

Martin

expansion project



Volume II of III



**SITE CERTIFICATION APPLICATION
MARTIN EXPANSION PROJECT**

VOLUME II OF III

Submitted by:

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| | |
|--------|---|
| AADT | average annual daily trips |
| AAQS | Ambient Air Quality Standards |
| ANSI | American National Standard Institute |
| BACT | best available control technology |
| BOCC | Board of County Commissioners |
| Btu/lb | British thermal units per pound |
| °C | degrees Celsius |
| CAA | Clean Air Act |
| CC | combined cycle |
| CFR | Code of Federal Regulations |
| cfs | cubic feet per second |
| CG/CC | Coal Gasification/Combined Cycle |
| Cl | chloride |
| cm | centimeter |
| CO | carbon monoxide |
| CR | County Road |
| CT | combustion turbine |
| dB | decibels |
| DLN | dry-low NO _x |
| DHR | Florida Department of State, Division of Historical Resources |
| DSM | demand side management |
| EMT | emergency medical technician |
| EPA | U.S. Environmental Protection Agency |
| EPRI | Electric Power Research Institute |
| °F | degrees Fahrenheit |
| F.A.C. | Florida Administrative Code |
| FCREPA | Florida Committee on Rare and Endangered Plants and Animals |
| FDACS | Florida Department of Agriculture and Consumer Services |
| FDEP | Florida Department of Environmental Protection |
| FDOT | Florida Department of Transportation |
| FEC | Florida East Coast |

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LIST OF ACRONYMS AND ABBREVIATIONS - continued

| | |
|------------------------|---|
| FEMA | Federal Emergency Management Agency |
| FFWCC | Florida Fish and Wildlife Conservation Commission |
| FGD | flue gas desulphurization |
| FGT | Florida Gas Transmission Company |
| FLUCFCS | Florida Land Use, Cover and Forms Classification System |
| FMSF | State of Florida Master Site File |
| FPL | Florida Power & Light Company |
| FPSC | Florida Public Service Commission |
| F.S. | Florida Statutes |
| ft | foot |
| ft ² | square foot |
| ft-bls | feet below land surface |
| ft-msl | feet above mean sea level |
| FWCC | Florida Fish and Wildlife Conservation |
| gpd | gallons per day |
| gpm | gallons per minute |
| gr/100 scf | grains per 100 standard cubic feet |
| HHV | high heating value |
| HRS | heat recovery steam generators |
| Hz | hertz |
| I | Interstate Highway |
| In/yr | inches per year |
| IRP | integrated resource planning |
| kg | kilogram |
| kg/km ² -mo | kilograms per square kilometer per month |
| km | kilometer |
| kWh | kilowatt hour |
| lb/hr | pounds per hour |
| LHV | lower heating value |
| LOLP | loss-of-load probability |
| LOS | Level of Service |
| m | meter |

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LIST OF ACRONYMS AND ABBREVIATIONS - continued

| | |
|--------------------------|---|
| Martin Expansion Project | Martin Unit 8 Combined Cycle Project or the Project |
| MB | mixed bed |
| MCR | maximum current rating |
| mg/L | milligrams per liter |
| mi ² | square mile |
| MMBtu | million British thermal units |
| mph | miles per hour |
| MW | megawatt |
| Na | sodium |
| NEPA | National Environmental Policy Act |
| NERC | National Electric Reliability Council |
| NESC | National Electrical Safety Code |
| NO ₂ | nitrogen dioxide |
| NO _x | nitrogen oxide |
| NP | National Park |
| NSPS | New Source Performance Standards |
| NWS | National Weather Service |
| O ₂ | oxygen |
| O ₃ | ozone |
| Pb | lead |
| PM | particulate matter |
| PM ₁₀ | particulate matter with an aerodynamic diameter of 10 micrometers or less |
| ppm | parts per million |
| ppmvd | parts per million-dry conditions |
| PPSA | Power Plant Siting Act |
| PSD | prevention of significant deterioration |
| PUD | planned unit development |
| RO | reverse osmosis |
| ROW | Right-of-Way |
| SCA | Site Certification Application |
| SCR | selective catalytic reduction |

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| | |
|-------------------|---|
| SFWMD | South Florida Water Management District |
| SI | saturation index |
| SIP | site implementation plan |
| SO ₂ | sulfur dioxide |
| SPCC | Spill Prevention Control and Countermeasure |
| SPL | sound pressure level |
| SR | State Road |
| TIITF | Trustees of the Internal Improvement Trust Fund |
| TPY | tons per year |
| µg/m ³ | micrograms per cubic meter |
| µm | micrometer |
| µS | microSiemens |
| USACE | U.S. Army Corps of Engineers |
| USCG | U.S. Coast Guard |
| USFWS | U.S. Fish and Wildlife Service |
| USGS | U.S. Geological Survey |
| VOC | volatile organic compound |
| WSE | Water Supply and Environmental |
| yr ³ | cubic feet per year |

APPENDIX 10.1

FEDERAL PERMIT

APPLICATIONS AND APPROVALS

APPENDIX 10.1.1

316 DEMONSTRATIONS

[Note: The project does not require a 316 demonstration. Intake monitoring was performed in 1978 to address Section 316(b) of the Federal Water Pollution Control Act of 1972, as amended (P.L.92-500). The intake monitoring report was provided in the appendices for the Martin Coal Gasification/Combined Cycle Project (1989).]

APPENDIX 10.1.2

NPDES APPLICATION/PERMITS

[Note: Refer to Appendix 10.4.4 Industrial Wastewater Permit.]

APPENDIX 10.1.3

HAZARDOUS WASTE DISPOSAL APPLICATION/PERMIT

[Note: No Federal or State application or permit for hazardous waste disposal is required for the Project.]

APPENDIX 10.1.4

SECTION 10 OR 404 APPLICATIONS/PERMITS

[Note: Attached are the approvals that cover the project area.]



This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers

TO FILL APPROXIMATELY 166 ACRES OF JURISDICTIONAL WETLANDS
LOCATED TO THE EAST OF THE MARTIN POWER PLANT COOLING POND FOR 19 JUL 29 1991
THE PURPOSE OF CONSTRUCTING A COAL GASIFICATION/COMBINED CYCLE (CG/CC)
POWER PLANT AND ASSOCIATED FACILITIES INCLUDING A NATURAL GAS PIPELINE
~~APPROPRIATE~~ AND A TRANSMISSION LINE UPGRADE.

SECTIONS 19-21 & 28-30, TOWNSHIP 39 S, RANGE 37 E, 5 MILES E OF LAKE
at OKEECHOBEE & 4 MILES NW OF INDIANTOWN, WESTERN MARTIN CO., FLORIDA

has been issued to FLORIDA POWER & LIGHT CO. on JUL 29 1991
C/O MR. WAYNE C. ONDLER, PRINCIPAL SPECIALIST
Address of Permittee POST OFFICE BOX 078768
WEST PALM BEACH, FL 33407-0768

Permit Number

89IPD-91140

for *Bruce A. Malson*
BRUCE A. MALSON, COL CE
District Commander

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Juvel S. Swack
(PERMITTEE)

7-24-91
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Bruce A. Malson
(DISTRICT ENGINEER)
Bruce A. Malson
Colonel, U.S. Army

JUL 29 1991
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

JUL 29 1991

Regulatory Division
South Permits Branch
89IPD-91140

Mr. Wayne C. Ondler
Principal Specialist
Florida Power and Light Company
Post Office Box 078768
West Palm Beach, Florida 33407-0768

Dear Mr. Ondler:

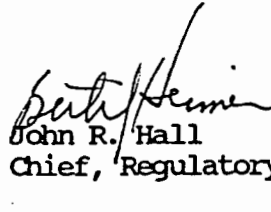
We are pleased to enclose the Department of the Army permit and a Notice of Authorization which should be displayed at the construction site. Work may begin immediately but the appropriate Regulatory Section Chief as representative of the District Engineer must be notified of:

- a. The date of commencement of the work.
- b. The dates of work suspensions and resumptions if work is suspended over a week, and
- c. The date of final completion.

Regulatory Section Chiefs addresses and telephone numbers are shown on the enclosed map. The Section Chief is responsible for inspections to determine that permit conditions are strictly adhered to. A copy of the permit and drawings must be available at the site of work.

IT IS NOT LAWFUL TO DEVIATE FROM THE APPROVED PLANS ENCLOSED.

Sincerely,


John R. Hall
Chief, Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Power and Light Company

Permit Number: 89IPD-91140

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The project is to fill approximately 166 acres of jurisdictional wetlands located to the east of the Martin Power Plant cooling pond for the purpose of constructing a coal gasification/combined cycle (CG/CC) power plant and associated facilities including a natural gas pipeline and a transmission line upgrade.

The work described above is shown on the attached plans numbered 89IPD-91140 in 8 sheets dated January 1991.

Project Location: The project is located within isolated wetlands east of the existing Martin Power Plant cooling pond site, Sections 19-21 and 28-30, Township 39 South, Range 37 East, 5 miles east of Lake Okeechobee and 4 miles northwest of Indiantown, western Martin County, Florida.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on APR 02 2001. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned Florida Power Plant Siting Board certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

a. The permittee agrees to enhance, restore, and preserve approximately 460 acres of disturbed wetlands located within an adjacent parcel of land north of the existing cooling pond, as shown on sheets 7 and 8 of the permit drawings. Wetland preservation, enhancement, and restoration would include limiting cattle grazing pressure, maintaining wetland buffer zones, initial removal and maintenance removal of feral hog populations, restoration of wetland hydroperiods to halt the current transition process from wetlands to uplands, enhancing the development of hydric soils and establishing wetland vegetation, and maintenance removal of Brazilian pepper and Melaleuca (as described in Appendix A, supplemental sheets 1-33 of the permit drawings).

b. The permittee agrees to preserve an additional 100 acres of valuable uplands, which include some unusual tropical hammock areas, and restore adjacent cypress areas (as shown on sheets 7 and 8 of the permit drawings).

c. The permittee agrees to submit a report on the project status and the progress of mitigation efforts annually. Upon request by either party, an interagency meeting may be scheduled to discuss any concern that may require modification. Permit extension, in addition to meeting the criteria set forth in 325.6(d) CFR, will be dependent upon this coordination and contingent upon wetland impacts not exceeding what was detailed in the Final Environmental Impact Statement.

d. In considering any request for an extension of this time limit, the Corps will recognize that the permittee's agreement to enhance, restore, and preserve approximately 460 acres of disturbed wetland and to preserve and additional 100 acres of valuable uplands constitute mitigation for the

entire project as described in the Final Environmental Impact Statement, including those portions which contemplate activities extending beyond the initial duration of this permit.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

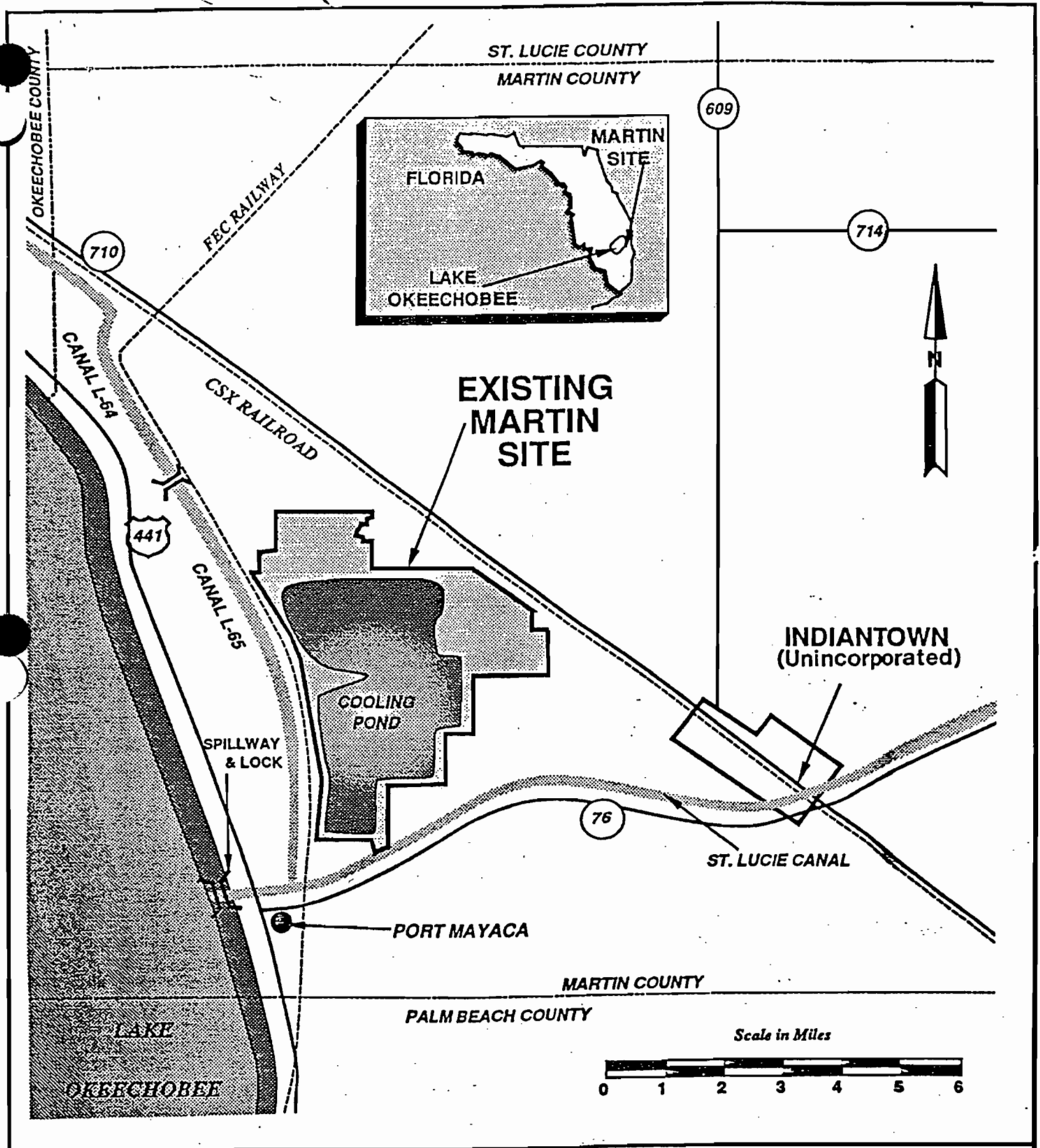


FIGURE 1.0.0-1.

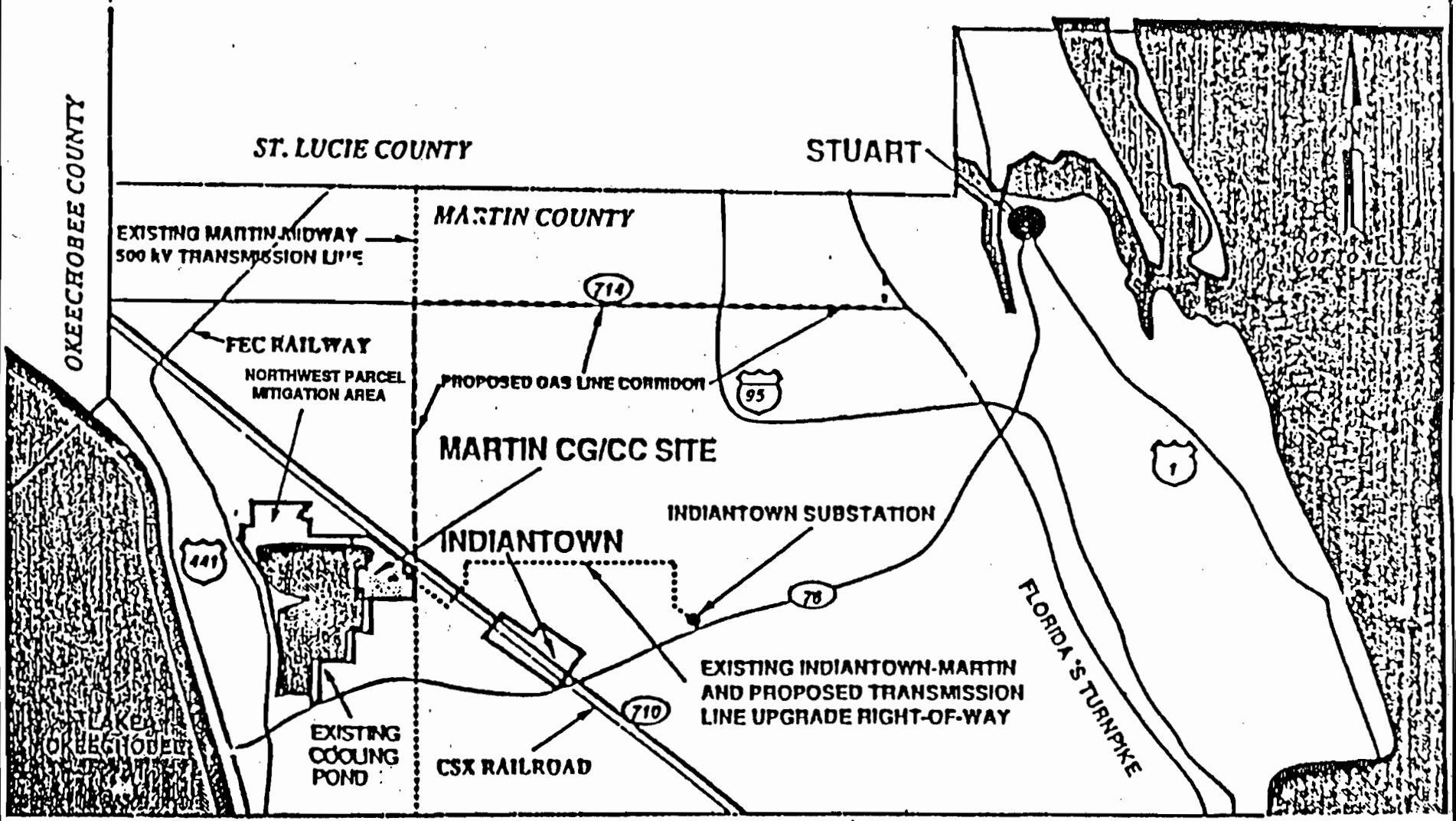
MARTIN CG/CC SITE

Source: FPL, 1990 (Figure 1.2).

U.S. Environmental Protection Agency, Region IV
Draft Environmental Impact Statement

FLORIDA POWER & LIGHT COMPANY
Martin CG/CC Project
Martin County, Florida

SHEET 2 of 8 JANUARY 1991



FPL MARTIN CG/CC PROJECT SITE AND ASSOCIATED FACILITIES

Figure 3a
MARTIN CG/CC PROJECT
WETLANDS



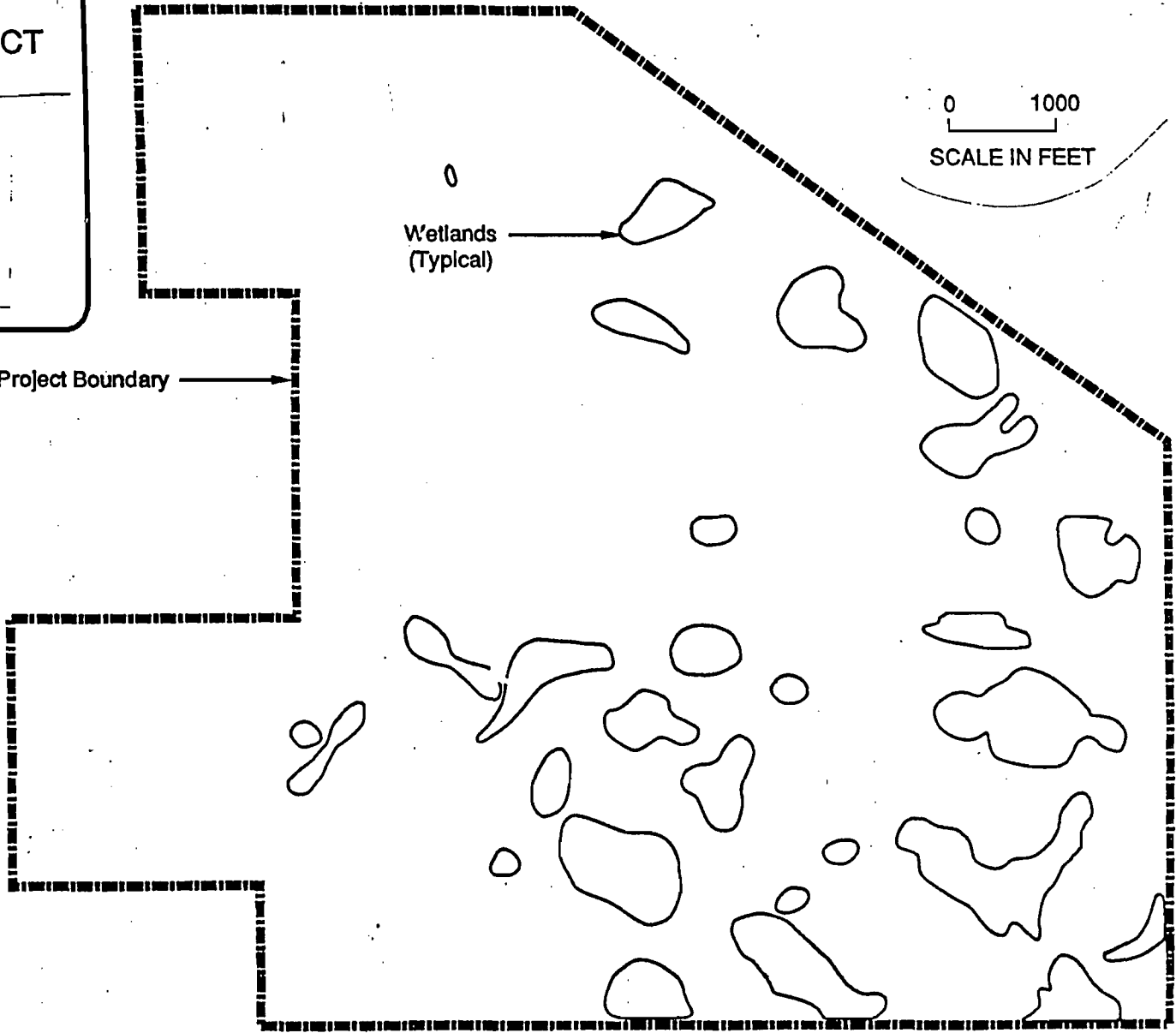
Martin
CG/CC
Project

FPL

Martin CG/CC Project Boundary

Wetlands
(Typical)

0 1000
SCALE IN FEET



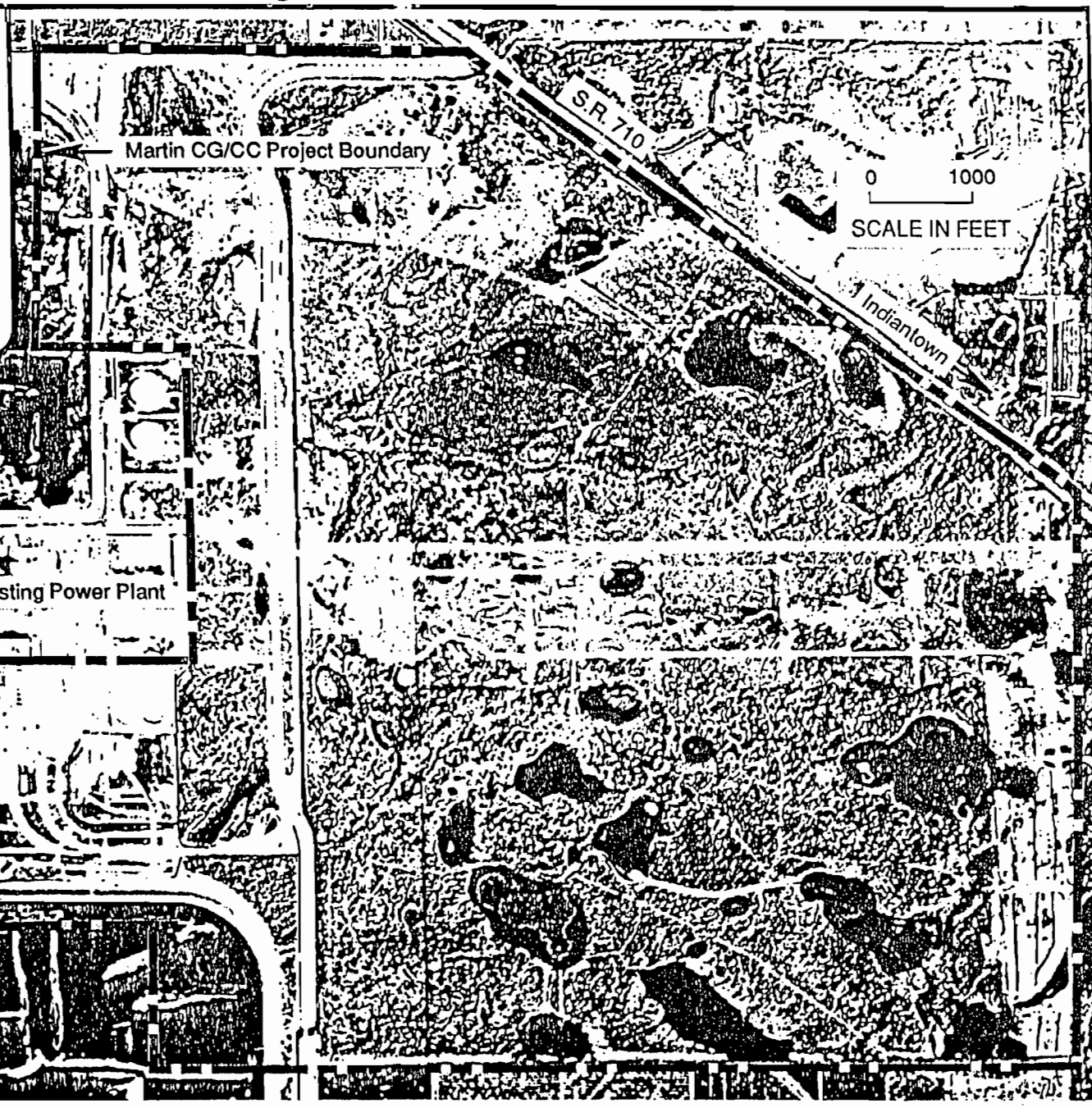
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Figure 3b
MARTIN CG/CC PROJECT
WETLANDS



Martin
CG/CC
Project

FPL



LINE# 001P1-011A

SHEET 4 OF 8 JANUARY 1991

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SHEET 5 OF 8 JANUARY 1991

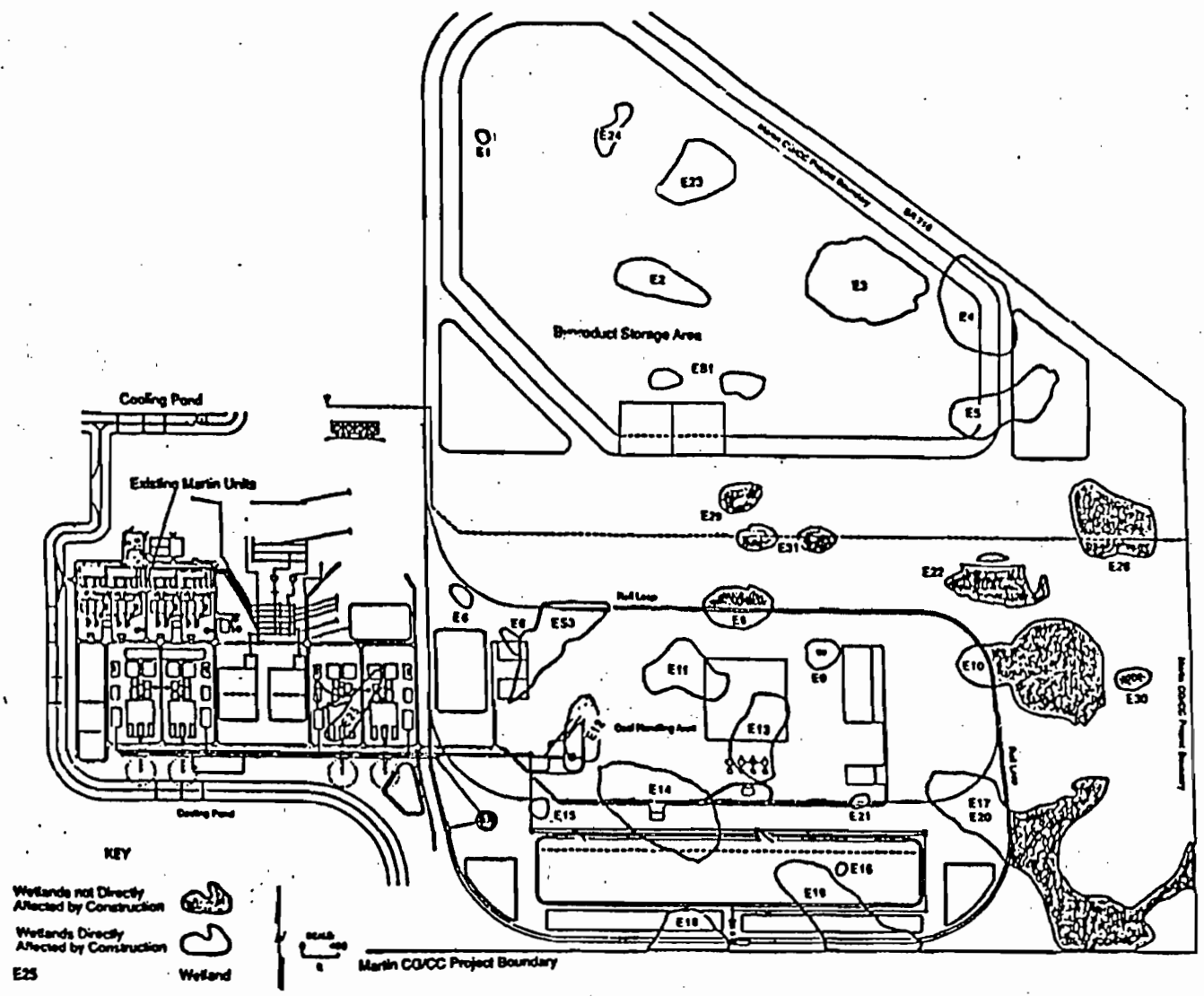


Figure 4
MARTIN CG/CC PROJECT WETLANDS
AND PLANT LAYOUT



Martin
CG/CC
Project

FPL

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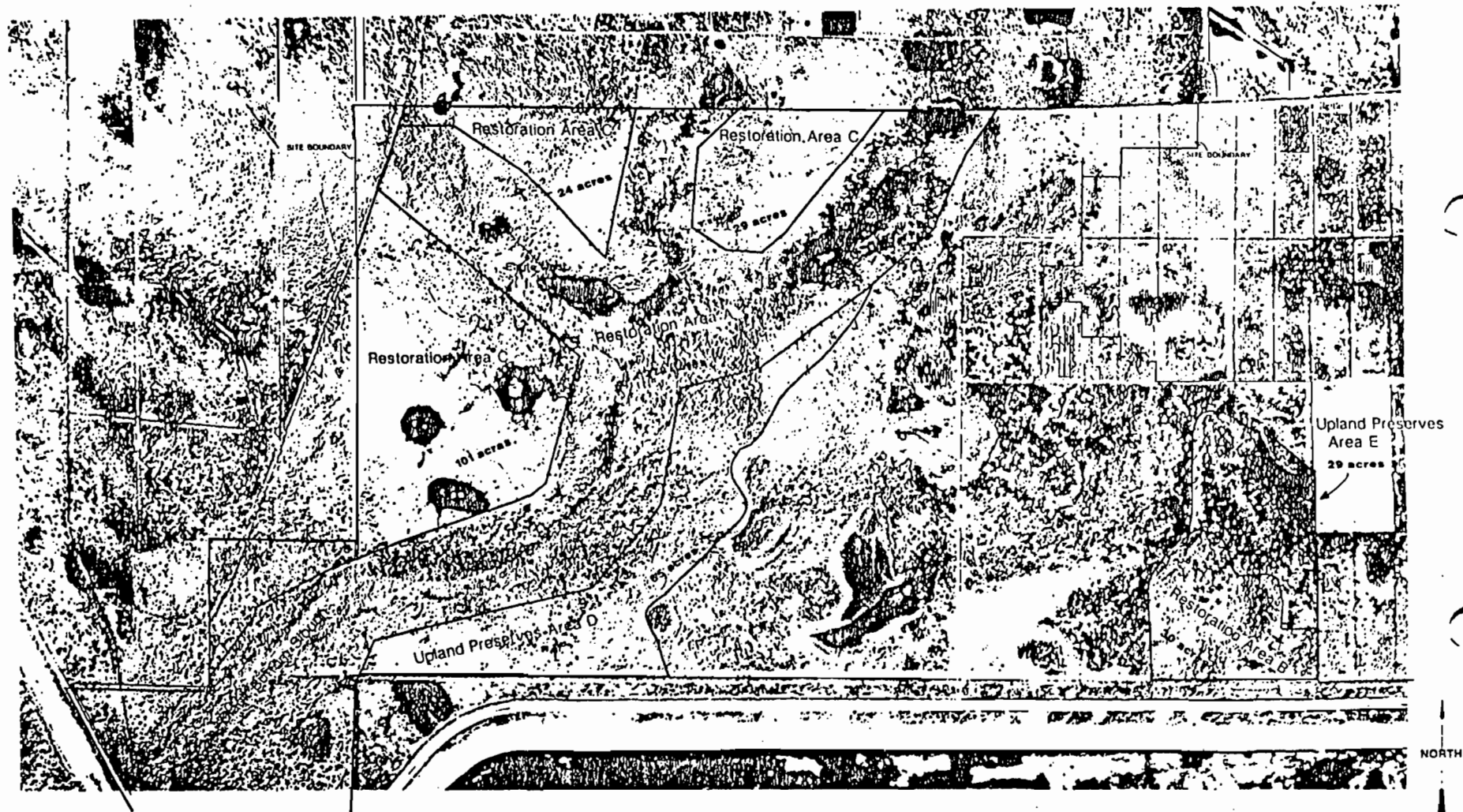


Figure 4

NOTE: Land Cover in Restoration Area A is:

| | |
|--|--------------|
| Pine Flatwoods and Associated Pine Communities | 88 % |
| Other Uplands | 17 % |
| Functional Wetlands | 25 % |
| total | 100 % |

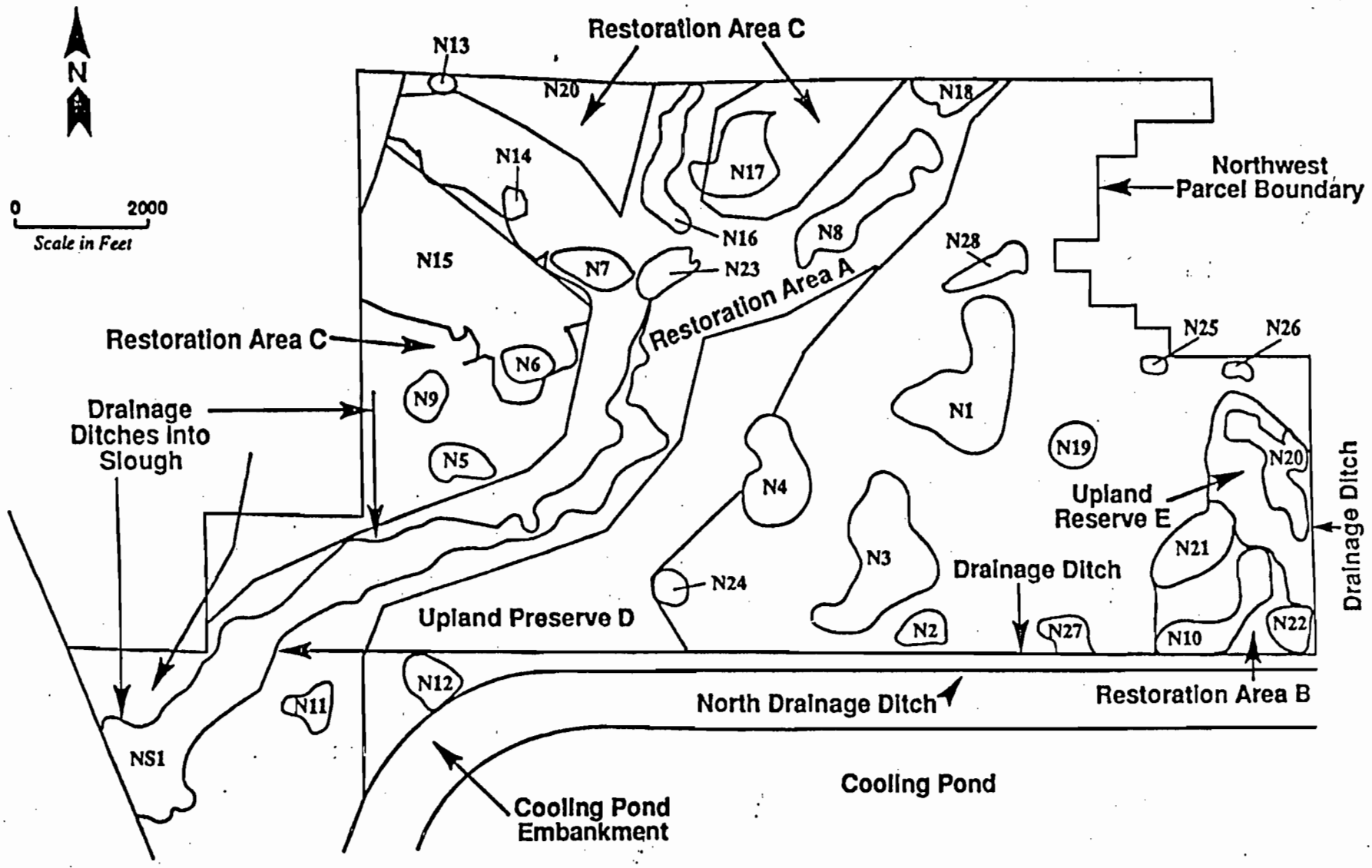
Land Cover in Upland Preserves Area D:

| | |
|--------------------------|--------------|
| Pine Flatwoods | 60 % |
| Cabbage Palm/Oak Hammock | 15 % |
| Pine/Cabbage Palm | 8 % |
| Palmatio Prairie | 17 % |
| total | 100 % |

Land Cover in Upland Preserves Area E is:

| | |
|--------------------------|--------------|
| Mixed Hardwoods | 24 % |
| Cabbage Palm/Oak Hammock | 34 % |
| Pine/Cabbage Palm | 7 % |
| Functional Wetlands | 31 % |
| total | 100 % |

MARTIN SITE
 HABITAT PRESERVATION, ENHANCEMENT AND RESTORATION AREAS
 AERIAL PHOTOGRAPH
 OF THE NORTHWEST PARCEL



**Figure 5
MARTIN SITE NORTHWEST PARCEL WETLANDS
AND PROMINENT EXISTING DRAINAGE DITCHES**



COMPENSATORY WETLANDS MITIGATION

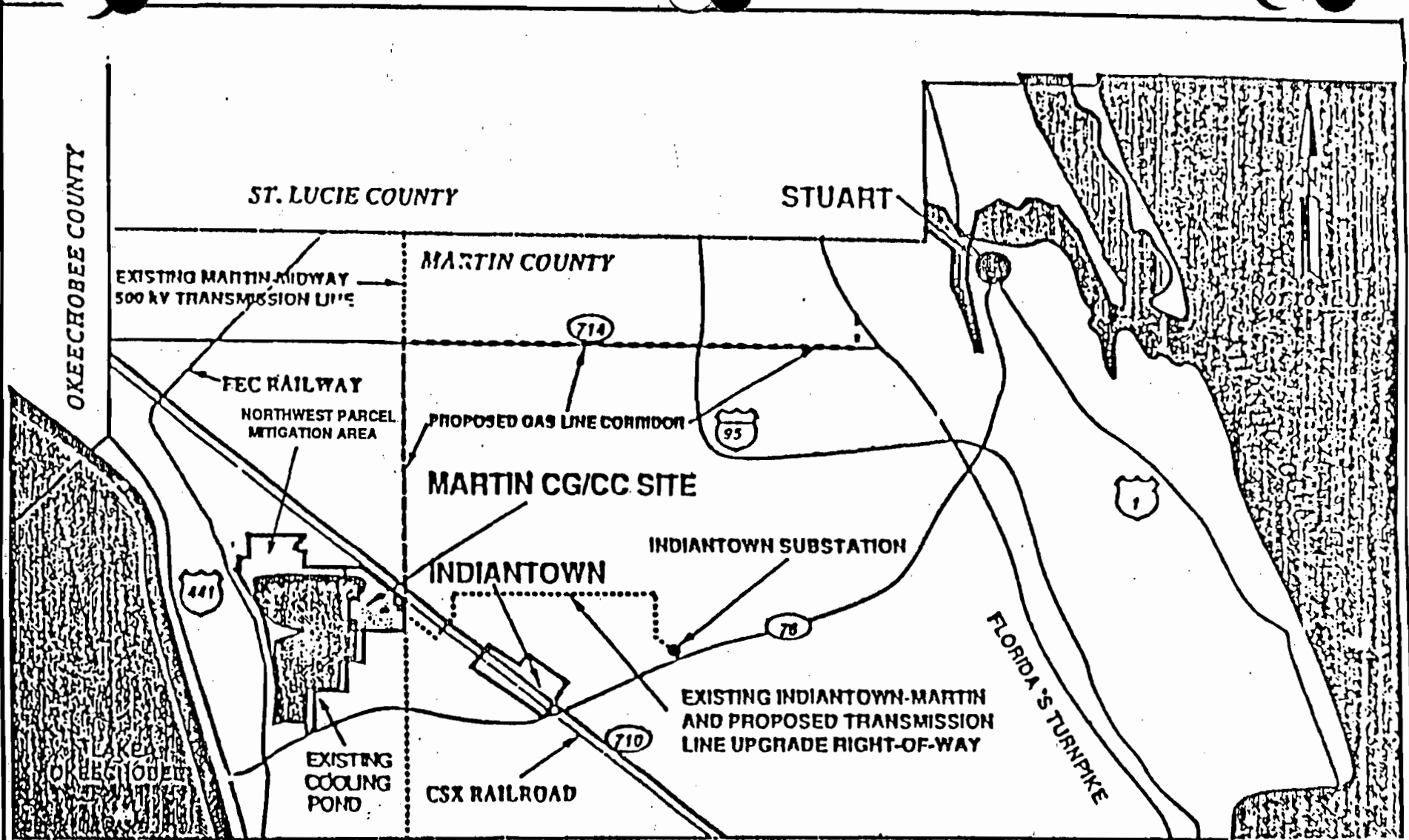
BACKGROUND DESCRIPTION OF THE PROJECT SITE

The Martin CG/CC Project is proposed to be located at FPL's existing Martin Plant Site. The site is located in the western portion of Martin County, Florida, approximately 100 miles north of Miami, 40 miles northwest of West Palm Beach and five miles east of Lake Okeechobee (Figure 1). The nearest community, Indiantown, lies about seven miles to the southeast. The site is bounded on the west by the Florida East Coast Railway and adjacent South Florida Water Management District (SFWMD) Canal L-65; on the south by the St. Lucie Canal; and on the north and east by State Road 710 and the adjacent CSX railroad. The Martin Site encompasses approximately 11,300 acres.

