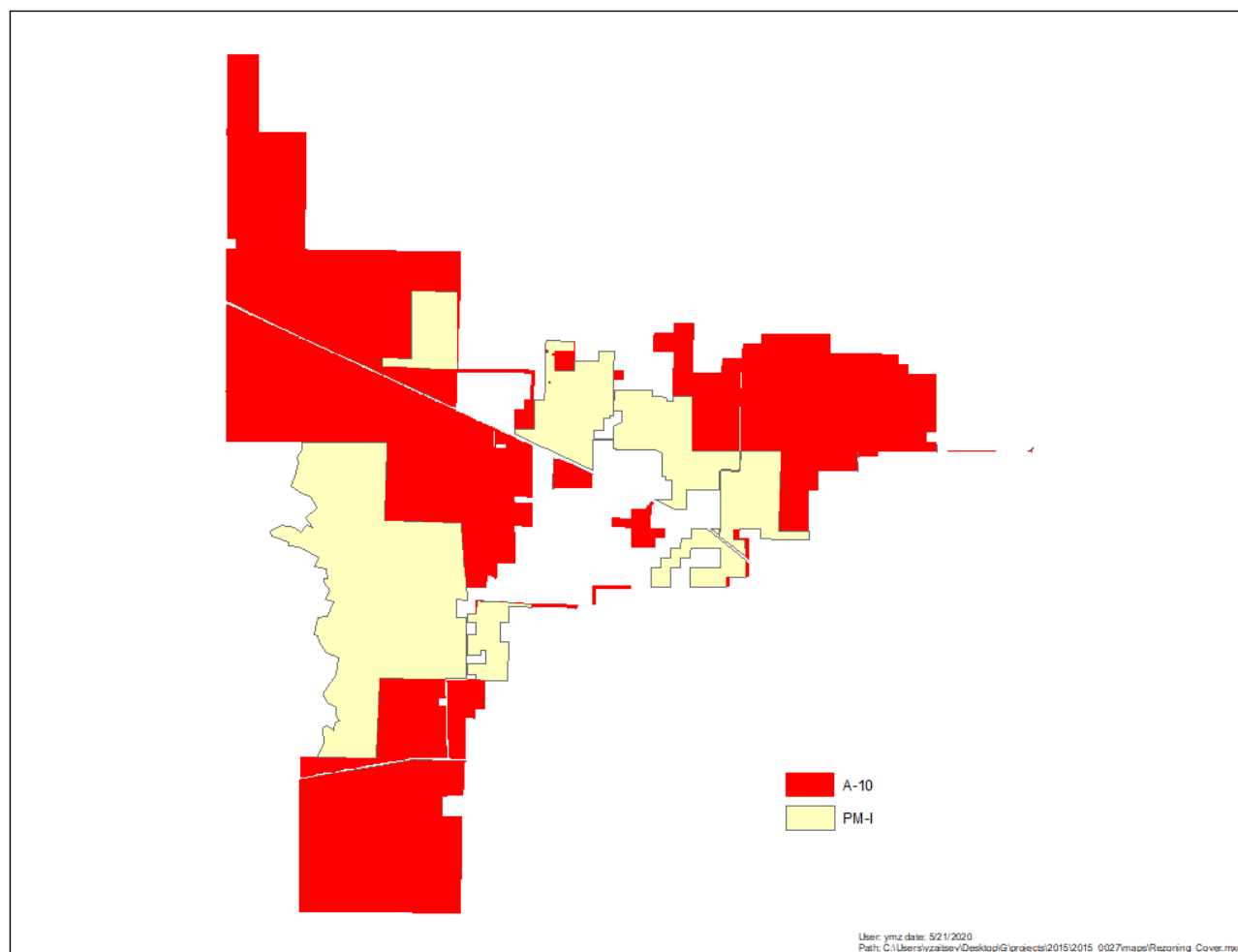


## DESOTO MINE REZONING APPLICATION EXECUTIVE SUMMARY

### INTRODUCTION

Mosaic Fertilizer, LLC (Mosaic) is submitting an application and supporting documentation, for the rezoning of certain properties from the current Agricultural 10 (A-10) zoning district to the Phosphate Mining-Industrial (PM-I) district allowing for phosphate mining and related activities. The properties subject to this proposed rezoning request are designated on the Future Land Use Map as Rural/Agricultural. The properties are all overlain by the Generalized Phosphate Mining Overlay Designation (GPMOD) which encompasses approximately 25,000 acres in the south western portion of DeSoto County.

Text Figure 1-1 below identifies the areas addressed in this application.



**Text Figure 1-1: Overview of Proposed Rezoning Areas for the DeSoto Mine**

The properties (14,057.5 acres) that are the subject of this application include lands owned (9,482.4 acres) and/or under unified control by the Applicant (4,575.1 acres). Please refer to the attached Permitting Agreements and Mineral Interest Deeds for details. Properties owned or under control of the



Applicant currently zoned PM-I are not included in this application and/or the legal description. There are 8,985.4 acres currently zoned in PM-I that were rezoned in 1981. Many of the maps provided depict the PM-I zoned lands for reference purposes only. The properties that are the subject of this application are identified on the attached Map Series and Legal Descriptions.

This request, generally referred to as the Desoto Mine Tract (but including properties outside of the DeSoto Mine boundary), is consistent with the Desoto County Comprehensive Plan and Land Development Regulations, as amended. The proposed rezoning request does not require a concurrent amendment to the adopted Comprehensive Plan as mining is an allowed use in the Rural/Agricultural land use designation.

