

MEMORANDUM



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

MANATEE COUNTY FLORIDA

Phone: 941-708-7450
Fax: 941-708-7502
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
ALTMAN TRACT – PARCEL #4
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 decreasing a Surety Bond in conjunction with an Operating Permit (Resolution No.09-011) which was previously accepted by the Board of County Commissioners. The decrease has been reviewed and approved by the Natural Resources Department. It has been determined the amount of \$4,120,000.00 as security for reclamation and wetland mitigation requirements at Altman Parcel #4, as well as for each acre of land to be disturbed during the 2012/2013 annual report is appropriate;
- **Surety Bond No. 08941617** (dated March 6, 2008 previously accepted), **Rider** effective November 16, 2012 issued through Fidelity and Deposit Company of Maryland;
 - Decreased From: \$5,121,465.00.
 - **TO: \$4,120,000.00;**

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
Bryant Grant, Mosaic Fertilizer, LLC
Fidelity & Deposit Co of Maryland

Attachments

APPROVED IN OPEN SESSION

JAN 19 2013

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

Original to Jane Oliver 1/30/13 vj

R I D E R

To be attached to and form part of:

Bond Number 08941617
dated 3/6/2009
issued by the FIDELITY AND DEPOSIT COMPANY OF MARYLAND
on behalf of MOSAIC FERTILIZER, LLC
(Principal)
and in favor of THE BOARD OF COUNTY COMMISSIONERS OF MANATEE
COUNTY, FLORIDA
(Obligee)

Now therefore, it is agreed that in consideration of the premium charged, the attached bond shall be amended as follows:

The bond amount shall be amended:

FROM: \$5,121,465.00

TO: \$4,120,000.00

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This Rider is to be Effective this 16th day of November, 2012.

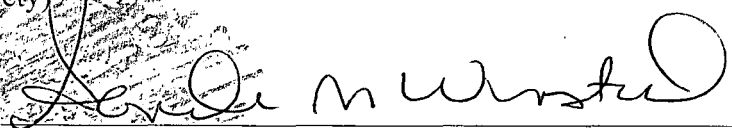
Signed, Sealed & Dated this 15th day of November, 2012.

MOSAIC FERTILIZER, LLC

By 
(Principal)

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(Surety)

By 
Sandra M. Winsted, Attorney-in-Fact

ACCEPTED IN OPEN SESSION

JAN 29 2013

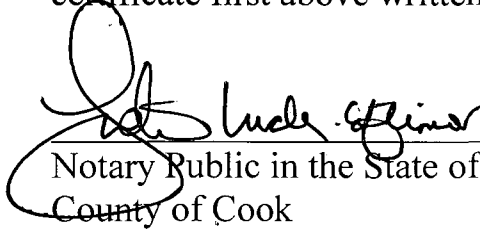
BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

ACKNOWLEDGEMENT BY SURETY

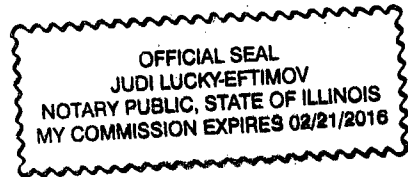
STATE OF ILLINOIS
COUNTY OF COOK

On this 15th day of November, 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 Fidelity and Deposit Company of Maryland 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



**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **THOMAS O. MCCLELLAN, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Sandra M. WINSTED, Linda M. NAPOLILLO, Karen L. DANIEL, Susan A. WELSH, Judith A. LUCKY-EFTIMOV, James B. MCTAGGART, Debra J. DOYLE, Sandra M. NOWAK and Melissa L. FORTIER, all of Chicago, Illinois, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 25th day of September, A.D. 2012.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



Gerald F. Haley

By: _____

*Assistant Secretary
Gerald F. Haley*

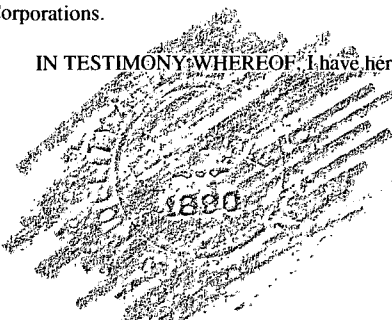
Thomas O. McClellan

*Vice President
Thomas O. McClellan*

State of Maryland
City of Baltimore

On this 25th day of September, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **THOMAS O. MCCLELLAN, Vice President, and GERALD F. HALEY, Assistant Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Maria D. Adamski

*Maria D. Adamski, Notary Public
My Commission Expires: July 8, 2015*



EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 15 day of November, 20 12



James M. Carroll, Vice President

MEMORANDUM



Natural Resources
Environmental Protection Division
202 6th Avenue East
Bradenton, FL 34208

MANATEE COUNTY FLORIDA

Phone: 941.742.5980
Fax: 941.742.5996
www.mymanatee.org

To: Jane Oliver, Bond Coordinator
From: ADP Alissa Powers, Environmental Program Manager
Date: December 4, 2012
Subject: Four Corners Mine & Altman Parcel #4 – Reclamation Bond Riders Adjustments

Attached are the adjusted reclamation bonds for Four Corners Mine and Altman Parcel #4 for the 2012/2013 Annual Report period along with supporting documents. The Four Corners Reclamation Bond #400KA2977 has been decreased by \$535,090 to \$21,457,417 [existing bond amount is \$21,992,507]. The Altman Parcel #4 Reclamation Bond #08941617 has been decreased by \$1,001,465 to \$4,120,000 [existing bond amount is \$5,121,465].

The Natural Resources Department (NRD) has reviewed the bonds and amounts 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 #400KA2977 decreased this year to \$21,457,417 as security for reclamation and wetland mitigation requirements at Four Corners Mine, as well as for each acre of land to be disturbed during the 2012/2013 annual report year.
- **Acceptance of**, the attached Reclamation Surety Bond Rider Number #08941617 increased this year to \$4,120,000 as security for reclamation and wetland mitigation requirements at Altman Parcel #4, as well as for each acre of land to be disturbed during the 2012/2013 annual report year.

I would appreciate receiving a copy of the executed documents after they are accepted and signed by the Board of County Commissioners.

Thank you for your assistance on this matter.

ap/

Attachments: Reclamation Bond #400KA2977 (Bond Rider)
Reclamation Bond #08941617 (Bond Rider)
Letters of October 23, 2012 and November 1, 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
Bryant Grant, Mosaic Fertilizer, LLC