The existing Martin Plant is comprised in part of: a 6,800 acre cooling pond, approximately 300 acres containing the power block for the existing Units 1 and 2; and approximately 550 acres of transmission line and access road rights-of-way. The two existing units are capable of burning natural gas or fuel oil and have a total plant net summer generating capability of 1,556 MW and a total plant net winter generating capability of 1,580 MW. The existing units 1 and 2 have been in operation since December 1980 and June 1981, respectively.

In October of 1988, an application was filed with Martin County for rezoning of the proposed project area from agricultural to industrial Planned Unit Development (PUD). In August of 1989, the Martin County Board of County Commissioners formally approved these changes.

The PUD rezoning process concluded in a PUD agreement establishing a comprehensive wetland (and upland) mitigation program. Terms of the county agreement require that wetland restoration will take place on FPL-owned Northwest Parcel adjacent to the north side of the cooling pond. Figure 2 shows wetland restoration areas in the Northwest Parcel. This figure has been included as an exhibit to the PUD agreement with Martin County.



FPL MARTIN CG/CC PROJECT SITE AND ASSOCIATED FACILITIES

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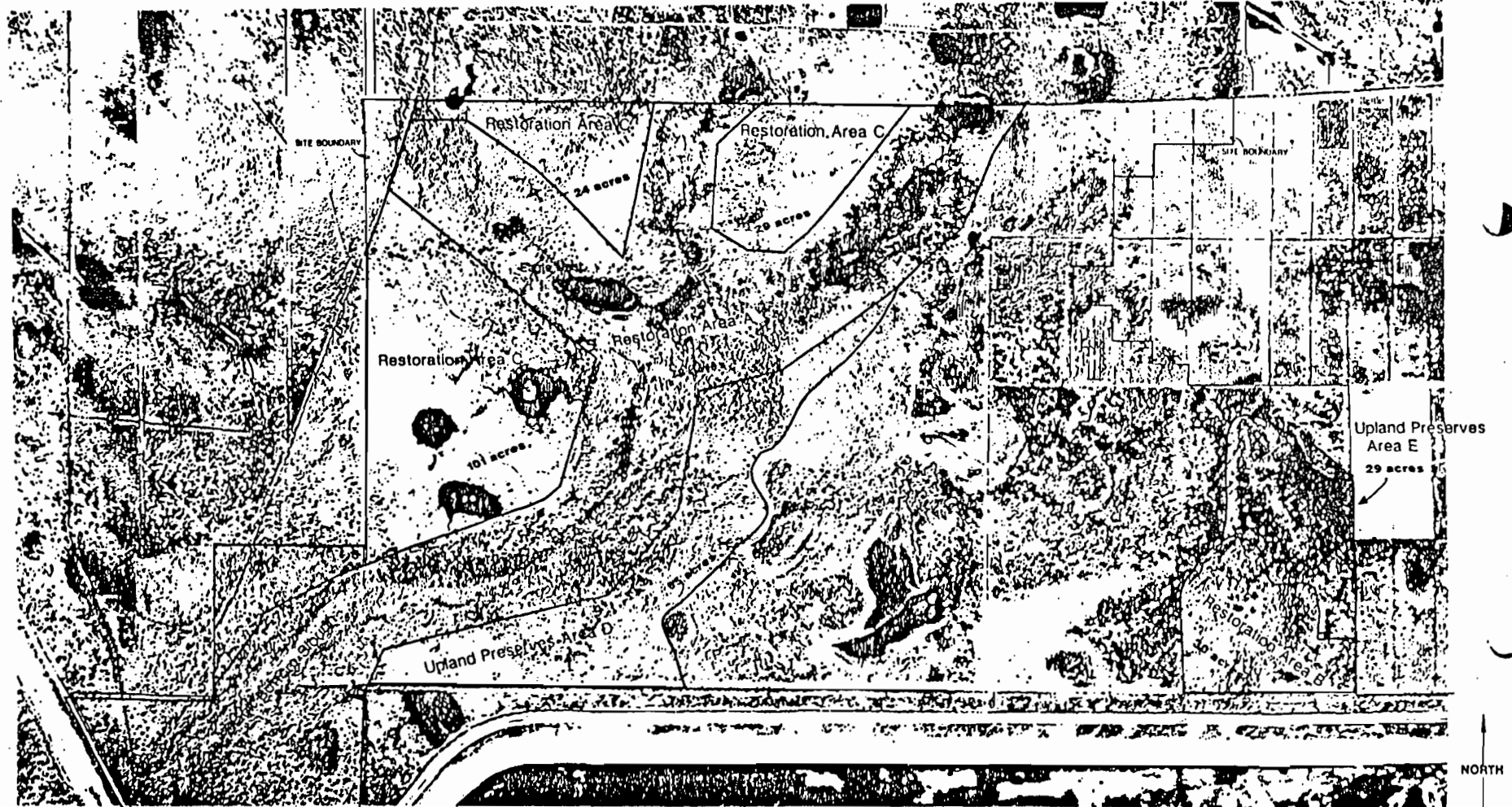


Figure 2

NOTE: Land Cover in Restoration Area A is:

| | |
|--|--------------|
| Pine Flatwoods and Associated Pine Communities | 88 % |
| Other Uplands | 17 % |
| Functional Wetlands | 28 % |
| Total | 100 % |

Land Cover in Upland Preserves Area D:

| | |
|--------------------------|--------------|
| Pine Flatwoods | 60 % |
| Cabbage Palm/Dak Hammock | 18 % |
| Pine/Cabbage Palm | 8 % |
| Palmetto Prairie | 17 % |
| Total | 100 % |

Land Cover in Upland Preserves Area E is:

| | |
|--------------------------|--------------|
| Mixed Hardwoods | 28 % |
| Cabbage Palm/Dak Hammock | 24 % |
| Pine/Cabbage Palm | 7 % |
| Functional Wetlands | 31 % |
| Total | 100 % |

MARTIN SITE
 HABITAT PRESERVATION, ENHANCEMENT AND RESTORATION AREAS
 AERIAL PHOTOGRAPH
 OF THE NORTHWEST PARCEL

PROPOSED GENERATION EXPANSION

The Martin CG/CC Project will involve a three phased implementation of four combined cycle generating modules with coal gasification plant construction to follow combined cycle power plant development. The three phases consist of the following. Phase I will be the construction and operation of Martin Combined Cycle Units 3 and 4. During this phase, existing cleared and graded land will be used. No wetlands will be lost on the site during this phase. These plants will be fueled by a natural gas pipeline. Phase II will involve construction and operation of Martin Units 5 and 6 (Coal Gasification/Combined Cycle). Phase III will be the construction and operation of coal gasification to be used to support fuel requirements of Martin Units 3 and 4. It is during the last two phases that wetlands will be lost. Each of the four modules will provide about 400 MW of generating capacity, for a total project capacity of 1,600 MW. The project will include combustion turbines directly generating about 1,100 MW of electricity; heat recovery steam generators (HRSGs) and associated steam-driven turbine generators producing approximately 500 MW of electricity; and complete coal gasification plants sufficient to provide fuel for one or more of the generating modules.

Two or three Combustion Turbines and associated generators would be required for each combined cycle plant, with one HRSG for each CT. There will be one steam turbine generator for each combined cycle plant. The coal gasification plants would be added last, when economically justifiable.

The combined cycle units will maintain dual fuel capability, initially consisting of natural gas with No. 2 fuel oil as back up. A new gas pipeline lateral will be constructed to deliver the required natural gas for operation during the pre-gasifier stage.

The proposed expansion will ultimately contain all the necessary facilities to convert coal into a low sulfur, medium BTU fuel gas and generate power from the cleaned fuel, with saleable sulfur as a byproduct. The Martin expansion, including the coal gasification facilities, will require approximately 1,300 acres of the existing site. All of this land is located east of or

adjacent to the existing generation units. Generalized land cover in the Martin CG/CC project area is shown in Figure 3.

SITE WETLANDS

Wetlands, shown on Figure 3 and described in Table 1 were delineated on the Martin County Assessment Map aerial photography dated April 1986 (tax sheets numbered 28, 29, 37, and 38) and 1988 color infrared aerial photography, each having a scale of 1:4800.

The area delineated in Figure 3 has been degraded by cattle grazing. Wetlands within the site transmission line right-of-way have been modified by earlier transmission line construction. Functional values of wetlands shown in Table 1 are professional judgments based upon a given wetland's relative size, relationship to other natural systems, composition of hydrophytic vegetation, ecological successional maturity, saturated soil condition and habitat value of wetlands for wildlife. These values define the range of wetland functional characteristics as compared to undisturbed sites. Approximately 95 percent of project area wetlands are considered to be of low to medium functional value. Table 1 includes wetlands both directly affected by the project and those near to project facilities (Figure 4).

WETLANDS COMPENSATION

Objectives

The goal associated with wetlands compensation is to offset the anticipated loss of the approximate 163 acres of project wetlands to be directly impacted during facility and transmission line and access road rights-of-way construction. Wetlands compensation involves wetlands restoration, (onsite) construction wetlands enhancement. Wetlands restoration involves re-establishment of wetlands from areas that have historically been wetlands but now have minimal or no hydrological function. This includes areas now functioning as uplands which several decades ago were wetlands or wetlands transition zones. Wetlands enhancement involves improvement of degraded wetlands to higher functional

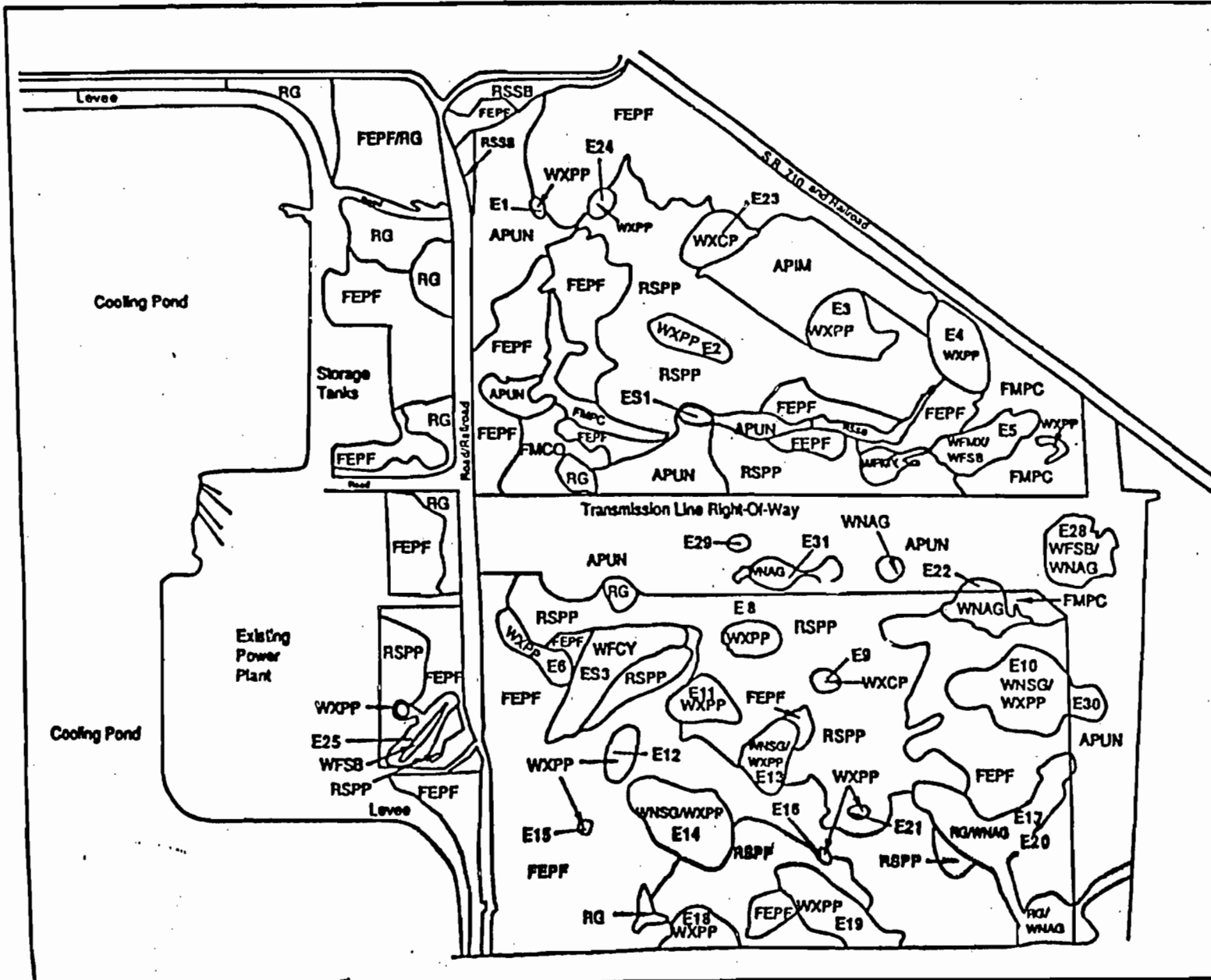
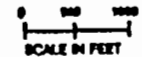


Figure 3
VEGETATION/LAND USE
MAP OF THE MARTIN
CG/CC PROJECT SITE
AREA

KEY:

- E3 - Wetland Key
- APIM - Improved Pasture
- APUN - Unimproved Pasture
- FEPF - Pine Flatwoods
- FMCO - Cabbage Palm/Oak
- FMPC - Pine/Cabbage Palm
- RG - Grassland
- RSPP - Palmetto Prairie
- RSSB - Scrub-Bushland
- WFCY - Cypress
- WFMX - Wetland Mixed Forested
- WFSB - Wetland Scrub
- WNAG - Mixed Wetland Aquatic Grasses
- WNSG - Sawgrass
- WXCP - Cypress and Wet Prairie
- WXPP - Wet Prairie



Source: South Florida Water Management District Land Use and Land Cover Classification, s.f.; Envirosearch Company, 1998



Martin
 CG/CC
 Project

FPL

TABLE 1
FPL MARTIN CG/CC PROJECT
SUMMARY OF WETLANDS

| Wetland Site/Type ^m | Approximate Size | Hydrological Status | Ecological Succession Maturity | Level of Disturbance | Regional Scarcity | Species Diversity | Fisheries & Wildlife Value | Functional Value | Remarks |
|--------------------------------|------------------|-----------------------------------|--|---|----------------------|-------------------|----------------------------|------------------|--|
| E1 WXPP | 0.5 Acres | Saturated soils | Early | High; Fire; Grazing | Common | Low | Low | Low | |
| E2 WNAG | 5.6 Acres | Saturated soils | Early | Moderate grazing | Common | Low | Low | Low | |
| E3 WXPP | 11.0 Acres | Locally saturated soils | Early | High; fire; grazing; farming | Common | Low | Low | Low to medium | Farming in large transition area |
| E4 WXPP | 11.6 Acres | Locally saturated soils | Early to medium (small section) | High; fire; grazing | Common | Medium | Medium | Low to Medium | Intense grazing at edge of wooded wetland area |
| E5 WFMX/ WFSG | 9.1 Acres | Locally saturated soils | Medium | Low to moderate; fire; some grazing; feral hogs | Relatively common | High | Medium | Medium | Dense herbaceous and shrub layers |
| E6 WXPP | 3.7 Acres | Generally unsaturated soils | Early | High; fire; grazing | Common | Low | Low | Low | |
| E8 WXPP | 4.3 Acres | Locally saturated soils | Early | High; fire; grazing | Common | Low | Low | Low | |
| E9 WXCP | 1.8 Acres | Locally saturated soils | Early to medium (small section) | Low to Moderate; some grazing | Common | Medium | Low | Low | Small open stand of bald cypress |
| E10 WNSG/ WXPP | 23.9 Acres | Saturated soils | Early | Low | Relatively common | High | Medium | Medium | Dense herbaceous stand; some open water |
| E11 WXPP | 6.5 Acres | Locally saturated soils | Early | High; fire | Common | Low | Low | Low | |
| E12 WXPP | 3.9 Acres | Locally saturated soils | Early | High; fire; some grazing | Common | Low | Low | Low | Trails and road present |

TABLE 1
FPL MARTIN CG/CC PROJECT
SUMMARY OF WETLANDS (con't)

| Wetland Site/Type ¹⁰ | Approximate Size | Hydrological Status | Ecological Succession Maturity | Level of Disturbance | Regional Scarcity | Species Diversity | Fisheries & Wildlife Value | Functional Value | Remarks |
|---------------------------------|------------------|-----------------------------------|-----------------------------------|---------------------------------------|----------------------|-------------------|----------------------------|-------------------|---|
| E13 WNSG/ WXPP | 8.8 Acres | Saturated soils | Early | High; fire; grazing; road/ditch | Common | Low | Low | Low | |
| E14 WNSG/ WXPP | 18.3 Acres | Saturated soils | Early | Low | Relatively common | Medium | Medium | Medium | Sawgrass marsh |
| E15 WXPP | 0.9 Acres | Generally unsaturated soils | Early | High; grazing | Common | Low | Low | Low | |
| E16 WXPP | 0.8 Acres | Generally unsaturated soils | Early | High; grazing | Common | Low | Low | Low | |
| E16/320 RG/WNAG | 38.7 Acres | Saturated soils | Early | Low | Medium (size) | Medium | Medium | Medium | |
| E18 WXPP | 6.2 Acres | Saturated soils | Early | Low | Common | Low | Low | Low | Adjacent to drainage ditch |
| E19 WXPP | 16.7 Acres | Saturated soils | Early | Low | Relatively common | Medium to high | Medium to high | Medium to high | |
| E21 WXPP | 1.4 Acres | Generally unsaturated soils | Early | High; grazing | Common | Low | Low | Low | |
| E22 WNAG | 5.9 Acres | Locally saturated soils | Early | Moderate; grazing; road at edge | Common | Low to Medium | Low | Low | |
| E23 WXCP | 7.0 Acres | Locally saturated soils | Mixture of early and mature | High; grazing; farming | Relatively common | High | Medium | Medium | Small cypress dome and sawgrass marsh |
| E24 WXPP | 4.6 Acres | Generally unsaturated soils | Early mature | High; grazing | Common | Low | Low | Low | Essentially old field |
| E25 WFSB/ WXPP | 9.1 Acres | Saturated soils | Early to medium | Low | Common | Medium | Low | Low | Dense shrubs and herbaceous wetland |

TABLE 1
FPL MARTIN CG/CC PROJECT
SUMMARY OF WETLANDS (cont)

| Wetland Site/Type ^m | Approximate Size | Hydrological Status | Ecological Succession Maturity | Level of Disturbance | Regional Scarcity | Species Diversity | Fisheries & Wildlife Value | Functional Value | Remarks |
|--------------------------------|------------------|-----------------------------|--------------------------------|-------------------------------|---------------------|-------------------|----------------------------|------------------|---|
| E28 WFSB/ WNAG | 10.2 Acres | Saturated soils | Early | Low | Common | Low to medium | Low | Low to medium | In transmission line right-of-way |
| E29 WXPP | 4.1 Acres | Generally unsaturated soils | Early | High; grazing | Common | Low | Low | Low | |
| E30 WXPP | 1.7 Acres | Saturated soils | Early | Low | Common | Low to Medium | Low | Low | Seasonally hydrologically connected to E10; in transmission line right-of-way |
| E31 WXPP | 7.8 Acres | Unsaturated soils | Early | High; grazing | Common | Low | Low | Low | |
| E51 WXPP | 4.9 Acres | Unsaturated soils | Early | High; fire; grazing; ditching | Common | Low | Low | Low | |
| E53 WFCY | 12.6 Acres | Saturated soils | Early to mature | Moderate; grazing | Relatively uncommon | High | Medium | Medium to high | Cypress-dominated |

NOTE: See Figure 3, Wetland Areas, for wetland site locations.

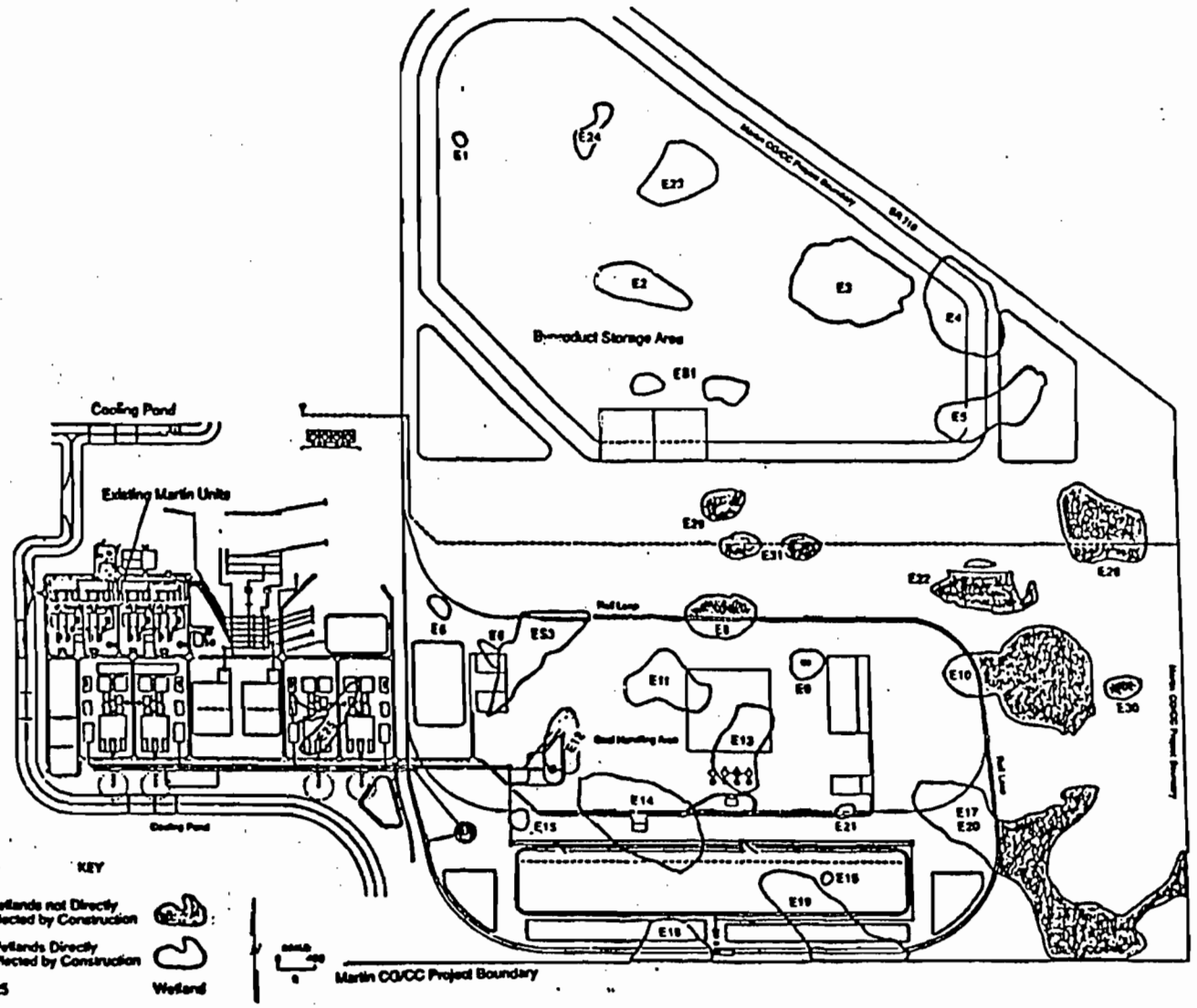


Figure 4
MARTIN CG/CC PROJECT WETLANDS
AND PLANT LAYOUT



Martin
 CG/CC
 Project

FPL

levels. Wetlands creation involves the establishment of wetlands through conversion of uplands. Northwest Parcel wetlands to be used for mitigation exhibit a gradient of conditions ranging from severely degraded and requiring restoration, to slightly disturbed and suitable for enhancement.

Wetlands use is regulated or reviewed by several governmental levels including:

- Environmental Protection Agency and the Corps of Engineers (Section 404 Permitting Process)
- Florida Department of Environmental Regulation (Wetlands Protection Act of 1984 and Wetlands Mitigation Rules of 1988).
- South Florida Water Management District (Isolated Wetland Permit Process)
- Treasure Coast Regional Planning Council (1987 Comprehensive Regional Policy Plan)
- Martin County (Comprehension Plan of 1982 and 1986 Ordinance No. 300)

The criteria, set out in Table 2, were used in selecting areas for wetland compensation.

Selection of Wetlands for Compensation in the Northwest Parcel

The 912 acre undeveloped parcel of land adjacent to the Northwest corner of the Martin Site cooling pond (Figure 1) best fitted the selection criteria (Table 2). The Northwest Parcel was selected for reasons presented in Table 3.

Three areas in the Northwest Parcel were selected for wetland compensation (Figure 5). Restoration Area A was selected because it includes a forested wetland which has lost several inches of surface soil through oxidation due to decreased hydrology and has been invaded by terrestrial species. The ability to restore the hydroperiod to a wide area at two control points is considered a maintenance control advantage. A bald eagle nest is situated within Restoration A. Restoration Area A also includes the wet season ponds most heavily used by water birds.

TABLE 2
WETLANDS RESTORATION, ENHANCEMENT AND PRESERVATION
PRIORITY CRITERIA

| Criterion | Description |
|---|---|
| Ecological Successional Maturity | The more mature wetlands such as cypress and red maple stands represent the greater investment on the part of nature. These systems are relatively stable, provide wildlife cover, moderate water temperatures and can provide habitat for protected species. |
| Size | Larger wetlands provide more habitat for more wildlife home ranges and territories, water availability in dry seasons and habitat for plant population than do small wetlands. |
| Level of Disturbance | Disturbances such as desiccation, fire, grazing, human activity reduce the ability of a habitat to provide life history needs to biota. Removal of disturbances may provide good opportunities for significant functional value increase. |
| Fish and Wildlife Usage | The ability or potential ability of a wetland to provide food, cover and water to important fish and wildlife species was taken into account based on site specific evidence. |
| Presence of Threatened and Endangered Species/Habitat | High priority was placed on wetland areas which have been reported to harbor threatened and endangered species. Less significance is placed on the occurrence of threatened and endangered migratory bird species that do <u>not</u> use the site during the breeding or wintering seasons. In terms of protected plant species greater priority was placed on habitats with those species uncommon the site such as water fern (<i>Ceratopteris</i> spp.) and less to species relatively common to the site such as shoe-string fern (<i>Vittaria lineata</i>). |
| Location | High priority is given to restoration, enhancement and preservation of wetlands near to the Martin CG/CC Project. |

TABLE 3
NORTHWEST PARCEL MITIGATION SELECTION RESULTS

| Criterion | Results |
|---|---|
| Maturity | Ample areas of forested wetlands exist in the area. |
| Size | Relatively large areas of wetlands and wetlands becoming uplands are available for restoration. |
| Level of Disturbance | Most of wetlands are heavily disturbed providing opportunities for significant functional value increases with mitigation. |
| Fish and Wildlife Usage | Known use of the area by both game and non-game animals in the area indicates enhancement of wetlands will result in enhancement of wildlife habitat. |
| Presence of Threatened and Endangered Species Habitat | Bald eagle nest is adjacent to wetlands in the area. Tropical hammock species are present as well as state threatened plant species. |
| Location | The Northwest Parcel is close to the Martin CG/CC Site. |

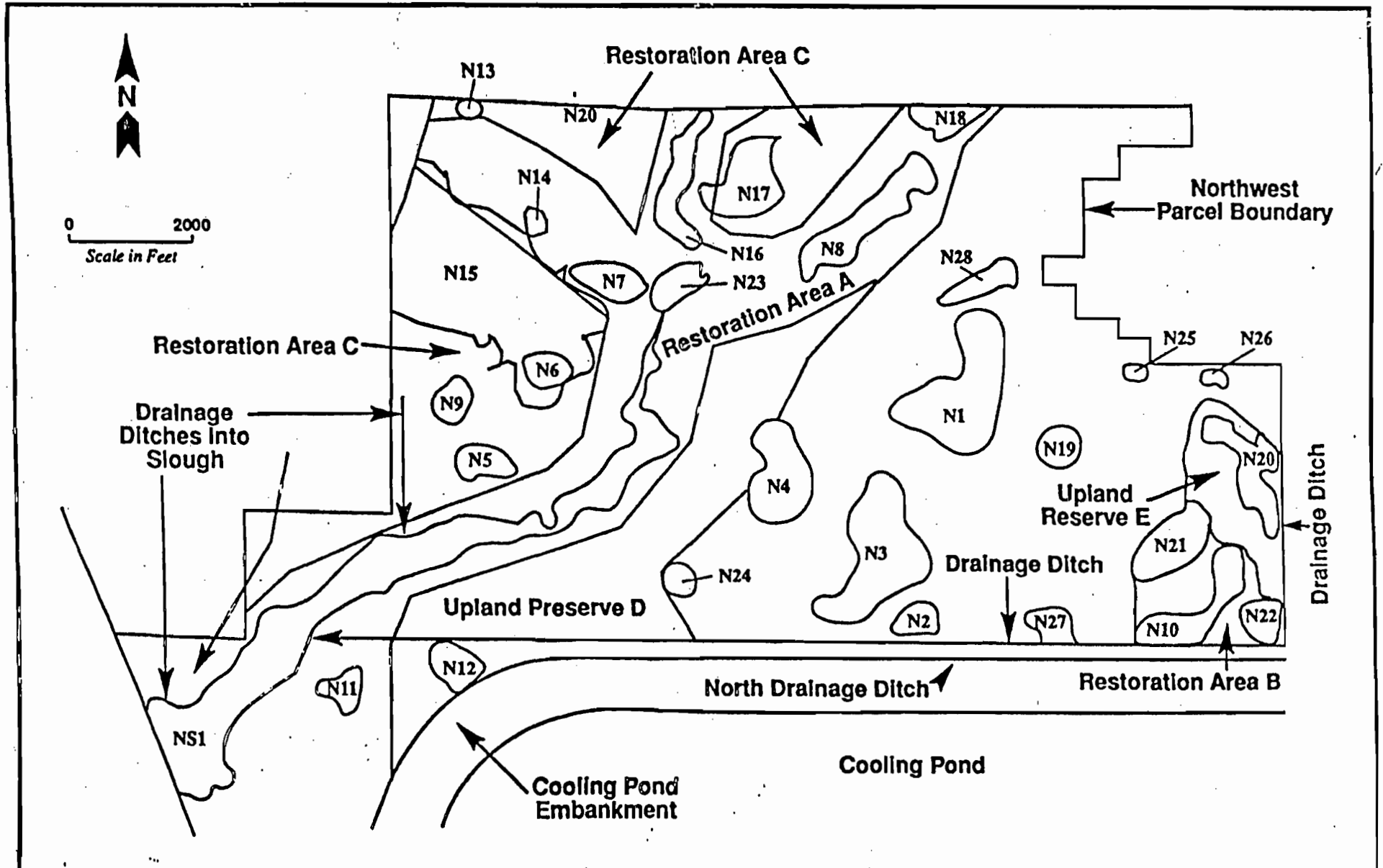


Figure 5
MARTIN SITE NORTHWEST PARCEL WETLANDS
AND PROMINENT EXISTING DRAINAGE DITCHES

Restoration Area B was selected because it has restorable forested wetlands and tropical hammock components within its boundary. The cypress community is not functioning to its greatest functional value due to excessive draining and use by cattle. Several inches of topsoil have been lost and terrestrial plant species have invaded and become established where natural water levels would have prohibited their occurrence. These tropical hammock components include species such as mastic (Mastichodendron foetidissimum); satinleaf (Chrysophyllum oliviforme); lance-wood (Ocotea coriacea); pull-and-hold-back (Pisonia rotundata) and gumbo-limbo (Bursera simaruba). Most of these species are near or at the northern and inland extent of their range. Some species are classified as threatened or endangered (eg. satinleaf) by the Florida Department of Agriculture and Consumer Services.

Restoration Area C includes pine and wet prairie lands in a relatively undisturbed state and worthy of preservation. Area C also includes isolated wetlands and wet season ponds which would benefit significantly from reduced cattle grazing and removal of feral hogs. Table 4 presents a summary of wetland characteristics in Restoration Areas A, B and C and Upland Preserve Area E. Wetland N20 in Upland Preserve Area E will be preserved in its existing condition. As shown in Table 5, 317 acres are to be provided as wetlands compensation in the Northwest Parcel. One hundred and sixty-six acres of wetlands occur in Restoration Areas A, B, C and upland Preservation Area E. Each of these wetlands is not at its optimal functional value due to disturbances caused by historical reduction in hydroperiod, cattle grazing and feral hog. Soil loss, invasion by exotic species and fire have locally affected forested wetlands.

Wetlands Compensation Measures To Be Implemented In The Northwest Parcel

Wetland compensation in the Northwest Parcel will include the following:

TABLE 4

NORTHWEST PARCEL SUMMARY OF WETLANDS CHARACTERISTICS

| Wetland Site/Type ^m | Approximate Size | Hydrological Status | Ecological Succession Maturity | Level of Disturbance | Regional Scarcity | Species Diversity | Fisheries & Wildlife Value | Functional Value | Remarks |
|--------------------------------|------------------|----------------------------|--------------------------------|--|-------------------|-------------------|----------------------------|------------------|--|
| N1 WXPP | 13.3 Acres | Drained | Early | High; grazing; drainage | Common | Low | Low | Low | |
| N2 WXPP | 1.5 Acres | Unsaturated soils | Early | Moderate grazing; drainage | Common | Low | Low | Low | |
| N3 WXPP | 16.6 Acres | Locally saturated soils | Early | High; fire grazing; drainage | Common | Low | Low | Low to medium | Indigo snake observed in wetland; gopher tortoise burrow in adjacent uplands |
| N4 WFCY | 10.0 Acres | Locally saturated soils | Early to mature | High; fire; grazing; feral hogs; logging | Uncommon | Medium | Medium | Low to medium | |
| N5 WXPP | 3.2 Acres | Locally saturated soils | Early | Low to moderate; some grazing; feral hogs | Common | Medium | Medium | Medium | |
| N6 WXPP | 3.1 Acres | Locally saturated soils | Early | High; grazing; feral hogs | Common | Low | Low | Low | |
| N7/N23 WXPP | 8.3 Acres | Locally saturated soils | Early | High; grazing; feral hogs | Common | Low | Low | Low | Wading bird & shorebird use |
| N8 WXPP | 10.5 Acres | Locally saturated soils | Early | High; grazing | Common | Medium | Medium | Low | Wading bird & shorebird use |
| N9 WXPP | 2.6 Acres | Minimal saturated soils | Early | High; moderate; some grazing | Common | Low | Low | Low | |
| N10 WFCY | 8.8 Acres | Saturated soils | Mature | High; feral hog; cattle | Uncommon | High | Medium | Medium | Includes tropical hammock with state endangered species |
| N11 WXPP | 2.7 Acres | Locally saturated soils | Early | High; cattle; feral hogs | Common | Low | Low | Low | |
| N12 WXPP | 4.0 Acres | Locally saturated soils | Early | High; some grazing; feral hogs | Common | Low | Low | Low | |

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TABLE 4 (Continued)

NORTHWEST PARCEL SUMMARY OF WETLANDS CHARACTERISTICS

| Wetland Site/Type ⁶⁰ | Approximate Size | Hydrological Status | Ecological Succession Maturity | Level of Disturbance | Regional Scarcity | Species Diversity | Fisheries & Wildlife Value | Functional Value | Remarks |
|---------------------------------|------------------|-----------------------------|--------------------------------|---------------------------------------|-------------------|-------------------|----------------------------|------------------|---------|
| N13 WXPP | 0.8 Acres | Locally saturated soils | Early | High; grazing | Common | Low | Low | Low | |
| N14 WXPP | 1.3 Acres | Locally saturated soils | Early | High; grazing | Common | Low | Low | Low | |
| N15 WXPP | 44.2 Acres | Unsaturated soils | Early | Low; grazing | Common | Medium | Medium | Medium | |
| N16 WFMX | 7.1 Acres | Saturated soils | Mature | Cattle; feral hogs | Uncommon | High | Medium | Medium | |
| N17 WXPP | 9.4 Acres | Unsaturated soils | Early | Medium; grazing | Common | Medium | Medium | Medium | |
| N18 WXPP | 2.8 Acres | Locally saturated soils | Early | High; grazing | Common | Low | Low | Low | |
| N19 WFMX | 3.6 Acres | Saturated soils | Mature | Moderate; feral hogs | Uncommon | Medium | Medium | Medium | |
| N20 WFMX | 8.8 Acres | Saturated soils | Mature | Moderate; feral hogs; cattle | Unknown | High | Medium | Medium | |
| N21 WFCY | 6.4 Acres | Saturated soils | Mature | Moderate; cattle; feral hogs; logging | Uncommon | Medium | Medium | Medium | |
| N22 WFMX | 2.8 Acres | Saturated soils | Medium | Moderate | Common | Low to medium | Low | Low | |
| N24 WFMX | 1.8 Acres | Generally unsaturated soils | Early to mid-level | Moderate; cattle | Common | Low | Low | Low | |
| N25 WFCY | 1.7 Acres | Saturated soils | Mature | Moderate | Uncommon | Medium | Low to Medium | Low to Medium | |
| N26 WFCY | 1.3 Acres | Saturated soils | Mature | Moderate | Uncommon | Medium | Low to Medium | Low to Medium | |

TABLE 4 (Continued)

NORTHWEST PARCEL SUMMARY OF WETLANDS CHARACTERISTICS

| Wetland Site/Type ¹⁰ | Approximate Size | Hydrological Status | Ecological Succession Maturity | Level of Disturbance | Regional Scarcity | Species Diversity | Fisheries & Wildlife Value | Functional Value | Remarks |
|---------------------------------|------------------|---------------------|--------------------------------|---|-------------------|-------------------|----------------------------|------------------|---------|
| N27 WXPP | 3.0 Acres | Unsaturated soils | Early | High; grazing | Common | Low | Low | Low | |
| N28 WXPP | 1.8 Acres | Unsaturated | Early | High; grazing | Common | Low | Low | Low | |
| NS1 WFMX | 42.8 Acres | Saturated soils | Mature | Moderate; fire; grazing; feral hogs | Locally rare | High | Medium | Locally high | |

¹⁰ WXPP - Pine/wet prairie
WFCY - Cypress forest
WFMX - Mixed forested

TABLE 5

NORTHWEST PARCEL WETLANDS AND UPLANDS
TO BE RESTORED, ENHANCED, AND PRESERVED
AND UPLANDS CONVERTED TO WETLANDS

| Category | Acreage |
|--|---------|
| A. Existing wetlands in restoration and preservation areas | 166 |
| B. Existing upland areas | 390 |
| C. Wet season inundation areas | 317 |
| - Restoration and upland preserve areas | |
| Wetlands enhanced (103) | |
| Wetlands restored (63) | |
| Wetlands converted from uplands (95) | |
| - Outside restoration and upland preserve areas (56) | |
| D. Uplands remaining in restoration and upland preserve areas after mitigation | 295 |

- Removal of cattle;
- Maintenance of wetlands buffer zones;
- Initial removal and maintenance removal of feral hog populations;
- Restoration of wetlands hydroperiod to halt the current transition process from wetlands to uplands, and then to enhance development of hydric soils and establishment of wetlands vegetation;
- Maintenance removal of Brazilian pepper and Melaleuca; and
- Construction of wood stork foraging ponds and development of sandhill crane habitat.

