

A RESOLUTION REJECTING BEKER  
PHOSPHATE CORPORATION'S PROPOSAL  
THAT TRUCKING OF PHOSPHATE BE  
AUTHORIZED BY AGREEMENT.

WHEREAS, Beker Phosphate Corporation has this day presented to the Board of County Commissioners a proposal that Beker be authorized to ship phosphate by truck from its Wingate Creek Mine to Port Manatee, under certain terms and conditions; and

WHEREAS, the Board has found, pursuant to the Chapter 380 process, that the trucking of phosphate is a substantial deviation from the terms of Beker's DRI Development Order, and has declined, after full and due consideration of the matter, to amend the Development Order to authorize trucking, and Beker has now filed an appeal of that decision in due course.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County:

1. That the Board specifically finds that acceptance of a proposal such as that offered by Beker would be contrary to the interests of Manatee County and its citizens and therefore not in furtherance of the public health, safety and welfare, and that the resolution of this matter at this time, other than by way of the process prescribed by Chapter 380, Florida Statutes, would be inappropriate and contrary to law;

2. That Beker's proposal presented this day, and any proposal that includes authorization for Beker to truck phosphate during the pendency of the review process established by Chapter 380, Florida Statutes, is rejected by the Board of County Commissioners.

ADOPTED with a quorum present and voting this the 8th day of March, 1984.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: Edward W. Chayne  
Chairman 3/8/84

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

March 8, 1984

Hon. Edward W. Chance  
Chairman  
Board of County Commissioners  
Manatee County  
Bradenton, Florida

RE: Beker Phosphate Corporation - Wingate Creek Mine

Dear Chairman Chance:

I am writing to you and your fellow Commissioners in order to address and propose a solution to the concerns of the County Commissioners relating to the transportation of phosphate rock of Beker Phosphate Corporation ("Beker") from its Wingate Creek Mine to Port Manatee. In an attempt to satisfy these concerns and those of the community, Beker is willing to commit to the following:

1. Beker will pay a total of \$800,000 (consisting of an additional \$600,000 beyond the \$200,000 already paid by Beker) toward the reconstruction, widening and maintenance of that segment of State Road 64 measured from the permanent access road at Beker's Wingate Creek Mine to the intersection of such State Road with State Road 675. Reference is made to a separate letter dated March 7, 1984, to you from the Florida Department of Transportation ("FDOT") which sets forth the recent position of FDOT with respect to the proposed reconstruction of State Road 64.

2. Beker will be permitted to continue to ship up to 1.2 million tons annually of phosphate rock by truck from Beker's Wingate Creek Mine west on State Road 64 to I-75, north on I-75 to U.S. 301, west on U.S. 301 (see below) to U.S. 41 and north on U.S. 41 to Port Manatee and 1.8 million tons when Route 275 opens on the same roads for three years, during which time a rail link will be built between the Beker Mine and existing Seaboard System trackage connection to Port Manatee, provided that such three year period will be reduced (in) Beker's rail link is fully operational prior to the end of such period, and will be

extended to fully account for any period of time during which Beker is unable to proceed with the construction of the rail link due to (a) acts of God or (b) inability in obtaining required (i) railroad rights of way or (ii) regulatory approvals, permits or development orders necessary for the construction of railroad trackage.

*add: will qualify with a suit concerning efforts to get 275 completed sooner.*

The Commissioners should be aware that during the past few months, Beker has made substantial progress toward the building of the railroad. Specifically, Beker has revised its proposed rail route to avoid difficulties which the Company previously experienced in obtaining rights of way. In that connection, Beker's new proposed rail route traverses the property of five land owners. Of the five, Beker has signed definitive agreements with two land owners for which substantial consideration already has been paid. Of the three remaining, Beker has reached an agreement in principle with two land owners and is awaiting signed agreements. A firm proposal has been submitted to a committee of the fifth land owner which is to be acted on with the coming week. It is anticipated that the total costs to Beker of these rights of way will be in excess of \$2,000,000. As the Commission is aware, once the trackage is completed, not only will the railroad transport Beker's phosphate, but it will be available to transport any and all products within the County and within The Tampa Bay region. We believe that this will be a significant contribution to the economic well being of Manatee County and The Tampa Bay Region and may ultimately result in less highway traffic.

