

# MEMORANDUM



Public Works Department  
Fiscal Services Division  
1022 26<sup>th</sup> Ave. E.  
Bradenton, FL 34285

## MANATEE COUNTY FLORIDA

Phone: 941-708-7450  
Fax: 941-708-7502  
[www.mymanatee.org](http://www.mymanatee.org)

**To:** Vicki Tessmer, Board Records Manager, Clerk of the Circuit Court

**Thru:** Carmen Mosley, Fiscal Operations Division Manager *C. Mosley*

**From:** Jane Oliver, Bond Coordinator *Jane Oliver*

**Date:** January 18, 2013

**Subject:** RECLAMATION BOND ADJUSTMENT FOR  
FOUR CORNERS MINE – SOUTHEAST TRACT (MANSON JENKINS)  
ACCEPTANCE OF SURETY BOND RIDER

Please schedule on your consent calendar for the next available Board of County Commissioner's Agenda, the following "Form of Motion":

- **Acceptance of**, Surety Rider increasing a Surety Bond in conjunction with an Operating Permit (Resolution No.08-010) which was previously accepted by the Board of County Commissioners. The increase has been reviewed and approved by the Natural Resources Department. It has been determined the amount of \$4,322,356.00 is sufficient to secure the reclamation and wetland mitigation requirements at Southeast Tract Mine, as well as for each acre of land to be disturbed during the 2012/2013 annual report year.
  - **Surety Bond Rider No. K06989123** dated May 9, 2006, and Rider effective December 4, 2012 issued through Westchester Fire Insurance Company;
  - Increasing From: \$4,121,513.00;
  - **TO \$4,322,356.00**

RS/mjo

cc: Records  
Charlie Hunsicker, Director, NRD  
Rob Brown, Division Manager, NRD  
William Clague, County Attorney's Office  
Alissa Powers, NRD  
Tom Myers, Mosaic Fertilizer, LLC  
Ted Smith, Mosaic Fertilizer, LLC  
Westchester Fire Insurance Co.

**APPROVED IN OPEN SESSION**

**JAN 19 2013**

**BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA**

Attachment

Original to Jane Oliver 1/30/13 vj

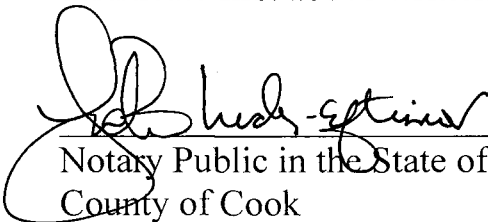


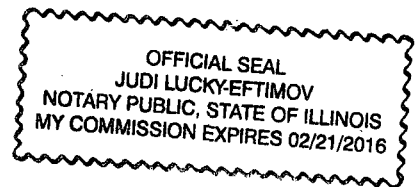
ACKNOWLEDGEMENT BY SURETY

STATE OF ILLINOIS  
COUNTY OF COOK

On this 11<sup>th</sup> day of December, 2012 before me, Judi Lucky-Eftimov, a Notary Public, within and for said County and State, personally appeared Sandra M. Winsted to me personally known to be the Attorney-in-Fact of and for Westchester Fire Insurance Company and acknowledged that she executed the said instrument as the free act and deed of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and year in this certificate first above written.

  
\_\_\_\_\_  
Notary Public in the State of Illinois  
County of Cook



# Power of Attorney

## Westchester Fire Insurance Company

Know all men by these presents: That WESTCHESTER FIRE INSURANCE COMPANY, a corporation of the Commonwealth of Pennsylvania pursuant to the following Resolution, adopted by the Board of Directors of the said Company on December 11, 2006, to wit:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such persons written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested.