The Barley Barber Swamp is a showcase wetland annually visited by 4,000 to 5,000 visitors. Mitigation areas in the Northwest Parcel should be developed and maintained more as a wilderness area once mitigation programs are fully implemented. Access will be allowed only in response to approved special requests to FPL to conduct ecological research and for restoration program monitoring. Martin County has approved this concept. Specific characteristics of the mitigation program are presented below. FPL will deed the entire Northwest Parcel for conservation. FPL will reserve the remainder of the Northwest Parcel over and above those areas identified herein for wetlands compensation for use in future ecological mitigation activities. The Northwest Parcel will not be used or developed for any other purpose.

Removal Of Cattle

The Northwest Parcel is currently overgrazed. Grazing cattle will be removed from the entire Northwest Parcel.

Maintenance of Wetlands Buffer Zones

Restoration Areas A and B include the primary restoration and enhancement wetlands of the mitigation program. Wetlands in each of these areas are in varying states of transition to

upland vegetation community types. Following mitigation, the adjacent uplands in Restoration Areas A and B will not be cleared or harvested except when necessary to remove exotic vegetation. For enhanced wildlife use and maintenance of wetlands stability, it is considered essential to preserve a wetland buffer zone.

Removal of Feral Hog Populations

Wetlands (and uplands) in the Northwest Parcel are widely disturbed by feral hog activity as they are in the Martin CG/CC project area, particularly in forested wetland areas. Initial removal of feral hogs on the entire Northwest Parcel will take place by hunting and trapping. Mitigation areas will be inspected twice a year to monitor, and, if necessary, remove (by trapping) new feral hog individuals.

Restoration of Wetlands Hydroperiod

Restoration of a hydroperiod necessary to reverse the current wetlands to upland vegetation and soil trend is proposed. The general restoration and enhancement process will occur as follows:

- Provide an initial water level elevated enough to "shock" terrestrial species in the target wetland areas;
- Implement alterations to the site area drainage system which will provide hydrologic conditions which will result in improved hydric soils; and
- Implement a water level regime which will provide appropriate seasonal water level changes to establish wetlands vegetation characteristics of sloughs or isolated wetlands.

Prior to implementing the mitigation design program, topographic information of the drainages, sloughs and isolated wetlands in Restoration Areas A, B and C was determined.

Topographic elevation information of adjacent properties was also obtained. These data provided the detail necessary to plan drainage realignments and control structure locations and heights discussed below.

Recent and historical aerial photography indicates that drainage through Restoration Area A has been toward Black Bottom Slough through the three northern "arms" of this area. Drainage through Restoration Area B has been from northeast to southwest through poorly defined drainages amid cypress stands.

Over the last several decades several large and small ditches have been constructed in the region to render portions of the land more suitable for development and for agriculture. The focus of the mitigation hydrological engineering effort has been to reestablish former surface drainage patterns without negatively affecting adjacent and "up-stream" properties.

Restoration Area A has direct water input from several large drainage ditches. Preliminary examination of topographic maps of the area have indicated that installation of an adjustable screw-type control structure ("A" on Figure 6) in Black Bottom Slough (Figure 6), set at 24.5 ft MS, will provide the initial shock to terrestrial species. The goal will be to generally back water up to the 24.5 ft level. Elevating water to this level will back water upstream in the slough several thousand feet and will inundate much of the historical flood plain (Figure 7). At the same time, waters will not be elevated on neighboring properties.

A proposed berm and weir ("A" on Figure 6) will be constructed during the dry season when very little water (if any) will be in this portion of the Slough. The berm and weir will not be in a straight line but will wind its way across the Slough with no removal of cypress trees. Maintenance of canopy closure will reduce chances for invasion by exotic plant species and will help maintain cooler water temperatures in the Slough.

The location of the berm and weir crossing was selected because the Slough itself is relatively narrow at this point. The Slough downstream of this point is already in relatively

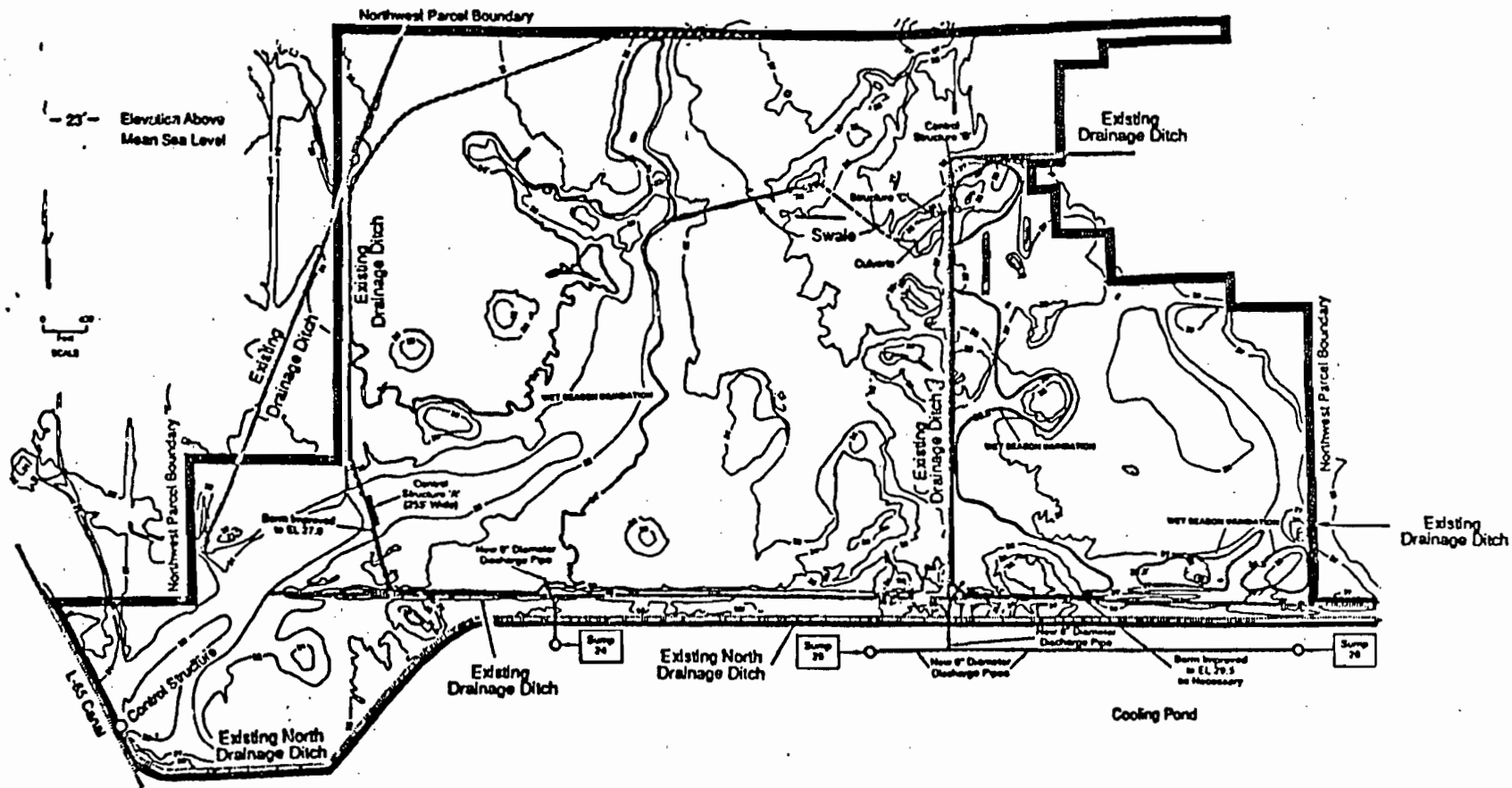


Figure 6
 NORTHWEST PARCEL CONTOUR MAP SHOWING AREAS OF WET
 SEASON INUNDATION AND CONTROL STRUCTURE LOCATIONS



Marlin
 CG/CC
 Project

FPL

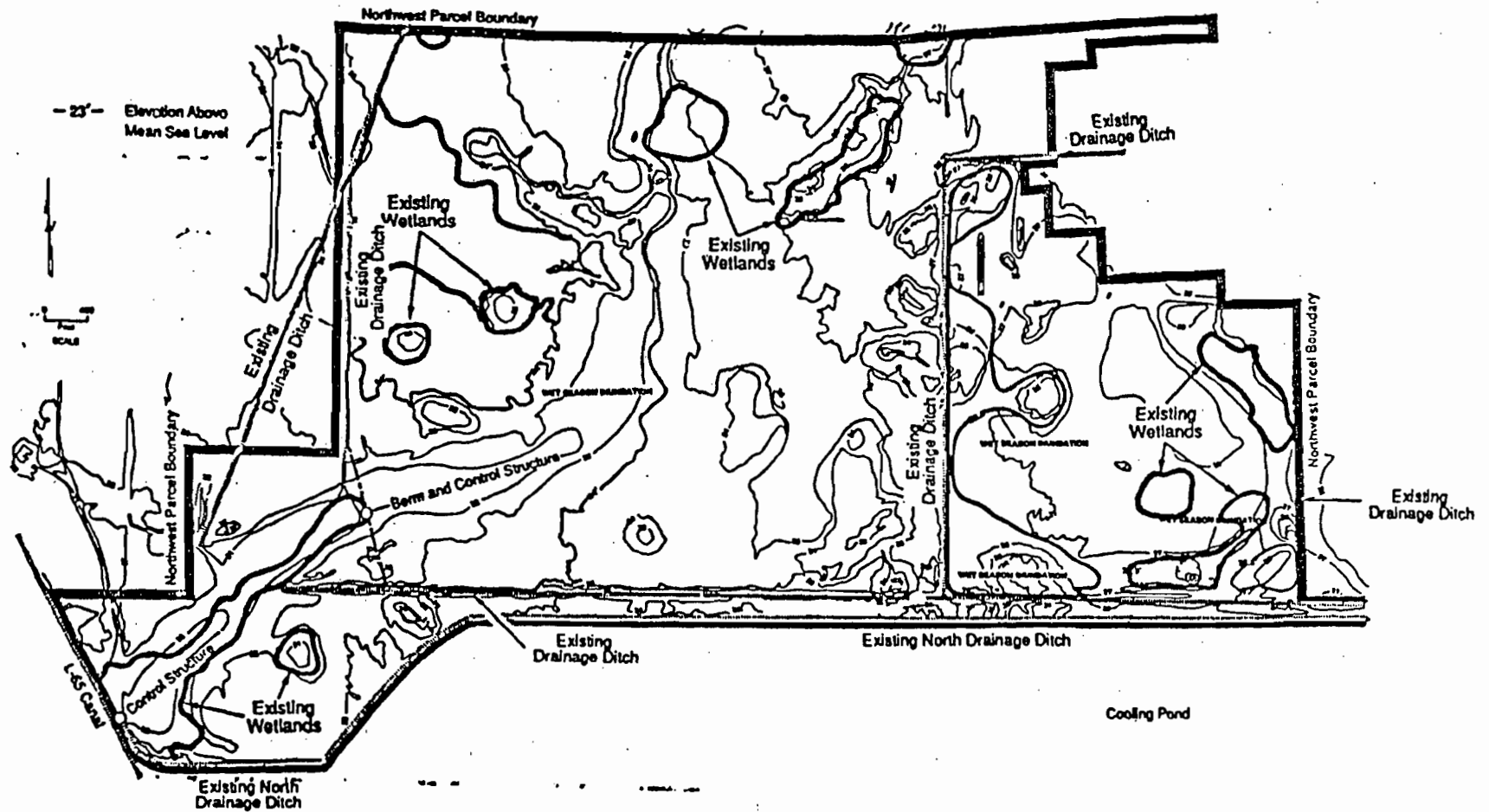


Figure 7
 NORTHWEST PARCEL CONTOUR MAP SHOWING AREAS OF WET
 SEASON INUNDATION AND CONTROL STRUCTURE MANAGEMENT



Martin
 CG/CC
 Project

FPL

good condition because of its current water input. The berm and weir will be situated to provide maximum upstream benefit, while minimally affecting the downstream segment.

As indicated by the Northwest Parcel topographic information, any location of the berm/control structure farther downstream would result in flooding of adjacent land owners. The 24-foot contour was also selected as the maximum inundation level because it does not leave the property. The northern boundary of the Northwest Parcel runs approximately along a drainage divide. In fact, some of the extreme northern part of the parcel drains to the north. For this reason, it is not being inundated.

As shown on Figure 6, pumped seepage from two of the sumps (25 and 26) will be rerouted into the inundation area north of and between those two sumps. During the wet season, the water level will rise to elevation 26.5 there. Excess water will then flow out through Control Structure "B" in the northern portion of that inundation area, and into a low spot just across from the existing north-to-south ditch adjacent to the west side of that area. A swale will carry this runoff to the eastern leg of Restoration Area A. Dimensions of this swale are shown on Figure 8. From there, it will flow via natural channels into Black Bottom Slough. Pumped seepage from a third sump (24) will be rerouted to the inundation area north of that sump (Figure 6). Any excess flow from this sump and/or the flow from the eastern leg of Restoration Area A will be routed through Control Structure "A" to downstream Black Bottom Slough.

The two control structures share the following design features:

- A long sharp-crested weir which maintains the inundation level within a very close tolerance during normal wet season operation;
- Capacity to pass the Probable Maximum precipitation as defined by the National Weather Service and U.S. Army Corps of Engineers; and
- A small sluice gate which allows gradual lowering of the inundation level during the transition between wet and dry seasons.

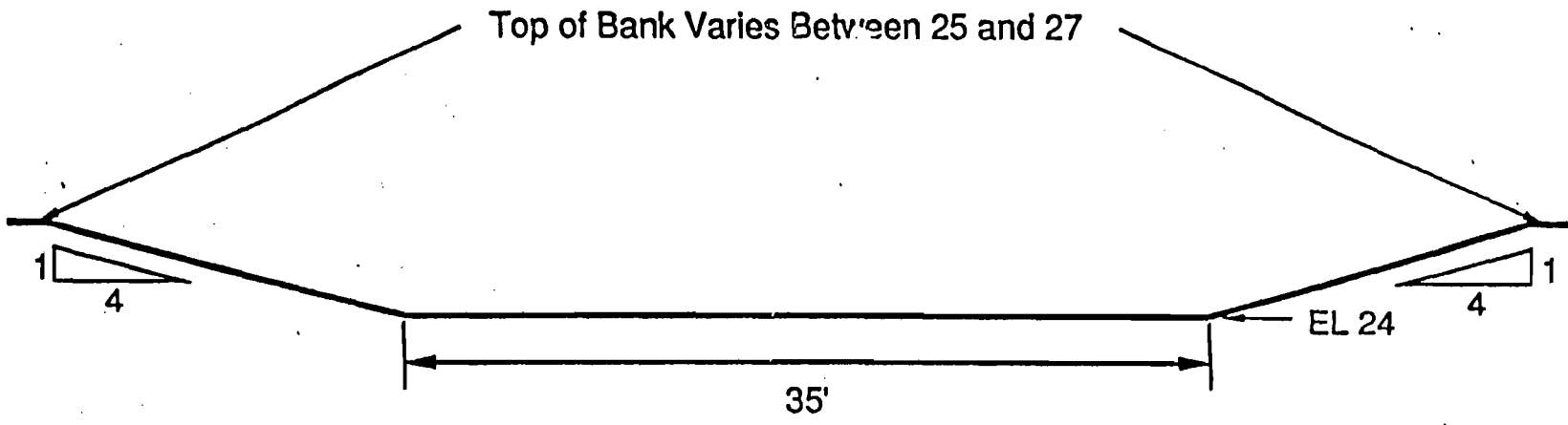


Figure 8
SWALE DIMENSIONS



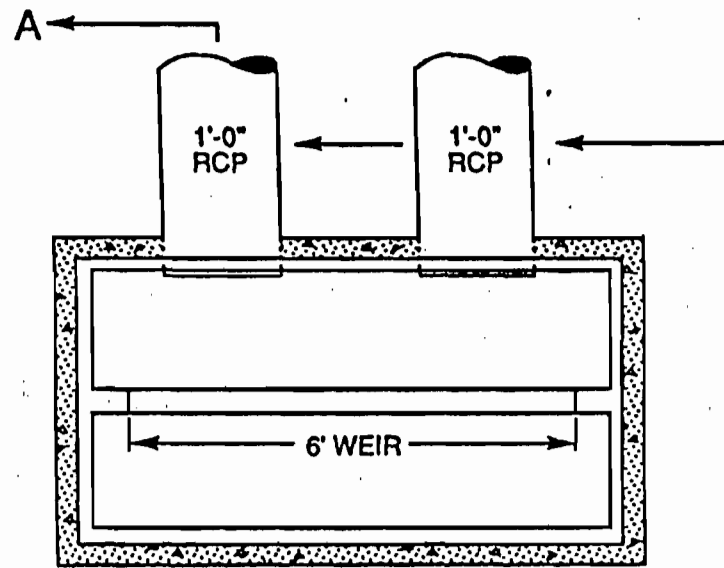
Conceptual design of Control Structure B is shown on Figure 9. What is labelled Structure "C" on Figure 6 is an energy dissipation device rather than a control structure.

Thus, the inundation of the parcel has been designed so that no water leaves the property and no impacts to surface water management on neighboring properties will occur. The effect on downstream water bodies will be an attenuation of the peak discharge entering the L-65 Canal.

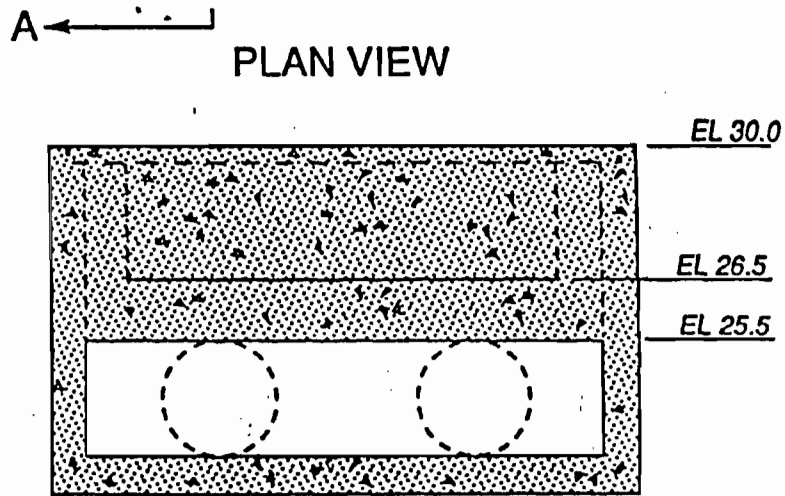
A shallow berm and swale will be created along the north boundary of the Northwest Parcel. The berm situated south of the swale will further protect adjacent property owners from mitigation area waters. The adjacent swale will drain westward to prevent storm water build-up behind the berm.

Water levels will be adjusted at the control structures to prolong the hydroperiod and to simulate the historical periods of inundation and dry season conditions. This process is being successfully used at the FPL Barley Barber Swamp on the east side of the cooling pond. Soils will be intentionally saturated for about 300 continuous calendar days. Where topographically possible, main channel water depths during this period will be maintained at between 2 feet and 2.5 feet in depth. Water levels in the dry season will be gradually lowered for about one month and then gradually elevated to simulate dry season effects over most of the restoration area. Specifically, high water levels will be maintained from May through January. In February the levels will be gradually lowered to their low extent to the beginning of March. The low level will be sustained through March and April. During May the water levels will be gradually raised to their full inundation level. This has been the method used for successful restoration of the Barley Barber Swamp.

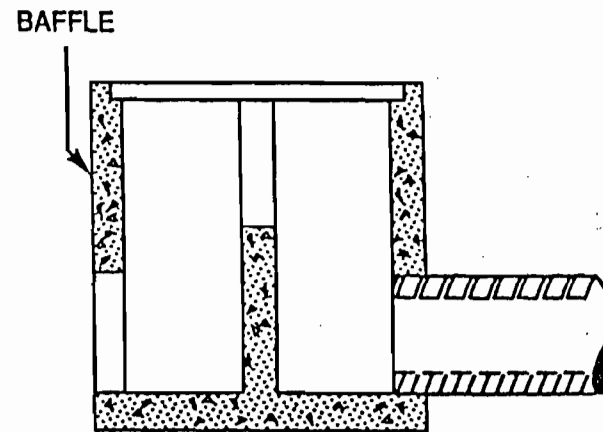
Restoration Area B has one relatively large ditch east of its boundary and two ditches south of its location. Other smaller man-made drainages are in the vicinity. The general vicinity of Restoration Area B also has two north-south drainages near its boundary, both emptying into a westward draining ditch. Adjustable control structures will be placed at locations shown in Figure 7 and described above. Control water level will be set at 26.5 ft MSL.



PLAN VIEW



FRONT VIEW



SECTION A-A

Figure 9
CONTROL STRUCTURE B

This level should also preclude backing waters onto adjacent land. Hydroperiod management will be similar to that described above for Restoration Area A.

Tropical hammock components occur in Area B, the lowest elevation of these areas is at 27.1 ft. MSL. Consequently, the hydroperiod restoration process should not affect these areas.

Currently Restoration Area B is separated from its local drainage ditches by a small elevated berm. Several small culverts connect this area to the east to west drainage ditch. These openings will be permanently closed to assist in the retention of water in Restoration Area B. A single adjustable culvert will be constructed connecting the drainage ditch and the wetlands restoration area. Additionally, a berm will be created in areas between the ditch along the south side of Restoration Area B and the parallel north drainage ditch (parallel to the cooling pond) which are currently below proposed control water level elevations.

Engineering studies have been undertaken to confirm the design of a system of control structures and pumps (as needed) to subsidize existing water in these wetland areas. Important in this process is the rehabilitation of deteriorating organic soil ("O") layer supportive of wetland vegetation.

Terrestrial vegetation in target wetlands may be left in place to decompose and contribute to this organic layer. The tropical hammock portion of Restoration Area B will be monitored to ensure that its presence and species composition will not be threatened. The presence of water in the Restoration Area B should help moderate freezing temperatures providing additional protection from freezing temperatures to tropical vegetation. No planting or transplanting of wetlands vegetation is anticipated.

Isolated wetlands in Restoration Area C will be enhanced with the removal of cattle grazing. Wetlands in this area are expected to secondarily benefit from hydroperiod restoration in Restoration Area A.

Removal of Exotic Vegetation

The proposed mitigation program includes removal of Brazilian pepper and Melaleuca from all restoration areas. Herbicides, when used, will be manually applied to individual plants to minimize their use. Any natural reintroduction of these species will be monitored and plants removed during the spring and autumn.

Upland preservation will take place in designated areas of the Martin CG/CC Site (SCA Figure 2.1.0-1) and in Upland Preserve Areas D and E in the Northwest Parcel (Figure 2). In addition, within the project site, selected upland preserve areas will be augmented with plant materials (mainly cabbage palms and oaks) transplanted from site areas slated for development. Once ecological succession progresses, the only maintenance will include removal of exotic tree species. By removing feral hog populations and cattle grazing as described, above, ecological succession should proceed normally in each of the upland preservation areas.

In summary, with the mitigation program in place, project impacts on regional vegetation communities will be positive. No critical vegetation resources will be lost because existing ecological systems on-site are heavily stressed by fire, grazing and feral hog activity. Additionally, the community types themselves are common to the region.

Creation of Wood Stork Foraging Ponds and Development of Sandhill Crane Habitat

The Martin CG/CC project has been infrequently occupied by wood storks feeding in excavations created to provide cattle with water during the dry season. There are several such excavations in the project area totaling less than three acres in area. Additionally, isolated wetlands may also provide habitat for the sandhill crane as well as the wood stork. The planned inundation patterns and wetland restoration process should provide significant additional and improved habitat for both wood storks and the crane. Discussions with the

U.S. Fish and Wildlife Service indicate that it is appropriate to mitigate for this project habitat loss.

Consequently, creation of such a habitat type will be undertaken in the Northwest Parcel. The objectives of this plan are to create two ponds of about 1.5 acres each. One pond will be maintained at a depth of between 10 inches and 20 inches during the wet season and the other pond maintained at similar depths during the dry season. These ponds will be converted to allow the higher pond to repopulate from fish stock from the lower pond with the onset of wet season water level management. The elevation of the bottom of the upper pond will average about 25.5 ft. MSL. The bottom of the lower pond will be between 24 and 24.5 ft. MSL. A three acre area east of Control Structure "B" in the wet season inundation area (Figure 6) has been tentatively selected for the wood stork foraging habitat creation. The required land at this location will be scraped to the appropriate elevations. The connection between the ponds will be a naturally sloping topography with no control structures. It is intended that at least some water be allowed to flow through the lower pond and exit at control structure "B" during the wet season.

To provide some cover for prey fish, small islands of upland will be left during the recontouring process. Additionally logs and brush will be left in ponds. Submergent and emergent vegetation will be allowed to develop. After about 40 percent vegetation coverage, the ponds will be monitored to determine the need for vegetation control (using sterile grass carp). Preferred prey species will be from the genera Centrarchus, Ictalurus and Lepomis. Ranids and water snakes may also become available prey. The remaining wetlands restoration and enhancement program will result in other suitable wood stork foraging habitat, however, this will be the only area specially managed for that purpose.

MITIGATION AREA MONITORING

Mitigation monitoring in wetland Restoration Areas A-C will focus on the following vegetation, soil and hydrological parameters:

- Vegetation
 - Changes in species diversity and composition
 - Tree growth rates
 - Changes in canopy characteristics
- Soil
 - Organic layer development (composition/thickness/color)
- Hydrology
 - Water levels
 - Length of time of soil saturation

Table 7 summarizes the proposed wetlands monitoring program. Sampling locations will be permanently marked. Water level indicator markers will be surveyed for elevation accuracy. Vegetation and soil sampling quadrats will be located in conjunction with as many of these surveyed markers as practical. Annual progress reports will be prepared documenting the mitigation process. Changes in vegetation growth may be difficult to monitor in a statistically satisfactory fashion for cypress, based upon the results of current monitoring of the Barley Barber Swamp restoration. Other species, such as red maple, will be initially measured and sampled to monitor tree growth.

TABLE 7

MITIGATION MONITORING PROGRAM

| Parameter | Method | Frequency | Equipment |
|---|---|--|--|
| Vegetation <ul style="list-style-type: none"> • Diversity • Composition • Canopy | Quadrat; percent cover | Canopy and middlestory 40 stations (10m x 10m) annually; shrub layer, 40 stations (10m x 10m) annually | DBH tape; meter sticks |
| Tree growth | Cores; diameters | 20 trees biannually | Increment borers; DBH tapes |
| Soil <ul style="list-style-type: none"> • Organic layer | Soil core color | Annually 40 stations | Hand auger; tape measure; Munsell color chart |
| Hydrology <ul style="list-style-type: none"> • Water levels • Soil saturation | Level markers (surveyed); hand sampling | Monthly (10 locations); monthly | Level indicator stakes (permanent) |

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

FLORIDA POWER AND LIGHT COMPANY
MARTIN COAL GASIFICATION/COMBINED CYCLE PROJECT
PA 89-27
CONDITIONS OF CERTIFICATION

C. SURFACE WATER MANAGEMENT CONDITIONS

1. GENERAL CONDITIONS

a. Professional Engineer Certificate

The operation of any phases of the surface water management system authorized under this Certification shall not commence until an engineer practicing in the State of Florida in compliance with Section 471.003(2)(d), F.S., and with the appropriate experience in surface water management design, certifies, upon completion of each phase, that these facilities have been constructed in accordance with the design approved by SFWMD. Within 30 days after completion of construction of each phase of the surface water management system, the Permittee shall submit the engineer's Certification and notify SFWMD that the facilities are ready for inspection and determination of compliance with this Certification and applicable SFWMD non-procedural criteria.

b. Impacts on Fish, Wildlife, Natural Environment Values and Water Quality

The Permittee shall prosecute the work authorized under this Certification in a manner so as to minimize any adverse impacts of the authorized works on fish, wildlife, natural environment values, and water quality. The Permittee shall institute necessary measures during the construction period, including necessary compaction of any fill materials placed around newly installed structures and/or the use of silt screens, hay bales, seeding and mulching, and/or other similar techniques, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

c. Access Roads

The Permittee shall, whenever available, utilize adjacent existing roads for access to the transmission line and gas pipeline rights-of-way for construction, operation and/or maintenance purposes. Finger roads connecting the existing roads to the structure pads and access roads which must be constructed in areas where an existing road is not available shall be constructed in a manner which does not impede natural drainage flows and minimizes impacts to on-site and adjacent wetlands.

d. Off-site Discharges

Off-site discharges during construction and development of any phase of this Project shall be made only through the discharge facilities authorized by the final Certification for that phase. No roadway or building construction shall commence on-site until completion of the permitted discharge structure and detention areas for the applicable phase of the Project. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to SFWMD.

e. Discharge Structures

Discharge structures, where appropriate, shall include a baffle, skimmer, or other mechanism suitable for preventing oil, grease, or other floatable materials from discharging to and/or from retention/detention areas.

f. Correction of Water Quality Problems

The Permittee shall be responsible for the correction of any sedimentation, turbidity, erosion, shoaling and/or other water quality problems that result from the construction, operation, and/or maintenance of the works authorized under this Certification.

g. Additional Water Quality Requirements

The Permittee may be required to incorporate additional water quality treatment methods into the surface water management system if such measures are shown to be necessary pursuant to the enforcement provisions of Condition IV.A.1.j of these conditions.

2. SITE SPECIFIC DESIGN REQUIREMENTS

a. Expansion Area Allowable Discharge

The surface water management system for the proposed project facilities located within the expansion area will be designed such that peak post-development discharges from the project site do not exceed 550 cfs for the 25 year/3 day design storm.

b. Restoration/Mitigation Area Allowable Discharge

The peak post-development discharge rate from the proposed northwest restoration/mitigation area shall be based on an analysis of the additional information on the Restoration Area Construction Plans (as required under Condition IV.C.3.c).

c. Eastern Perimeter Ditch Control Elevation

Pursuant to the provisions of Condition IV. A.2 of these conditions, the Permittee may be required to change the control elevation for the eastern perimeter ditch, as necessary, if significant adverse impacts are shown to occur as a result of the existing control elevation of 18' NGVD.

3. ADDITIONAL INFORMATION REQUIREMENTS

a. Water Table Monitoring Program

Prior to a determination of sufficiency for any supplemental application for any subsequent phase beyond Phase I, the Permittee shall undertake and complete a water table monitoring program for the proposed power plant expansion area located east of the Plant Road. The proposed program shall be submitted to SFWMD for review and approval 90 days prior to the implementation of such a program. In developing the water table monitoring program, the Permittee shall incorporate monitoring well locations which encompass the entire expansion area east of the Plant Road and regularly scheduled monitoring intervals throughout at least one normal wet season.

b. Expansion Area Construction Plans

Prior to the commencement of construction of any portion of the project within the expansion area which affects the movement of waters, all construction activities for that portion of the proposed project which may obstruct,

divert, control, impound or cross waters of the state must be reviewed by SFWMD for a determination of compliance with the non-procedural requirements of Chapters 40E-2 and 40E-4, F.A.C. For all construction activities, the following information shall be submitted:

1. Detailed paving, grading and drainage plans, including on-site and perimeter site grades, which clearly indicate how runoff will be routed and discharged in each of the four proposed sub-basins for the expansion area; demonstrate that the design storm will be held on-site; and verify the stage/storage assumptions;
2. If control elevations are revised for any portion of the proposed surface water management system, revised calculations which demonstrate compliance with the SFWMD's retention/detention criteria for both quantity and quality purposes;
3. If control elevations are revised for any portion of the proposed surface water management system, revised soil storage calculations;
4. Detailed plans of all proposed roads, parking lots and building pads which demonstrate compliance with Martin County and SFWMD flood protection criteria;
5. Cross sections of all proposed control structures which demonstrate compliance with SFWMD water quality and quantity criteria; and
6. Documentation that the proposed conveyance swale in the undeveloped area 2C basin adjacent to the coal storage area is required to maintain existing drainage flows in the expansion area and that it will not adversely impact any of the 75 acres of wetlands to be preserved on-site in Area 2C, unless additional mitigation is provided by the applicant for the wetland impacts which may result from its construction. Upon the provision of documentation that the 75 acres of wetlands will not be adversely impacted, the Permittee shall also submit a draft instrument in recordable form agreeing with the District that, if any of the 75 acres are

nonetheless adversely affected, FPL shall conduct additional mitigation in the northwest parcel sufficient under the SFWMD's wetlands mitigation criteria then in effect, as directed by SFWMD, to mitigate for such adverse impacts. Upon SFWMD's approval, the Permittee shall execute and record the instrument within 90 days of receipt of SFWMD's approval.

c. Restoration Area Construction Plans

Prior to the commencement of construction and/or modification of any portion of the proposed and/or existing facilities associated with the restoration plan for the northwest mitigation/restoration area, all proposed activities must be reviewed by SFWMD for a determination of compliance with the non-procedural requirements of Chapters 40E-2 and 40E-4, F.A.C. The following information to any extent it has not already been furnished to SFWMD shall be provided:

1. Inverts, elevations and current condition of the discharge culverts along SR 710 that provide drainage for the three off-site drainage basins north of SR 710 which drain through and/or around the northwest restoration/mitigation area;
2. Detailed descriptions of any existing drainage structures and facilities, including cross-sections, elevations, dimensions and conditions, within the four drainage basins which drain through and/or around the northwest restoration/mitigation area which support the Permittee's assumptions and analysis of the basins;
3. A representative sampling of existing finished floor elevations which demonstrates that the existing dwelling units will not be adversely impacted by the proposed improvements within the northwest restoration/mitigation area;
4. Detailed construction plans, including supporting assumptions and calculations, for the proposed control structures, culverts, berms, swales, ditches, etc., in the northwest restoration/mitigation area;

5. Documentation that demonstrates that the proposed sump pump discharges into the northwest restoration/mitigation area will not cause erosion impacts;

6. A detailed field study, that may include additional topography, which documents the need for the proposed ditch connection from Structure C to Black Bottom Slough; and

7. Documentation that the proposed flows from Black Bottom Slough into L-65 will not exceed pre-existing flows into L-65.

d. Transmission Line and Fuel Pipeline
Construction Plans

Prior to the commencement of construction of any portion of the proposed transmission line or fuel pipeline, all construction activities for that portion of the transmission line or fuel pipeline which may obstruct, divert, control, impound or cross waters of the state either temporarily or permanently, must be reviewed by SFWMD for a determination of compliance with the non-procedural requirements of Chapters 40E-2 and 40E-4, F.A.C. "Construction activities" in this situation shall include the placement of structure pads, access/maintenance roads, culverts, and/or fill materials, excavation activities, and related activities. For all such construction activities, the following information shall be submitted:

1. A centerline profile of existing topographic features along the proposed access/maintenance road(s) and/or pipeline excavation route;

2. A preliminary design of the proposed access/maintenance and finger road(s) and/or pipeline excavation route with elevations marked;

3. A typical cross-section of the proposed access/maintenance and finger roads and/or pipeline excavation route;

4. A cross-section of each stream or creek at the points to be crossed by the access/maintenance and finger road(s), pipeline excavation route, and/or other construction;

5. Specifications showing the location of each transmission tower, finger and access/maintenance road, culvert, pipeline section, and/or other related structure or facility to be constructed, including all areas to be filled or excavated;
6. Specifications, including supporting assumptions and calculations, showing the type and size of water control structures (pipe, culvert, equalizer, etc.) to be used, with proposed flowline elevations marked, drainage areas identified and design capacity verified;
7. A cross-section of all proposed excavation areas showing the proposed depth of excavation;
8. Calculations and the supporting documentation which demonstrate compliance with all applicable criteria, particularly as they relate to allowable discharge;
9. Identification of wet season water table elevations for each basin in which facilities will be located;
10. Calculations and supporting documentation which demonstrate that the proposed construction activities associated with the transmission line and/or fuel pipeline will not have an adverse water quantity and/or water quality impact on existing and/or permitted surface water management systems; and
11. If construction of the proposed transmission line and/or fuel pipeline contributes to the necessity for future modifications to adjacent/existing roads, water quality treatment for the requested modifications must be addressed in the surface water management system design for the transmission line and/or fuel pipeline.

e. Surface Water Quality Monitoring Program

Within three months of issuance of this Certification, the Permittee shall submit for review by SFWMD a surface water quality monitoring program which

monitors all discharges from the surface water management system for this Project into the eastern perimeter ditch and any other off-site water bodies. SFWMD and the Permittee may jointly agree to vary the parameters and monitoring schedule below in an effort to conform with the other water quality monitoring requirements of other regulatory agencies.

1. This plan shall include the following parameters and monitoring schedule:

| MONITOR TYPE AND SCHEDULE | PARAMETERS |
|--------------------------------|--|
| A. GENERAL (EVERY OTHER MONTH) | DISSOLVED OXYGEN, PH, TURBIDITY, SPECIFIC CONDUCTANCE, CHEMICAL OXYGEN DEMAND, TOTAL SUSPENDED SOLIDS, AND ALKALINITY. |
| B. ORGANICS (SEMI-ANNUAL) | TOTAL ORGANIC CARBON, OIL AND GREASE, DETERGENTS, EPA METHODS 601 AND 602. |
| C. METALS (SEMI-ANNUAL) | ALUMINUM, ANTIMONY, BERYLLIUM, CADMIUM, COPPER, CYANIDE, IRON, LEAD, MERCURY, NICKEL, SELENIUM, SILVER, AND ZINC. |

2. Water quality samples shall be taken at the above noted locations in accordance with the above schedule during periods of discharge. The Permittee shall provide such data to SFWMD as volumes of water discharged, including total volume discharged during the days of sampling, and total discharges from the property or into surface waters of the state. A laboratory certified by the State of Florida shall be responsible for all water quality analyses under B. and C. in 1. above. Reports shall be submitted to SFWMD on a semi-annual basis. Initial sampling results shall be reported to SFWMD no later than six months following the issuance of this Certification.

3. SFWMD will evaluate monitoring requirements following two years of data

collection and make a determination as to whether the discharge degrades receiving waters and conforms to state water quality standards as defined in Chapter 17-3, F.A.C. If the water quality analyses show little or no change, and it is determined that there is minimal contaminant potential, the monitoring program may be modified to reduce the sampling schedule and/or parameters. If water quality problems develop, SFWMD reserves the right to seek a modification of this Certification to require more frequent sampling and more thorough analyses in order to provide assurances that the discharges will not cause additional off-site water quality impacts.

f. Hazardous Materials Management

Prior to the commencement of of any phase of this Project, the Permittee shall submit for review by SFWMD for consistency with the requirements of Chapter 40E-4, F.A.C., a copy of the Comprehensive Oil, Hazardous Materials and Hazardous Waste Management Program Plan for the Martin Coal Gasification/Combined Cycle Project Power Plant. The plan shall provide an adequate level of detail for early warning and detection of hazardous materials within the shallow groundwater. For any phase of the project involving coal gasification facilities, this plan shall include, at a minimum, a groundwater monitoring network, including proposed up-gradient and down-gradient locations of monitoring wells, prepared by a hydrogeology consultant.

D. ENVIRONMENTAL CONDITIONS

1. GENERAL

a. Wetland Avoidance

The Permittee shall avoid impacting wetlands within the power plant site, transmission line and fuel pipeline corridors wherever practicable. Where necessary and feasible the location and span between power poles and the location of the pipeline within the right-of-way shall be varied to eliminate or reduce wetland impacts.

b. Fill Materials

Except as authorized by this Certification and other permits issued for this project, no fill materials shall be obtained from excavated wetlands within the project site, unless in accordance with a mitigation plan submitted in compliance with the conditions of this Certification.

c. Determination of Compliance with
SFWMD Wetland Mitigation
Requirements

Based on the wetland mitigation criteria of Chapter 40E-4, including Appendix 7 of the Basis of Review for Surface Water Management Permit Application, SFWMD has determined that the Permittee's proposed restoration, preservation and enhancement program (Program), if its objectives are successfully achieved, would result in mitigation beyond that required by SFWMD's criteria. This extra mitigation may be employed to compensate, as necessary, for wetland impacts associated with the Project's associated linear facilities, pursuant to Condition IV. D.2.c; for additional wetland impacts of the Project; or to provide additional compensation to achieve the Program's success, as identified in Conditions IV. D.2.b.8 and IV. D.2.c.6.

d. Additional Wetlands Mitigation

The Permittee may be required to provide additional mitigation and/or other measures if wetland monitoring and/or other information demonstrates that adverse impacts to protected, restored and/or mitigated wetlands have occurred as a result of project-related activities, including the proposed transmission line and fuel pipeline.