3. Beker will obtain a performance bond in the amount of \$2 million for the three years referred to above (or upon the completion and operation of the railroad) to evidence Beker's good faith commitment toward the completion of the railroad from Beker's Mine to the Seaboard System Railroad trackage which connects to Port Manatee. The bond would be forfeited in the event that Beker is not in substantial compliance with the terms and conditions of this proposal provided, however, that there shall be no forfeiture in the event of the circumstances set forth in paragraph 2 hereof.

4. Unlike any other shippers, Beker will continue to agree that the trucks will not operate during the hours Manatee County public school buses are regularly scheduled to transport students to and from public schools. This provision shall also include the operation of those trucks whether or not said trucks are operating on behalf of Beker empty or loaded, going to or from Beker's Mine or to or from Port Manatee.

5. Beker will agree not to use U.S. 301 once I-275 is open to the general public which is estimated to be within a few weeks. *we have had no contact with the group of contractors that is doing work on I-275 and we don't have the right of way of I-275 completely paved quickly in the future. It is subject to DOT approval.*

6. Beker will agree to use a system equivalent to the currently effective Beker trucking security system or a mutually satisfactory alternative to insure compliance with requirements relating to routing and speed of trucks. Representatives of Manatee County, upon reasonable notice, shall be permitted to accompany security patrols for the purpose of observing the system. Beker's carrier, Carrier Corporation, has recently deployed the most modern trucks available to insure the safest and most efficient operation of the transport of Beker's phosphate. *new trucks*

*Comment: system will fit in on road of new trucks*

7. Trucks shall be marked so as to be road-identifiable as related to the Beker shipments.

8. The gross maximum weight limit of trucks on the designed route shall not exceed the lower of the gross maximum weight or the gross maximum axle weight permitted thereon by the State of Florida or the Federal government, as the case may be.

9. Weigh scales shall be maintained at Beker's Wingate Creek Mine to insure compliance with the load limits set forth in the immediately preceding paragraph. Upon reasonable notice and at reasonable times and frequencies, Beker shall make available to appropriate Manatee County officials copies of records kept in the ordinary course of business relating to the loads weighed on the aforesaid weigh scales. Such records shall be retained by Beker until made available to such officials.

As President of the Company, I will do everything in my power to insure that the trucks carrying Beker's phosphate will obey all safety rules and regulations.

The Commissioners should be aware that Beker has used its best efforts and, as the result of the financial commitment described in paragraph 1 above, FDOT has agreed to undertake a commitment, as more fully set forth in a separate letter from Mr. Monts de Oca of FDOT, to advance to fiscal year 1984-85 the com-

plete reconstruction of State Road 64 from the Wingate Creek Mine to State Road 675. We understand this complete reconstruction includes the widening and repair of the pavement and shoulders of S.R. 64 as well as the bridges along that route to present day design standards. In addition, Beker has been instrumental in the opening, prior to its regularly scheduled date, of that portion of I-275 from I-75 to U.S. 41 in an easterly direction, thereby avoiding the use by Beker's trucks of U.S. 301 in the town of Ellenton.

As part of our continued effort to meet the concerns of the County Commissioners and the community, Beker has developed this revised proposal which we believe will play a major role in improving automobile and truck travel along Beker's haul route.

We sincerely believe our proposal will substantially improve and upgrade State Road 64 at an earlier time than regularly scheduled and at substantially less expense to taxpayers.

We look forward to the Board's favorable response.

Very truly yours,

  
Erol Y. Beker  
President

/srh  
cc: All County Commissioners

BEK/10

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Board of County Commissioners  
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Very truly yours,

Erol Y. Beker  
President

/srh  
cc: All County Commissioners

BEK/10

Florida

BOB GRAHAM  
GOVERNOR



Department of Transportation *all*

PAUL N. PAPPAS  
SECRETARY

*ELK*  
RECEIVED

Post Office Box 1249  
Bartow, Florida 33830

MAR 8 1984

March 7, 1984

Board of County Commissioners  
MANATEE COUNTY

Mr. Edward Chance, Chairman  
Board of County Commissioners  
County of Manatee  
Post Office Box 1000  
Bradenton, Florida 33506

RE: Beker Phosphate Corporation  
Damage to SR 64

Dear Mr. Chance:

I apologize for the late answer to your letter of February 21st concerning Beker hauling operation damage to SR 64 but I have been in Tallahassee a considerable amount of time recently.