## **FORMAT**

This application package has been prepared by Mosaic to fulfill its application obligations summarized above in a single submittal intended to facilitate consolidated review by DeSoto County staff. The document consists of and includes:

- TAB 1. DESOTO COUNTY REZONING APPLICATION FORMS
- TAB 2. ZONING CRITERIA NARRATIVE
- TAB 3. DESOTO COUNTY COMPREHENSIVE PLAN CONSISTENCY
- TAB 4. SUPPORTING TABLES AND MAPS
- TAB 5. LEGAL DESCRIPTIONS
- TAB 6. OWNERSHIP AND MINERAL INTEREST RIGHTS
- TAB 7. DEEDS, PERMITTING AGREEMENTS AND PERMITTING DOCUMENTS
- TAB 8. SUPPORTING APPENDICES (on CD)

## **TAB 1 - DESOTO COUNTY REZONING APPLICATION FORMS**

The DeSoto County Rezoning Application forms provide certain criteria in the review of rezoning requests. These forms are provided in Tab 1. The Applicant's response to each respective item is provided in the tabs that follow.

## **TAB 2 - ZONING CRITERIA NARRATIVE**

The rezoning request is not unexpected as the properties subject to the rezoning are overlain by the GPMOD, which identifies land containing phosphate minerals and where phosphate mining is planned or likely to occur. There are 15 review factors to be considered when requesting a rezoning and they are identified in the Land Development Regulations. A review of the 15 factors in association with this rezoning application can be found in Tab 2, the Zoning Criteria Narrative. Ultimately, the rezoning request will allow for the Phosphate Mining Master Plan (MMP) and Operating Permit (OP) approvals of phosphate mining and related activities that will be a new use in the area.

## **TAB 3 - DESOTO COUNTY COMPREHENSIVE PLAN CONSISTENCY**

The DeSoto County Comprehensive Plan is comprised of eleven elements. The Comprehensive Plan provides goals, objectives and policies to guide development within the County and is implemented by the Land Development Regulations. On January 27, 2015, the County approved Ordinance 2015-01 (which adopted Comprehensive Plan Text Amendment LS 2014-01) to ensure internal consistency between DeSoto County's GPMOD and related Comprehensive Plan Policies including policies within the Future Land Use and Conservation Elements.

As noted in Objective 1.12b of the Comprehensive Plan, “*The Interim 2040 Generalized Phosphate Mining Overlay Designation Map (FLUEMS-5) consists of private lands that are likely to contain phosphate minerals located within the Rural/Agriculture Future Land Use District and the Phosphate Mineral Type as depicted on the Generalized Surface Minerals Map. Establishment of the Generalized Phosphate Mining Overlay Designation will ensure the orderly development of phosphate mining activity, including the extraction of mineral resources and reclamation of mined land in a manner compatible with the overall development of the County and the protection of environmental resources as further prescribed in the policies listed below and Phosphate Mining Regulations set forth in the land Development Regulations.*”

On September 28, 2010, the County approved and adopted Ordinance No. 2010-26, which added the GPMOD to the County’s Comprehensive Plan and Future Land Use Map Series and created textual language (in the form of applicable objectives and policies) that recognizes and regulates phosphate mining and related activities as an allowable land use overlain by the GPMOD. Map I-7, which depicts those areas within the GPMOD where mining is generally prohibited, was also adopted into the Comprehensive Plan Map Series concurrently with the adoption of the GPMOD. The rezoning request is consistent with the County’s Comprehensive Plan as discussed in Tab 3.

#### **TAB 6 - OWNERSHIP & MINERAL RIGHTS INTEREST**

Mosaic is the sole entity associated with the DeSoto Mine and is pursuing rezoning of the A-10 zoned lands within the mine boundary necessary to allow for phosphate mining. Additional lands outside of the mine boundary and within the GPMOD are also proposed for rezoning from A-10 to PM-I. All parcels requested for rezoning are within the GPMOD. Mosaic’s land ownership and interests are divided between fee simple interest / warranty deeds, mineral interest warranty deeds and permitting agreement lands.

Copies of Mosaic’s fee simple / warranty deeds are provided in Tab 6, while permitting agreements for lands owned by others are provided in Tab 7. Three (3) Mineral Interest Warranty Deeds (Mineral Interest - MI) provide documentation of Mosaic’s MI ownership rights that authorize permitting, rezoning, etc., and expressly allow access to the phosphate mineral reserves underlying these lands. Refer to Tab 6 for these deeds. The 1994 MI (surface rights) deeds were granted by IMC-Agrico Company and IMC Development Corporation and conveyed to V.C.H Citrus, V.R. Hollingsworth, III, as Trustee, and to James & Robert Brewer over certain lands located north and south SR. 70 in Township 36 & 37 South, Range 23 East.

#### **TAB 7 - PERMITTING AGREEMENTS & MERGER DOCUMENTS**

In January 2005, V.C.H Citrus and V.R. Hollingsworth sold portions of these MI lands to DiMare Ruskin #2, LLC, a Florida Limited Liability Company. These two deeds are attached to document the existing surface owner of the MI lands, and to document they are now the successor in interest to VCH Citrus and V.C. Hollingsworth 1994 MI warranty deeds. Again, refer to Tab 7 for these deeds. All lands requested for rezoning to PM-I total 14,057.5 acres.

Currently, the DeSoto Property Appraiser shows much of the DeSoto Mine ownership under the name “IMC-Agrico”, and this is expected as Mosaic Fertilizer, LLC is the successor in interest by merger. The following documentation in Tab 7 is provided to detail this ownership / interest:



1. IMC-Agrico Company changed its name to IMC Phosphates Company on June 26, 2000
2. IMC Phosphates Company changed its name to Mosaic Phosphates Company on October 22, 2004
3. Mosaic Phosphates Company merged into Mosaic Fertilizer, LLC on July 29, 2005

In conclusion, Mosaic Fertilizer, LLC is the successor in interest to all IMC-Agrico Company listed lands in DeSoto County.