2. ADDITIONAL INFORMATION REQUIREMENTS

a. Expansion Area Wetlands Protection

Prior to the commencement of construction of any facilities located adjacent to the wetlands identified for preservation in undeveloped area 2C of the expansion area, FPL shall stake and rope off the protected wetland areas to prevent encroachment during construction. Staking shall remain in place until all adjacent construction activities are completed. Verification by SFWMD staff shall be required prior to commencement and upon completion of any construction activities.

b. Northwest Restoration/Mitigation
Area Plan

Prior to the commencement of construction of any portion of the restoration/mitigation areas for the proposed power plant expansion project, final details of the proposed restoration/mitigation plan must be submitted to

SFWMD for a determination of compliance with the non-procedural requirements of Chapters 40E-2 and 40E-4, F.A.C., including Appendix 7 (Isolated Wetlands Rule) of the Basis of Review for Surface Water Management Permit Applications within SFWMD. This plan shall include the following:

1. Specific acreage figures and locations of all wetlands to be preserved, created and restored;
2. Identification of all proposed areas of inundations;
3. Identification of proposed control elevations;
4. Documentation that the proposed restoration/mitigation activities will not adversely impact adjacent land owners;
5. A discussion of any additional mitigation activities to be undertaken, including the location of all mitigation areas and a description of the manner in which these areas will be created, restored or otherwise enhanced;
6. A timetable for accomplishing the proposed mitigation activities prior to, or concurrent with, the construction of Phase I of this Project;
7. Documentation, including a draft instrument in recordable form that, for each phase of the Project, an appropriate portion of the northwest mitigation parcel commensurate with the wetlands to be impacted by that Project phase will be preserved prior to commencement of construction of that phase such that it will be managed in a manner consistent with its proposed use as a conservation area; and
8. A detailed monitoring and maintenance program designed to ensure the success of the restoration, enhancement and preservation program proposed by the Permittee. The success of this Program shall be based upon an assessment of the Program's measured progress toward achieving a restored, functional hydrologic regime, the improvement of hydric

soils within appropriate areas and the natural, beneficial changes in vegetation composition, diversity, growth rates and canopy characteristics within the areas this Program is to be undertaken. For any created wetland excluding any designated woodstork feeding areas, the measure of success shall be predicated on a guaranteed survival or coverage of 80% of the appropriate wetland vegetation. At a minimum, the monitoring plan shall be conducted for a period of 5 years, with reports submitted to SFWMD annually, and all monitoring stations identified on a plan view. This monitoring may be continued on a year-to-year basis depending on the extent to which the program has successfully achieved its objectives. However, SFWMD may at any time determine that such monitoring may be discontinued upon success of the program being demonstrated by the Permittee.

c. Transmission Line and Fuel Pipeline
Mitigation Plans

Prior to the commencement of construction of any portion of the proposed transmission line and fuel pipeline, a mitigation plan to offset any wetland impacts associated with that portion of the transmission line or pipeline must be submitted to the SFWMD for a determination of compliance with the non-procedural requirements of Chapters 40E-2, 40E-4 and 40E-6, F.A.C., including Appendix 7 (Isolated Wetland Rule) of the Basis of Review for Surface Water Management Permit Application within SFWMD. This plan shall include the following:

1. Specific acreage figures and locations of all wetlands, both within the transmission line or fuel pipeline right-of-way and adjacent to it, which would be impacted by the construction activities, including an explanation of why no feasible alternative exists;
2. Documentation that none of the proposed excavation activities will adversely impact off-site wetlands;
3. A discussion of the proposed mitigation activities to be undertaken, including the location of all mitigation areas and a

description of the manner in which these areas will be created, restored or otherwise enhanced;

4. If such mitigation shall occur within the northwest restoration/mitigation area, documentation that sufficient wetland mitigation areas within the restoration/mitigation area have been legally reserved to compensate for the proposed wetland impacts;

5. A timetable for accomplishing the proposed mitigation activities concurrently with the construction of the transmission line or fuel pipeline and any associated wetland impacts, unless documentation for doing otherwise is submitted and approved in writing by SFWMD prior to the commencement of construction; and

6. A detailed monitoring and maintenance program designed to ensure the success of the restoration, enhancement and preservation program proposed by the Permittee. The success of this program shall be based upon an assessment of the Program's measured progress toward achieving a restored, functional hydrologic regime, the improvement of hydric soils within appropriate areas and the natural, beneficial changes in vegetation composition, diversity, growth rates and canopy characteristics within the areas this Program is to be undertaken. For any created wetland excluding any designated woodstork feeding areas, the measure of success shall be predicated on a guaranteed survival or coverage of 80% of the appropriate wetland vegetation. At a minimum, the monitoring plan shall be conducted for a period of 5 years, with reports submitted to SFWMD annually, and all monitoring stations identified on a plan view. This monitoring may be continued on a year-to-year basis depending on the extent to which the program has successfully achieved its objectives. However, SFWMD may at any time determine that such monitoring may be discontinued upon success of the program being demonstrated by the Permittee.

APPENDIX 10.1.6

[Note: The Coastal Management Act of 1978 (Section 380.21-380.25, Florida Statutes) requires that the Coastal Zone Management Section of FDER be responsible for certification of consistency with the Florida Coastal Management Program (FCMP) for all federal licenses, permits, activities, and projects listed in Section 380.23 (3)(c), Florida Statutes, when such activities are subject to federal consistency review and affect land or water use, are seaward of the jurisdiction of the state, or there is no state agency with sole jurisdiction for such consistency review. Consistency related to Section 10 of the Rivers and Harbors Act and Section 404 of the Water Pollution Control Act are addressed in Appendix 10.1.4. Consistency related to Part 77 of the Federal Aviation Regulations Regulators is addressed in Appendix 10.1.7.

APPENDIX 10.1.7

**FAA NOTICE OF PROPOSED CONSTRUCTION OR
ALTERATION**

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| <input checked="" type="checkbox"/> | Failure To Provide All Requested Information May Delay Processing of Your Notice | FOR FAA USE ONLY Aeronautical Study Number - - - OE |
| U.S. Department of Transportation Federal Aviation Administration | Notice of Proposed Construction or Alteration | |

1. Sponsor (person, company, etc. proposing this action) :
Attn. of: K. H. SIMMONS, MGR. NEW CAPACITY PROJECTS
Name: FLORIDA POWER & LIGHT COMPANY
Address: P. O. BOX 14000

City: JUNO BEACH State: FL Zip: 33408
Telephone: (561) 691-2216 Fax: (561) 691-7049

2. Sponsor's Representative (if other than #1) :
Attn. of: BETTY ROBINSON
Name: GOLDER ASSOCIATES INC.
Address: 5100 WEST LEMON STREET, SUITE 114

City: TAMPA State: FL Zip: 33609
Telephone: 813-287-1717 Fax: 813-287-1716

3. Notice of: New Construction Alteration Existing
4. Duration: Permanent Temporary
5. Work Schedule: Beginning May 2003 End November 2005
6. Type: Antenna Tower Crane Building Power Line
 Landfill Water Tank Other EXHAUST STACKS
7. Marking/Painting and/or Lighting Preferred:
 Red Lights and Paint Dual - Red and Medium Intensity White
 White - Medium Intensity Dual - Red and High Intensity White
 White - High Intensity Other _____
8. FCC Antenna Structure Registration Number (if applicable):
N/A

9. Latitude: Stack 1: 27° 03' 13.54" Stack 2: 27° 03' 11.74"
Stack 3: 27° 03' 13.53" Stack 4: 27° 03' 11.74"
Stack 5: 27° 03' 13.52" Stack 6: 27° 03' 11.73"
Stack 7: 27° 03' 13.51" Stack 8: 27° 03' 11.73"

10. Longitude: Stack 1: 80° 33' 56.82" Stack 2: 80° 33' 56.56"
Stack 3: 80° 33' 54.89" Stack 4: 80° 33' 54.90"
Stack 5: 80° 33' 51.01" Stack 6: 80° 33' 51.02"
Stack 7: 80° 33' 49.35" Stack 8: 80° 33' 49.36"

11. Datum: NAD 83 NAD 27 Other _____

12. Nearest: City: STUART State: FL

13. Nearest Public-use (not private-use) or Military Airport or Heliport:
INDIANTOWN AIRPORT

14. Distance from #13. to Structure: 7.5 miles

15. Direction from #13. to Structure: WEST

16. Site Elevation (AMSL): 32 ft.

17. Total Structure Height (AGL): 120 ft.

18. Overall height (#16. + #17.) (AMSL): 152 ft.

19. Previous FAA Aeronautical Study Number (if applicable):
N/A - OE

20. Description of Location: (Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey.)
The site is located near Indiantown, 19 miles southwest of Stuart, Florida (Section 29, Township 39 South, Range 37 East). See attached Site Layout Plan and USGA topographic 7.5 minute quad map.

| | |
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| 21. Complete Description of Proposal: Construction of four new 120-foot (AGL) exhaust stacks associated with four heat recovery steam generators and two new simple-cycle combustion turbines for a natural gas fired power plant. Two of the stacks associated with the project are existing combustion turbines. | Frequency/Power (kW) |
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Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718. Persons who knowingly and willingly violate the notice requirements of part 77 are subject to a civil penalty of \$1,000 per day until the notice is received, pursuant to 49 U.S.C., section 46301 (a).
I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking and lighting standards as necessary.

| | | |
|------|---|-----------|
| Date | Typed or Printed name and Title of Person Filing Notice <u>Betty Robinson, Submittal Coordinator</u> | Signature |
|------|---|-----------|

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|--|--|---|
| <div style="border: 1px solid black; display: inline-block; padding: 2px; margin-bottom: 5px;">X</div> <p>U.S. Department of Transportation Federal Aviation Administration</p> | <p><i>Failure To Provide All Requested Information May Delay Processing of Your Notice</i></p> <h2 style="margin: 0;">Notice of Proposed Construction or Alteration</h2> | <p>FOR FAA USE ONLY Aeronautical Study Number - OE</p> |
|--|--|---|

1. Sponsor (person, company, etc. proposing this action) :
 Attn. of: K. H. SIMMONS, MGR. NEW CAPACITY PROJECTS
 Name: FLORIDA POWER & LIGHT COMPANY
 Address: P. O. Box 14000 (PDP-JB)

City: JUNO BEACH State: FL Zip: 33408-0420
 Telephone: (561) 691-2216 Fax: (561) 691-7049

2. Sponsor's Representative (if other than #1) :
 Attn. of: Betty Robinson
 Name: Golder Associates Inc.
 Address: 5100 West Lemon Street, Suite 114

City: Tampa State: FL Zip: 33609
 Telephone: 813-287-1717 Fax: 813-287-1716

3. Notice of: New Construction Alteration Existing
4. Duration: Permanent Temporary
5. Work Schedule: Beginning May 2003 End November 2005
6. Type: Antenna Tower Crane Building Power Line
 Landfill Water Tank Other _____
7. Marking/Painting and/or Lighting Preferred:
 Red Lights and Paint Dual - Red and Medium Intensity White
 White - Medium Intensity Dual - Red and High Intensity White
 White - High Intensity Other _____
8. FCC Antenna Structure Registration Number (if applicable):
N/A

9. Latitude: Stack 1: 27° 03' 13.54", Stack 2: 27° 03' 11.74"
 Stack 3: 27° 03' 13.53", Stack 4: 27° 03' 11.74"
 Stack 5: 27° 03' 13.52", Stack 6: 27° 03' 11.73"
 Stack 7: 27° 03' 13.51", Stack 8: 27° 03' 11.73"

10. Longitude: Stack 1: 80° 33' 56.82", Stack 2: 80° 33' 56.56"
 Stack 3: 80° 33' 54.89", Stack 4: 80° 33' 54.90"
 Stack 5: 80° 33' 51.01", Stack 6: 80° 33' 51.02"
 Stack 7: 80° 33' 49.35", Stack 8: 80° 33' 49.36"

11. Datum: NAD 83 NAD 27 Other _____

12. Nearest: City: STUART State: FL

13. Nearest Public-use (not private-use) or Military Airport or Heliport:
INDIANTOWN AIRPORT

14. Distance from #13. to Structure: 7.5 MILES

15. Direction from #13. to Structure: WEST

16. Site Elevation (AMSL): 32 ft.

17. Total Structure Height (AGL): 120 ft.

18. Overall height (#16. + #17.) (AMSL): 152 ft.

19. Previous FAA Aeronautical Study Number (if applicable):
N/A - OE

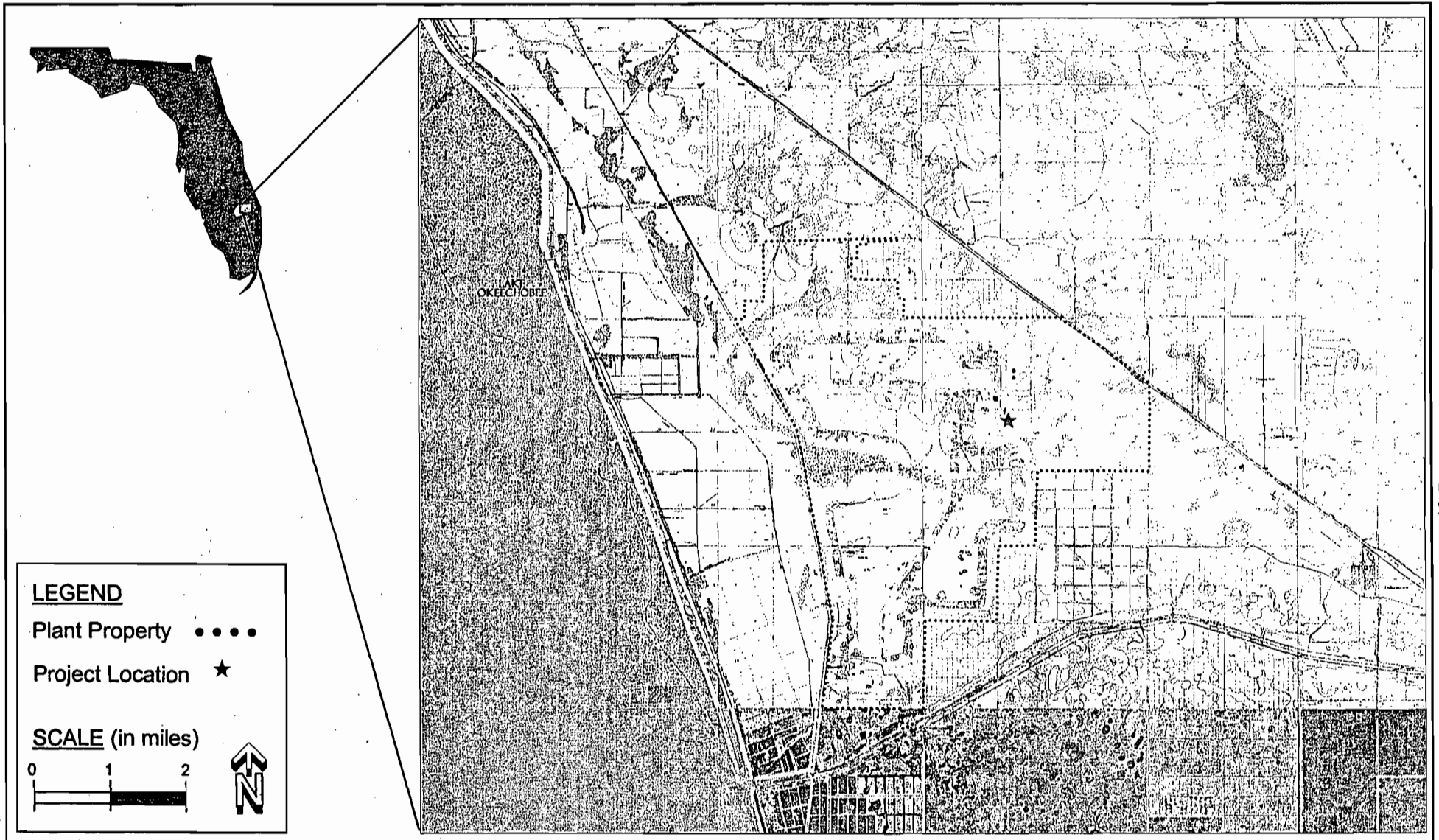
20. Description of Location: (Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey.)
 The site is located near Indiantown, 19 miles southwest of Stuart, Florida (Section 29, Township 39 South, Range 37 East). See attached Site Layout Plan and Plant Arrangement figures.

| | |
|--|----------------------|
| <p>21. Complete Description of Proposal:</p> <ul style="list-style-type: none"> • Temporary construction crane for use in construction of four new 120-foot (AGL) exhaust stacks and four heat recovery steam generators (HRSG) for a natural gas fired power plant. Also two new 80-foot (AGL) simple cycle stacks. • The boom height for the crane will be under 240 feet. • Latitude and Longitude coordinates are the four HRSG stacks and four simple cycle stack associated with the Project, which is closest to the airport. | Frequency/Power (kW) |
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Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718. Persons who knowingly and willingly violate the notice requirements of part 77 are subject to a civil penalty of \$1,000 per day until the notice is received, pursuant to 49 U.S.C., section 46301 (a).

I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking and lighting standards as necessary.

| | | |
|------|--|-----------|
| Date | Typed or Printed name and Title of Person Filing Notice Betty Robinson, Submittal Coordinator | Signature |
|------|--|-----------|



2-67

Figure 2.1-1. FPL Martin Plant Site Location

Source: Bechtel Power Corporation, 1989; Golder, 2002.



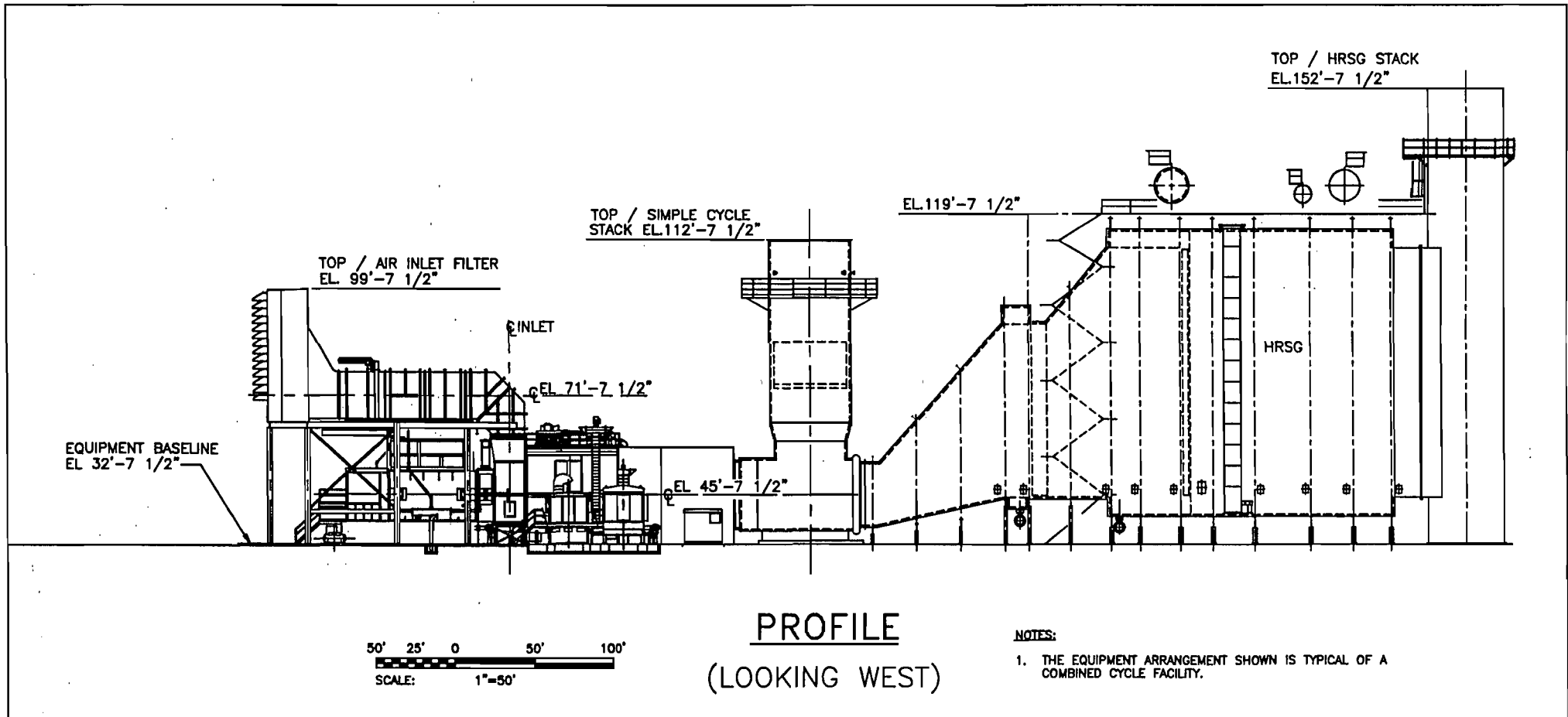


Figure 2-3. Profile of Combustion Turbine and Heat Recovery Steam Generator

Source: Block & Veatch, 2001; FPL, 2001; and Golder, 2001.

APPENDIX 10.2

ZONING DESCRIPTIONS

[Note: This appendix contains the zoning descriptions for the project area. This information was presented in the site certification application for the Martin Coal Gasification/Combined Cycle (CG/CC) Project. The zoning designations have not changed and the project area is within, albeit a smaller area, than that contemplated for the Martin CG/CC Project.]

10.2 ZONING DESCRIPTIONS

The existing Martin Units 1 and 2 were developed as a permitted use under an agricultural zoning designation. Upon adoption in 1982, the Martin County land use plan showed an approximate 600-acre area, centered on the existing power plant units, as industrial. Martin County adopted a new Land Development Code in 1986. Although Units 1 and 2 were grandfathered under Martin County's original zoning, development of the Martin CG/CC Project required a rezoning of that portion of the Martin Site proposed for new power plant development. In addition, it was necessary to expand the industrial land use plan designation to accommodate the new units. In September 1988, FPL initiated the process for a comprehensive plan amendment and concurrent rezoning. That process was completed when Martin County approved the comprehensive plan amendment and rezoning in August 1989.

The following chronology shows the activities undertaken to accomplish compliance with the Martin County land use plan and zoning.

MARTIN COUNTY COMPREHENSIVE PLAN AMENDMENT/REZONING CHRONOLOGY
MARTIN CG/CC PROJECT

| | |
|--------------------|---|
| September 30, 1988 | Application for Comprehensive Plan Amendment filed by FPL. |
| October 14, 1988 | Application for Concurrent Rezoning filed by FPL. |
| December 6, 1988 | Martin County staff report issued. |
| January 12, 1989 | Martin County Development Review Committee (DRC) meeting. |
| January 30, 1989 | Responses to staff report filed by FPL. |
| February 16, 1989 | Martin County DRC meeting. |
| March 2, 1989 | Public Hearing and Martin County Local Planning Agency/Planning and Zoning Board vote to recommend approval of Comprehensive Plan Amendment and Concurrent Rezoning. |
| April 4, 1989 | Martin County staff report issued. Public Hearing and Martin County Board of County Commissioners (BOCC) approval to transmit the Comprehensive Plan Amendment to the Florida Department of Community Affairs (DCA) for review. |

MARTIN COUNTY COMPREHENSIVE PLAN AMENDMENT/REZONING CHRONOLOGY
MARTIN CG/CC PROJECT (cont'd)

May 19, 1989 Treasure Coast Regional Planning Council. Comments on the proposed plan amendments transmitted to DCA.

June 19, 1989 Application for Special Exception to Martin County Height Restriction filed by FPL.

July 17, 1989 DCA's comments on Comprehensive Plan Amendment sent to Martin County.

August 7, 1989 DCA's comments on plan amendment clarified in letter to Martin County.

August 8, 1989 Martin County staff report issued. Public Hearing and Martin County BOCC approval of Comprehensive Plan Amendment, height exception and rezoning to Industrial Planned Unit Development.

**10.2.1 ORDINANCE NUMBER 364 AMENDING CHAPTER 34,
 (COMPREHENSIVE PLAN) IN THE CODE OF LAWS AND
 ORDINANCES OF MARTIN COUNTY, FLORIDA**

perpe

[0987]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

ORDINANCE NUMBER 364

AN ORDINANCE AMENDING CHAPTER 34, (COMPREHENSIVE PLAN) IN THE CODE OF LAWS AND ORDINANCES OF MARTIN COUNTY, FLORIDA; PROVIDING FOR AMENDMENT TO THE LAND USE ELEMENT (ARTICLE IV), AND THE URBAN SERVICES ELEMENT (ARTICLE XI) OF ORDINANCE NUMBER 189, THE MARTIN COUNTY COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; SEVERABILITY; APPLICABILITY; FILING WITH DEPARTMENT OF STATE; FILING WITH DEPARTMENT OF COMMUNITY AFFAIRS; FILING WITH TREASURE COAST REGIONAL PLANNING COUNCIL; PENALTIES AND EFFECTIVE DATE.

WHEREAS, this Board is required to adopt a Comprehensive Plan by the Local Government Comprehensive Planning Act of 1975, as amended, Section 163.3161, et seq., Florida Statutes; and

WHEREAS, this Board, pursuant to said act, adopted Ordinance 189 establishing the Martin County Comprehensive Plan; and

WHEREAS, the Comprehensive Plan, Section 1-12, and Florida Statutes 163.3187 permit amendments to the Comprehensive Plan and provide for amendment procedures; and

WHEREAS, the Local Planning Agency of Martin County deliberated the subject requests for amendment to the Comprehensive Plan at public hearings and certified recommendations to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners considered all subject requests for amendment to the Comprehensive Plan in public hearings and adopted amendments to Section 4-2 (Land Use Maps) of Article IV, and Figure 30 (Urban Services Area Map) of Article XI in accordance with the requirements of Section 1-12 of the Martin County Comprehensive Plan and Section 163.3187 of Florida Statutes; and

WHEREAS, this Board has considered the coordination and consistency of all these amendments to the other elements of the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT THE FOLLOWING AMENDMENTS TO ORDINANCE 189 BE ADOPTED:

PART I. AMENDMENT OF ARTICLE IV, LAND USE ELEMENT, SECTION 4-2 (LAND USE MAPS); AND ARTICLE XI, THE URBAN SERVICES ELEMENT, (FIGURE 30, URBAN SERVICES AREA MAP).

A. Section 4-2 (Land Use Maps) of Article IV, Land Use Element, are hereby amended by the Fourteenth Supplement to the Martin County Comprehensive Plan, adopted as Exhibit "A-1" to this ordinance.

B. Figure 30 (Urban Services Area Map) of Article XI, the Urban Services Element, is hereby amended by the Fourteenth Supplement to the Martin County Comprehensive Plan, adopted as Exhibit "A-2" to the ordinance.

PART II. CONFLICTING PROVISION.

Special Acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART III. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART IV. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable throughout the unincorporated area of Martin County.

PART V. FILING WITH DEPARTMENT OF STATE.

The Clerk be and hereby is directed forthwith to send a certified copy of this ordinance to the Bureau of Laws, Department of State, The Capitol, Tallahassee, Florida, 32304.

PART VI. FILING WITH DEPARTMENT OF COMMUNITY AFFAIRS.

The County Attorney shall send a certified copy of this ordinance to the Department of Community Affairs, Bureau of Local Planning, 2740 Centerview Drive, Tallahassee, Florida, 32301.

PART VII. FILING WITH TREASURE COAST REGIONAL PLANNING COUNCIL.

The County Attorney shall send a certified copy of this ordinance to the Treasure Coast Regional Planning Council, Post Office Box 1529, Palm City, Florida, 34990.

PART VIII. EFFECTIVE DATE.

This ordinance shall take effect upon receipt of official acknowledgement from the Office of Secretary of State that this ordinance has been filed in that office.

PART IX. PENALTIES.

Violation of this ordinance is a misdemeanor pursuant to Section 125.69, FLORIDA STATUTES, and is punishable under said section by imprisonment for up to sixty (60) days, or a fine of up to \$500.00 or both such imprisonment and fine.

DULY PASSED AND ADOPTED THIS 8TH DAY OF AUGUST, 1989.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

Marsha Stiller
MARSHA STILLER, CLERK
by Eric Hutton, D.C.

BY: *Frank A. Wacha*
FRANK A. WACHA, CHAIRMAN

APPROVED AS TO FORM AND CORRECTNESS:

BY: *Noreen S. Dreyer*
NOREEN S. DREYER, COUNTY ATTORNEY

EXHIBIT "A-1"

FOURTEENTH SUPPLEMENT TO THE MARTIN COUNTY
COMPREHENSIVE PLAN

Land Use Element, Article IV, Section 4-2,
of the Martin County Comprehensive Plan
is Amended to Allow the Following
Changes to the Land Use Maps:

EXHIBIT A
1988/1989 COMPREHENSIVE PLAN LAND USE AMENDMENTS

Amendment Request

Amendment Description

1. John J. Knox and Josephine M. Knox (#88-15 - North County Planning Area)

Low Density Residential (5 upa) to General Commercial on + .62 acre. Concurrent Rezoning: R-2B, Single Family Residential District, to GC, General Commercial District. General Location: West side of U.S. Highway #1, between N.W. Baker Road and Britt Road, Jensen Beach area.

Legal Description:

The Westerly 150 feet of the Easterly 350 feet of the following described parcel: The North 200 feet of the NW 1/4 of the SW 1/4 of Section 29, Township 37 South, Range 41 East, lying West of the Westerly right-of-way line of State Road No. 5, in Martin County, Florida. Containing + .62 acre.

Amendment Request

Amendment Description

2. R.R. Tilton, as Trustee, and Ransom R. Tilton (#88-20 - North County Planning Area)

Mobile Home Density (8 upa) to Low Density Residential (5 upa) on + 81 acres. Concurrent Rezoning: TP, Mobile Home Park District, to RS-7.5, Single Family Residential District. General Location: East side of U.S. Highway #1, north of Baker Road and west of Baseline Avenue, Jensen Beach area.

Legal Description:

The North 1/2 of the Southeast 1/4 of Section 29, Township 37 South, Range 41 East, Martin County.

Less However: The South 73.75 feet of the West 160 feet of the East 185 feet as recorded in Deed Book 67, Page 391, Martin County, Florida. Subject to a 35 foot Drainage Easement granted to Sigmund I. Pockros, Trustee. (Copy attached). Subject to restrictions and easements of record.

And Also: The right of use, together with others, the following: A 40 foot Drainage Easement, for a positive legal outfall, granted to R.R. Tilton, as Trustee by W.B. Tilton. (Copy attached). A 60' perpetual road right-of-way and easement for the purpose of egress and ingress, as recorded in Official Record Book 536, on Page 2611, Martin County, Florida, Public Records. Containing +81 acres.

Amendment Request

Amendment Description

3. Lawrence J. Timon (#88-21 - North County Planning Area)

General Commercial to Industrial on + 1.9 acres. Concurrent Rezoning: B-2 Business-Wholesale Business District, to LI, Limited Industrial District. General Location: North side of SR 707, south of and adjacent to FEC Railway, Rio area.

Legal Description:

That part of the SE 1/4 of the SE 1/4 of the SW 1/4 of Section 28, Township 37 South, Range 41 East, lying South of the South line of the F.E.C. Railroad right-of-way and the North line of the State Road 707 right-of-way, lying and being in Martin County, Florida. Containing +1.9 acres.

Amendment Request

Amendment Description

4. Henry & Thelma Childers and Lawrence & June Bartron (#88-5 - South County Planning Area)

Agricultural to Rural Density (0.5 upa) on + 40 acres. Concurrent Rezoning: A-2, Agricultural District, to RE-2A, Rural Estate District. General Location: East of Pratt Whitney Road, west of Turnpike, south of and adjacent to South Fork High School.

Legal Description:

Lot 4, Section 21, Township 39 South, Range 41 East, TROPICAL FRUIT FARMS, according to the Plat thereof filed August 18, 1913, and recorded in Plat Book 3, Page 6, Palm Beach (now Martin) County, Florida, public records.

ALSO DESCRIBED AS:

NW 1/4 of NW 1/4 of Section 21, Township 39 South, Range 41 East, Martin County, Florida.

TOGETHER WITH an easement in common with others for ingress and egress over the North 15 feet of the following described property:

Lots 1 and 2, Section 20, Township 39 South, Range 41 East, TROPICAL FRUIT FARMS, according to the Plat thereof filed August 18, 1913, and recorded in Plat Book 3, Page 6, Palm Beach (now Martin) County, Florida, public records. Containing +40 acres.

Amendment Request

Amendment Description

5. Florida Power & Light Company [Coal Gasification Plant PUD(1)] (#88-7 - West County Planning Area)

Agricultural and Rural Ranchette (0.2 upa) to Industrial on + 1,850 acres and a Concurrent Text Change to merge the existing Urban Services District with the Indiantown Urban Services District to include the subject parcel in accordance with Section 4-1 (D,3) of the Comprehensive Plan. Concurrent Rezoning: A-2, Agricultural District, to PUD(1), Industrial Planned Unit Development; and the further Special Exception to Section 35-4.3, Height Exceptions, to allow installation of utility structures in excess of sixty (60) feet in height. General Location: 8 miles west of Indiantown on SR 710 and 5 miles east of Lake Okeechobee.

Legal Description:

A parcel of land lying in Township 39 South, Range 38 East, Martin County, Florida; said land being described as follows:

The East 1,555 feet of the East half of Section 19, as measured parallel to and perpendicular to the East line of Section 19, and the South 2,100 feet of the East half of Section 19, as measured parallel to and perpendicular to the South line of Section 19; the South 2,100 feet of the West half of Section 20, as measured parallel to and perpendicular to the South line of Section 20; the North 3,750 feet of the West half of Section 29, as measured parallel to and perpendicular to the North line of Section 29, and the East 1,555 feet of the North 3,750 feet of the East half of Section 30, as measured parallel to and perpendicular to the East and North line of Section 30 respectively.

[1046h]

TOGETHER WITH: The West half of Section 20, less South 2,100 feet, as measured perpendicular and parallel to the South line of Section 20; all that part of the East half of Section 20, and Section 21 lying South of the South right-of-way line of the C.S.X. railroad; all of Section 28, and the East half of Section 29; the East 1,500 feet of the West half of Section 29, as measured parallel and perpendicular to the East line of the West half of Section 29, less the North 3,750 feet as measured parallel and perpendicular to the North line of Section 29.

LESS: The East 1,550 feet of the South 2,100 feet of Section 19, Township 39 South, Range 38 East. The West 1,600 feet of the South 2,100 feet of Section 20. The West 1,600 feet of the North 1,120 feet of Section 29, LESS the West 678.66 feet of the South 178 feet of the North 1,120 feet of said Section 29. The East 1,555 feet of the North 941.94 feet of Section 30.

Containing 2,192.24 acres, more or less, and subject to easements and rights-of-way of record.

| <u>Amendment Request</u> | <u>Amendment Description</u> |
|---|---|
| 6. The Harbor Group [Roscommon Square PUD(c) and PUD(r)] (#88-9 - South County Planning Area) | Commercial Office/Residential, Medium Density Residential (8 upa) and Low Density Residential (5 upa) to COR (Commercial Office/Residential) and General Commercial on + 44 acres. Concurrent Rezoning: R-3A, Liberal Multiple-Family Residential District, R-2B, Single Family Residential District; and HB-1, Limited Business District, to PUD(c), Commercial Planned Unit Development and PUD(r), Residential Planned Unit Development. General Location: Northwest intersection of Bridge Road (CR 708) and U.S. Highway 1, Hobe Sound area. |

Legal Description:

Lands lying and being in Martin County, State of Florida, and more particularly described as follows, to wit:

A portion of GOMEZ GRANT, JUPITER ISLAND, lying West of the Indian River according to the plat thereof, Plat Book 1, Page 80, Public Records of Palm Beach (now Martin) County, Florida, more particularly described as follows, to wit:

PARCEL 1:

Begin at the intersection of Westerly extension of South line of Lot 88, GOMEZ GRANT and JUPITER ISLAND, West of the Indian River, according to said plat thereof, and the Westerly right-of-way of State Road No. 5, run Westerly on the Westerly extension of the South line of said Lot 88, a distance of 1320 feet to a point; thence run Northwesterly parallel with the Westerly right-of-way of State Road No. 5, a distance of 460 feet to a point; thence run Northeasterly parallel to the Westerly extension of the South line of said Lot 88 to the intersection with the Westerly right-of-way line of State Road No. 5; thence Southeasterly along Westerly right-of-way line of State Road No. 5 to the PLACE OF BEGINNING;

PARCEL 2:

Beginning at the intersection of the center line of the right-of-way of State Road No. 4, as now laid out and in use, with the Southerly line of Lot 87, GOMEZ GRANT (according to said plat thereof) or the Westerly extension thereof; thence South 66° 00' West along the Westerly extension of the Southerly line of said Lot 87, a distance of 1320 feet; thence North 24° 00' West, a distance of 660 feet to a point in the Westerly extension of the North line of said Lot 87; thence North 66° 00' East along said Westerly extension of the North line of said Lot 87, a distance of 1320 feet to the center line of said State Road No. 4; thence run South 24° 00' East a distance of 660 feet along the center line of State Road No. 4 to the POINT OF BEGINNING;

LESS AND EXCEPTING therefrom the following described parcel thereof, to with:

Beginning at the intersection of the center line of State Road No. 4, as now laid out and in use, with the Southerly line of Lot 87, GOMEZ GRANT, or the Westerly extension thereof, according to the plat of said GOMEZ GRANT and JUPITER ISLAND, West of the Indian River, on file in Plat Book 1, Page 80, public records of Palm Beach (now Martin) County, Florida, thence run Westerly along said Westerly extension of the Southerly line of Lot 87, a distance of 500.00 feet; thence run Northwesterly along a line 400 feet Southwesterly of and parallel to the Southwesterly right-of-way line of State Road No. 4, (U.S. No. 1) a distance of 238.73 feet, thence run Northeasterly to a point in the center line of said State Road No. 4, (U.S. No. 1), which point is 238.60 feet Northwesterly from the POINT OF BEGINNING; thence Southeasterly to the POINT OF BEGINNING:

And also LESS AND EXCEPTING the right-of-way of U.S. Highway No. 1 and the right-of-way of State Road 708.

PARCEL 3:

Commencing at the intersection of the Westerly right-of-way line of the right-of-way of U.S. No. 1, with the Westerly extension of the Southerly line of Lot 87, GOMEZ GRANT and JUPITER ISLAND, West of the Indian River, according to said plat thereof, thence run Southwesterly along said Westerly extension of said Southerly line of said Lot 87 a distance of 1220.0 feet to the point and place of beginning; thence continue Southwesterly along said Westerly extension of said Lot 87 a distance of 100 feet to a point; thence run Northwesterly along a line parallel to said Westerly right-of-way line of said (U.S. No. 1), 660 feet to the Point of Intersection with the Westerly extension of the Northerly line of said Lot 87; thence run Northeasterly along said Westerly extension of the Northerly line of Lot 87 a distance of 100 feet; thence run Southeasterly and parallel to the said Westerly right-of-way line of said U.S. Highway No. 1 a distance of 660 feet to the POINT AND PLACE OF BEGINNING.

Parcel A (ORB 524, Page 844)

A certain parcel of land in the unplatted portion of Gomez Grant, Martin County, Florida, more particularly described as follows: Beginning at a concrete monument set at the intersection of the Westerly Right-of-Way line of State Road No. 4, (U.S. Highway No. 1) and the Westerly extension of the South line of Lot 89 as the same appears upon the Plat of the Gomez Grant, recorded in Plat Book 1, at Page 80, of the Public Records of Palm Beach County, Florida; thence Westerly with the Westerly extension of the South line of said Lot 89 for a distance of 1320.00 feet to a concrete monument; thence Northerly and parallel with the Westerly Right-of-Way line of said State Road No. 4 (U.S. Highway No. 1) for a distance of 230.52 feet to a point; thence Easterly and parallel with the Westerly extension of the South line of said Lot 89 of Gomez Grant for a distance of 1320.00 feet to a point in the Westerly Right-of-Way line of said State Road No. 4 (U.S. Highway No. 1); thence Southerly with said line and binding thereon for a distance of 230.52 feet to the POINT OF BEGINNING; subject however, to an easement over and across the above described property 33.00 feet in width to the American Telephone and Telegraph Company recorded in Deed Book 42, Page 76 of the Public Records of Martin County, Florida.

Parcel B (ORB 524, Page 830)

Beginning at the Northwesterly corner of Lot 88 of Gomez Grant, according to the Plat thereof recorded in Plat Book A, Page 17, Dade County, Florida Records, and also recorded in Plat Book 1, Page 80, Palm Beach County, Florida, Public Records, thence (1) run Southwesterly on the extension of the Northerly line of said Lot 88 a distance of 1320 feet; (2) thence run Southeasterly parallel to the Westerly boundary of said Lot 88, a distance of 200 feet; (3) thence run Northeasterly parallel to the Northerly line of said Lot 88 a distance of 1320 feet; (4) thence run Northwesterly along the Westerly boundary line of said Lot 88 a distance of 200 feet to the POINT OR PLACE OF BEGINNING. (Excepting there from Right-of-Way for Highway No. 1, now known as State Road No. 5).