I have my staff preparing the information you requested, trying to determine damage that can be attributed to the Beker hauling versus normal traffic damage to SR 64. It will be very difficult to determine how much damage can be documented as far as the Beker hauling contract is concerned.

In discussion with Mr. Warren Cason, he indicates that Beker Corporation is willing to put up a total sum of \$800,000 for rebuilding SR 64 between Beker Road and County Road 675 if they can work an agreement with Manatee County to extend their hauling contract. If this is a fact and we could obtain \$800,000 from Beker for this purpose, I would recommend that we follow this approach because it would allow us to widen and completely reconstruct the pavement and shoulders of SR 64 to present day design standards. Presently I have programmed in my five year work program the widening and resurfacing of this section of SR 64 for the 86-87 fiscal year. If we can obtain \$800,000 from Beker, I believe that we will be able to advance the rebuilding to the 1984-85 fiscal year. The actual construction date will depend on when we can obtain necessary permits and other data that will allow us to upgrade the road to present day standards. I understand that you propose to meet with Beker Phosphate Corporation in the near future to discuss this proposal. I would strongly recommend that we take this approach for improving SR 64 versus trying to determine damage and how much Beker should participate in as far as repairs to the present roadway.

Mr. Edward Chance  
March 7, 1984  
Page Two

Mr. Cason also advises that he has contacted the contractor building the I-275 interstate project between I-75 and the Skyway to determine when the on and off ramps between I-275 and US 41 will be complete. He indicated to me that the contractor feels by the middle of April he will have these ramps completed depending on weather conditions. As soon as the ramps are complete, I propose to work with the Federal Highway Administration in opening this section of I-275 which will allow traffic to use this portion of I-275 to US 41. This would definitely improve the present hauling route being used by Beker Corporation.

My staff is continuing to develop data that we will review with you concerning damage and resulting conditions to the present road but, if at all possible, I believe we should make every effort to advance the complete widening and resurfacing project for this portion of SR 64.

Sincerely,

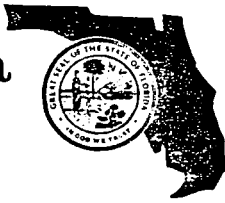


C. W. Monts De Oca, P.E.  
District Engineer

CWM/bl

cc: Senator Pat Neal  
Mr. Warren Cason

Florida



Department of Transportation

KGC  
all

BOB GRAHAM  
GOVERNOR

PAUL N. PAPPAS  
SECRETARY

VED

Post Office Box 1249  
Bartow, Florida 33830

MAR 8 1984

March 7, 1984

Board of County Commissioners  
MANATEE COUNTY

Mr. Edward Chance, Chairman  
Board of County Commissioners  
County of Manatee  
Post Office Box 1000  
Bradenton, Florida 33506

*[Handwritten signatures and notes]*

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BY HOWARD HALL

## Hold the presses! Those headlines are on the loose

With Super Tuesday only hours away, what could be a better time to print some further wacky headlines from America's great newspapers and some that aren't so great? There's also one from Canada. Here they are, as they appeared in the papers and were reprinted by the Columbia Journalism Review:

**"British Arrest 126 Protesting Missiles,"** the Los Angeles Times.

It's about time that the missiles started protesting as people have had a monopoly on this for years. Some of the missiles don't want to be deployed and others are fighting to stay out of hardened silos.

**"Holsteins talk of the winner fair,"** Brantford, (Ontario) Expressor.

It is only fair that the Holsteins should talk of the fair, as it is there that they will be judged and probably sold to the meat processors. One of the Holsteins was reported to have said, "Hell no, we won't go." Others want to put blue ribbons on people and sell them by the pound. Fair's fair.

**"New Faces Sit on Boards,"** the News Enterprise (Las Vigenes, Calif.).

As Churchill once said, "Politicians who keep their ear to the ground present an undignified picture to the public." If these people have their faces sitting on the boards, the same thing is likely to happen.

**"5 1/2-foot boa caught in toilet; woman relieved,"** the Sun-Tattler (Broward County, Fla.).

That figures.



Mark Handall

## Back to school for poll workers

If things go smoothly when you go to the polls to cast your ballot on "Super Tuesday," it will be because the poll workers have done their job properly. To teach them how, Supervisor of Elections Jerome Davis and his staff have conducted a series of classes, like this one, for the poll workers. This year's elections are the last for Davis, who is retiring.

