

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE CONTINUED PARTICIPATION OF THE MANATEE COUNTY PORT AUTHORITY IN AN AMOUNT NOT TO EXCEED \$40,600,000 IN A PROGRAM OF FINANCING RELATING TO THE ISSUANCE BY THE FLORIDA PORTS FINANCING COMMISSION OF ITS REVENUE BONDS (STATE TRANSPORTATION TRUST FUND - INTERMODAL PROGRAM), SERIES 1999, WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1996, AS AMENDED.

WHEREAS, the Manatee County Port Authority (the "Authority"), is a public entity of the State of Florida pursuant to Chapter 2003-351 of the Laws of Florida and Chapter 315 of the Florida Statutes and has determined that it may hereinafter further participate in a program funded by the hereinafter identified bonds to finance all or a portion of the cost of a capital improvement projects at Port Manatee (the "Projects") described in the hereinafter identified Notice of Public Hearing, and

WHEREAS, the Board of County Commissioners of Manatee County, Florida (the "Board") held a public hearing on August 17, 2004, pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1996, as amended (the "Code") to consider a proposal by the Authority to further participate in a loan or loans (the "Loans") from the proceeds of the Revenue Bonds (State Transportation Trust Fund - Intermodal Program), Series 1999 (the "Bonds") issued by the Florida Ports Financing Commission in an amount not to exceed \$40,600,000 to finance all or a portion of the costs of the Projects, and a copy of the proof of publication of the notice is attached hereto, and

WHEREAS, it is intended that this resolution shall constitute the approval of the further participation by the Authority in said program of financing as required by Section 147(f) of the Code.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT:

1. The above recitals are hereby adopted.
2. Within the meaning of Section 147(f) of the Code, the further participation by the Authority in a plan of financing relating to the issuance of the Bonds and the Loans to fund a portion of the costs of the Projects at Port Manatee is hereby approved.

3. This resolution shall take effect upon its passage in the manner provided by law.

ADOPTED with a quorum present and voting this the 17th day of August, 2004.

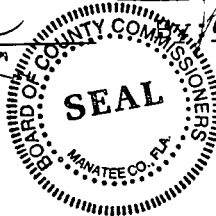
ATTEST: R. B. SHORE  
Clerk of Circuit Court

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By:

*Susan Rose*

*de*



*Stan Woodhouse*  
Chairman

# BRADENTON HERALD

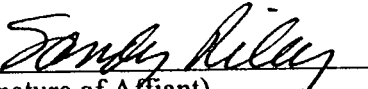
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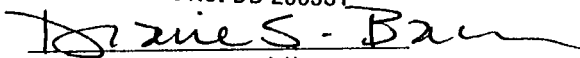
Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **NOTICE OF PUBLIC HEARING** in the Court, was published in said newspaper in the issues of, **7/15,18,21, 2004**

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

  
(Signature of Affiant)

Sworn to and subscribed before me this  
22nd Day of July, 2004

DIANE S. BACRO  
Notary Public, State of Florida  
My comm. exp. Aug. 15, 2007  
Comm. No. DD 206531



SEAL & Notary Public  
Personally Known  OR Produced Identification   
Type of Identification Produced \_\_\_\_\_

### NOTICE OF PUBLIC HEARING

Notice is hereby given of a public hearing to be held at 9:00 a.m. or as soon thereafter as practicable, on August 17, 2004, during a meeting of the Board of Commissioners of Manatee County, Florida (the "Board"), in the County Commission Chambers on the first floor of the County Administrative Center at 1112 Manatee Avenue West, Bradenton, Florida 34205, for the purpose of receiving comments and hearing discussion concerning a plan of financing relating to the issuance by Florida Ports Financing Commission of its Revenue Bonds (State Transportation Trust Fund Intermodal Program), Series 1999 (the "Bonds"), the proceeds of which may be loaned to the Manatee County Port Authority (the "Port Authority") in an amount not to exceed \$40,600,000. The Port Authority currently participates in the program to receive loans from the proceeds of the Bonds and anticipates continued participation in the program. The proceeds of the loans have been or will be used to finance all or a portion of the costs of the following projects to be owned by the Port Authority (the "Projects"). The Board have previously approved after duly noticed public hearings said Projects and desire to reaffirm its approval of the Projects and to add one new Project. The Projects include the following:

1. **Berth 5 Improvements.** FSTED Project No. 07-2 RP. The existing Berth 5 with an adjacent dredged depth of approximately 18 feet will be dredged to a depth of approximately 40 feet and the dock and structure of said berth will be renovated to accommodate increased depth of the adjacent waters. The berth will be extended 400 feet to the north.