BEST AVAILABLE COPY

[1046h]

Parcel C

Commence at the Northwesterly corner of Lot 88 of Gomez Grant, according to the Plat thereof recorded in Plat Book A, Page 17, Dade County, Florida Records, and also recorded in Plat Book 1, Page 80, Palm Beach County, Florida, Public Records, thence run Southwesterly on the extension of the Northerly line of said Lot 88 a distance of 1320 feet to the POINT OF BEGINNING of the hereinafter described parcel; thence (1) continue Southwesterly along said extension a distance of 119.61 feet, more or less, to a point on a line 1320 feet West of and parallel with the West Right-of-Way line of U.S. Highway No 1 (State Road No. 5); thence (2) run Southeasterly along said parallel line a distance of 200 feet; thence (3) run Northeasterly parallel to the Northerly line of said Lot 88 a distance of 119.83 feet, more or less, to a point on a line parallel with and 1320 feet West of the West line of said Lot 88; thence (4) run Northwesterly along said line parallel to the West line of Lot 88 a distance of 200 feet to the POINT OF BEGINNING.

| <u>Amendment Request</u> | <u>Amendment Description</u> |
|---|--|
| 7. Outrigger Resort Corporation [Lord Dunmore's PUD(c) and PUD(r)] (88-17 - North County Planning Area) | Institutional to Marine Waterfront Commercial and Low Density Residential (5 upa) (east side of Indian River Drive) and Institutional to Commercial Office/Residential and Low Density Residential (5 upa) (west side of Indian River Drive) on a total of 82.5 acres. Concurrent Rezoning: R-3, Multiple Family Residential District and R-3A, Liberal Multiple Family District, to PUD(r), Residential Planned Unit Development and PUD(c), Commercial Planned Unit Development. General Location: Former FIT Campus site along Indian River Drive, Jensen Beach area. |

Legal Description:

Beginning at the Southwest corner of the North one-half of Government Lot #4 in Section 26, Township 37 South, Range 41 East, and extending thence:

1. North 00°44'00" East, and along the Easterly line of the SOUTH JENSEN HEIGHTS SUBDIVISION recorded in Plat Book 3, Page 55, a distance of 1331.19 feet to the Northwest corner of Government Lot 4; Thence
2. North 00°44'00" East continuing along the line of SOUTH JENSEN HEIGHTS SUBDIVISION, a distance of 336.50 feet to a point in the centerline of Sewalls Point Road to a point marked by an iron rod and cap; Thence
3. North 26°07'00" West along said centerline of Sewalls Point Road a distance of 311.31 feet to a point marked by an iron rod and cap; Thence
4. North 57°32'13" East along the Northerly boundary of the entire tract being also the division line between this tract and the lands, now or formerly, of E.A. Mathews, a distance of 933.87 feet to a 14" X 14" square concrete monument; Thence
5. North 57°32'13" East continuing along said Northerly tract boundary line with lands of E.A. Mathews, a distance of 59.69 feet to a point in the waters of the Indian River; Thence
6. North 57°32'13" East continuing along the same line a distance of 250.00 feet to a point in the Jensen Beach bulkhead line; Thence
7. South 46°38'22" East along the Jensen Beach bulkhead line, a distance of 348.25 feet and continuing the following courses along said bulkhead line; Thence
8. South 33°55'00" East, a distance of 272.08 feet to a point; Thence

9. South 27°59'00" East, a distance of 334.00 feet to a point; Thence
10. South 15°17'00" East, a distance of 275.00 feet to a point; Thence
11. South 09°43'17" East, a distance of 493.91 feet to a point; Thence
12. South 02°50'18" East, a distance of 345.63 + feet to a point; Thence
13. South 02°50'18" East, a distance of 109.37 feet to a point; Thence
14. South 17°34'52" East, a distance of 264.97 feet to a point; Thence
15. South 17°34'52" East, a distance of 135.21 feet to a point of intersection with the Northerly line extended of Lot 2 of the Florida Institute of Technology Minor subdivision #1 and a dividing line between this parcel and the lands of the L & E corporation; Thence
16. North 88°56'15" West over the waters of the Indian River and to the upland a distance of 314.09 feet to a concrete monument in said Northerly line of Lot 2 of the Florida Institute of Technology Minor subdivision #1; Thence
17. North 88°56'15" West continuing along the same Northerly line of said Lot 2, a distance of 329.87 feet to a point in the Easterly right-of-way of Sewalls Point Road marked by a concrete monument; Thence
18. South 31°43'31" East along the Easterly right-of-way of Sewalls Point Road being the Westerly boundary of said Lot 2, a distance of 46.50 feet to a point marked by a monument; Thence
19. South 21°10'41" East continuing along said Westerly right-of-way line of Sewalls Point Road, a distance of 281.81 feet to a permanent reference monument #5 where the Easterly line of Sewalls Point Road intersects the centerline of Palmer Road, said centerline being also the Southerly line of the Northerly one-half of Government Lot 4; Thence
20. North 88°56'15" West along said Southerly line of the Northerly one-half of Government Lot 4, also being the centerline of Palmer Road, a distance of 1277.20 feet to the point and place of beginning.

Excepting therefrom and thereout the rights-of-way of Sewalls Point Road and Palmer Road. Said lands lying situate in Jensen Beach, Martin County, Florida.

Amendment Request

8. John Michel & Charles McComas (#88-23 - Central County Planning Area)

Amendment Description

Mobile Home Park (8 upa) to Limited Commercial for Lots 21-30, Block 10, Monterey Subdivision. Concurrent Rezoning: RT, Mobile Home Subdivision District, to LC, Limited Commercial District. General Location: North side of Monterey Road, approximately one-half mile west of U.S. 1.

Legal Description:

Lots 21 through 30, Block 10, Monterey Subdivision, according to the Plat thereof, as recorded in Plat Book 1, Page 11, of the Public Records of Martin County, Florida.

Amendment Request

Amendment Description

9. Douglas Hoverkamp,
as Trustee
(#88-10 - South County
Planning Area)

Institutional to Estate Density Residential (2 upa) on + 20.53 acres. Concurrent Rezoning: PS, Public Service District, to RE-0.5A, Estate Density Residential. General Location: South end of Jonathan Dickinson State Park, between U.S. Highway 1 and FEC Railway.

Legal Description:

A parcel of land in Section 13, Township 40 South, Range 42 East, Martin County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 40 South, Range 42 East, Martin County, Florida; thence North 89°15'06" West, along the South line of Section 24 (Centerline of County Line Road) a distance of 332.91 feet to the intersection with the Centerline of FEC Railway; thence North 22°13'36" West, along said Centerline a distance of 4145.45 feet to the Point of Curvature of a Curve to the left having a Central angle of 6°29'10" and a radius of 5729.61 feet; thence Northerly along the arc of said Curve a distance of 648.61 feet to the end of said Curve; thence North 28°42'46" West, along said Centerline a distance of 2499.62 feet; thence North 61°01'58" East a distance of 50.00 feet to the Point of Beginning; thence continue North 61°01'58" East along the Southerly line of Jonathan Dickinson State Park a distance of 1643.01 feet; thence North 89°37'57" East along said Park line a distance of 1283.01 feet to the intersection with the Westerly right of way line of U.S.#1 (State Road #5); thence North 20°45'37" West along said line a distance of 307.36 feet; thence South 89°37'57" West a distance of 1313.20 feet; thence South 61°01'58" West a distance of 1647.96 feet to a Point on the Easterly right of way line of the F.E.C. R.R.; said Point being the Point of Curvature of a Curve Concave to the East having a Central angle of 6°14'13" and a radius of 1859.86 feet; thence Southerly along the arc of said curve a distance of 202.46 feet to the end of said Curve; thence South 28°42'46" East along said right of way line a distance of 116.66 feet to the Point of Beginning.

Amendment Request

Amendment Description

10. Martin County Board of
County Commissioners
(#BCC-89-1 - Central
County Planning Area)

Provide for the use of the Cove Road 120' wide right-of-way as an Institutional use in the PS, Public Service Zoning District, to allow the development of a public boat ramp, parking lot and potential ferry landing for public access to the Indian River Lagoon and the St. Lucie Inlet State Park east of that portion of the Intracoastal Waterway. General Location: Cove Road Park Land Base Site, that portion of the right-of-way for S.E. Cove Road east of the eastern most boundary line of River Pines, Phase V, to the shore of the Indian River Lagoon

Legal Description:

The right-of-way for S.E. Cove Road east of the eastern most boundary line of River Pines, Phase V, to the shore of the Indian River Lagoon, said right-of-way being 120 feet in width as set forth in those certain deeds recorded in official Records Book 520, pages 1171 and 1174 of the Martin County, Florida, public records.

EXHIBIT "A-2"

FOURTEENTH SUPPLEMENT TO THE MARTIN COUNTY
COMPREHENSIVE PLAN

Urban Services Element, Article XI,
Figure 30 (Urban Services Area Map)

Text Change: To merge the existing Florida Power and Light
Urban Services District with the Indiantown Urban Services District
to include the subject parcel in accordance with Section 4-1 (D,3)
and on Figure 30 of the Comprehensive Plan.

NOTE: The original Figure 30 in the 1982 Comprehensive Plan
has been revised to maintain legibility and to adjust
the original FP&L Urban Service District

EXHIBIT "A - 2"

MARTIN COUNTY, FLORIDA

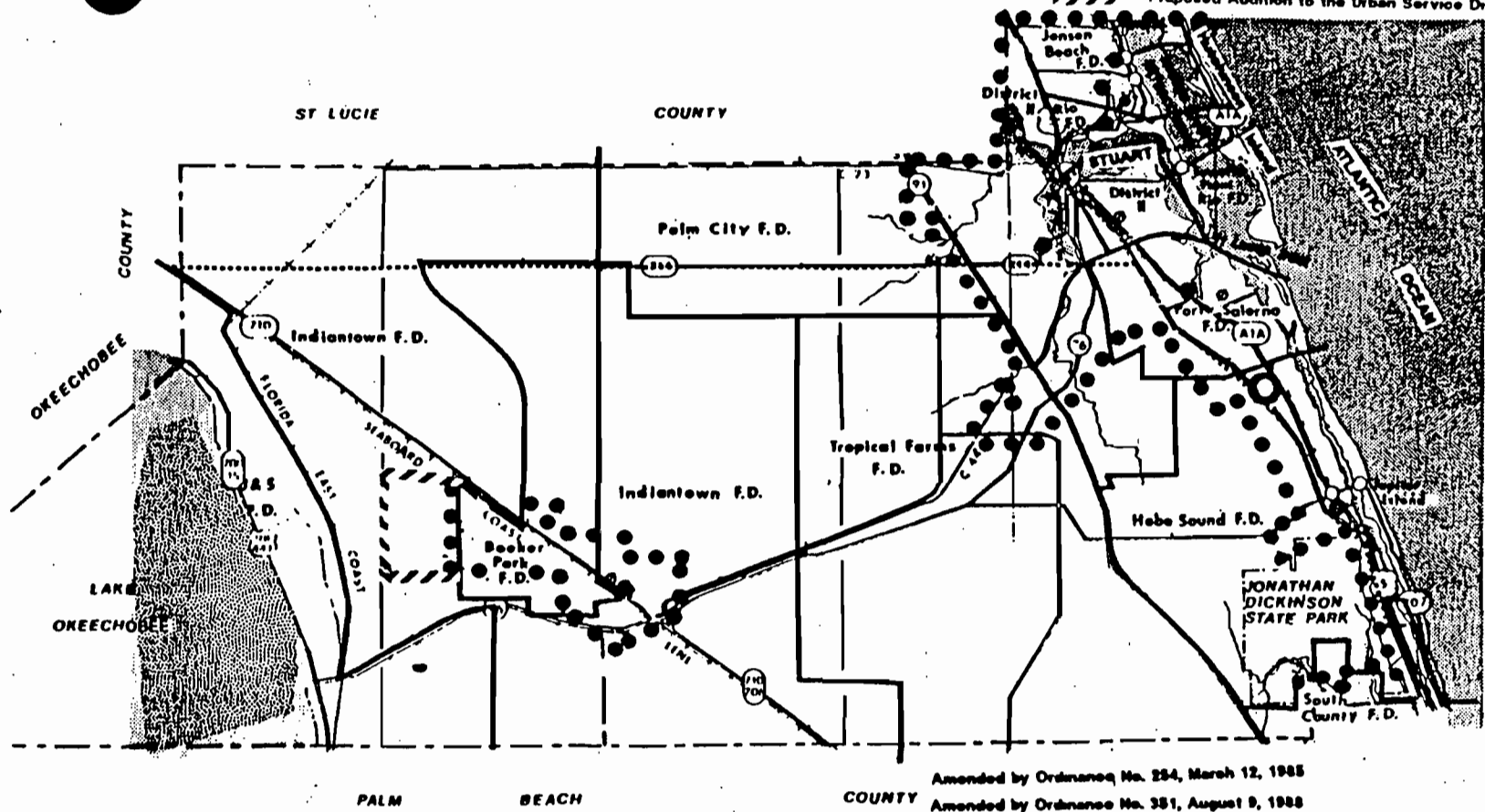
Urban Services



0 1 2 4 Miles

LEGEND

- Urban Service District Line
- Fire District Boundary Line
- Rescue Operations Boundary Line
- Fire Stations
- Rescue Operations Center
- Ambulance Hausing Sites
- Proposed Medical Satellite Sites
- ▨ Proposed Addition to the Urban Service District



Amended by Ordinance No. 284, March 12, 1988
 Amended by Ordinance No. 381, August 9, 1988

FIGURE 30

10.2.2 RESOLUTION NUMBER 89-8.21(b) REGARDING REQUEST FOR A
SPECIAL EXCEPTION TO ALLOW FOR A HEIGHT IN EXCESS OF
SIXTY (60) FEET ON CERTAIN LANDS LOCATED EIGHT (8)
MILES WEST OF INDIANTOWN ON SR 710 AND FIVE (5) MILES
EAST OF LAKE OKEECHOBEE

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

79648

RESOLUTION NUMBER 89-8.21(b)

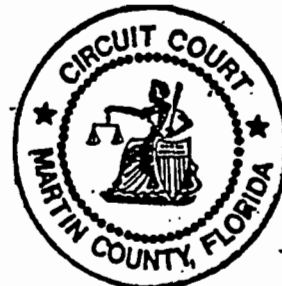
[REGARDING REQUEST FOR A SPECIAL EXCEPTION TO ALLOW FOR A HEIGHT IN EXCESS OF SIXTY (60) FEET ON CERTAIN LANDS LOCATED EIGHT (8) MILES WEST OF INDIANTOWN ON SR 710 AND FIVE (5) MILES EAST OF LAKE OKEECHOBEE

WHEREAS, this Board has made the following determinations of fact:

1. Pursuant to Chapter 35-5.8, CODE OF LAWS AND ORDINANCES OF MARTIN COUNTY, FLORIDA, Florida Power and Light Company has applied to this Board for a special exception to allow a height in excess of sixty (60) feet on lands in Martin County, Florida as described in Exhibit A attached hereto;
2. This Board has considered such recommendation;
3. Pursuant to the notice of hearing and affidavit of publication thereof attached as Exhibit B, this Board has held a public hearing on such application on the following date: August 8, 1989;
4. At such public hearing, all interested parties were given an opportunity to be heard for or against the granting of such application;
5. All conditions precedent to the granting of the special exception have been met.

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

- A. Special exception to allow a height in excess of sixty (60) feet is hereby approved, for smokestacks and other industrial structures, not including buildings.
- B. The Clerk of the Circuit Court as ex-officio Clerk of this Board be and hereby is directed to record this resolution in the Official Records Book as well as in the Minutes of this Board.
- C. A certified copy of this resolution shall be forwarded to the applicant(s).

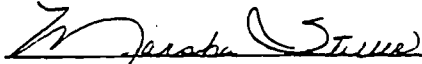


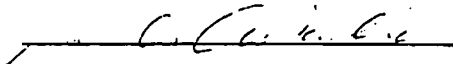
DULY PASSED AND ADOPTED THIS 8TH DAY OF AUGUST, 1989.

ATTEST:

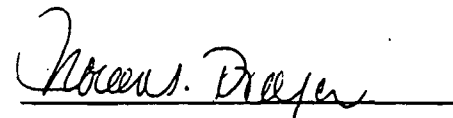
BOARD OF COUNTY COMMISSIONERS

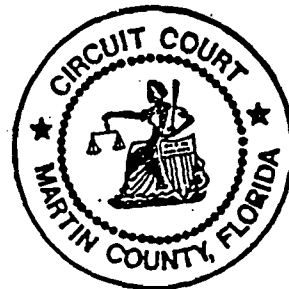
MARTIN COUNTY, FLORIDA


MARSHA STILLER, CLERK

BY: 
FRANK A. WACHA, CHAIRMAN

APPROVED AS TO FORM AND CORRECTNESS:

BY: 
NOREEN S. DREYER, COUNTY ATTORNEY



BEST AVAILABLE COPY

FLORIDA POWER & LIGHT COMPANY
MARTIN EXPANSION PROJECT

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land lying in Township 39 South, Range 38 East, Martin County, Florida, said land being described as follows:

The East 1,555 feet of the East half of Section 19, as measured parallel to and perpendicular to the East line of Section 19, and the South 2,100 feet of the East half of Section 19, as measured parallel to and perpendicular to the South line of Section 19; the South 2,100 feet of the West half of Section 20, as measured parallel to and perpendicular to the South line of Section 20; the North 3,750 feet of the West half of Section 29, as measured parallel to and perpendicular to the North line of Section 29, and the East 1,555 feet of the North 3,750 feet of the East half of Section 30, as measured parallel to and perpendicular to the East and North line of Section 30 respectively.

TOGETHER WITH:

The West half of Section 20, less the South 2,100 feet, as measured perpendicular and parallel to the South line of Section 20; all that part of the East half of Section 20, and Section 21 lying South of the South right-of-way line of the C.S.X. Railroad; all of Section 28, and the East half of Section 29; the East 1,500 feet of the West half of Section 29, as measured parallel and perpendicular to the East line of the West half of Section 29; less the North 3,750 feet, as measured parallel and perpendicular to the North line of Section 29.

LESS:

The East 1,550 feet of the South 2,100 feet of Section 19, Township 39 South, Range 38 East.

The West 1,600 feet of the South 2,100 feet of Section 20.

The West 1,600 feet of the North 1,120 feet of Section 29, LESS the West 52 feet of the South 178 feet of the North 1,120 feet of said Section 29.

The East 1,555 feet of the North 1,332 feet of Section 30, LESS the East 620 feet of the South 390 feet of the North 1,332 feet of said Section 30.

Containing 2,182 acres, more or less, and subject to easements and rights-of-way of record.

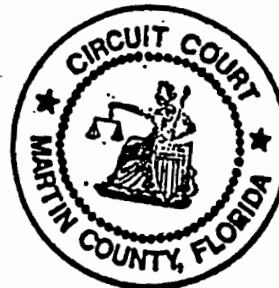


EXHIBIT B



The Stuart News

P.O. BOX 9009, STUART, FLORIDA 34995-9009

Established as the Stuart Times, April 18, 1913

STUART MARTIN COUNTY FLORIDA

STATE OF FLORIDA
COUNTY OF MARTIN

Before the undersigned authority appeared Laura B. Stuckey
who on oath says that he is Accounting Supervisor of The Stuart News, a daily newspaper
published at Stuart in Martin County, Florida, that the attached copy of advertisement, being a
Notice of Public Hearing
in the matter of Applications for Zoning District Changes

in the _____ Court, was published in said newspaper in
the issue of July 21, 1989

Affiant further says that the said The Stuart News is a newspaper published at Stuart, in said
Martin County, Florida and that the said newspaper has heretofore been continuously published in
said Martin County, Florida, each week and has been entered as second class matter at the post office
in Stuart in said County, Florida, for a period of one year next preceding the first publication of the
attached copy of advertisement; and affiant further says that he 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.

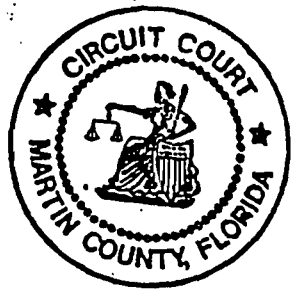
Laura B. Stuckey

Sworn to and subscribed before me
this 15th day of September
A.D. 1989

Catherine Hudson
NOTARY PUBLIC

Notary Public State of Florida
My Commission Expires 4-19-92
Banded by Western Surety Company
SN-671-139A

A SCRIPPS HOWARD NEWSPAPER



18-1000

Lot 4 Section 21 Township 38 South Range 41 East TROPICAL... PLUM FARMS according to the Plat thereof filed August 18, 1913...

ALSO DESCRIBED AS

NEW 1/4 of NW 1/4 of Section 21, Township 38 South, Range 41 East, Marion County, Florida.

TOGETHER WITH an easement in common with others for ingress and egress over the north 1/2 of the following described property.

Lot 1 and 2 Section 20 Township 38 South Range 41 East TROPICAL FRUIT FARMS, according to the Plat thereof filed August 18, 1913...

MATTER:

68-7 Application of FLORIDA POWER AND LIGHT COMPANY for a Zoning District Change from A-2 Agricultural District to PUD(1) Industrial Planned Unit, or the most appropriate zoning district...

A parcel of land lying in Township 38 South Range 41 East, Marion County, Florida, said land being described as follows:

The East 1/2 of the East half of Section 19, as measured parallel to and perpendicular to the East line of Section 18, and the South 1/2 of the East half of Section 19, as measured parallel to and perpendicular to the South line of Section 19...

TOGETHER WITH: The West half of Section 20, less South 2, 100 feet, as measured perpendicular to the East line of Section 19, and Section 21 lying South of the South right-of-way line of the C.S.S. railroad...

LESS: The East 1,800 feet of the South 2, 100 feet of Section 19, Township 38 South, Range 41 East, The West 1,800 feet of the North 2, 100 feet of Section 20, The West 1,800 feet of the North 1, 120 feet of Section 20, LESS the West 878.88 feet of the South 175 feet of the North 1, 120 feet of said Section 20...

Containing 2,182.24 acres, more or less, and subject to easements and right-of-way of record.

MATTER:

68-9 Application of THE HARBOR GROUP for a Zoning District Change from R-3A, Liberal Multiple Family Residential District to R-20 Single Family Residential District and R-10-1 Limited Business District to PUD(1) Commercial Planned Unit Development and PUD(1) Residential Planned Unit Development...

Land lying and being in Marion County, State of Florida, and more particularly described as follows, to-wit:

A portion of GOMEZ GRANT, JUPITER ISLAND, lying West of the Indian River according to the Plat thereof, Plat Book 1, Page 60, Public Records of Palm Beach in Marion County, Florida, more particularly described as follows, to-wit:

PARCEL 1:

Begin at the intersection of Westerly extension of South line of Lot 88 GOMEZ GRANT and JUPITER ISLAND, West of the Indian River, according to said Plat thereof, and the Westerly right-of-way of State Road No. 4, run Westerly along the Westerly extension of the South line of said Lot 88, a distance of 1200 feet to a point, thence run North-South parallel with the Westerly right-of-way of State Road No. 4, a distance of 400 feet to a point, thence run North-South parallel to the Westerly extension of the South line of said Lot 88 to the intersection with the Westerly right-of-way line of State Road No. 4, thence South-Southwest along the Westerly right-of-way line of State Road No. 4 to the POINT OF BEGINNING.

PARCEL 2:

Beginning at the intersection of the center line of the right-of-way of State Road No. 4, as now laid out and in use, with the Southwesterly line of Lot 87, GOMEZ GRANT and JUPITER ISLAND, West of the Indian River, according to said Plat thereof, thence South 89° 00' West along the Westerly extension of the South line of said Lot 87, a distance of 1200 feet, thence North 24° 00' West, a distance of 800 feet to a point in the Westerly extension of the North line of said Lot 87, thence North 69° 00' East along said Westerly extension of the North line of said Lot 87, a distance of 1200 feet to the center line of said State Road No. 4, thence run South 24° 00' East a distance of 800 feet along the center line of State Road No. 4 to the POINT OF BEGINNING.

LESS AND EXCEPTING therefrom the following described parcel thereof, to-wit:

Beginning at the intersection of the center line of State Road No. 4, as now laid out and in use, with the Southwesterly line of Lot 87, GOMEZ GRANT, or the Westerly extension thereof, according to the Plat of said GOMEZ GRANT and JUPITER ISLAND, West of the Indian River, on one in Plat Book 1, Page 60, public records of Palm Beach (now Marion) County, Florida, thence run Westerly along said Westerly extension of the Southwesterly line of Lot 87, a distance of 500 (50) feet, thence run North-South parallel with the Southwesterly extension of the center line of State Road No. 4 (U.S. No. 1) a distance of 238.73 feet, thence run North-South parallel to a point in the center line of said State Road No. 4, (U.S. No. 1), which point is 238.80 feet North-South from the POINT OF BEGINNING, thence South-Southwest to the POINT OF BEGINNING.

And also LESS AND EXCEPTING the right-of-way of U.S. Highway No. 1 and the right-of-way of State Road 708.

PARCEL 3:

Commencing at the intersection of the Westerly right-of-way line of the right-of-way of U.S. No. 1, with the Westerly extension of the Southwesterly line of Lot 87, GOMEZ GRANT and JUPITER ISLAND, West of the Indian River, according to said Plat thereof, thence run South-Southwest along said Westerly extension of said Southwesterly line of said Lot 87, a distance of 1200 feet to the point and place of beginning, thence continue South-Southwest along said Westerly extension of said Lot 87, a distance of 100 feet to a point, thence run North-South parallel with the Westerly right-of-way

U.S. Highway No. 1 (State Road No. 9) thence (1) run South-Southwest along said center line a distance of 200 feet, thence (2) run North-South parallel to the Northwesterly line of said Lot 88, a distance of 118.83 feet, more or less, to a point on a line parallel with and 1200 feet West of the West line of said Lot 88, thence (4) run North-South parallel along said line parallel to the West line of Lot 88, a distance of 200 feet to the POINT OF BEGINNING.

MATTER:

68-17 Application of OUTRIGGER RESORT CORPORATION for a Zoning District Change from R-3, Multiple Family Residential District to R-3A, Liberal Multiple Family District, to PUD(1) Residential Planned Unit and PUD(1) Commercial Planned Unit, or the most appropriate zoning district on the following property legally described as:

Beginning at the Southwest corner of the north one-half of Government Lot 84 in Section 26, Township 37 South, Range 41 East, and extending thence:

1. North 07°40'00" East, along the Easterly line of SOUTH JENSEN HEIGHTS SUBDIVISION recorded in Plat Book 3, Page 85, a distance of 1231.18 feet to the Northwest corner of Government Lot 4, Thence

2. North 07°40'00" East continuing along the line of SOUTH JENSEN HEIGHTS SUBDIVISION a distance of 238.50 feet to a point in the centerline of Seaside Point Road to a point marked by an iron rod and cap, Thence

3. North 28°07'00" West along said centerline of Seaside Point Road a distance of 311.31 feet to a point marked by an iron rod and cap, Thence

4. North 87°23'15" East along the Northwesterly boundary of the entire tract being also the Green line between this tract and the lands, now or formerly, of E.A. Matthews, a distance of 233.87 feet to a 14' x 14' square concrete monument, Thence

5. North 87°23'15" East continuing along said Northwesterly tract boundary line with lands of E.A. Matthews, a distance of 58.88 feet to a point in the waters of the Indian River, Thence

6. North 87°23'15" East continuing along the same line a distance of 250.00 feet to a point in the Jensen Beach bulkhead line, Thence

7. South 42°28'22" East along the Jensen Beach bulkhead line, a distance of 246.25 feet and continuing the following courses along said bulkhead line, Thence

8. South 37°38'00" East, a distance of 272.09 feet to a point, Thence

9. South 27°38'00" East, a distance of 254.00 feet to a point, Thence

10. North 81°17'00" East, a distance of 275.00 feet to a point, Thence

11. South 07°30'15" East, a distance of 483.91 feet to a point, Thence

12. South 07°30'15" East, a distance of 348.83 feet to a point, Thence

13. South 07°30'15" East, a distance of 109.32 feet to a point, Thence

14. South 17°24'32" East, a distance of 284.87 feet to a point, Thence

15. South 17°24'32" East, a distance of 138.21 feet to a point of intersection with the Northwesterly line extended of Lot 2 of the Florida Institute of Technology linear subdivision #1 and a dividing line between this parcel and the lands of the L & E corporation, Thence

16. North 87°38'15" West over the waters of the Indian River and to the westward a distance of 314.08 feet to a concrete monument in said Northwesterly line of Lot 2 of the Florida Institute of Technology linear subdivision #1, Thence

17. North 87°38'15" West continuing along the same Northwesterly line of said Lot 2, a distance of 329.87 feet to a point in the Easterly right-of-way of Seaside Point Road marked by a concrete monument, Thence

18. South 31°43'31" East along the Easterly right-of-way of Seaside Point Road being the Westerly boundary of said Lot 2, a distance of 45.30 feet to a point marked by a monument, Thence

19. South 21°10'41" East continuing along said Westerly right-of-way line of Seaside Point Road, a distance of 361.81 feet to a permanent reference monument #6 where the Easterly line of Seaside Point Road intersects the centerline of Palmer Road, said centerline being also the Southwesterly line of the Northwesterly one-half of Government Lot 4, Thence

20. North 87°38'15" West along said Southwesterly line of the Northwesterly one-half of Government Lot 4, also being the centerline of Palmer Road, a distance of 1277.20 feet to the point and place of beginning.

Excepting therefrom and thereout the right-of-way of Seaside Point Road and Palmer Road, said lands lying within in Jensen Beach, Marion County, Florida.

MATTER:

68-20 Application of ZARRELLA CABBAGE SALES, INC. for a Zoning District Change from A-2, Agricultural District, to RE-3A, Rural Estate District, or the most appropriate zoning district on the following property legally described as:

PARCEL 1: A portion of Section 20, Township 38 South, Range 40 East in Marion County, Florida, more particularly described as follows:

Beginning at the Southeast corner of said Section 20, run North 07° 15 minutes 48 seconds East along the East boundary line of said Section 20 a distance of 1181.28 feet to a point, thence North 34° 00 minutes 30 seconds West a distance of 1946.73 feet to an iron monument on the North boundary line of Section 20, thence South 89° 35 minutes 00 seconds West along said North boundary line of Section 20 a distance of 1850.56 feet to the Northwest corner of said Section 20, thence South 07° 00 minutes 00 seconds 24 seconds West along the West boundary line of Section 20 a distance of 328.48 feet to a point, thence South 27° 33 minutes 42 seconds East a distance of 714.00 feet to a point, thence South 07° 42 minutes 30 seconds East a distance of 1787.03 feet to a point, thence South 32° 37 minutes 53 seconds East a distance of 1239.89 feet to a point, thence South 07° 48 minutes 37 seconds East a distance of 1462.60 feet to a point, thence North 27° 48 minutes 08 seconds East a distance of 401.34 feet to an intersection with the South boundary line of said Section 20, thence North 89° 31 minutes 32 seconds East along said South boundary line of Section 20 a distance of 2118.88 feet to the Southeast corner of said Section 20.

LESS the following triangular parcel:

Bound on the North by the North boundary line of said Section 20, bounded on the East by the easterly boundary line of this certain portion of said Section 20 conveyed with other lands by deed to Michael Zarella, incorporated as Michael Zarella by deed recorded in District Record Book 164, Page 254, Marion County, Florida, Page 254, and bounded on the West by the easterly right-of-way line of M8 (State Road No. 8).

1434.88 feet to the said Point of Beginning of the description.

PARCEL 8: A triangular parcel of land in Section 19, Township 38 South, Range 40 East, more particularly described as follows:

Bound on the West by the West boundary line of Section 19, bounded on the South by the South boundary line of said Section 19, and bounded on the Northeast by the Southwesterly right-of-way line of M8 (State Road No. 8). Containing a total of 2.88 acres.

TOGETHER WITH:

1. An easement heretofore granted for drainage and irrigation to and from the premises, one and from a Canal No. 5-3, being a canal from the center line of which an approximately parallel to and 25 feet westerly from the westerly boundary of the premises hereby conveyed. Such use of the canal shall not extend into the persons thereof lying South of the westerly extension of the South boundary of the premises. Drainage water shall be diverted westerly through a drainage ditch or canal which the Grantee consents to excavate and maintain in and upon the strip of land 100 feet in width described as follows:

A parcel of land 100 feet wide, situated in the Northern one-half of Sections 5 and 8, Township 38 South, Range 40 East, Marion County, Florida, more particularly described as follows:

Commencing at an iron pipe marking the Northwest corner of said Section 8 run South 07° 08 minutes 11 seconds West along the West boundary of said Section 8 a distance of 2521.94 feet to a point, thence South 89° 48 minutes 10 seconds East a distance of 100 feet to the Point of Beginning of the description, thence continuing South 89° 48 minutes 10 seconds East a distance of 7256.28 feet to a point, thence North 10° 22 minutes 11 seconds West a distance of 101.73 feet to a point, thence North 89° 48 minutes 10 seconds West a distance of 7256.70 feet to a point, thence South 07° 08 minutes 11 seconds West, parallel to and 100 feet East of the said West boundary of Section 8, a distance of 100 feet to the said Point of Beginning.

2. An easement and right-of-way heretofore granted for ingress and egress to and from Marion Highway (State Road No. 744) over acres, in and upon the West 100 feet of Section 19, Township 38 South, Range 40 East. The Grantee and the Grantee shall pay the cost of maintenance of the roadway in proportion to their respective use thereof for all purposes.

3. An easement heretofore granted for ingress and egress to and from the lands conveyed by this deed and the adjacent road over Grator's land South of the premises conveyed by this deed. Such easement shall exist every over such of Grator's private roads existing from time to time as Grator shall from time to time designate.

MATTER:

68-23 Application of JOHN MICHEL AND CHARLES MCCOMAS for a Zoning District Change from R7, Mobile Home Subdivision District, to LC, Limited Commercial District, or the most appropriate zoning district on the following property legally described:

Lot 1-3, 7-10 and 2-30, Block 10, Monterey Subdivision, according to the Plat thereof, as recorded in Plat Book 1, Page 11, of the Public Records of Marion County.

MATTER:

68-9 Application of DOUGLAS HOWE/KAMM, AS TRUSTEE for a Zoning District Change from PE, Public Service District, to RE-3A, Rural Estate Residential, or the most appropriate zoning district on the following property legally described as:

A parcel of land in Section 13, Township 40 South, Range 42 East, Marion County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 24, Township 40 South, Range 42 East, Marion County, Florida, thence North 89° 18' 00" West, along the South line of Section 24 (Centerline of Covey Lane, as shown) a distance of 232.81 feet to the Point of Beginning, thence North 22° 13' 30" West, along said Centerline a distance of 4148.46 feet to the Point of Curvature of a Curve to the left having a Central angle of 67° 29' 10" and a radius of 3729.81 feet, thence Northwesterly along the arc of said Curve a distance of 848.81 feet to the end of said Curve, thence North 28° 42' 48" West, along said arc, a distance of 2469.82 feet, thence North 81° 17' 30" East, a distance of 80.00 feet to the Point of Beginning, thence continue North 81° 17' 30" East along the Southwesterly line of Jonathan Dickinson State Park a distance of 1643.01 feet, thence North 89° 37' 37" East along said Park line a distance of 1230.37 feet to the intersection with the Westerly right-of-way line of U.S. 9 (State Road 90), thence North 20° 48' 57" West along said line a distance of 207.28 feet, thence South 89° 27' 27" West, a distance of 1313.20 feet, thence North 81° 17' 30" East, a distance of 1647.88 feet to a Point on the Easterly right-of-way line of the P.F.C. R.R. said Point being the Point of Curvature of a Curve, Concave to the East having a Central angle of 67° 14' 13" and a radius of 1859.88 feet, thence Southwesterly along the arc of said curve a distance of 322.48 feet to the end of said Curve, thence South 28° 42' 48" East along said right-of-way line a distance of 1145.80 feet to the Point of Beginning.

MATTER:

68-1 Application of MARTIN COUNTY, BOARD OF COUNTY COMMISSIONERS requesting the discontinuance of the eastern end of Cove Road for Institutional Use in the PE, Public Service Zoning District. Legal description:

The right-of-way for S.E. Cove Road east of the eastern most boundary line of River Road, Phase V, to the shore of the Indian River Lagoon, said right-of-way being 120 feet in width, as set out in these certain deeds recorded in official Records, Book 328, pages 1171 and 1174 of the Marion County, Florida, public records.

TIME & DATE: 9:00 A.M., ON AUGUST 8, 1988, or as soon after meeting as the matter may be heard.

PLACE: Marion County Administrative Center, 2401 S.E. Monterey Road, Stuart, Florida.

Assistance for handicapped persons may be arranged by contacting the County Administrator's Office.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETINGS OR HEARINGS OF ANY BOARD, COMMITTEE, COMMISSION, AGENCY, COUNCIL, OR ADVISORY GROUP, THAT PERSON WILL NEED A PROCEEDINGS AND FOR RECORDS WITNESSED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS MADE, WHICH RECORD SHOULD INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPLICANT HAS BEEN ADVISED TO ATTEND.

Interested parties are invited to attend the hearing concerning matter set forth in the Director of the Growth Management Division, 2401 S.E. Monterey Road, Stuart, Florida.

THE NOTICE IS GIVEN THIS 27th DAY OF JULY, 1988.

STUART, FLORIDA, Comprehensive Planning Administrator

10.2.3 RESOLUTION NUMBER 89-8.21(a) REGARDING REQUEST FOR
CHANGE IN ZONING DISTRICT CLASSIFICATION OF CERTAIN
LANDS LOCATED EIGHT (8) MILES WEST OF INDIANTOWN ON
SR 710 AND FIVE (5) MILES EAST OF LAKE OKEECHOBEE

[1124h]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NUMBER 89-8.21(a)

[REGARDING REQUEST FOR CHANGE IN ZONING DISTRICT CLASSIFICATION
OF CERTAIN LANDS LOCATED EIGHT (8) MILES WEST OF INDIANTOWN
ON SR 710 AND FIVE (5) MILES EAST OF LAKE OKEECHOBEE]

796487

WHEREAS, this Board has made the following determinations of fact:

1. Pursuant to Chapter 33, CODE OF LAWS AND ORDINANCES OF MARTIN COUNTY, FLORIDA, Florida Power and Light Company, has applied to this Board for a change in zoning district classification from A-2 to PUD(i), Martin Expansion Project, on lands in Martin County, Florida as described in Exhibit A attached hereto;
2. Pursuant to proper notice, the Planning and Zoning Commission has held a public hearing on such application and given its recommendation thereon to this Board;
3. This Board has considered such recommendation;
4. Pursuant to the notice of hearing and affidavit of publication thereof attached as Exhibit B, this Board has held a public hearing on such application on the following date: August 8, 1989;
5. At such public hearing, all interested parties were given an opportunity to be heard for or against the granting of such application;
6. All conditions precedent to the granting of the change in zoning district classification have been met.

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

A. The zoning district classification of the above-described real estate be and hereby is changed from A-2 to PUD(1), Martin Expansion Project, as recommended in the staff report attached as Exhibit "C" and the following conditions:

1. Job applications for the plant construction and operations must be made locally available.
2. If destruction of wetlands is not needed due to marketability of slag, then they will not be destroyed.

- continued -

834/851

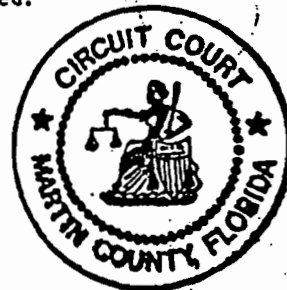


EXHIBIT "A"

PROPOSED ZONING DISTRICT CHANGE AREA

A parcel of land lying in Township 39 South, Range 38 East, Martin County, Florida, said land being described as follows:

The East 1,555 feet of the East half of Section 19, as measured parallel to and perpendicular to the East line of Section 19, and the South 2,100 feet of the East half of Section 19, as measured parallel to and perpendicular to the South line of Section 19; the South 2,100 feet of the West half of Section 20, as measured parallel to and perpendicular to the South line of Section 20; the North 3,750 feet of the West half of Section 29, as measured parallel to and perpendicular to the North line of Section 29, and the East 1,555 feet of the North 3,750 feet of the East half of Section 30, as measured parallel to and perpendicular to the East and North line of Section 30 respectively.

TOGETHER WITH:

The West half of Section 20, less the South 2,100 feet, as measured perpendicular and parallel to the South line of Section 20; all that part of the East half of Section 20, and Section 21 lying South of the South right-of-way line of the C.S.X. Railroad; all of Section 28, and the East half of Section 29; the East 1,500 feet of the West half of Section 29, as measured parallel and perpendicular to the East line of the West half of Section 29, less the North 3,750 feet, as measured parallel and perpendicular to the North line of Section 29.

LESS:

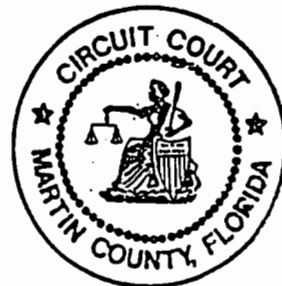
The East 1,550 feet of the South 2,100 feet of Section 19, Township 39 South, Range 38 East.

The West 1,600 feet of the South 2,100 feet of Section 20.

The West 1,600 feet of the North 1,120 feet of Section 29, LESS the West 678.66 feet of the South 178 feet of the North 1,120 feet of said Section 29.

The East 1,555 feet of the North 941.94 feet of Section 30.

Containing 2,192.24 acres, more or less, and subject to easements and rights-of-way of record.



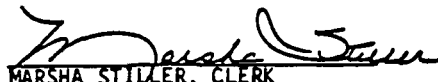
3. The phasing program for slag storage will be determined by staff and Florida Power and Light. The piles must be constructed beginning near the plant and moving toward S.R. 710, therefore keeping the pile as far from SR 710 as possible and straight coal burning is prohibited at this facility.

B. The Clerk of the Circuit Court as ex-officio Clerk of this Board be and hereby is directed to record this resolution in the Official Records Book as well as in the Minutes of this Board.


C. A certified copy of this resolution shall be forwarded to the applicant(s).

DULY PASSED AND ADOPTED THIS 8TH DAY OF AUGUST, 1989.