Does hereby nominate, constitute and appoint Debra J Doyle, Diane M O'Leary, Jennifer L Jakaitis, Jessica B Yates, Judith A Lucky-Eftimov, Karen L Daniel, Linda M Napolillo, Richard A Moore, Jr., Robert E Duncan, Sandra M Winsted, Sandra M Nowak, Susan A Welsh, Christina L. Sandoval, David J. Roth, Melissa L. Fortier all of the City of CHICAGO, Illinois, each individually if there be more than one named; its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof in penalties not exceeding Twenty Five Million Dollars & Zero Cents (\$25,000,000.00) and the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office.

IN WITNESS WHEREOF, the said Stephen M. Haney, Vice-President, has hereunto subscribed his name and affixed the Corporate seal of the said WESTCHESTER FIRE INSURANCE COMPANY this 1<sup>st</sup> day of October, 2012.

WESTCHESTER FIRE INSURANCE COMPANY



*Stephen M Haney*  
Stephen M. Haney, Vice President

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA ss.

On this 1<sup>st</sup> day of October, AD. 2012 before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came Stephen M. Haney, Vice-President of the WESTCHESTER FIRE INSURANCE COMPANY to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company; that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
KAREN E. BRANDT, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires September 26, 2014

*Karen E Brandt*  
Notary Public

I, the undersigned Assistant Secretary of the WESTCHESTER FIRE INSURANCE COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the Corporation, this 11 day of December 2012



*William L. Kelly*  
William L. Kelly, Assistant Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER OCTOBER 1<sup>ST</sup>, 2014.

006612880

**Please look for the following additional security features before accepting this document. IF NOT PRESENT, DO NOT NEGOTIATE THE DOCUMENT.**

- **Laid lines** on the back of document should be in alignment or the document is not authentic – watch for cut and paste.
- **Microprinting** - under magnification, the inside border on the front of this document should read: "*Standard Register Standardized Security*".
- **Thermochromic Ink** - Standard Register mark on back of document fades from blue to clear when heat is applied.
- An **Artificial Watermark** is present and is viewable at an angle.
- **Security void pattern** on front if copied.

# MEMORANDUM



Natural Resources  
Environmental Protection Division  
202 6<sup>th</sup> Avenue East  
Bradenton, FL 34208

## MANATEE COUNTY FLORIDA

Phone: 941.742.5980  
Fax: 941.742.5996  
[www.mymanatee.org](http://www.mymanatee.org)

**To:** Jane Oliver, Bond Coordinator  
**From:** Alissa Powers, Environmental Program Manager  
**Date:** December 21, 2012  
**Subject:** Southeast Tract – Reclamation Bond Rider Adjustment

Attached is the adjusted reclamation bond for Southeast Tract for the 2012/2013 Annual Report period along with supporting documents. The Southeast Tract Reclamation Bond #K06989123 has been increased by \$200,743 to \$4,322,256 [existing bond amount is \$4,121,513].

The Natural Resources Department (NRD) has reviewed the bond rider and supporting calculations and has determined that they meet the requirements of The Manatee County Phosphate Mining Code (Ordinate 04-39).

Accordingly, please schedule on the consent calendar for the next available Board of County Commissioner's Agenda the following "Form of Motion":

- **Acceptance of**, the attached Reclamation Surety Bond Rider Number #K06989123 increased this year to \$4,322,256 as security for reclamation and wetland mitigation requirements at Southeast Tract Mine, as well as for each acre of land to be disturbed during the 2011/2012 annual report year.

I would appreciate receiving a copy of the executed document after it is accepted and signed by the Board of County Commissioners.

Thank you for your assistance on this matter.

ap/

**Attachments:** Reclamation Bond # K06989123 (Bond Rider)  
Letter of December 4, 2012 providing reclamation liability calculations by FED (third party engineering firm)

cc (w/o attachments): Charlie Hunsicker, Director, NRD  
Rob Brown, Environmental Protection Manager, NRD  
William Clague, CAO  
Ted Smith, Mosaic Fertilizer, LLC  
Jay Matteson, Mosaic Fertilizer, LLC