Engineers (USCOE) in 1995 on a cost sharing basis with the Port Authority. Siltting has taken place and follow-up periodic maintenance has been scheduled by USCOE. For such maintenance dredging, funding for the channel is 100% USCOE. However, the funding for the harbor basin and dredge material is 100% the responsibility of the Port Authority.

7. **Internal Access And Improvements to Newly Acquired Port Property.** FSTED Project No. 2000-1. The project involves access and basic initial improvements to a newly acquired property by the port. There are four (4) aspects: (i) immediate road access; (ii) extension of utilities; (iii) road and infrastructure; and (iv) rail bridge access.

8. **Intermodal Distribution Center, Warehouse/Office Complex.** FSTED Project No. 2000-3. This project involves initial infrastructure improvements of roads, utilities, drainage, basic rail connection and land grade work to Port Manatee Intermodal Distribution Center. An intermodal inland warehouse (40,000 sq ft) office (3,000 sq ft) complex is to be constructed all as part of Phase I.

9. **Berth Rehabilitation and Reconstruction.** FSTED Project No. 01-3. In 1995 a temporary tie back system was installed at the northeast corner of Berth 8 to relieve lateral pressure. A permanent connection needs to be installed to prevent a collapse. Berth 9 has severe deterioration along the cap beam and needs reconstruction to maintain the berth.

10. **Enhanced Facility And Operational Security.** Perimeter fencing, high mast lighting, closed circuit television, security control command center/office complex outside the north gate, security vehicles, gate improvements and 800 mhz communications equipment on a portwide basis complying with the minimum security standards established by F.S. 311.12.

11. **Intermodal Transit Warehouse 10.** FSTED Project No. 2003-2. Construct an intermodal transit warehouse of approximately 145,000 square feet to be located east of Berth 9 and north of South Dock Street at Port Manatee.

The operator of the Projects shall be the Port Authority. The Port Authority is on Tampa Bay in the northwestern portion of Manatee County, Florida, adjacent to U.S. Highway 41 south of the north county line.

2. **Berth 12 Improvements.** FSTED Project No. 97-2 RP. The existing Berth 12 which accommodates only shallow draft barges and other similar vessels, will be enlarged and the adjacent waters will be dredged to a depth of approximately 40 feet to accommodate larger deep draft vessels.

3. **Berth 12 Cruise Terminal.** FSTED Project No. 97-2 RP. The construction of a 60,000 square foot cruise terminal with a gangway, office space, access road and off-site utilities in the vicinity of Berth 12 for cruise passenger operations.

4. **Channel Dredging.** FSTED Project No. 97-1 RP. Widening the junction of the Port Manatee approach channel with the Tampa Bay ship channel and the vessel turning basin at the Port Manatee harbor entrance together with related dredged spoil disposal sites.

5. **Container Cranes.** FSTED Project No. 97-8. Acquire two mobile container cranes for the loading and unloading of cargo containers at various berths.

6. **Maintenance Dredging As Part of Manatee Harbor and Channel Improvements.** FSTED Project No. 2000-2 RP. Phase I Dredging was initiated by the U.S. Army Corps of

All affected taxpayers, property owners and citizens and all other interested persons are invited to attend said hearing and, either personally or through their representatives, present comments and discussion, oral or written, concerning the proposed plan of financing, the Loan, the Bonds and the nature and location of the Projects. Should any person decide to appeal any decision, he will need a record of the proceedings, and he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The public hearing is required by Section 147(f) of the Internal Revenue Code of 1986, as amended ("the Code"). Subsequent to the public hearing, the Board will consider whether to approve the loans, the Projects and the issuance of the Bonds as required by Section 147(f) of the Code. Any person interested in the proposed plan of financing, the issuance of the Bonds, the loans or the location or nature of the Projects may appear and be heard in accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in this proceeding should contact the Board not later than 48 hours prior to the proceedings at the following telephone number: 941/745-3707.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: /s/ Jane W. Von Hahmann

Its: Chairman  
Dated: July 19, 2004  
7/21/04