ATTEST:

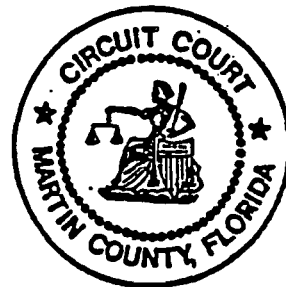

MARSHA STILLER, CLERK

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: 
FRANK A. WACH, CHAIRMAN

APPROVED AS TO FORM AND CORRECTNESS:

BY: 
NOREEN S. DREYER, COUNTY ATTORNEY





The Stuart News

P.O. BOX 9009, STUART, FLORIDA 34995-9009

Established as the Stuart Times, April 18, 1913

STUART MARTIN COUNTY FLORIDA

STATE OF FLORIDA
COUNTY OF MARTIN

Before the undersigned authority appeared Laura B. Stuckey
who on oath says that he is Accounting Supervisor of The Stuart News, a daily newspaper
published at Stuart in Martin County, Florida, that the attached copy of advertisement, being a
Notice of Public Hearing
in the matter of Applications for Zoning District Changes

in the _____ Court, was published in said newspaper in
the issues of July 21, 1989

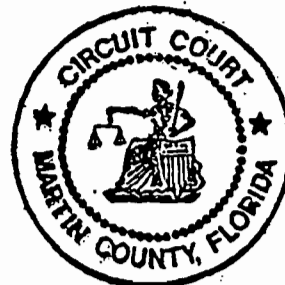
Affiant further says that the said The Stuart News is a newspaper published at Stuart, in said
Martin County, Florida and that the said newspaper has heretofore been continuously published in
said Martin County, Florida, each week and has been entered as second class matter at the post office
in Stuart in said County, Florida, for a period of one year next preceding the first publication of the
attached copy of advertisement; and affiant further says that he 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.

Sworn to and subscribed before me
this 15th day of September

A. E. 19 89
Catherine Hudson
SEAL NOTARY PUBLIC

Notary Public State of Florida
My Commission Expires 4-19-92
Bonded by Western Surety Company
SN-671-139A

A SCRIPPS HOWARD NEWSPAPER



RECORDED AT REVEREND CLERK'S OFFICE JULY 21 1989

BEST AVAILABLE COPY

Lot 4, Section 27, Township 28 South, Range 41 East, TROPICAL FRUIT FARMS, according to Plat thereof filed August 18, 1913, and recorded in Plat Book 3, Page 8 Palm Beach (now Martin) County, Florida, public records.

ALSO DESCRIBED AS

Lot 14 of lot 114 of Section 21, Township 28 South, Range 41 East, Martin County, Florida.

TOGETHER WITH an easement in common with others for ingress and egress over the north 15 feet of the following described property:

Lot 1 and 2, Section 20, Township 28 South, Range 41 East, TROPICAL FRUIT FARMS, according to the Plat thereof filed August 18, 1913, and recorded in Plat Book 3, Page 8 Palm Beach (now Martin) County, Florida, public records. Containing a 40 acres.

MATTER:

BE-17 Application of FLORIDA POWER AND LIGHT COMPANY for a Zoning District Change from A-2 Agricultural District to PUD(1) Residential Planned Unit, or the most appropriate zoning district, and the former Special Exception in Section 36(d) Chapter 8, Ordinance, to allow the installation of utility structures in excess of thirty (30) feet in height on the following property legally described as:

A parcel of land lying in Township 28 South, Range 41 East, Martin County, Florida, said land being described as follows:

The East 1.566 feet of the East half of Section 19, as measured parallel to and perpendicular to the East line of Section 19, and the South 2.100 feet of the East half of Section 19, as measured parallel to and perpendicular to the South line of Section 19, the South 2.100 feet of the West half of Section 20, as measured parallel to and perpendicular to the South line of Section 20, the North 3.750 feet of the West half of Section 29, as measured parallel to and perpendicular to the North line of Section 29, and the East 1.566 feet of the North 3.750 feet of the East half of Section 20, as measured parallel to and perpendicular to the East and North line of Section 20 respectively.

TOGETHER WITH The West half of Section 20, the South 2.100 feet, as measured parallel to and perpendicular to the South line of Section 20, all that part of the East half of Section 20 and Section 21 lying South of the South right-of-way line of the C. S. E. railroad, all of Section 28, and the East half of Section 29, the East 1.500 feet of the West half of Section 29, as measured parallel to and perpendicular to the East line of the West half of Section 29, the North 3.750 feet, as measured parallel to and perpendicular to the North line of Section 28.

LESS 1.566 feet of the South 2.100 feet of Section 19, Township 28 South, Range 41 East, the West 1.000 feet of the South 2.100 feet of Section 20, the West 1.000 feet of the North 1.120 feet of Section 29, LESS the West 675.00 feet of the South 1.750 feet of the North 1.120 feet of said Section 29, The East 1.566 feet of the North 3.750 feet of Section 20.

Containing 2,162.24 acres, more or less, and subject to easements and right-of-way of record.

MATTER:

Application of THE HARBOR GROUP for a Zoning District Change from R-3A, Liberal Multiple Family Residential District, R-2B, Single Family Residential District, and MB-1, Limited Business District, to PUD(1), Commercial Planned Unit Development, and PUD(1) Residential Planned Unit Development, or the most appropriate zoning district on the following property legally described as:

Land lying and being in Martin County, State of Florida, and more particularly described as follows, to wit:

A portion of GOMEZ GRANT, JUPITER ISLAND lying West of the Indian River, according to the Plat thereof, Plat Book 1, Page 80, Public Records of Palm Beach (now Martin) County, Florida, more particularly described as follows, to wit:

PARCEL 1: Begin at the intersection of Westery extension of South line of Lot 88, GOMEZ GRANT and JUPITER ISLAND, West of the Indian River, according to said plat thereof and the Westery right-of-way of State Road No. 5, run Westery on the Westery extension of the South line of said Lot 88, a distance of 1200 feet to a point, thence run Northwesterly parallel with the Westery right-of-way of State Road No. 5, a distance of 400 feet to a point, thence run Northwesterly parallel to the Westery extension of the South line of said Lot 88 to the intersection with the Westery right-of-way line of State Road No. 5, thence Southeastery along Westery right-of-way line of State Road No. 5 to the PLACE OF BEGINNING.

PARCEL 2: Beginning at the intersection of the center line of the right-of-way of State Road No. 4, as now laid out and in use, with the Southern line of Lot 87, GOMEZ GRANT (according to said plat thereof) or the Westery extension thereof, thence South 88° 00' West along the Westery extension of the Southern line of said Lot 87, a distance of 1200 feet, thence North 24° 00' West, a distance of 600 feet to a point, thence run Northwesterly along a line 60° West perpendicular to the Westery extension of the Southern line of said Lot 87, a distance of 1200 feet to the corner line of said State Road No. 4, thence run South 24° 00' East a distance of 600 feet along the center line of State Road No. 4 to the POINT OF BEGINNING.

LESS AND EXCEPTING therefrom the following described parcel thereof to wit:

Beginning at the intersection of the center line of State Road No. 4, as now laid out and in use, with the Southern line of Lot 87, GOMEZ GRANT, or the Westery extension thereof, according to the plat of said GOMEZ GRANT and JUPITER ISLAND, West of the Indian River, on the Plat Book 1, Page 80, public records of Palm Beach (now Martin) County, Florida, thence run Westery along said Westery extension of the Southern line of Lot 87, a distance of 1200 feet, thence run Northwesterly along a line 60° West perpendicular to the Westery extension of the Southern line of said Lot 87, a distance of 1200 feet to the corner line of said State Road No. 4, thence run South 24° 00' East a distance of 600 feet along the center line of State Road No. 4 to the POINT OF BEGINNING, thence Southeastery to the POINT OF BEGINNING.

AND also LESS AND EXCEPTING the right-of-way of U.S. Highway No. 1 and the right-of-way of State Road 708.

PARCEL 3: Commencing at the intersection of the Westery right-of-way line of the right-of-way of U.S. No. 1, with the Westery extension of the Southern line of Lot 87, GOMEZ GRANT and JUPITER ISLAND, West of the Indian River, according to said plat thereof, thence run Southeastery along said Westery extension of said Southern line of said Lot 87, a distance of 1200 feet to the point and place of beginning, thence continue Southeastery along said Westery extension of said Lot 87, a distance of 120 feet to a point, thence run Northwesterly along a line parallel to said Westery right-of-way

U.S. Highway No. 1 (State Road No. 5), thence (2) run Southeastery along said boundary line a distance of 200 feet, thence (3) run Northwesterly parallel to the Westery line of said Lot 88, a distance of 115.00 feet, thence (4) run to a point on a line bearing with said 1200 feet West of the West line of said Lot 88, thence (5) run Northwesterly along said line parallel to the West line of Lot 88, a distance of 200 feet to the POINT OF BEGINNING.

MATTER:

BE-17 Application of OUTRIGGER RESORT CORPORATION for a Zoning District Change from R-3, Multiple Family Residential District and R-3A, Liberal Multiple Family District, to PUD(1) Residential Planned Unit and PUD(1), Commercial Planned Unit, or the most appropriate zoning district on the following property legally described as:

Beginning at the Southeast corner of the North end of Government Lot 64 in Section 26, Township 37 South, Range 41 East, and extending thence:

- 1. North 02°44'30" East, and along the Eastern line of SOUTH JENSEN HEIGHTS SUBDIVISION, a distance of 200 feet to a point in the corner of South Point Road, a distance of 1201.18 feet to the northwest corner of Government Lot 4, Thence;
2. North 02°44'00" East, continuing along the line of SOUTH JENSEN HEIGHTS SUBDIVISION, a distance of 238.50 feet to a point in the corner of South Point Road, a point marked by an iron rod and cap, Thence;
3. North 36°07'00" West, being said centerline of South Point Road, a distance of 311.31 feet to a point marked by an iron rod and cap, Thence;
4. North 67°32'13" East, along the Northern boundary of the above tract being said the division line between this tract and the tract, now or formerly, of E.L. Matthews, a distance of 853.57 feet to a 14" x 14" square concrete monument, Thence;
5. North 67°32'13" East, continuing along said Northern tract boundary line with lands of A.C. Matthews, a distance of 59.89 feet to a point in the center of the Indian River, Thence;
6. North 67°32'13" East, continuing along the same line a distance of 230.00 feet to a point in the Jensen Beach bulkhead line, Thence;
7. South 48°28'22" East, along the Jensen Beach bulkhead line, a distance of 348.25 feet and continuing the following courses being said bulkhead line, Thence;
8. South 27°34'00" East, a distance of 272.00 feet to a point, Thence;
9. South 27°34'00" East, a distance of 224.00 feet to a point, Thence;
10. South 12°17'00" East, a distance of 273.00 feet to a point, Thence;
11. South 02°43'17" East, a distance of 483.51 feet to a point, Thence;
12. South 02°30'18" East, a distance of 348.03 feet to a point, Thence;
13. South 02°30'18" East, a distance of 109.37 feet to a point, Thence;
14. South 17°34'52" East, a distance of 254.39 feet to a point, Thence;
15. South 17°34'52" East, a distance of 126.21 feet to a point of intersection with the Northern line extension of Lot 2 of the Florida Institute of Technology linear subdivision #1, and a dwelling line between this parcel and the lands of the L. S. S. corporation, Thence;
16. North 88°58'15" West, over the waters of the Indian River and to the island a distance of 314.00 feet to a concrete monument in said Northern line of Lot 2 of the Florida Institute of Technology linear subdivision #1, Thence;
17. North 88°58'15" West, continuing along the same Northern line of said Lot 2, a distance of 229.57 feet to a point in the Eastern right-of-way of South Point Road marked by a concrete monument, Thence;
18. South 31°43'31" East, along the Eastern right-of-way of South Point Road, the Westery boundary of said Lot 2, a distance of 48.80 feet to a point marked by a monument, Thence;
19. South 31°43'31" East, continuing along said Westery right-of-way line of South Point Road, a distance of 281.91 feet to a permanent reference monument #8, where the Eastern line of South Point Road intersects the centerline of Palmer Road, said centerline being also the Southern line of the Northern end-half of Government Lot 4, Thence;
20. North 88°58'15" West, being said Southern line of the Northern end-half of Government Lot 4, and along the centerline of Palmer Road, a distance of 1277.30 feet to the point and place of beginning.

Excepting therefrom and therefrom the right-of-way of South Point Road and Palmer Road. Said lands lying within in Martin County, Florida.

MATTER:

BE-22 Application of ZARRELLA CABBAGE SALES, INC. for a Zoning District Change from A-2, Agricultural District, to RE-2A, Rural Estate District, or the most appropriate zoning district on the following property legally described as:

PARCEL 1: A portion of Section 20, Township 28 South, Range 40 East in Martin County, Florida, more particularly described as follows:

Beginning at the Southeast corner of said Section 20, run North 02° 18 minutes 48 seconds East along the East boundary line of said Section 20, a distance of 1166.25 feet to a point, thence North 24° 00 minutes 50 seconds West, a distance of 644.73 feet to an intersection with the North boundary line of said Section 20, thence South 87° 25 minutes 00 seconds West, being said North boundary line of said Section 20, a distance of 1480.54 feet to the Northwest corner of said Section 20, thence South 07° 00 minutes 24 seconds West along the West boundary line of said Section 20, a distance of 526.46 feet to a point, thence South 37° 25 minutes 46 seconds East, a distance of 794.83 feet to a point, thence South 37° 42 minutes 50 seconds East, a distance of 1787.63 feet to a point, thence South 27° 27 minutes 53 seconds East, a distance of 1226.25 feet to a point, thence South 67° 46 minutes 37 seconds East, a distance of 1482.40 feet to a point, thence South 37° 46 minutes 08 seconds East, a distance of 407.24 feet to an intersection with the South boundary line of said Section 20, thence North 87° 31 minutes 36 seconds East along said South boundary line of Section 20, a distance of 2118.36 feet to the Southeast corner of said Section 20.

LESS the following triangular parcel: Bounded on the North by the North boundary line of said Section 20, bounded on the East by the Eastern boundary line of said Section 20, bounded on the South by the South boundary line of said Section 20, and bounded on the West by the centerline of the right-of-way line of U.S. Highway No. 1. This triangular parcel is shown in Official Record Book 164, Page 256, Martin County, Florida, and bounded on the West by the centerline of the right-of-way line of U.S. Highway No. 1.

PARCEL 2: A triangular parcel of land in Section 19, Township 28 South, Range 40 East, more particularly described as follows:

Bounded on the West by the West boundary line of Section 19, bounded on the South by the South boundary line of said Section 19, and bounded on the Northeast by the Southeastery right-of-way line of U.S. Highway No. 9, containing a total of 1.84 acres.

TOGETHER WITH:

1. An easement hereby granted for drainage and irrigation to and from the premises and from Lessor's Canal No. 5-C, being a Canal from the center line of which an approximately parallel to and 25 feet westerly from the Westery boundary of the premises hereby conveyed. Such use of the Canal shall not extend into the premises situated lying South of the Westery extension of the South boundary of the premises. Drainage water shall be diverted Westery through a drainage ditch or Canal which the Grantee covenants to construct and maintain in and upon the strip of land 100 feet in width described as follows:

A parcel of land 100 feet wide, situated in the Northern end-half of Sections 5 and 6, Township 28 South, Range 40 East, Martin County, Florida, more particularly described as follows:

Commencing at an iron pin marking the Northwest corner of said Section 6 run South 07° 00 minutes 00 seconds West along the West boundary of said Section 6, a distance of 2531.34 feet to a point, thence South 07° 48 minutes 10 seconds East, a distance of 100 feet to the Point of Beginning of the description, thence continuing South 88° 48 minutes 10 seconds East, a distance of 7256.25 feet to a point, thence North 10° 22 minutes 11 seconds West, a distance of 101.72 feet to a point, thence North 88° 48 minutes 10 seconds West, a distance of 7256.70 feet to a point, thence South 07° 00 minutes 00 seconds West, parallel to and 100 feet East of the said West boundary of Section 6, a distance of 100 feet to the said Point of Beginning.

2. An easement and right-of-way hereby granted for ingress and egress to and from Martin Highway (State Road No. 714) across, in and upon the West 100 feet of Section 19, Township 28 South, Range 40 East. The Grantee and the Grantee shall pay the cost of maintenance of the roadway in proportion to their respective use thereof for road purposes.

3. An easement hereby granted for ingress and egress to and from the lands conveyed by this deed and the nearest public road over Grantor's acre South of the premises conveyed by this deed. Such easement shall cross any other such Grantor's private roads existing from time to time as Grantor shall from time to time designate.

MATTER:

BE-23 Application of JOHN MICHEL, and CHARLES MCCOMAS for a Zoning District Change from RT, Medium Density Residential District, to LC, Limited Commercial District, or the most appropriate zoning district on the following property legally described as:

Lot 1-3, 7-10 and 2-30, Block 10, Monterey Subdivision, according to the Plat thereof as recorded in Plat Book 1, Page 11, of the Public Records of Martin County, Florida.

MATTER:

BE-4 Application of DOUGLAS HOVERKAMP AS TRUSTEE for a Zoning District Change from PS, Public Services District, to RE-0, SA, Estate Density Residential, or the most appropriate zoning district on the following property legally described as:

A parcel of land in Section 13, Township 40 South, Range 42 East, Martin County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Section 24, Township 40 South, Range 42 East, Martin County, Florida, thence North 88° 15' 15" West, along the South line of Section 24, containing of County Line Road, a distance of 322.91 feet to an intersection with the Centerline of FEC Railway, thence North 22° 13' 26" West, being said Centerline, a distance of 6148.45 feet to the Point of Beginning of a Curve to the left having a Central angle of 67° 30' and a radius of 5729.51 feet, thence following along the arc of said Curve, a distance of 648.81 feet to the end of said Curve, thence North 28° 42' 46" West, being said Centerline, a distance of 309.42 feet, thence North 61° 01' 38" East, a distance of 30.00 feet to the Point of Beginning, thence continue North 61° 01' 38" East along the Southern line of Jonathan Duncan State Park, a distance of 1642.01 feet, thence North 82° 37' 37" East, being said Park line, a distance of 1285.91 feet to the intersection with the Westery right of way line of U.S. 91 (State Road 91), thence North 30° 45' 27" West, being said line, a distance of 307.35 feet, thence South 82° 37' 37" West, a distance of 1213.20 feet, thence South 61° 01' 38" West, a distance of 1647.98 feet to a Point on the Eastern right of way line of the F.L.C. R.R. said Point being the Point of Curvature of a Curve, Concave to the East, having a Central angle of 6° 14' 13" and a radius of 1659.88 feet, thence following along the arc of said Curve, a distance of 302.48 feet to the end of said Curve, thence South 28° 42' 46" West, being said right of way line, a distance of 116.88 feet to the Point of Beginning.

MATTER:

BE-1 Application of MARTIN COUNTY, BOARD OF COUNTY COMMISSIONERS requesting the compression of the eastern end of Cave Road for residential use in the PS Public Services Zoning District. Legal description:

The right-of-way for S.E. Cave Road east of the eastern most boundary line of River Ponds, Phase V, is the eastern of the Indian River Lagoon, said right-of-way being 120 feet in width as set forth in these certain deeds recorded in Official Records Book 520, pages 1171 and 1174 of the Martin County, Florida, public records.

TIME & DATE: 9:00 A.M. ON AUGUST 8, 1988, or as soon after such time as the matter may be heard.

PLACE: Martin County Administrative Center, 3401 S.E. Monterey Road, Stuart, Florida.

Application for legislative action may be obtained by contacting the County Administrator's Office. IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETINGS OR HEARINGS OF ANY BOARD, COMMITTEE, COMMISSION, AGENCY, COUNCIL, OR ADVISORY BOARD THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHOULD INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

INTERESTED PARTIES ARE INVITED TO ATTEND. Written objections may be sent to the Director at the Growth Management Department, 3401 S.E. Monterey Road, Stuart, Florida.

THIS NOTICE CANNOT BE FILED ON THE 5TH DAY OF JULY 1988.



BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY FORM

[5426]

5 Feb!

1. WORDING FOR AGENDA
FLORIDA POWER AND LIGHT COMPANY - Request for Rezoning from A-2 to PUD(1), Master Plan Approval and Execution of the PUD Agreement in Conjunction with a Special Exception to Height Restrictions and Comprehensive Plan Amendment Request #88-7

2. MEMO NUMBER:
GMD-DR-89-416

3. MEETING DATE:
August 8, 1989
REGULAR: SPECIAL:

4. PREVIOUS AGENDA ITEM:
A. Yes: B. No:
Date: April 4, 1989
Agenda No: 4C(3)

5. AGENDA PLACEMENT:
 CONSENT
 PUBLIC HEARING
REQUEST/PRESENTATION
DEPARTMENTAL COMMISSIONERS
NOTED ITEM
OTHER

6. REQUIREMENT/PURPOSE:
(specify)
 STATUTE
 ORDINANCE
BCC REQUEST
OTHER
(explain)

7. REQUESTOR'S NAME:
A. (ALL REQUESTS)
NAME: Henry B. Iler, Director
DEPT.: Growth Management Dept.
B. (PUBLIC ONLY)
CITIZEN NAME: John T. Carmody
CITIZEN PHONE: 288-1980

TIME REQUIRED:
(Public Only)

8. SUMMARY:

The subject request, including the concurrent Comprehensive Plan Amendment request #88-7, was presented to the Board at the meeting of April 4, 1989. An additional request for a Special Exception to height restrictions has also been included to address the project's smoke stacks and other industrial structures (not including buildings) which will exceed the 60 foot height limitation required by County Codes. The attached "Project Description" provides a detailed summary of the issues and conditions which were discussed during that meeting. At that time the Board tentatively approved the request for transmittal to the Florida Department of Community Affairs (FDCA). The comments from the FDCA have been received and are presented in an accessory report on the requested land use change from Agriculture to Industrial. Based on review of the minutes from the April 4, 1989 meeting, the specific concerns and conditions noted by the Board and members of the public included the following:

- 1) Staff was directed to review the project's impact on the proposed Capital Improvement Element and draft language, if necessary, to address those impacts so as to avoid creating further deficiencies in the proposed Levels of Service for the mandatory elements of the Comprehensive Growth Management Plan. (i.e. transportation, potable water, sewer service, drainage, solid waste and parks);
- 2) The Board accepted the applicant's request to donate \$81,000 in lieu of constructing a bikepath along SR 710. The Board further indicated that this money could be used to support other community projects in Indiantown since a bikepath along this section of SR 710 was determined to be inappropriate;
- 3) The Board directed the applicant to provide further detailed information on the environmental impacts of the project including the following concerns:
 - a) The potential of contamination of air and water created by storage of coal and the storage of the by-product ("slag") created by the gasification process. Of major concern was the presence and extent of mercury and sulfur emissions and other trace elements and impurities associated with the use of coal as fuel;
- 4) The Board directed the applicant to increase the upland preserve area for the project to comply with the 25 percent requirement proposed in the Comprehensive Growth Management Plan; and
- 5) The Board expressed concerns regarding the provision of buffering the residents to the south from the coal pile storage area and the extent of necessary off-site road improvements, specifically to address the impacts on railroad crossings and Martin Grade



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August 8, 1989

CONCLUSION/RESPONSE

In response to these concerns please note the following:

- 1) The project has been re-evaluated to address the impacts on the Capital Improvements Element. The specific conditions noted in the PUD Agreement adequately relieve the County of any unreasonable fiscal obligation in maintaining the level of service standards for the mandated elements of the Comprehensive Growth Management Plan.
- 2) The applicant has modified Special Condition #8, Bikepath, within the PUD Agreement to reflect that the required bikepath fee of \$81,000.00 will be directed toward "community facilities within the Indiantown area to be identified pursuant to the development of a community master plan by the County."
- 3) Although no additional information regarding the impacts of the project on air quality and water resources (due to air emissions and leachates from coal and by-product storage areas), has been submitted for review and transmittal to the Board, the applicant has indicated that Florida Power and Light technicians have researched the Board's concerns in preparation for a detailed presentation during the public hearing.
- 4) To address the Board's concerns regarding the provision of upland preserve areas, an additional 94 acres of preserve area has been included within the northwest property located off-site. With this addition, the applicant has dedicated a total of 775 acres for preservation and/or restoration as represented below:

Upland Preserve Areas (Pine/Palmetto Flatwoods)

| <u>On-Site</u> | <u>Off-Site</u> | <u>Total</u> |
|---|-----------------|--------------|
| 219.00 acres (includes 169 acres to be restored) | 367.52 acres | 586.52 acres |

Wetland Preserve Areas (Includes Forested and Non-Forested Wetlands)

| <u>On-Site</u> | <u>Off-Site</u> | <u>Total</u> |
|----------------|-----------------|--------------|
| 0.00 | 188.48 acres | 188.48 acres |

These areas are intended to mitigate the loss of 205 acres of on-site wetlands pursuant to the utility waiver criteria in the Comprehensive Plan and to comply with the preservation policies proposed in the Comprehensive Growth Management Plan.

- 5) The applicant has met with the property owners to the south regarding the Board's concern about buffering the impacts of the coal pile. The attached letters from C.B. Myers, William W. Kerr IV, Scott Glaubitz, Robert J. Lindsey and Palmer Tuthill confirmed that the proposed 200 foot buffer is adequate. In regards to the impacts on railroad crossings at Martin Grade, no significant impacts or improvements are anticipated.

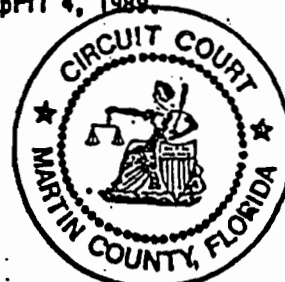
PLANNING AND ZONING BOARD RECOMMENDATION

The Planning and Zoning Board reviewed the applicant's proposal during the meeting of March 2, 1989. The Board recommended approval subject to staff's conditions and agreed that the waivers to the wetland development restrictions and other standard Code requirements were appropriate, based on the statement of public need and benefit, the water dependent nature of the facility, the lack of suitable alternative sites, and the adequacy of the proposed mitigation proposal.

9. RECOMMENDED ACTION:

The Development Review Committee and the Planning and Zoning Board recommend approval of the request subject to the following conditions:

- 1) A determination by the Board of County Commissioners that the applicant has adequately addressed the concerns noted during the public hearing on April 4, 1989.



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August 8, 1989

- 2) The resolution adopting the zoning district change, if approved, must incorporate the Special Exception request which was required to address the maximum height of the project's smoke stacks and other industrial structures (225-500 feet), not including buildings.
- 3) The proposed interim water system agreement referenced in Special Condition #2, Potable Water, of the PUD Agreement must be revised to include all standard provisions recommended by the Utilities Department.
- 4) Special Condition #4, Upland Preserve and Restoration Area, within the PUD Agreement must reference the total amount of upland and wetland preserve areas on and off-site (i.e. +586.52 acres of uplands and +188.48 acres of wetlands).
- 5) Special Condition #7, Wetlands, within the PUD Agreement, must reference all preserve and restoration areas indicated on Attachment 5 (aerial of northwest property) referenced therein (i.e. A, B, C, D, E) and include total acreage for wetlands and uplands consistent with Special Condition #4 as referenced above. (The attached text of Attachment 5 must be updated accordingly).
- 6) Special Condition #8, Bikepath, must be revised to reflect submittal of the total fee in conjunction with final development plan approval and to delete the phrase, "to be identified pursuant to the development of a community master plan by the County."
- 7) All required documents must be submitted in final executed form within ninety (90) days of Board action. The applicant is advised that the Board of County Commissioners has determined that this requirement be strictly enforced and has adopted a policy imposing additional requirements in the event an extension is requested.

TO. RECOMMENDED APPROVAL:

| DEPARTMENT DIRECTOR | CONCURRENCES | | | | | | | | COUNTY ADMINISTRATOR | COUNTY ATTORNEY |
|------------------------|--------------|-----|----------|----|----|------|-----|----------|-------------------------|--------------------|
| | PUB. SAFETY | B&Z | GMD | PH | UT | BUDG | GIS | ENV SERV | | |
| <i>H.</i> | | | <i>X</i> | | | | | | <i>[Signature]</i> | |

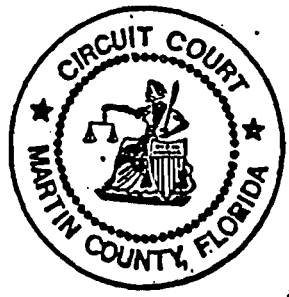
II. COMMISSION ACTION:

- APPROVED Land Use APPROVED.
- DENIED PUD APPROVED.*
- DEFERRED Special Exception APPROVED.
- OTHER *ADDED CONDITIONS NOTED BELOW:

LEAD DEPARTMENT GMD
ASSISTANCE BY _____

1. Local availability of employment applications.
2. If destruction of wetlands not needed due to marketability of slag, then they won't be destroyed.
3. Slag storage - Staff will work out phasing program for slag storage with FP&L - the degree possible begins at west and works out to S.R.710.
4. Prohibit straight burning of coal, only gasification allowed.

RESOLUTION NO. 89-8.21 ADOPTED.



PROJECT DESCRIPTION

Florida Power and Light Co. (FPL) is proposing to expand the existing FPL oil/gas plant located along SR 710 in the Indiantown area. The approval process for the expansion of electrical power plants must be in accordance with the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes, which requires a determination from the local government that the proposed site is consistent with and in compliance with existing land use plans and zoning ordinances. For this reason, an application for an Industrial Planned Unit Development, PUD(i), zoning district agreement was filed to allow the County to impose specific zoning conditions to enhance the project and to address any major impacts to the County.

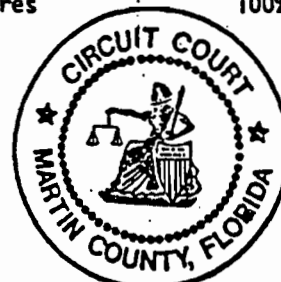
The PUD Agreement provides that the Owner will develop the project at preliminary development approval stage in accordance with the preliminary development plan and that the final development of the PUD(i) will be accomplished in accordance with the site certification order issued by the Governor and Cabinet under Chapter 403, Florida Statutes. In simpler terms, the site certification process and final Certification Order will constitute final development plan approval of the entire PUD(i). The materials submitted to the state for the certification order will be simultaneously submitted to Martin County as an application for final development plan approval. Within 90 days of receipt of an application for power plant certification, the Florida Department of Environmental Regulation (FDER) is required to conduct a land use hearing of the proposed site in the County. The sole issue at the land use hearing is determining whether or not the proposed site is consistent with the zoning district regulations.

The proposed PUD Agreement requires that the certification order (final development plan approval) be consistent with the preliminary development plan approval granted by the County. This provision protects the County from the issuance by FDER of a site certification order which is inconsistent with the conditions of the PUD Agreement, and would therefore provide the County with a basis to appeal any adverse decision of the Governor and Cabinet. It should be noted, however, that after notice and hearing and after a determination that it is in the public interest to authorize a non-conforming use of land as a site for an electrical power plant, the Governor and Cabinet may authorize a variance to the zoning regulations or conditions. In any event, once the final certification order is issued, Florida Power and Light will not be required to return to Martin County for final development plan approval of any additional phases within the expansion proposal.

The proposed expansion project is expected to utilize on-site, centralized water and wastewater treatment facilities regulated by the Department of Environmental Regulation. The relationship of these facilities with local ordinances such as the Interim Water Ordinance and the Wellfield Protection Ordinance will be evaluated in conjunction with the site certification process when additional detail is provided for analysis.

The entire project, which will be phased over a period of 15 years, will include the following uses (specific descriptions of these uses and their relationship to the generation of electrical power are attached):

| <u>Description</u> | <u>Acreage</u> | <u>Percent of Total</u> |
|--|-------------------|-------------------------|
| - Power Blocks | 438 acres | 20% |
| - Coal and Limestone Handling | 200 acres | 9% |
| - By Product Storage | 550 acres | 25% |
| - Open Space (transmission line rights-of-way, wellfield areas, recreation facilities) | 601 acres | 28% |
| - Upland Preserve Restoration Areas | 219 acres | 10% |
| - Balance of Property (access roads, RR rights-of-way and portions of existing cooling pond) | 182 acres | 8% |
| | <u>2190 acres</u> | <u>100%</u> |



FPL is expecting to receive the site certification order (final development plan approval) no later than July, 1991 assuming an application is filed by the end of this year, as anticipated. Due to the nature of this request, applications for building permits will not be within the six month, normal timeframe imposed on standard PUD's after final development plan approval is obtained. In this case, after receiving the certification order, applications for the initial building permit will be within 12 months and development will continue in accordance with the site certification order (subject only to the receipt of building permits from Martin County) until the project is completed. Once the Certification Order is issued, FPL will not be required to return to Martin County for final development plan approval of any additional phases within the expansion proposal.

SITE DESCRIPTION

The natural composition of the 2190 acre parcel has been significantly impacted by cattle grazing activity, agricultural operations and by the construction of overhead transmission lines. Portions of the property, however, still have characteristics associated with naturally occurring pine flatwood communities. In addition, approximately 205 acres of impacted and non-impacted wetlands have been identified and analyzed by the applicant and staff. (Please see the attached analysis, "Wetland and Upland Vegetative Associations", which was prepared by FPL).

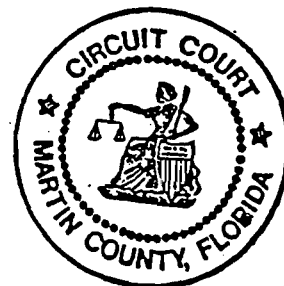
The type of facility and the nature of the request create difficulties in complying with standard code and Comprehensive Plan requirements regarding wetland development restrictions and landscape regulatory zones. FPL has documented general compliance with the wetland development waiver criteria provided for utilities in Section 4-3B of the Comprehensive Plan (see attached). This section permits the development of wetland areas for utilities subject to specific criteria including an acceptable mitigation proposal. To meet the requirements of the Landscape Code to the maximum extent possible, the applicant has provided perimeter buffers in excess of the minimum code requirement, agreed to set aside approximately 219 acres for on-site preservation and/or restoration and agreed to landscape all administration buildings and employee and visitor parking areas in accordance with the Landscape Code requirements. Other areas of the site, such as the by-product storage area and transmission line rights-of-way will not be landscaped.

To mitigate the loss of +205 acres of wetlands and to address the deficiencies in meeting the standard landscape regulatory zone requirements of the Landscape Code, FPL proposes the following as a condition of the PUD Agreement:

1. Preserve, restore and protect + 556 acres of off-site FPL owned property located northwest of the cooling pond Reservoir. This area contains approximately 188 acres of wet prairies, cypress hammocks and oak hammocks and includes a unique wetland area referred to as Black Bottom Slough. The remaining property consists of typical pine flatwood associations; and
2. Preserve and restore an additional 219 acres of upland vegetation on-site by utilizing relocated plant material from the development areas in a phased program to re-create upland native plant communities.

A specific Preserve Area restoration and management plan and a survey of protected plants and animals are conditions in the PUD Agreement and will be submitted in conjunction with final development plan approval. Additional wetland mitigation measures may be required by applicable state and federal agencies during the site certification process.

All other impacts the expansion will have on the County have been satisfactorily addressed, including transportation. Staff did express a concern about the increased train traffic and the potential impacts on traffic flow at rail crossings. To address this concern, the applicant provided the attached analysis regarding coal transportation which identifies the relationship of railroad use to the expansion project. Assuming compliance with the conditions and timetable indicated in the PUD Agreement, staff believes the project will not create any unreasonable fiscal obligations in maintaining the level of service standards for the mandated elements within the Comprehensive Growth Management Plan.



MARTIN COUNTY DEVELOPMENT REVIEW

SUBJECT: FLORIDA POWER AND LIGHT CO. - Request for Rezoning to PUD(1), Master Plan Approval and Execution of the PUD Agreement in Conjunction with a Comprehensive Plan Land Use Amendment Request #88-7

| <u>REPORT</u> | <u>DATE</u> | <u>REVISION DATE</u> |
|---------------------------|-------------------------|--------------------------|
| GMD Staff Analysis | <u>December 6, 1988</u> | <u>February 23, 1989</u> |
| DRC Meeting | <u>January 12, 1989</u> | <u>February 16, 1989</u> |
| Planning and Zoning Board | <u>March 2, 1989</u> | |
| County Commission | <u>April 4, 1989</u> | <u>August 8, 1989</u> |

I. GENERAL BACKGROUND:

A. Location: Approximately 5 miles east of Lake Okeechobee and 8 miles west of Indiantown. The proposed addition is bordered on the west by the existing FPL oil/gas plant and lies directly south of SR 710. (See attached location map).

1. Major arterial: SR 710
2. Planning area: West County
3. Traffic analysis zone: 59
4. 1990 Block Group and Census Tract: CT 18, BG 4

B. Current zoning of the applicant's property: A-2, Agricultural

C. Current surrounding zoning (see attached existing land use/zoning map):

NORTH: A-2, Agricultural

SOUTH: A-2, Agricultural

EAST: M-3, Industrial

WEST: A-2, Agricultural

D. Comprehensive Plan land use designation: Agricultural

E. Surrounding land use designations:

NORTH: Rural Ranchette Residential, General Commercial (across SR 710) and Agricultural (across SR 710)

SOUTH: Agricultural

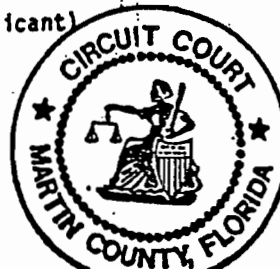
EAST: Industrial

WEST: Industrial (existing plant) and Agricultural (existing cooling reservoir)

F. Proposed zoning and/or land use designation: Industrial Planned Unit Development, PUD(1)

G. General features of the proposed project:

1. Gross acreage: 2,190 acres
2. Wetland acreage: +205.7 acres (supplied by applicant)



MARTIN COUNTY DEVELOPMENT REVIEW

SUBJECT: FLORIDA POWER AND LIGHT CO. - Request for Rezoning to PUD(1), Master Plan Approval and Execution of the PUD Agreement in Conjunction with a Comprehensive Plan Land Use Amendment Request #88-7

I. GENERAL BACKGROUND: (continued)

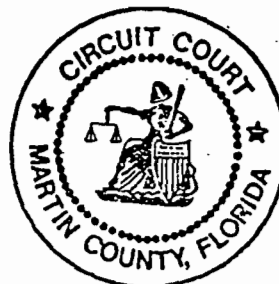
3. Proposed improvements:

| <u>Description</u> | <u>Acreage</u> | <u>Percent of Total</u> |
|--|------------------|-------------------------|
| - Power Blocks | 438 acres | 20% |
| - Coal and Limestone Handling | 200 acres | 9% |
| - By Product Storage | 550 acres | 25% |
| - Open Space (transmission line rights-of-way, wellfield areas, recreation facilities) | 601 acres | 28% |
| - Upland Preserve Restoration Areas | 219 | 10% |
| - Balance of Property (access roads, RR rights-of-way and portions of existing cooling pond) | <u>182 acres</u> | <u>8%</u> |
| - TOTAL | 2190 acres | 100% |

4. Water and wastewater service: On-site, centralized facilities

II. RELEVANT FINDINGS:

- A. The applicant is intending to receive preliminary approval to expand the site of the existing Florida Power and Light (FPL) oil/gas plant located in the Indiantown area. The proposed expansion is designed for phased implementation of multiple combined cycle generating modules with coal gasification plant construction to follow combined cycle power plant development. A detailed description of the use and the components of the expansion has been submitted by the applicant and is attached.
- B. The natural composition of the property has been significantly impacted by cattle grazing activity and agricultural improvements. Portions of the property, however, still have characteristics associated with the naturally occurring pine flatwood communities typically occurring in this area. In addition, approximately 205 acres of wetlands have been identified and analyzed by the applicant. (Please see attached vegetative analysis prepared by the applicant.)
- C. Surrounding property: All properties surrounding the subject parcel are currently vacant except for the existing FPL oil/gas plant to the west and agricultural uses (orange groves) to the north and south.
- D. The existing land use and zoning on the subject property is Agricultural. A land use amendment and rezoning application are concurrently being processed to change the land use to industrial and to change the zoning to PUD(1).



MARTIN COUNTY DEVELOPMENT REVIEW

SUBJECT: FLORIDA POWER AND LIGHT CO. - Request for Rezoning to PUD(i), Master Plan Approval and Execution of the PUD Agreement in Conjunction with a Comprehensive Plan Land Use Amendment Request 88-7

II. RELEVANT FINDINGS: (continued)

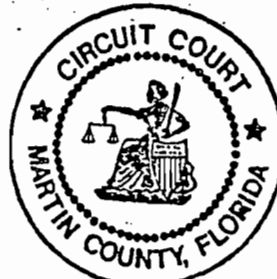
E. Code/Comprehensive Plan Requirements:

1. The preliminary development plan reflects perimeter buffers in excess of minimum code requirements. To address areas within the buffer with sparse vegetation, the applicant has agreed to restore these areas with relocated plant material from development areas in order to provide a 100 percent opaque buffer a minimum of six (6) feet in height upon installation.
2. The type of facility and the nature of the request create difficulties in complying with standard code and Comprehensive Plan requirements including wetland development restrictions and landscape regulatory zones. FPL has documented general compliance with the wetland development waiver criteria provided for utilities in Section 4-3B of the Comprehensive Plan (see attached). This section permits the development of wetland areas for utilities subject to specific criteria including an acceptable mitigation proposal. To meet the requirements of the Landscape Code to the maximum extent possible, the applicant has provided perimeter buffers in excess of the minimum code requirement, agreed to set aside approximately 219 acres for on-site preservation and/or restoration and agreed to landscape all administration buildings and employee and visitor parking areas. Other areas of the site, such as the by-product storage area and transmission line rights-of-way will not be landscaped.

In addition, the applicant has agreed to preserve, restore and protect +556 acres of off-site FPL owned property located northwest of the cooling pond reservoir. This area contains approximately 188 acres of wet prairies, cypress hammocks and oak hammocks and includes a unique wetland area referred to as Black Bottom Slough which currently supports an active Bald Eagle's nest. The remaining property consists of typical pine flatwood associations.