## DRI-order enforcement is issue

MIRIAM WIDMAN  
Herald Staff Writer

If attorneys for Manatee County are correct, then a victory for the Beker Phosphate Co. in a trial beginning today could leave local governments impotent to regulate transportation and safety matters resulting from Developments of Regional Impact.

According to Florida law, a DRI is any development which "would have a substantial effect upon the health, safety, or welfare of citizens of more than one county" because of the development's type, size or location.

The County Commission is seeking an injunction against the company in an effort to halt the scores of big trucks transporting phosphate from Beker's Wingate Creek Mine to Port Manatee.

The county says Beker is violating its 1975 DRI order by continuing to truck. That order required Beker to build a railroad from its mine in the eastern part of the county to Port Manatee, north of Palmetto; the railroad has never been built.

The company has been trucking the mineral under a 1982 out-of-court settlement that expired last December, by which time Beker was to have its railroad in operation. Beker asked the county to extend the settlement for another three years while it built the railroad, but the county refused.

In a separate, though related, case, Beker is seeking to modify its original DRI order by asking for permission to truck phosphate for at least 22 years. On a recommendation from the Tampa Bay Regional Planning Council, the county denied the request. That decision is on appeal to the state cabinet in Tallahassee.

One of the trial's issues will be which governmental body has the right to regulate the transportation aspects of a DRI. The county says it does. Beker says it's up to the state Department of Transportation.

A major portion of the county's case against Beker is expected to focus on

several pages of a complicated state statute known as Chapter 380, which addresses several issues, including DRI's.

William Tarr, an attorney for the county, said, "It appears that Beker is claiming that regional planning commissions and local governments have only the power to consider transportation and safety matters, but cannot do anything about them." Tarr said DRI's affect "the health, safety and welfare of citizens" and that the statute gives local governments regulatory powers.

He said a court ruling against the county could result in "large and substantial impacts on the Chapter 380 process and on the state and local governments' ability to address transportation questions."

Hugh McGuire, a Beker attorney who has worked on the case, said the company doesn't agree with what he called "the widespread county interpretation of 380. We believe that Chapter 380 is a tool by which governments and businesses can iron out their differences."

The county also objects to Beker's attempt to challenge the county's DRI decision in circuit court. Tarr said the appeal must be addressed by the governor and the cabinet.

"They're doing both and you can only do one," Tarr said. He said the county is also seeking to halt the trucks because Beker doesn't have permission to use them.

Beker officials have said that it is actually cheaper to haul ore by train. But the estimated \$20 million rail link is not yet built, and if the company had to halt its mining operation during railroad construction, the costs would be high. The Connecticut-based corporation has filed a \$250 million suit against the county, claiming a successful injunction could put Beker out of business.

The 26-ton, ore-filled trucks begin their trek to Port Manatee on State Road 64. The county claims that

## County commission agenda is topped by rezoning issue

MIRIAM WIDMAN  
Herald Staff Writer

The residents want that road built before construction work begins. The commission had deferred its decision until Tuesday.

In other business, the commissioners are in for a pleasant surprise — more money in tax dollars from the state's phosphate severance tax.

Conservative estimates had placed the county's share of the severance tax at \$75,000. But Beker Phosphate Co., the only company mining the mineral in the county, produced 1.1 million tons of phosphate rock, giving the county a \$36,500 additional bite of the state's revenues.

Taxes paid by phosphate companies on 1983 mining are distributed by the State Department of Revenue in April. The county is expected to get its \$111,500 check then.

The Manatee County Commission is expected to decide Tuesday if Alfred, Mariani and Stan Salzer can rezone their 107 acres at the end of Country River Drive, about a half-mile from Old Tampa Road. The zoning change and subsequent development would increase the number of homes there five times.

Commissioners heard emotional pleas from area residents last week. The site is in a rural area in the eastern part of the county, and residents are worried that developers' trucks would travel over the sole access road, causing safety problems for neighborhood children.

