.166-4, Sumter County Code.
10. This permit is issued jointly to the property owner and mine operator designated herein. A change in owner or operator shall be reported to Sumter County within 30 days of such change by the new owner or operator. A change in owner or operator may require a new operating permit, as determined by the Board.
11. Any haul road connection to any county, state or federal road is to be constructed and maintained to the satisfaction of the applicable governing agency.

SPECIFIC TERMS AND CONDITIONS OF THE PERMIT ARE AS FOLLOWS:

1. The Agreement And Restrictive Covenants recorded in OR Book 420, Page 361, Sumter County, are by reference, incorporated as specific conditions of this permit.

REGISTRATION AND PERMIT APPROVAL: Date Jan 22, 1991

Attest: Juan K. Katsaros
Deputy Clerk

Stanton Gideons
Stanton Gideons, Chairman
Sumter County
Board of Commissioners

PERMIT ISSUED: Date 4/19/91 By Glenn E Nelson