A specific Preserve Area restoration and management plan is a condition in the PUD Agreement and will be submitted in conjunction with final development plan approval to document compliance with these conditions. Additional wetland mitigation measures may be required by applicable state and federal agencies during the site certification process.

3. To identify the typical layout of the proposed Coal Gasification/Combined Cycle plant, the applicant has submitted a graphic which details the required components. This plan and the brief description of the uses (as per the applicant's response) has been incorporated into the PUD Agreement as a "conceptual layout plan subject to modifications based on detailed site planning and engineering required in conjunction with final development plan approval (certification process)."
4. The applicant has included special condition #6 in the PUD Agreement to reference the PUD(i) performance standards contained in Section 33-581.44(G) and (H) of the PUD Code. The condition notes that compliance with these standards and other state and federal performance standards will be documented prior to final development plan approval (certification process).

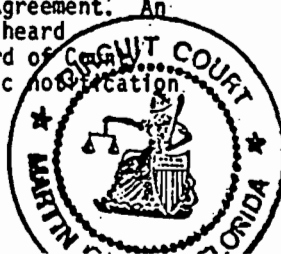


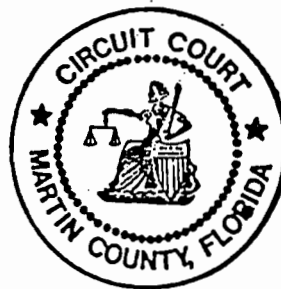
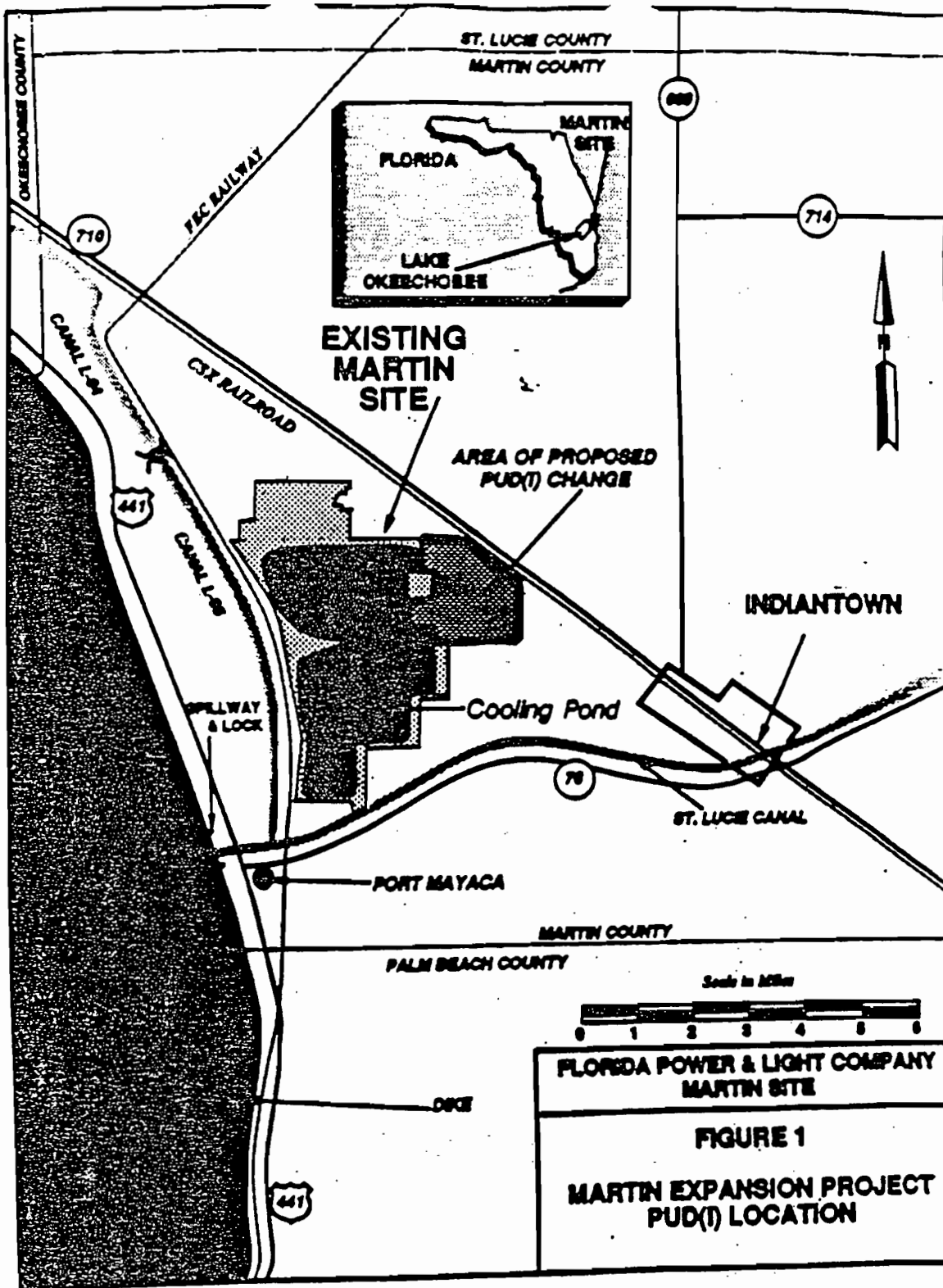
MARTIN COUNTY DEVELOPMENT REVIEW

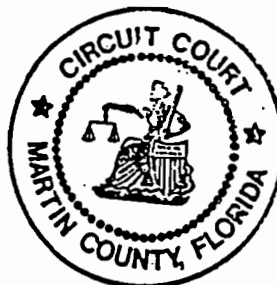
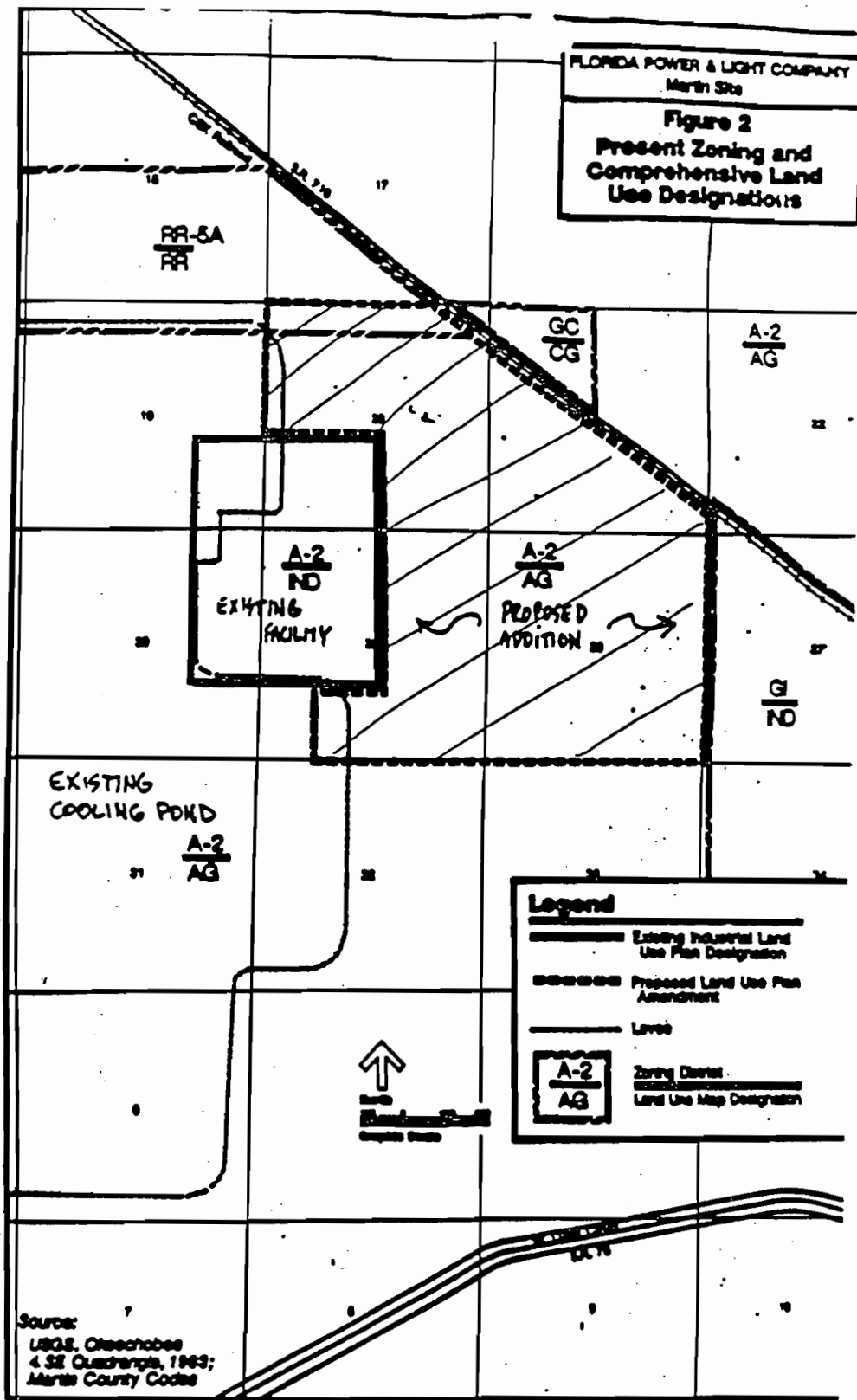
SUBJECT: FLORIDA POWER AND LIGHT CO. - Request for Rezoning to PUD(1), Master Plan Approval and Execution of the PUD Agreement in Conjunction with a Comprehensive Plan Land Use Amendment Request 88-7

II. RELEVANT FINDINGS: (continued)

5. The applicant believes that the project is exempt from the provision's of the County's Wellfield Protection Ordinance because the utility is directly related to the provision of electrical service. Staff will analyze the relationship of the facility to this ordinance and other local ordinances regarding utility operations in conjunction with the site certification process when additional detail becomes available.
6. The applicant has provided July, 1991 as the anticipated date for receiving the site certification order. This date assumes an application date of December, 1989.
7. Staff concurs that the certification order will represent final development plan approval of the project. All materials submitted to the State for the certification order will be simultaneously submitted to the County as an application for final development plan approval. Pursuant to the Power Plant Siting Act (see attached legal memo: LE-89-167), the County will have approximately 90 days to review the material and determine consistency with the conditions of the PUD(i) zoning district agreement. Based on this requirement, the County has the right to object to the project if the application materials for the certification order are inconsistent with the PUD Agreement. However, it should be noted that the Governor and Cabinet has the authority to allow the project to proceed in spite of local objections if formal notice and public hearing requirements are adhered to and a determination is made that the proposed power plant expansion is in the public's interest.
8. Special Condition #1, Permitted Uses, has been modified to reference the preliminary and final development plans, including the conceptual layout for a typical plant facility. In addition, all summary descriptions of uses previously submitted (including by-product handling and storage) have been referenced to clarify the permitted uses.
9. Special Conditions regarding Noise/Nuisance Abatement, Hazardous Waste Management, Fire Protection (reference the attachment to Exhibit "F"), Wetland Mitigation Criteria (reference and attach "enhancement and restoration program"), Bikepath Fee, Hauling of-Fill, Traffic Impact and Landscaping Requirements have been added to the PUD Agreement.
10. Special conditions regarding historic and archaeological sites and the presence of any protected plants or animals have also been added to the PUD Agreement.
11. The applicant has submitted the attached detailed statement of benefits the expansion will provide to Martin County. The analysis includes socioeconomic benefits such as employment, income, tax benefits, etc. and identifies the necessity of the expansion in providing long term electric services.
12. The Growth Management Department accepts the applicant's proposal to submit a bikepath fee in lieu of construction to allow community improvements in the Indiantown area.
13. The height exception for structures in excess of 60 feet has been addressed through a special condition in the PUD Agreement. An application for such use has been submitted to be heard concurrently with this application before the Board of County Commissioners. All required advertising and public notification requirements have been adequately addressed.







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MARTIN EXPANSION PROJECT
PLANNED UNIT DEVELOPMENT ZONING AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 1989, by and between FLORIDA POWER & LIGHT CO. (FPL), a Florida corporation, hereinafter referred to as "OWNER" and the BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY".

W I T N E S S E T H

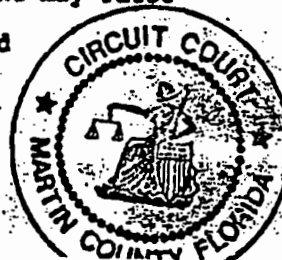
WHEREAS, it is the desire of Owner to develop (in accordance with development plans, as the same may be revised from time to time) an Industrial Planned Unit Development (hereinafter sometimes referred to as "PUD(i)") consisting of combined cycle electric generating plants and coal gasification facilities, together with appurtenant and supportive facilities, said development to be known as "MARTIN EXPANSION PROJECT", situated and being in Martin County, Florida, and legally described on Exhibit "A" which is attached hereto and made a part hereof; and,

WHEREAS, the zoning ordinances and regulations of Martin County permit this type of consolidated development subject to a Planned Unit Development Agreement (hereinafter sometimes referred to as "PUD AGREEMENT"); and

WHEREAS, the Martin County Comprehensive Plan expressly encourages PUD(i) zoning for expansions of FPL's Martin power plant site; and

WHEREAS, it is the desire of the County to encourage this form of development; and

WHEREAS, the Martin Expansion Project will be evaluated during proceedings under the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes, in which Martin County may participate fully as a party and may raise questions or objections to the proposed plan; and



WHEREAS, the certification issued under that Act for the Martin Expansion Project constitutes the necessary approval for the construction and operation of the Project and is subject to a determination that the land use and zoning are appropriate for the project.

NOW, THEREFORE, the parties do hereby agree as follows:

I. UNIFIED CONTROL

The Owner hereby warrants that it has unified ownership of all real property included in this PUD(i). Documents certifying title are attached hereto and incorporated herein as Exhibit "B". A Covenant of Unified Control by the Owner is attached hereto and incorporated herein as Exhibit "C". For purposes of this Agreement, the term "unified control" shall be the same as the term is defined in Section 33-581.2 of the Code of Laws and Ordinances of Martin County, Florida.

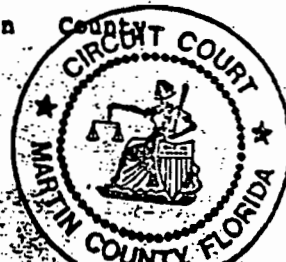
II. DEVELOPMENT

The Owner agrees that this PUD(i) will be undertaken and carried out in accordance with the following:

1. It is agreed and understood that the development of this PUD(i) will be undertaken and carried out in accordance with the preliminary and/or final amended plans as officially adopted.

(a) It is agreed and understood that the development of this PUD(i) at preliminary development approval stage shall be accomplished in accordance with the Preliminary Development Plan, a reduced copy of which is attached hereto as Exhibit "D" and by reference made a part hereof.

(b) It is agreed and understood that the Site Certification Application to be filed by FPL for the Martin Expansion Project will constitute the formal application for final development plan approval for this PUD(i) and shall be submitted to Martin



simultaneously with the Florida Department of Environmental Regulation (DER).

(c) It is agreed and understood that the remaining development of this PUD(i) must be accomplished in accordance with the site certification order issued under the Florida Electrical Power Plant Siting Act, which order will constitute the final development plan approval for this PUD(i); provided that such final development plan approval is consistent with the preliminary development approval granted by Martin County.

2. The Timetable of Development as officially adopted by the County and agreed to by Owner, as shown in Exhibit "E" attached hereto and made a part hereof, shall be adhered to by the Owner.

3. The Special Conditions adopted or imposed by the County in the process of the approval of the zoning change to PUD(i) for the property, which requirements are set forth in Exhibit "F" attached hereto, are made a part hereof.

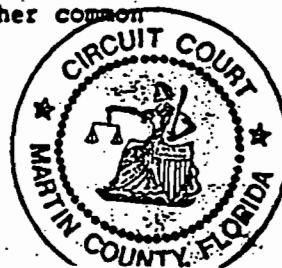
4. All permits and authorizations shall be granted, in accordance with such laws, ordinances and regulations as may be in effect at the time of such approval.

III. VESTED RIGHTS

The Owner shall have the right to develop the PUD(i) in accordance with applicable laws, ordinances and regulations, the provisions and requirements of this Agreement and the preliminary and final development plans. Failure to comply with such provisions or requirements shall be deemed a breach of this Agreement and Section VI of this Agreement shall be applicable.

IV. DESTRUCTION

In the event that all or a portion of the PUD(i) should be destroyed by a storm, fire or other common



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disaster, the Owner, its grantees, successors or assigns, shall have the right to rebuild and/or repair so long as there is compliance with the final development plans, as the same may be amended from time to time.

V. CHANGE OR AMENDMENT

There shall at all times be a strict adherence to the provisions of this Agreement and the preliminary and final development plans. Any change or amendment to this Agreement that would not also require change or amendment to the final development plan shall be made in accordance with Section 33-581.1 of the Code of Laws and Ordinances of Martin County, Florida. Any change or amendment to the final development plan that also would require amendment or change to any other provision of this Agreement shall be made in accordance with Section 33-581.1 of the Code of Laws and Ordinances of Martin County, Florida, and the Florida Electrical Power Plant Siting Act. Any change or amendment to the final development plan that would not require amendment or change to any other provision of this Agreement shall be made in accordance with the Florida Electrical Power Plant Siting Act.

VI. BREACH OF AGREEMENT

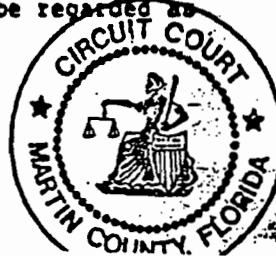
1. In the event that the Owner, its grantees, successors or assigns, has not sought an initial building permit within twelve (12) months of the approval of the final development plan under the Florida Electrical Power Plant Siting Act, has fallen behind the agreed development construction schedule as set forth in Exhibit "E" by twelve (12) months or more, or has violated any of the terms of the PUD Agreement in any material respect, the Board of County Commissioners may serve notice to the Owner in writing of the date and place of a public hearing on the PUD(i), at which time the Owner will be given an opportunity to explain the reasons for the scheduling delays and/or



violation of the terms of the Agreement and to propose a method of fulfilling its obligations under this Agreement. The County may, at its discretion, allow the Owner, by amendment of this PUD Agreement, time to demonstrate its willingness to meet the County's conditions.

2. If at the end of a reasonable period of time, in this case no more than six (6) months from the date notice is served on the owner as described above, the Owner is clearly unable or unwilling to abide by this Agreement, or if the conditions of this Agreement have in some other manner been clearly violated, the Board of County Commissioners may initiate a comprehensive plan land use amendment to cause the property to revert to its immediately pre-existing land use designation, or to the most appropriate land use designation for the property involved, and may advertise for a public hearing on the PUD(i), the purpose of which shall be to cause the property to revert to its immediately pre-existing zoning classification, or to rezone the property to the most appropriate zoning classification. Public hearings on such land use and/or zoning amendments shall follow those procedures in effect for voluntary requests for land use amendments and rezonings, including any applicable hearings before the Local Planning Agency and the Planning and Zoning Commission.

3. In the event of such breach of this Agreement and the reversion of the property to its prior zoning classification or rezoning of the property to a new zoning classification, no further building permits shall be issued to the Owner or to its successors in interest based upon the final development plans and amendments thereto, if any. Those portions of the property which may have buildings or structures constructed upon them in conformity with the development plans shall thenceforth be regarded as



nonconforming uses with respect to the revised zoning classification, if, in fact, they are.

4. The above provisions shall not be interpreted to provide an exclusive remedy, and County may pursue any appropriate remedy at law or equity in the event Owner or its successors in interest fail to abide by the provisions of this Agreement.

VII. JURISDICTION

The parties hereto further agree that any and all suits or actions at law shall initially be brought in Martin County, Florida, and no other jurisdiction.

VIII. SUCCESSORS AND ASSIGNS

This Agreement shall be binding upon the parties hereto, their successors in interest, heirs, assigns and personal representatives.

IX. NOTICE

All notices given pursuant to the terms of this Agreement or which any party may desire to give hereunder shall be in writing and delivered personally, telegraphed or sent registered or certified mail and shall be conclusively presumed to have been given by such delivery. All notices shall be given to each of the following:

OWNER/DEVELOPER:

Florida Power & Light Co.

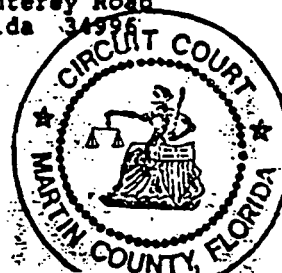
With copies to:

John T. Carmody, Jr.
Gunster, Yoakley, Criser
& Stewart, P.A.
10 Central Parkway, Suite 400
Stuart, Florida 34994

Analee Moore
Florida Power & Light Co.
6001 Village Boulevard
West Palm Beach, Fl. 33407

COUNTY:

Martin County Board of
County Commissioners
2401 S.E. Monterey Road
Stuart, Florida 34996



IN WITNESS WHEREOF, the parties hereto have executed these presents on the date first above written. The date of this Agreement shall be the date on which this Agreement was approved by the Board of County Commissioners of Martin County, Florida.

Signed, sealed and delivered in the presence of:

FLORIDA POWER & LIGHT CO.
a Florida corporation

BY: _____

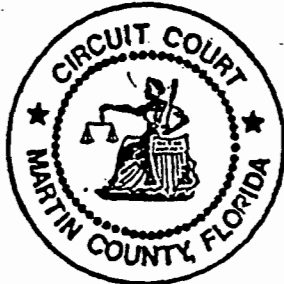
(CORPORATE SEAL)

STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgments, personally appeared _____ of Florida Power & Light Co., a Florida corporation, to me known to be the person described herein and who executed the foregoing, and acknowledged the execution thereof to be his free act and deed as such officer, for the uses and purposes therein mentioned, and the said instrument is the act and deed of said corporation.

WITNESS my hand and official seal this _____ day of _____, 1989.



Notary Public
My Commission Expires:

"OWNER"

ATTEST:

BOARD OF COUNTY
COMMISSIONERS,
MARTIN COUNTY, FLORIDA

Clerk

BY: _____
Chairman

APPROVED AS TO FORM AND
CORRECTNESS:

County Attorney

"COUNTY"



MARTIN EXPANSION PROJECT

LEGAL DESCRIPTION

A parcel of land lying in Township 39 South, Range 38 East, Martin County, Florida, said land being described as follows:

The East 1,555 feet of the East half of Section 19, as measured parallel to and perpendicular to the East line of Section 19, and the South 2,100 feet of the East half of Section 19, as measured parallel to and perpendicular to the South line of Section 19; the South 2100.00 feet of the West half of Section 20, as measured parallel to and perpendicular to the South line of Section 20; the North 3750.00 feet of the West half of Section 29, as measured parallel to and perpendicular to the North line of Section 29; and the East 1555.00 feet of the North 3750.00 feet of the East half of Section 30, as measured parallel to and perpendicular to the East and North line of Section 30 respectively.

TOGETHER WITH:

The West half of Section 20, less the South 2100 feet, as measured perpendicular and parallel to the South line of Section 20; all that part of the East half of Section 20, and Section 21 lying South of the South right-of-way line of the C.S.X. Railroad; all of Section 28, and the East half of Section 29; the East 1500.00 feet of the West half of Section 29 as measured parallel and perpendicular to the East line of the West half of Section 29, less the North 3750.00 feet as measured parallel and perpendicular to the North line of Section 29.

LESS:

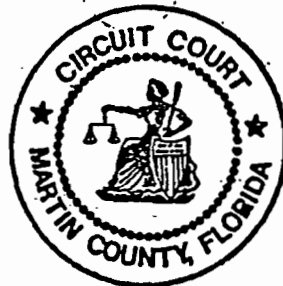
The East 1,550 feet of the South 2,100 feet of Section 19, Township 39 South, Range 38 East.

The West 1,600 feet of the South 2,100 feet of Section 20.

The West 1,600 feet of the North 1,120 feet of Section 29, Less the West 678.66 feet of the South 178 feet of the North 1,120 feet of said Section 29.

The East 1,555 feet of the North 941.94 feet of Section 30.

Containing 2192.24 acres, more or less, and subject to easements and rights-of-way of record.



MARTIN EXPANSION PROJECT

OWNERSHIP CERTIFICATION

I, Jay Molyneaux, a member of the Florida Bar, hereby certify that apparent record title to the property described in Exhibit "A" to that Planned Unit Development Zoning Agreement dated the ___ day of _____, 1989, by and between Florida Power & Light Company and the Board of County Commissioners of Martin County, is in the ownership of Florida Power & light Company, a Florida corporation.

Dated this ___ day of _____, 1989.

By: _____

Jay Molyneaux
Florida Power & Light Company
Post Office Box 14000
Juno Beach, Florida 33408-0420
(407) 694-4313

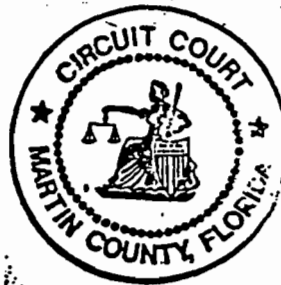


EXHIBIT "B"

MARTIN EXPANSION PROJECT

UNIFIED CONTROL

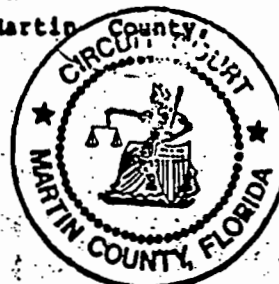
The undersigned, being the Owner of the property described in Exhibit "A" to the Planned Unit Development Zoning Agreement, dated the _____ day of _____, 1989, between Florida Power & Light Co. (FPL), and the Board of County Commissioners of Martin County, does hereby covenant and agree:

1. That said described parcel shall be held under single ownership and shall not be transferred, conveyed, sold, divided or assigned in any unit other than in its entirety; PROVIDED, HOWEVER, that:

(a) If the Project is designed and planned to be constructed as phases comprised of separate facilities and each principal facility complies with the requirements contained within the PUD Agreement, then each such facility or portion of the Project site for such principal facility may be separately conveyed, sold, divided, assigned and otherwise transferred to individuals and others, natural or corporate, upon final development plan approval. The phrase "principal facility" means any or all of the following: a combined cycle unit alone; a coal gasification unit alone; and a combined cycle/coal gasification unit combined.

(b) FPL shall own and maintain common elements, common open areas and developed recreation areas, if any. However, if FPL conveys to a third party any principal facility or any portion of the Project site for construction of a principal facility, then common elements, common open areas and developed recreation areas, if any, may be conveyed to an organization or other legal entity so long as (i) prior to such conveyance of common elements, common open areas, or developed recreation areas, if any, FPL complies, either before or after final development plan approval, with Section 33-578(8)(c), Code of Laws of Martin County, Florida

EXHIBIT "C"



pertaining to the use, maintenance and operation of common areas; and (ii) such conveyance shall be subject to the express restriction that the subject property will never be used for any purpose other than as common elements, common open areas or developed recreation areas as applicable.

(c) Other portions of the subject property that will be used or maintained by governmental, environmental, charitable or other organizations or agencies may be separately conveyed, sold, divided, assigned and otherwise transferred for such purposes as the Board of County Commissioners of Martin County, Florida, may deem appropriate.

2. Nothing herein contained shall limit, in any manner, the undersigned, or its successors or assigns, to mortgage or encumber the property or any part thereof.

3. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land and shall remain in full force and effect and be binding on the undersigned, its successors and assigns, until such time as the same may be released in writing by the Board of County Commissioners of Martin County, Florida.

4. The undersigned further agrees that this instrument may be recorded in the public records of Martin County, Florida.

IN WITNESS WHEREOF, the party hereto has executed these presents on the date indicated below.

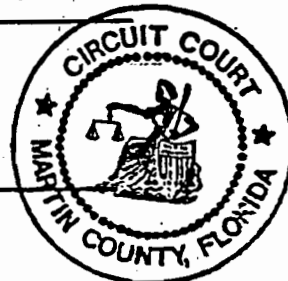
Signed, sealed and delivered
in the presence of:

FLORIDA POWER & LIGHT CO.
a Florida corporation

BY: _____

(CORPORATE SEAL)

Date: _____



STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgments, personally appeared _____ of Florida Power & Light Co., a Florida corporation, to me known to be the person described herein and who executed the foregoing, and acknowledged the execution thereof to be his free act and deed as such officer, for the uses and purposes therein mentioned, and the said instrument is the act and deed of said corporation.

WITNESS my hand and official seal this _____ day of _____, 1989.

Notary Public

My Commission Expires:

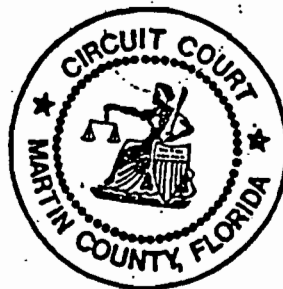


EXHIBIT "C"

MARTIN EXPANSION PROJECT
PRELIMINARY DEVELOPMENT PLAN

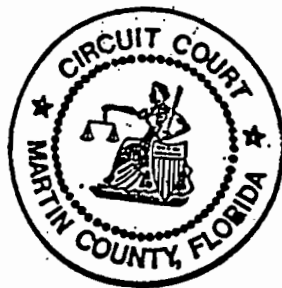


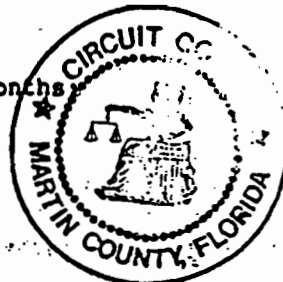
EXHIBIT "D"

MARTIN EXPANSION PROJECT
TIMETABLE OF DEVELOPMENT

This development will be constructed in accordance with the Preliminary Development (Master) Plan, a reduced copy of which is attached hereto as Exhibit "D" and made a part hereof. The principal facilities to be constructed and the periods of time after the date of final development plan approval, as represented by the site certification order under the Florida Electrical Power Plant Siting Act, within which such facilities are to be completed is as follows:

1. Within twelve (12) months after the Siting Board's site certification order becomes final, FPL shall submit to Martin County its initial building permit application for at least one principal facility as defined below. The site certification of the Martin Expansion Project is expected to become final no later than July, 1991. This agreement recognizes, however, that the site certification proceedings, which will result in final development plan approval for the PUD(1), could be extended due to circumstances inherent in such licensing efforts.
2. Within eighteen (18) months after the Siting Board's site certification order becomes final, FPL shall commence physical site preparation; provided, however, that no permit for such site preparation work shall cause any period of time set forth in Paragraph 3, below, to commence.
3. Construction of each principal facility of the Martin Expansion Project, as defined herein, shall be completed within the following period of time after issuance of the building permit for its construction:
 - (a) each combined cycle unit alone, 48 months

EXHIBIT "E"



(b) each coal gasification unit alone, 48 months;

-- or --

(c) each combined cycle/coal gasification unit
combined, 60 months.

4. Construction of all principal and associated facilities of the Martin Expansion Project shall be completed within 15 years after the Siting Board issues its final site certification order, in accordance with Florida Department of Environmental Regulation Rule 17-17.241, F.A.C.

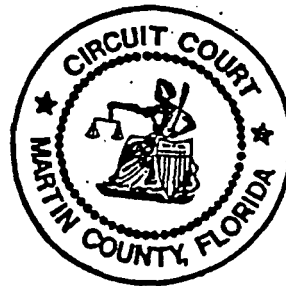


EXHIBIT "E"

MARTIN EXPANSION PROJECT

SPECIAL CONDITIONS

1. Permitted Uses - The uses permitted within the PUD(i) shall be those associated with the generation and transmission of electricity and those shown on the preliminary and final development plans for the site. These uses shall include combined cycle electric generating units, coal gasification facilities, coal handling and storage facilities, by-product storage areas, rail transportation facilities, electric transmission lines, and associated facilities. A conceptual layout plan for a typical 1600 MW coal gasification/combined cycle plant for these uses and facilities is attached to this agreement as Attachment 1 to this Exhibit "F". This plan is subject to modification based on detailed site planning and engineering required as part of the certification of the plant in conjunction with final development plan approval (site certification) process. These uses and facilities are described in greater detail in Attachment 2 to this Exhibit "F".

2. Potable Water - The Martin Expansion Project will be developed with an interim potable water system pursuant to an interim water system agreement, attached hereto and incorporated herein as Attachment 3 to this Exhibit "F". Potable water needs of the Martin Expansion Project will represent a small proportion (approximately 6-24) of total withdrawals and can be met economically by incidental on site treatment; accordingly, connection to a potable water utility, if one were available, would be unreasonably costly under Section 31-57(c)(3), Code of Laws and Ordinances of Martin County, Florida, and shall not be required.

3. Wastewater Treatment - A municipal/public sanitary wastewater treatment system is not available to serve PUD(i) site. Sanitary wastewater treatment needs will be

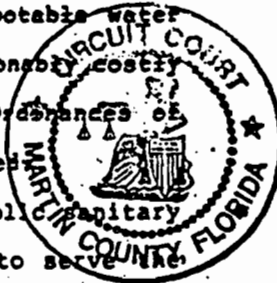


EXHIBIT "F"

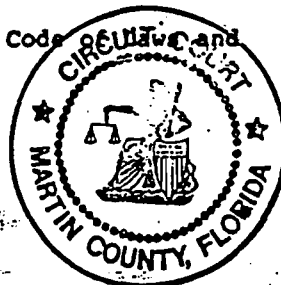
satisfied by on-site aerobic treatment facilities. Following tertiary treatment, treated effluent will be discharged to the existing power plant cooling pond. During construction, temporary portable facilities may be used to provide sanitary services at remote locations within the site.

4. Upland Preserve and Restoration Areas - No construction or alteration shall be permitted within any of the upland preserve and restoration areas as delineated and labeled on the approved development plans, as shown on Exhibit "D" to this Agreement and Attachment 5 to this Exhibit "F", except in accordance with the upland preserve and restoration area management plan which shall be reviewed and approved as part of the final development plan approval (site certification). The objectives of that plan shall be: 1) removal and management of exotic vegetation and debris; 2) revegetation in partially disturbed areas by discontinuing present mowing practices or relocating compatible native species from development areas on site; 3) staking and barricading procedures around these areas during construction; and 4) other appropriate measures deemed necessary to protect the long term viability of these areas.

5. Size and Dimension Criteria - The construction of all structures within the Martin Expansion Project PUD(i) will be governed by the size and dimension criteria indicated on the approved preliminary and final development plans. The relative dimensions of the planned facilities for this PUD(i) are shown in the conceptual layout plan, described in Special Condition 1 and attached to this agreement as Attachment 1 to Exhibit "F".

6. Performance Standards - The performance standards for industrial planned unit developments set forth in section 33-581.44(G) and (H), Martin County Code and Ordinances shall be satisfied as follows:

EXHIBIT "F"



- A. No smoke of a density greater than No. 1, according to Ringelmann's scale, shall be emitted, except as smoke not in the excess of No. 2, Ringelmann's scale shall be permitted for not more than six (6) minutes of any one hour.
- B. No particle from any flue or smokestack exceeding two-tenths (0.2) grains per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit shall be permitted.
- C. Emissions of odors, dust and dirt will be controlled according to the conditions of certification for the Martin Expansion Project as established in the final site certification order under the Florida Electrical Power Plan Siting Act.
- D. No processes which result in the escape of obnoxious gases or fumes in concentrations dangerous to plant or animal life or damaging to property as defined by state and federal regulations shall be permitted.
- E. Industrial sewage wastes shall be disposed of according to the conditions of certification for the Martin Expansion Project as established in the final certification order under the Florida Electrical Power Plant Siting Act.
- F. All unenclosed buildings used for industrial activities either shall be set back one-quarter (1/4) mile from any abutting officially designated residential district, existing as of the date of this Agreement, or be screened, pursuant to the provisions of Section 23-56(f), Code of Laws and Ordinances of Martin County.
- G. FPL shall comply with the requirements of the "Life Safety" sections of the National Fire Code. Additional fire protection measures for the Martin

EXHIBIT "P"



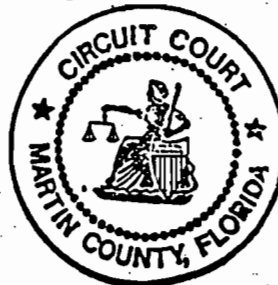
Expansion Project shall be taken in accordance with Attachment 3 4 to this Exhibit "F". Within the power block and coal handling areas, hydrants will be spaced no more than 250 feet from any building and no more than 500 feet apart.

- H. The maximum height for any stack shall be 500 feet. The maximum height of any industrial structure other than stacks shall be 225 feet. The maximum height of any office building shall be 40 feet. The maximum height for any coal pile or by-product storage area shall be 60 feet. These heights have been approved by granting of a special exception pursuant to sections 35-4.3 and 35-5.8, Code of Laws and Ordinances of Martin County.
- I. Perimeter buffers adjacent to all existing residential uses or districts are shown on Exhibit D. The buffer along the north property boundary will be supplemented with native vegetation relocated from development areas on-site. The purpose of this requirement is to recreate the pine/palmetto native plant association and to provide a solid visual screen measuring a minimum of six (6) feet in height upon installation.
- J. Lighting within the Martin Expansion Project will be designed and installed according to appropriate lighting level guidelines of the Illuminating Engineering Society.

Design compliance with these performance standards A through J and with applicable state and federal environmental performance standards shall be demonstrated as part of the final development plan approval (site certification) process.

7. Wetlands - An Ecological Resources, Enhancement and Restoration Program for the Martin Expansion Project shall

EXHIBIT "F"



be undertaken to mitigate and compensate for the encroachment on functional wetlands by the Project, in accordance with the wetland performance standards and the exemption for public utilities in section 4-3(B), Waivers, of the Martin County Comprehensive Plan. The Program will be undertaken within Restoration Areas A, B and C shown on Attachment 4 5 to this Exhibit. This Program shall be consistent with the wetlands mitigation and compensation requirements of other regional, state and federal agencies. The detailed Program shall be included in the application for final development plan approval (site certification) and shall at minimum include the following objectives to be undertaken by FPL:

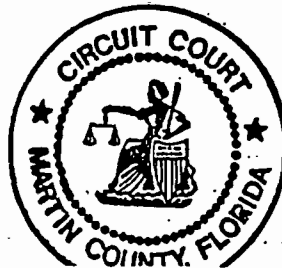
- a) Elimination of cattle grazing (except Area C and the northeast fork of Area A);
- b) Control of feral hog population;
- c) Control of exotic vegetation;
- d) Restoration of natural drainage patterns and hydroperiods; and
- e) Monitoring of restoration activity results.

8. Bikepath - In lieu of the construction of a bicycle path along the frontage of State Road 710 abutting the proposed PUD(1) site, FPL agrees to pay \$81,000 for community facilities within the Indiantown area to be identified pursuant to the development of a community master plan by the County.

9. Hazardous Waste Management - FPL shall adopt, prior to the commencement of operations of the Martin Expansion Project, a Hazardous-Waste Management Plan consistent with and at the same level of detail as the Hazardous-Waste Management Plan for existing Martin Units 1 and 2, a copy of which is Attachment 5 6 to this Exhibit.

10. Excavation and Fill - The application for final development plan approval (site certification) shall

EXHIBIT "F"



demonstrate compliance with the substantive provisions of the Excavation and Fill Ordinance, Sections 33-804, 805, 806 and 809, Code of Laws and Ordinances of Martin County, to the maximum extent practicable. All side slopes for drainage and roadside swales either shall be established at a 4:1 slope and covered with mulch or at a 3:1 slope and covered with sod or with other means of soil stabilization which results in an established ground cover on the slope. No excavated fill material shall be hauled to or from the site over public roads without prior approval by Martin County.

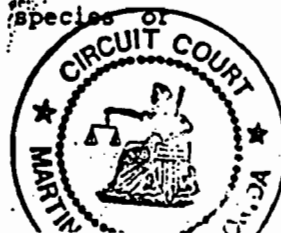
11. Landscaping - Landscaping will be installed around the new plant administration buildings and around and within employee and visitor parking areas. Such landscaping will meet the spacing and plant material standards in Section 23, Article III, Landscape Requirements, of the Martin County Code of Laws and Ordinances. Additional landscape requirements for the planned power plant facilities within this PUD(i) are unnecessary.

12. Noise - The plant shall be operated so as not to cause unreasonable levels of sound during normal operations to reach the boundary of any currently existing, adjacent residential district. To mitigate the effects of noise produced by any planned steam blow, FPL shall provide general public notice prior to such activities to forewarn residents of the estimated time and duration of the noise.

13. Archaeological Artifacts - In the event of discovery of archaeological artifacts during project construction, FPL shall stop construction in that area and notify the Division of Historical Resources of the Florida Department of State. Proper protection or mitigation, to the satisfaction of the Division, shall be provided by FPL.

14. Protection of Endangered Plants and Animals - In the event that any threatened or endangered species of

EXHIBIT "F"



species of special concern as defined by the U.S. Fish and Wildlife Service (USFWS) or the Florida Game and Freshwater Fish Commission (GFC) or endangered or threatened plants as identified by the Florida Department of Agriculture and Consumer Services (ACS) are identified during the certification process, FPL shall consult with the appropriate agency. Proper protection or mitigation, to the satisfaction of the appropriate agency, shall be provided by FPL.

STATE COURT
COUNTY OF MARTIN
THIS IS TO CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY OF THE
ORIGINAL FILED IN THE
MARTIN COUNTY, FLORIDA
BY: *[Signature]* CLERK
DATE: *11/19/89* D.C.