Bill Kipp, a spokesman for the applicants, said he was in the process of acquiring a secondary

# LOCAL

- Soup-kitchen plans face opposition, B-3
  - Government calendar, B-3
  - Miami officer fatally shoots man, B-6
- The Bradenton Herald, Monday, March 12, 1984

SECTION  
**B**



## At Large

BY HOWARD HALL

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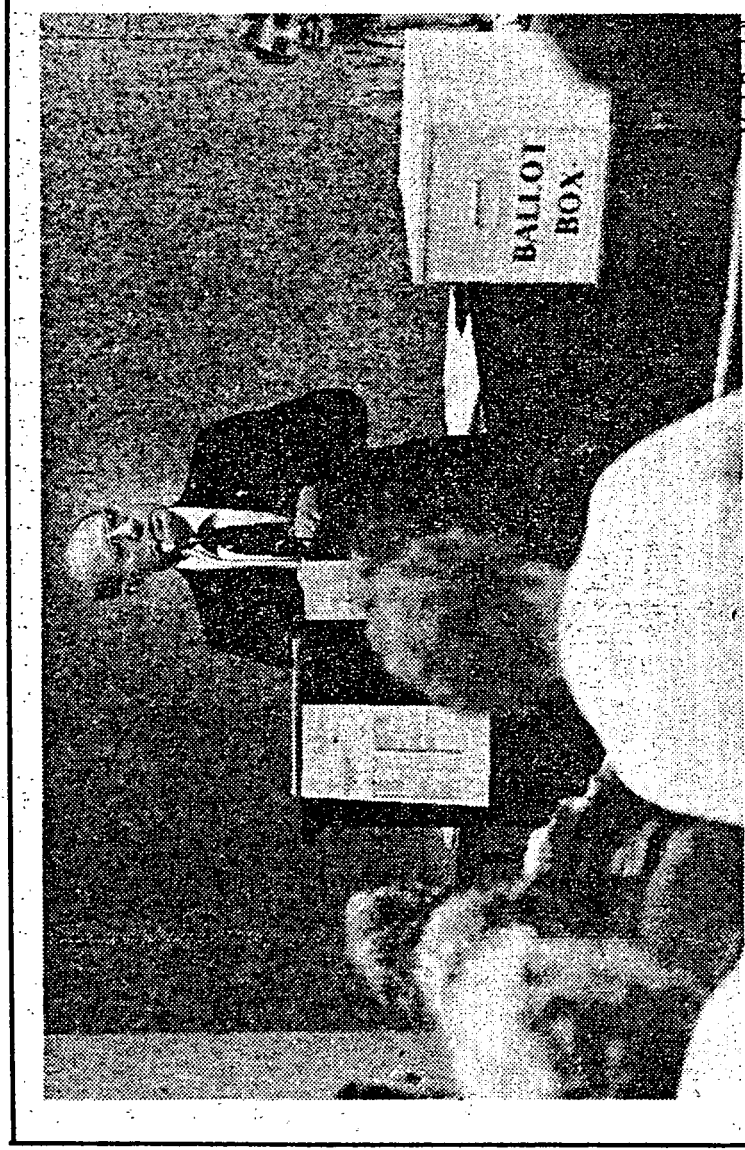
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# Beker Phosphate trial begins today

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# County commission agenda is tomorrow's reasoning



portions of that route are unsafe as a result. A Beker truck driver escaped serious injury last month when his truck, hauling 48,640 pounds of phosphate, overturned on S.R. 64, one of several accidents the company's trucks have been involved in.

The county estimates that at least 92 deaths and 316 injuries could be expected if Beker were allowed to use trucks over the 22-year life of the mine.

Beker had offered the county \$800,000 to repair S.R. 64 in exchange for permitting continued phosphate trucking. The county rejected that request Thursday, saying it would be a violation of DRI law to accept it.

**PATRICK GAFFNEY REALTY**

**EXPERIENCED SALES ASSOCIATES**

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Open 9:00 A.M. to 8 P.M. Seven Days a Week  
 St. Armands Circle • 540 John Ringling Blvd.  
 Siesta Key • 5256 Ocean Blvd. • Suite Ten  
 Manatee County • 623 14th Street West  
**REALTOR® INCORPORATED**



**Danger Signals of Pinched Nerves:**

- 1. Headaches, Dizziness, Loss of Sleep
- 2. Neck Pain, Tight Muscles
- 3. Pain Down Arms, Shoulder Pain
- 4. Numbness in Hands
- 5. Painful Grooms
- 6. Painful Joints, Nervousness
- 7. Lower Back Pain, Hip Pain,
- 8. Painful Discomforting

**LET ME HELP!**

**JOSEPH V. BURKE**  
 CERTIFIED PUBLIC ACCOUNTANT  
 3110 MANATEE AVE. W.  
 746-3269

**You Should Have An ATTORNEY**

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