10.2.4

MARTIN EXPANSION PROJECT PLANNED UNIT DEVELOPMENT
ZONING AGREEMENT

MARTIN EXPANSION PROJECT
PLANNED UNIT DEVELOPMENT ZONING AGREEMENT

THIS AGREEMENT, made and entered into this 8th day of August, 1989, by and between FLORIDA POWER AND LIGHT CO. (FPL), a Florida corporation, hereinafter referred to as "OWNER" and the BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY".

W I T N E S S E T H

WHEREAS, it is the desire of Owner to develop (in accordance with development plans, as the same may be revised from time to time) an Industrial Planned Unit Development (hereinafter sometimes referred to as "PUD(i)") consisting of combined cycle electric generating plants and coal gasification facilities, together with appurtenant and supportive facilities, said development to be known as "MARTIN EXPANSION PROJECT", situated and being in Martin County, Florida, and legally described on Exhibit "A" which is attached hereto and made a part hereof; and,

WHEREAS, the zoning ordinances and regulations of Martin County permit this type of consolidated development subject to a Planned Unit Development Agreement (hereinafter sometimes referred to as "PUD AGREEMENT"); and,

WHEREAS, the Martin County Comprehensive Plan expressly encourages PUD(i) zoning for expansions of FPL's Martin power plant site; and

WHEREAS, it is the desire of the County to encourage this form of development; and

WHEREAS, the Martin Expansion Project will be evaluated during proceedings under the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes, in which Martin County may participate fully as a party and may raise questions or objections to the proposed plan; and

834/897

(c) It is agreed and understood that the remaining development of this PUD(i) must be accomplished in accordance with the site certification order issued under the Florida Electrical Power Plant Siting Act, which order will constitute the final development plan approval for this PUD(i); provided that such final development plan approval is consistent with the preliminary development approval granted by Martin County.

2. The Timetable of Development as officially adopted by the County and agreed to by Owner, as shown in Exhibit "E" attached hereto and made a part hereof, shall be adhered to by the Owner.

3. The Special Conditions adopted or imposed by the County in the process of the approval of the zoning change to PUD(i) for the property, which requirements are set forth in Exhibit "F" attached hereto, are made a part hereof.

4. All permits and authorizations shall be granted in accordance with such laws, ordinances and regulations as may be in effect at the time of such approval.

III. VESTED RIGHTS

The Owner shall have the right to develop the PUD(i) in accordance with applicable laws, ordinances and regulations, the provisions and requirements of this Agreement and the preliminary and final development plans. Failure to comply with such provisions or requirements shall be deemed a breach of this Agreement and Section VI of this Agreement shall be applicable.

IV. DESTRUCTION

In the event that all or a portion of the PUD(i) should be destroyed by a storm, fire or other common disaster, the Owner, its grantees, successors or assigns, shall have the right to rebuild and/or repair so long as

there is compliance with the final development plans, as the same may be amended from time to time.

V. CHANGE OR AMENDMENT

There shall at all times be a strict adherence to the provisions of this Agreement and the preliminary and final development plans. Any change or amendment to this Agreement that would not also require change or amendment to the final development plan shall be made in accordance with Section 33-581.1 of the Code of Laws and Ordinances of Martin County, Florida. Any change or amendment to the final development plan that also would require amendment or change to any other provision of this Agreement shall be made in accordance with Section 33-581.1 of the Code of Laws and Ordinances of Martin County, Florida, and the Florida Electrical Power Plant Siting Act. Any change or amendment to the final development plan that would not require amendment or change to any other provision of this Agreement shall be made in accordance with the Florida Electrical Power Plant Siting Act.

VI. BREACH OF AGREEMENT

1. In the event that the Owner, its grantees, successors or assigns, has not sought an initial building permit within twelve (12) months of the approval of the final development plan under the Florida Electrical Power Plant Siting Act, has fallen behind the agreed development construction schedule as set forth in Exhibit "E" by twelve (12) months or more, or has violated any of the terms of the PUD Agreement in any material respect, the Board of County Commissioners may serve notice to the Owner in writing of the date and place of a public hearing on the PUD(i), at which time the Owner will be given an opportunity to explain the reasons for the scheduling delays and/or violation of the terms of the Agreement and to propose a method of fulfilling its obligations under this Agreement. The County

may, at its discretion, allow the Owner, by amendment of this PUD Agreement, time to demonstrate its willingness to meet the County's conditions.

2. If at the end of a reasonable period of time, in this case no more than six (6) months from the date notice is served on the owner as described above, the Owner is clearly unable or unwilling to abide by this Agreement, or if the conditions of this Agreement have in some other manner been clearly violated, the Board of County Commissioners may initiate a comprehensive plan land use amendment to cause the property to revert to its immediately pre-existing land use designation, or to the most appropriate land use designation for the property involved, and may advertise for a public hearing on the PUD(i), the purpose of which shall be to cause the property to revert to its immediately pre-existing zoning classification, or to rezone the property to the most appropriate zoning classification. Public hearings on such land use and/or zoning amendments shall follow those procedures in effect for voluntary requests for land use amendments and rezonings, including any applicable hearings before the Local Planning Agency and the Planning and Zoning Commission.

3. In the event of such breach of this Agreement and the reversion of the property to its prior zoning classification or rezoning of the property to a new zoning classification, no further building permits shall be issued to the Owner or to its successors in interest based upon the final development plans and amendments thereto, if any. Those portions of the property which may have buildings or structures constructed upon them in conformity with the development plans shall thenceforth be regarded as nonconforming uses with respect to the revised zoning classification, if, in fact, they are.

4. The above provisions shall not be interpreted to provide an exclusive remedy, and County may pursue any appropriate remedy at law or equity in the event Owner or its successors in interest fail to abide by the provisions of this Agreement

VII. JURISDICTION

The parties hereto further agree that any and all suits or actions at law shall initially be brought in Martin County, Florida, and no other jurisdiction.

VIII. SUCCESSORS AND ASSIGNS

This Agreement shall be binding upon the parties hereto, their successors in interest, heirs, assigns and personal representatives.

IX. NOTICE

All notices given pursuant to the terms of this Agreement or which any party may desire to give hereunder shall be in writing and delivered personally, telegraphed or sent registered or certified mail and shall be conclusively presumed to have been given by such delivery. All notices shall be given to each of the following:

OWNER/DEVELOPER: Wylie H. Sanders
District General Manager
Florida Power & Light Company
Post Office Box 2357
Stuart, Florida 34995

With copies to: John T. Carmody, Jr.
Gunster, Yoakley, Criser &
Stewart, P.A.
10 Central Parkway, Suite 400
Stuart, Florida 34994

Wayne Ondler
Florida Power & Light Company
6001 Village Boulevard
West Palm Beach, Fl. 33407

COUNTY: Martin County Board of
County Commissioners
2401 S.E. Monterey Road
Stuart, Florida 34996

IN WITNESS WHEREOF, the parties hereto have executed these presents on the date first above written. The date of this Agreement shall be the date on which this Agreement was

approved by the Board of County Commissioners of Martin County, Florida.

Signed, sealed and delivered in the presence of:

FLORIDA POWER & LIGHT CO., a Florida corporation

[Signature]
Cassie G. Hilder

BY: [Signature]
Wylie H. Sanders

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF Martin

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgments, personally appeared Wylie H. Sanders, District General Manager of Florida Power & Light Company, a Florida corporation, to me known to be the person described herein and who executed the foregoing, and acknowledged the execution thereof to be his free act and deed as the authorized agent of such corporation, for the uses and purposes therein mentioned, and the said instrument is the act and deed of said corporation.

WITNESS my hand and official seal this 22 day of Sept., 1989.

[Signature]
Notary Public

My Commission Expires:
Notary Public, State of Florida
"OWNER" My Commission Expires Nov. 4, 1990
Issued The New York Life Insurance Co.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

[Signature] BY: [Signature]
Clerk Chairman

APPROVED AS TO FORM AND CORRECTNESS:

[Signature]
County Attorney

"COUNTY"

MARTIN EXPANSION PROJECT

LEGAL DESCRIPTION

A parcel of land lying in Township 39 South, Range 38 East, Martin County, Florida, said land being described as follows:

The East 1,555 feet of the East half of Section 19, as measured parallel to and perpendicular to the East line of Section 19, and the South 2,100 feet of the East half of Section 19, as measured parallel to and perpendicular to the South line of Section 19; the South 2100.00 feet of the West half of Section 20, as measured parallel to and perpendicular to the South line of Section 20; the North 3750.00 feet of the West half of Section 29, as measured parallel to and perpendicular to the North line of Section 29; and the East 1555.00 feet of the North 3750.00 feet of the East half of Section 30, as measured parallel to and perpendicular to the East and North line of Section 30 respectively.

TOGETHER WITH:

The West half of Section 20, less the South 2100 feet, as measured perpendicular and parallel to the South line of Section 20; all that part of the East half of Section 20, and Section 21 lying South of the South right-of-way line of the C.S.X. Railroad; all of Section 28, and the East half of Section 29; the East 1500.00 feet of the West half of Section 29 as measured parallel and perpendicular to the East line of the West half of Section 29, less the North 3750.00 feet as measured parallel and perpendicular to the North line of Section 29.

LESS:

The East 1,550 feet of the South 2,100 feet of Section 19, Township 39 South, Range 38 East.

The West 1,600 feet of the South 2,100 feet of Section 20.

The West 1,600 feet of the North 1,120 feet of Section 29, Less the West 678.66 feet of the South 178 feet of the North 1,120 feet of said Section 29.

The East 1,555 feet of the North 941.94 feet of Section 30.

Containing 2192.24 acres, more or less, and subject to easements and rights-of-way of record.

MARTIN EXPANSION PROJECT

OWNERSHIP CERTIFICATION

I, Jay Molyneaux, a member of the Florida Bar, hereby certify that apparent record title to the property described in Exhibit "A" to that Planned Unit Development Zoning Agreement dated the 8th day of August, 1989, by and between Florida Power & Light Company and the Board of County Commissioners of Martin County, is in the ownership of Florida Power & light Company, a Florida corporation.

Dated this 22 day of September, 1989.

By. 

Jay Molyneaux
Florida Power & Light Company
Post Office Box 14000
Juno Beach, Florida 33408-0420
(407) 694-4313

EXHIBIT "B"

MARTIN EXPANSION PROJECT

UNIFIED CONTROL

The undersigned, being the Owner of the property described in Exhibit "A" to the Planned Unit Development Zoning Agreement, dated the 8th day of August, 1989, between Florida Power & Light Co. (FPL), and the Board of County Commissioners of Martin County, does hereby covenant and agree:

1. That said described parcel shall be held under single ownership and shall not be transferred, conveyed, sold, divided or assigned in any unit other than in its entirety; PROVIDED, HOWEVER, that:

(a) If the Project is designed and planned to be constructed as phases comprised of separate facilities and each principal facility complies with the requirements contained within the PUD Agreement, then each such facility or portion of the Project site for such principal facility may be separately conveyed, sold, divided, assigned and otherwise transferred to individuals and others, natural or corporate, upon final development plan approval. The phrase "principal facility" means any or all of the following: a combined cycle unit alone; a coal gasification unit alone; and a combined cycle/coal gasification unit combined.

(b) FPL shall own and maintain common elements, common open areas and developed recreation areas, if any. However, if FPL conveys to a third party any principal facility or any portion of the Project site for construction of a principal facility, the common elements, common open areas and developed recreation areas, if any, may be conveyed to an organization or other legal entity so long as (i) prior to such conveyance of common elements, common open areas, or developed recreation areas, if any, FPL complies, either before or after final development plan approval, with Section 33-578(8)(c), Code of Laws of Martin County, pertaining to the use, maintenance and operation of common

EXHIBIT "C"

areas; and (ii) such conveyance shall be subject to the express restriction that the subject property will never be used for any purpose other than as common elements, common open areas or developed recreation areas as applicable.

(c) Other portions of the subject property that will be used or maintained by governmental, environmental, charitable or other organizations or agencies may be separately conveyed, sold, divided, assigned and otherwise transferred for such purposes as the Board of County Commissioners of Martin County, Florida, may deem appropriate.

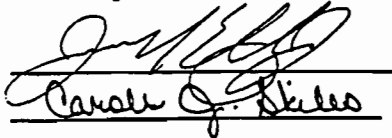
2. Nothing herein contained shall limit, in any manner, the undersigned, or its successors or assigns, to mortgage or encumber the property or any part thereof.

3. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land and shall remain in full force and effect and be binding on the undersigned, its successors and assigns, until such time as the same may be released in writing by the Board of County Commissioners of Martin County, Florida.

4. The undersigned further agrees that this instrument may be recorded in the public records of Martin County, Florida.

IN WITNESS WHEREOF, the party hereto has executed these presents on the date indicated below.

Signed, sealed and delivered
in the presence of:


Carol J. Skiles

FLORIDA POWER & LIGHT CO.
a Florida corporation


BY: Wylie H. Sanders

District General Manager

(CORPORATE SEAL)

Date: Sept. 22, 1989

STATE OF FLORIDA

COUNTY OF Martin

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgments, personally appeared Wylie H. Sanders, District General Manager, of Florida Power & Light Co., a Florida corporation, to me known to be the person described herein and who executed the foregoing, and acknowledged the execution thereof to be his free act and deed as the authorized agent of the corporation, for the uses and purposes therein mentioned, and the said instrument is the act and deed of said corporation

WITNESS my hand and official seal this 22 day of Sept, 1989.

Eric A. Sanchez
Notary Public

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Nov. 14, 1990
Headed The Year Into - Insurance Inc.

EXHIBIT "C"

MARTIN EXPANSION PROJECT
PRELIMINARY DEVELOPMENT PLAN

EXHIBIT "D"

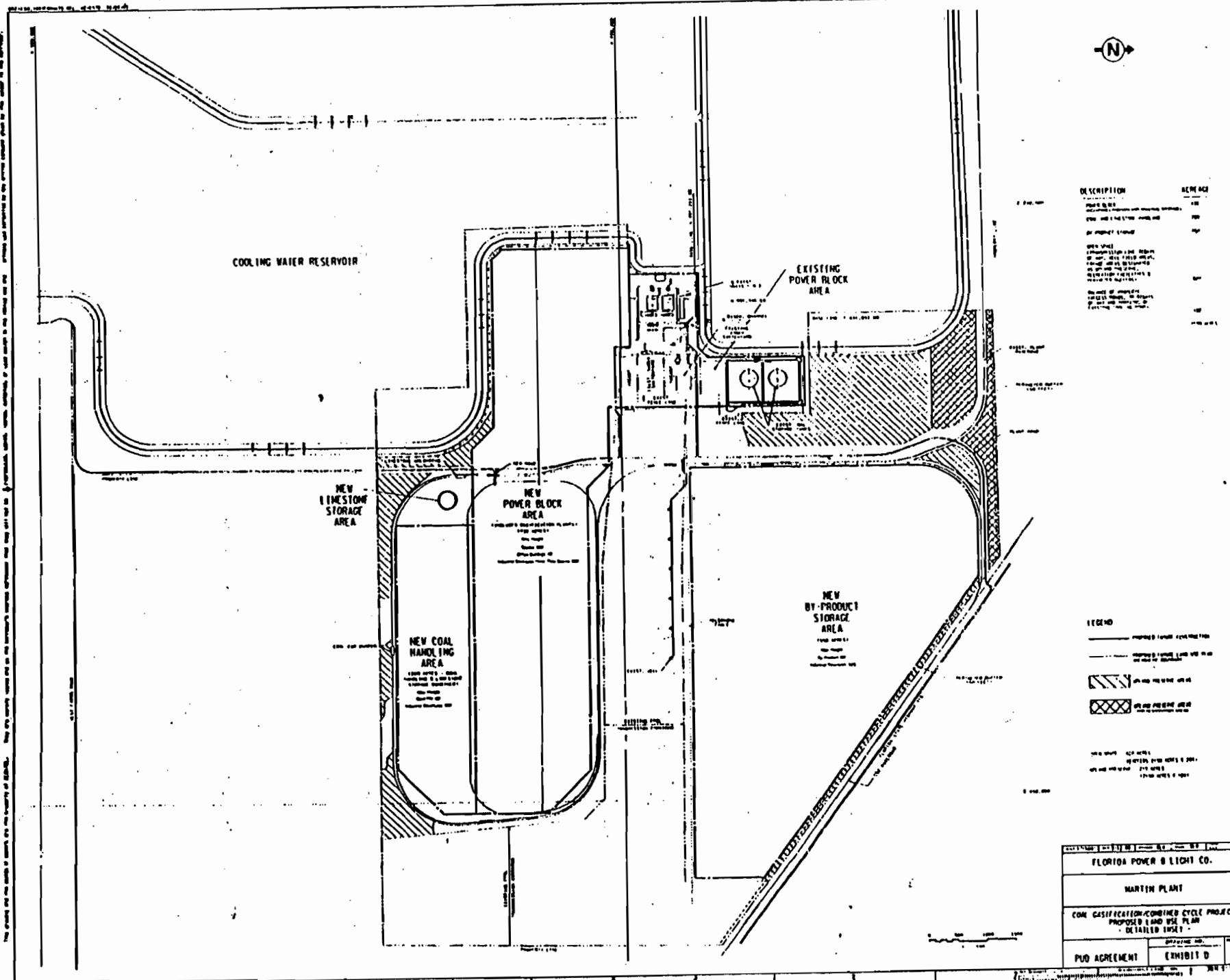


| DESCRIPTION | ACREAGE |
|-----------------------------|---------|
| POWER BLOCK | 100 |
| EXISTING POWER BLOCK AREA | 100 |
| NEW LIME STONE STORAGE AREA | 100 |
| NEW COAL HANDLING AREA | 100 |
| NEW BY-PRODUCT STORAGE AREA | 100 |
| NEW POWER BLOCK AREA | 100 |
| COOLING WATER RESERVOIR | 100 |

LEGEND

- PROPOSED CANAL
- EXISTING CANAL
- /// EXISTING PAVED AREA
- XXX EXISTING ASPHALT PAVED AREA

| | |
|--|-----------|
| FLORIDA POWER & LIGHT CO. | |
| MARTIN PLANT | |
| COMBINATION-COMBINED CYCLE PROJECT PROPOSED LAND USE PLAN DETAILED INDEX | |
| PUD AGREEMENT | EXHIBIT D |



MARTIN EXPANSION PROJECT

TIMETABLE OF DEVELOPMENT

This development will be constructed in accordance with the Preliminary Development (Master) Plan, a reduced copy of which is attached hereto as Exhibit "D" and made a part hereof. The principal facilities to be constructed and the periods of time after the date of final development plan approval, as represented by the site certification order under the Florida Electrical Power Plant Siting Act, within which such facilities are to be completed is as follows:

1. Within twelve (12) months after the Siting Board's site certification order becomes final, FPL shall submit to Martin County its initial building permit application for at least one principal facility as defined below. The site certification of the Martin Expansion Project is expected to become final no later than July, 1991. This agreement recognizes, however, that the site certification proceedings, which will result in final development plan approval for the PUD(i), could be extended due to circumstances inherent in such licensing efforts.
2. Within eighteen (18) months after the Siting Board's site certification order becomes final, FPL shall commence physical site preparation; provided, however, that no permit for such site preparation work shall cause any period of time set forth in Paragraph 3, below, to commence.
3. Construction of each principal facility of the Martin Expansion Project, as defined herein, shall be completed within the following period of time after issuance of the building permit for its construction:
 - (a) each combined cycle unit alone, 48 months;

EXHIBIT "E"

(b) each coal gasification unit alone, 48 months;

-- or --

(c) each combined cycle/coal gasification unit
combined, 60 months.

4. Construction of all principal and associated facilities of the Martin Expansion Project shall be completed within 15 years after the Siting Board issues its final site certification order, in accordance with Florida Department of Environmental Regulation Rule 17-17.241, F.A.C.

MARTIN EXPANSION PROJECT

SPECIAL CONDITIONS

1. Permitted Uses - The uses permitted within the PUD(i) shall be those associated with the generation and transmission of electricity and those shown on the preliminary and final development plans for the site. These uses shall include combined cycle electric generating units, coal gasification facilities, coal handling and storage facilities, by-product storage areas, rail transportation facilities, electric transmission lines, and associated facilities. The proposed expansion project will convert coal to a low sulfur, medium BTU fuel gas and generate power from the cleaned fuel. Until the coal gasification plants are brought on line, natural gas will serve as the primary fuel for the combined cycle units with oil as a backup. Once the coal gasification plants are brought on line, coal-derived gas will serve as the primary fuel for the combined cycle units with natural gas or oil as backup. A conceptual layout plan for a typical 1600 MW coal gasification/combined cycle plant for these uses and facilities is attached to this agreement as Attachment 1 to this Exhibit "F". This plan is subject to modification based on detailed site planning and engineering required as part of the certification of the plant in conjunction with final development plan approval (site certification) process. These uses and facilities are described in greater detail in Attachment 2 to this Exhibit "F".

2. Potable Water - The Martin Expansion Project will be developed with an interim potable water system pursuant to an interim water system agreement, attached hereto and incorporated herein as Attachment 3 to this Exhibit "F".

3. Wastewater Treatment - A municipal/public sanitary wastewater treatment system is not available to serve the

EXHIBIT "F"

PUD(i) site. Sanitary wastewater treatment needs will be satisfied by on-site aerobic treatment facilities. Following tertiary treatment, treated effluent will be discharged to the existing power plant cooling pond. During construction, temporary portable facilities may be used to provide sanitary services at remote locations within the site.

4. Upland Preserve and Restoration Areas - No construction or alteration shall be permitted within any of the upland preserve and restoration areas as delineated and labeled on the approved development plans, as shown on Exhibit "D" (219 acres) to this Agreement and Attachment 5 to this Exhibit "F" (Areas D and E, 94 acres), except in accordance with the upland preserve and restoration area management plan which shall be reviewed and approved as part of the final development plan approval (site certification). The total amount of upland preserve and restoration areas on and off-site and subject to this condition is 313 acres. The objectives of that plan shall be: 1) removal and management of exotic vegetation and debris; 2) revegetation in partially disturbed areas by discontinuing present mowing practices or relocating compatible native species from development areas on site; 3) staking and barricading procedures around these areas during construction; and 4) other appropriate measures deemed necessary to protect the long term viability of these areas.

5. Size and Dimension Criteria - The construction of all structures within the Martin Expansion Project PUD(i) will be governed by the size and dimension criteria indicated on the approved preliminary and final development plans. The relative dimensions of the planned facilities for this PUD(i) are shown in the conceptual layout plan, described in Special Condition 1 and attached to this agreement as Attachment 1 to Exhibit "F".

EXHIBIT "F"

6. Performance Standards - The performance standards for industrial planned unit developments set forth in section 33-581.44(G) and (H), Martin County Code of Laws and Ordinances shall be satisfied as follows:

- A. No smoke of a density greater than No. 1, according to Ringelmann's scale, shall be emitted, except that smoke not in the excess of No. 2, Ringelmann's scale shall be permitted for not more than six (6) minutes of any one hour.
- B. No particle from any flue or smokestack exceeding two-tenths (0.2) grains per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit shall be permitted.
- C. Emissions of odors, dust and dirt will be controlled according to the conditions of certification for the Martin Expansion Project as established in the final site certification order under the Florida Electrical Power Plant Siting Act.
- D. No processes which result in the escape of obnoxious gases or fumes in concentrations dangerous to plant or animal life or damaging to property as defined by state and federal regulations shall be permitted.
- E. Industrial sewage wastes shall be disposed of according to the conditions of certification for the Martin Expansion Project as established in the final certification order under the Florida Electrical Power Plant Siting Act.
- F. All unenclosed buildings used for industrial activities either shall be set back one-quarter (1/4) mile from any abutting officially designated residential district existing as of the date of this Agreement or be screened pursuant to the

EXHIBIT "F"

provisions of Section 23-56(f), Code of Laws and Ordinances of Martin County.

- G. FPL shall comply with the requirements of the "Life Safety" sections of the National Fire Code. Additional fire protection measures for the Martin Expansion Project shall be taken in accordance with Attachment 4 to this Exhibit "F". Within the power block and coal handling areas, hydrants will be spaced no more than 250 feet from any building and no more than 500 feet apart.
- H. The maximum height for any stack shall be 500 feet. The maximum height of any industrial structure other than stacks shall be 225 feet. The maximum height of any office building shall be 40 feet. The maximum height for any coal pile or by-product storage area shall be 60 feet. These heights have been approved by granting of a special exception by the Martin County Board of County Commissioners on August 8, 1989, Resolution No. 89-8.21, pursuant to sections 35-4.3 and 35-5.8, Code of Laws and Ordinances of Martin County.
- I. Perimeter buffers adjacent to all existing residential uses or districts are shown on Exhibit D. The buffer along the north property boundary will be supplemented with native vegetation relocated from development areas on-site. The purpose of this requirement is to recreate the pine/palmetto native plant association and to provide a solid visual screen measuring a minimum of six (6) feet in height upon installation.
- J. Lighting within the Martin Expansion Project will be designed and installed according to appropriate lighting level guidelines of the Illuminating Engineering Society.

Design compliance with these performance standards A through J and with applicable state and federal environmental performance standards shall be demonstrated as part of the final development plan approval (site certification) process.

7. Wetlands - An Ecological Resources, Enhancement and Restoration Program for the Martin Expansion Project shall be undertaken to mitigate and compensate for the encroachment on functional wetlands by the Project, in accordance with the wetland performance standards and the exemption for public utilities in section 4-3(B), Waivers, of the Martin County Comprehensive Plan. The Program will be undertaken within Restoration Areas A, B and C shown on Attachment 5 to this Exhibit. The total area subject to this condition represents 462 acres which include existing wetlands and wetlands to be restored (188 acres) and adjacent upland buffers (274 acres). This Program shall be consistent with the wetlands mitigation and compensation requirements of other regional, state and federal agencies. The detailed Program shall be included in the application for final development plan approval (site certification) and shall at minimum include the following objectives to be undertaken by FPL:

- a) Elimination of cattle grazing (except Area C and the northeast fork of Area A);
- b) Control of feral hog population;
- c) Control of exotic vegetation;
- d) Restoration of natural drainage patterns and hydroperiods; and
- e) Monitoring of restoration activity results.

8. Bikepath - In lieu of the construction of a bicycle path along the frontage of State Road 710 abutting the proposed PUD(i) site, FPL agrees to pay \$81,000 for community facilities within the Indiantown area prior to final development plan approval (site certification).

EXHIBIT "F"

9. Hazardous Waste Management - FPL shall adopt, prior to the commencement of operations of the Martin Expansion Project, a Hazardous-Waste Management Plan consistent with and at the same level of detail as the Hazardous-Waste Management Plan for existing Martin Units 1 and 2, a copy of which is Attachment 6 to this Exhibit.

10. Excavation and Fill - The application for final development plan approval (site certification) shall demonstrate compliance with the substantive provisions of the Excavation and Fill Ordinance, Sections 33-804, 805, 806 and 809, Code of Laws and Ordinances of Martin County, to the maximum extent practicable. All side slopes for drainage and roadside swales either shall be established at a 4:1 slope and covered with mulch or at a 3:1 slope and covered with sod or with other means of soil stabilization which results in an established ground cover on the slope. No excavated fill material shall be hauled to or from the site over public roads without prior approval by Martin County.

11. Landscaping - Landscaping will be installed around the new plant administration buildings and around and within employee and visitor parking areas. Such landscaping will meet the spacing and plant material standards in Section 23, Article III, Landscape Requirements, of the Martin County Code of Laws and Ordinances. Additional landscape requirements for the planned power plant facilities within this PUD(i) are unnecessary.

12. Noise - The plant shall be operated so as not to cause unreasonable levels of sound during normal operations to reach the boundary of any currently existing, adjacent residential district. To mitigate the effects of noise produced by any planned steam blow, FPL shall provide general public notice prior to such activities to forewarn residents of the estimated time and duration of the noise.

13. Archaeological Artifacts - In the event of discovery of archaeological artifacts during project construction, FPL shall stop construction in that area and notify the Division of Historical Resources of the Florida Department of State. Proper protection or mitigation, to the satisfaction of the Division, shall be provided by FPL.

14. Protection of Endangered Plants and Animals - In the event that any threatened or endangered species or species of special concern as defined by the U.S. Fish and Wildlife Service (USFWS) or the Florida Game and Freshwater Fish Commission (GFC) or endangered or threatened plants as identified by the Florida Department of Agriculture and Consumer Services (ACS) are identified during the certification process, FPL shall consult with the appropriate agency. Proper protection or mitigation, to the satisfaction of the appropriate agency, shall be provided by FPL.

15. By-Product Storage Area Construction Plan - In consultation with Martin County staff, FPL shall prepare a by-product storage area phasing plan which proposes construction of the storage area beginning from the western boundary of the designated by-product storage area (as shown on Exhibit "D" of this agreement) and progressing eastward.

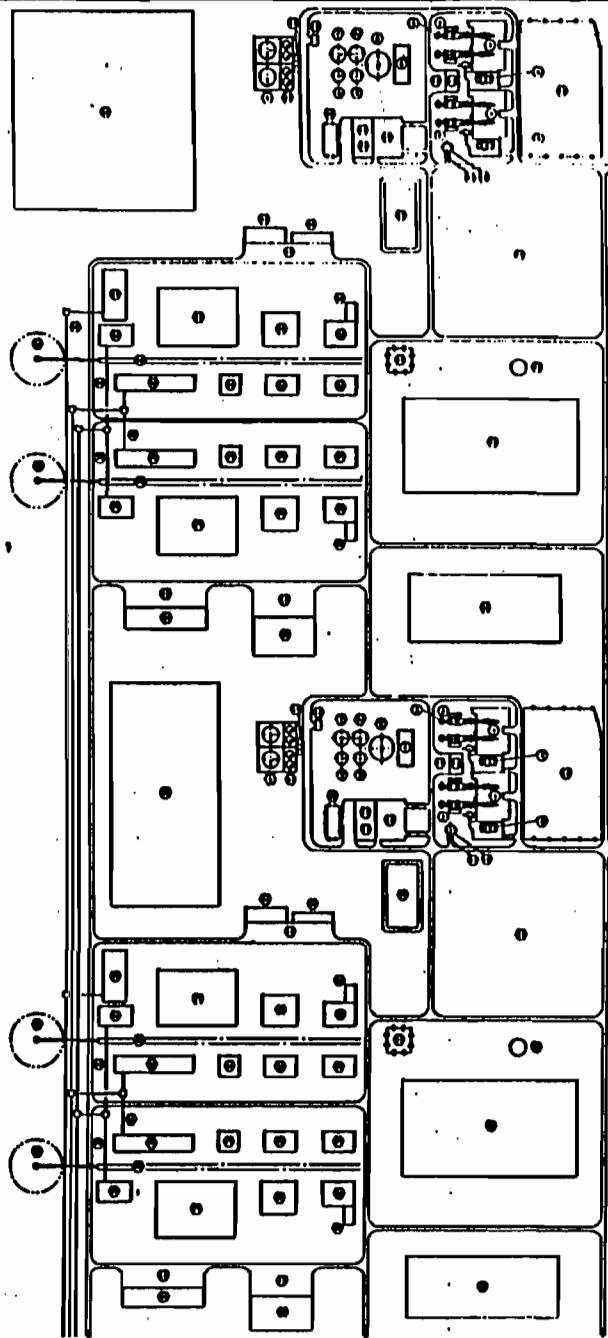
16. Wetlands In By-Product Storage Area - In the event the coal gasification slag by-product is successfully marketed and all of the by-product storage area (as shown on Exhibit "D" of this agreement) is not utilized, wetlands in that area not required to be filled as part of the phased construction plan (developed pursuant to Condition 15 of this Exhibit "F") will be left intact and maintained in their natural state subject to a management plan.

17. Locally Available Employment Applications - At times of substantial hiring from the general public by FPL for the Martin Expansion Project, FPL shall make employment

application forms available, with reasonable public notice,
at one or more locations in Indiantown accessible by the
general public.

EXHIBIT "F"

BEST AVAILABLE COPY



LEGEND

- (1) Gas Turbine
- (2) Gas Turbine Inlet
- (3) Air
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NOTE

THIS PLAN IS A GENERAL REPRESENTATION OF THE PLANT LAYOUT AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES. THE ACTUAL LAYOUT MAY VARY FROM THIS PLAN.

Attachment 1 to Exhibit F

| | |
|--|-----|
| FLORIDA POWER & LIGHT COMPANY | |
| MARTIN PLANT | |
| COAL GASIFICATION/COMBINED CYCLE TYPICAL PLANT LAYOUT 1500 MW | |
| FIGURE | 101 |

MARTIN EXPANSION PROJECT

DESCRIPTION OF PLANT COMPONENTS
AND LAND USE WITHIN THE PUD (1)

The land uses and plant components shown on the Preliminary Development Plan, Exhibit D, and on the Coal Gasification/Combined Cycle Typical Plant Layout, Attachment 1 to this Exhibit "F" are described below:

A. Power Block Area: The new power block area will contain key combined cycle components. These generally include the combustion turbine/generators; coal gasification facilities; heat recovery steam generators; steam turbine/generators; and condensers. Other facilities in the power block area include administration, service and maintenance buildings; oil storage tanks and pumps; control buildings; water and wastewater treatment facilities; tanks; basins; stacks; switchyards and parking areas. Key coal gasification facilities components generally include coal grinding and drying modules; oxygen plant; gasifiers; gas treatment; sulfur recovery modules; and process and effluent water treatment.

B. Coal and Limestone Handling Areas: These areas will include coal and limestone unloading, storage, and reclaim equipment as well as runoff collection basins. The coal, to be converted to gas, will be delivered by rail and discharged to the storage area and distributed to either the active (short-term storage) pile or the inactive (long-term storage) pile. Reclaim is accomplished by means of a traveling bucket reclaimer or equivalent. The coal is then crushed and conveyed to the coal preparation system in the

gasifier block. Limestone will be similarly delivered by rail and discharged into a hopper. The limestone is then conveyed to the storage pile, where it can be reclaimed by means of an under-pile hopper and fed to the coal preparation system in the gasifier plant.

C. By-Product Storage: This area is sized to store the slag, an inert glassy material, with the appearance of coarse sand, produced as a result of the gasification process, during the expected thirty year operating life of the plant. The slag by-product will be stored onsite in an approximately 550-acre storage area not more than 60 feet high. The by-product will be distributed over this area in a manner which maintains a stable storage state.

D. Laydown and Material Storage: This area will be used for storage of large pieces of equipment prior to initial installation and will also include temporary laydown of warehouse inventory prior to storage, etc.

E. Transmission Corridor/Access Road Areas: These areas will include rights-of-way access for existing power lines which will support the transmission of electricity off-site as well as access for site ingress/egress roadways. The transmission line rights-of-ways are expected to remain largely vegetated. The site access road system is largely established.

E. Traffic Circulation: Access to and from the site will continue to be provided by Plant Road from SR 710. Plant Road extends southward along the east side of the currently developed portion of the site. From Plant Road, ancillary roadways will provide access to various components, including administrative areas. the circulation system will be adequate for the

employment levels and final plant design; no public throughways are planned.

G. Parking and Loading Areas: The main parking area will be provided near the administrative offices. Other smaller parking areas will be located near operating stations. Major loading/unloading and storage areas are designated on the conceptual layout; vehicle docking facilities will be provided at appropriate locations.

INTERIM POTABLE WATER SYSTEM AGREEMENT

THIS AGREEMENT made this 8th day of August, 1989, by and between COUNTY OF MARTIN, a political subdivision of the State of Florida, hereinafter referred to as "County" and Florida Power & Light Co. (FPL), hereinafter referred to as "Owner".

WHEREAS, Owner warrants that it is the owner(s) of a parcel of property within the County known as the Martin Expansion Project Site, as more particularly described in Exhibit "A" attached hereto, hereinafter referred to as the "property" or "project"; and

WHEREAS, said property qualifies under the interim potable water system provisions of the Martin County Code for use of an on-site potable water system on an interim basis; and

WHEREAS, the County's interim potable water system regulations require certain commitments from Owner as conditions to development approval for a project using an interim water system.

NOW THEREFORE, the parties covenant and agree as follows:

1. Owner shall be permitted to develop the project known as the Martin Expansion Project using an on-site potable water system on an interim basis.
2. Owner must construct said system according to a design acceptable to the County. The use of wells on individual residential lots shall not be deemed acceptable.
3. Final development plan approval for this project (i.e., site certification) will constitute the permit for the water system from the Florida Department of Environmental Regulation and any other agency with regulating powers over potable water systems.

4. Owner agrees that the water lines of this system shall be connected to the County water system, or such major water system as the County may designate, within six (6) months of written demand being made by the County. Such demand may be made by the County at any time the lines of a major utility are within 150 feet of any boundary of the property described in Exhibit "A".

5. At the time of connection to the major water system designated by the County, Owner shall be required to pay all then current rates and charges, including capital facility charges and connection costs, imposed by the major utility, and accept potable water service pursuant to such terms as have been established by the major utility.

6. At the time of connection to a major potable water system, Owner shall convey deeds to all real property required for service to the project and easements required for current and future connections and maintenance of the system at no cost to the County or the major utility.

7. Owner shall submit to County a copy of a current consumptive water use permit issued to the Owner by the South Florida Water Management District if one is required. If the proposed withdrawal is below the level requiring the issuance of a consumptive use permit by the South Florida Water Management District, the County may require Owner to provide a hydrological study that verifies that the proposed withdrawal is consistent with Chapter 9 of the Martin County Comprehensive Plan.

8. The requirement to connect to a major utility provided for herein shall be clearly noted on the plat of the subject property. If the property is unplatted, such notice shall be provided on all deeds to the property or by such other method as the County may approve.

9. The provisions of this Agreement shall not affect the Owner's requirement to comply with all applicable fire protection regulations.

10. A copy of this Agreement shall be filed in the records of the County where the property is located.

11. Until further written notice by either party to the other, all notices provided for herein shall be in writing and transmitted by messenger, by mail or by telegram, and if to County, shall be mailed or delivered to:

Martin County Board of County Commissioners
c/o Public Utilities Director
2401 S.E. Monterey Road
Stuart, Florida 34996

-with a copy to:

Martin County Attorney
2401 S.E. Monterey Road
Stuart, Florida 34996

Martin County Administrator
2401 S.E. Monterey Road
Stuart, Florida 34996

and if to Owner, shall be mailed or delivered to it at:

Florida Power & Light Co.
PRS-EDO
6001 Village Boulevard
West Palm Beach, Florida 33407

with a copy to:

Florida Power & Light Co.
JEN/EDO
6001 Village Boulevard
West Palm Beach, Florida 33407

12. Nothing in this Agreement shall be considered approval by the County of any part of Owner's proposed project.

13. This Agreement may be amended only by written document, properly authorized, executed and delivered by both parties hereto. All interpretations shall be governed by the laws of the State of Florida. Waiver of any breach shall not constitute waiver of any other breach. Invalidation of any portion of this Agreement shall not automatically invalidate the entire Agreement. This Agreement shall bind and the benefits and advantages shall inure to the respective heirs, executors, administrators, successors or assigns of the parties hereto, and all future

owners of any portion or all of the property described in Exhibit "A" hereto.

14. Upon failure of the Owner to make the connections required by this Agreement or pay any sums of money required for such connection, the County shall have the right, after giving thirty (30) days written notice of its intent to do so, to effect such connections and to impose a lien or liens upon the property described in Exhibit "A" hereto in an amount equal to all costs incurred by County in effecting such connection, including all applicable attorney's fees, legal and administrative costs.

The remedy provided for herein shall not be deemed an exclusive remedy and the County shall be entitled to seek any and all remedies available to it for breach of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this 22 day of September, 1989.

(Corporate Seal)

FLORIDA POWER & LIGHT CO.

By: Wyllie H. Sanders
Wyllie H. Sanders

[Signature]
Witness

Carole J. Skiles
Witness

STATE OF FLORIDA:
COUNTY OF Martin:

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Wyllie H. Sanders, well known to me to be the District General Manager of Florida Power & Light Company, the corporation in whose name the foregoing instrument was executed, and that he acknowledged executing the same as the authorized agent of such corporation, freely and voluntarily under authority duly vested in him by such corporation, and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal this 22 day of Sept., 1989.

[Signature]
Notary Public

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Nov. 14, 1990
Headed Three Year Term - Insurance Inc.

Attachment 3 to
EXHIBIT "F"

ATTEST:

Wanda Steen
Clerk

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: Hunter Irons Jr.
Vice Chairman

APPROVED AS TO FORM AND
CORRECTNESS:

John A. Ferguson
County Attorney

Attachment 3 to
EXHIBIT "F"

MARTIN EXPANSION PROJECT

SYSTEM DESCRIPTION FOR
FIRE PROTECTION SYSTEM

Attachment 4 to
Exhibit "F"

SYSTEM DESCRIPTION
FOR
FIRE PROTECTION SYSTEM

| SECTION | | PAGE |
|---------|--------------|------|
| 1.0 | FUNCTION | FP-1 |
| 2.0 | DESIGN BASIS | FP-1 |
| 3.0 | DESCRIPTION | FP-2 |
| 4.0 | REFERENCES | FP-5 |

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FIRE PROTECTION SYSTEM

1.0 FUNCTION

The fire protection system is designed to reduce property loss in the event of a fire. The automatic features serve to detect, alarm, and contain possible fires until extinguishment can be achieved. The system also includes provisions for manual alarm and suppression throughout all critical areas within the power plant and surrounding yard area.

2.0 DESIGN BASIS

2.1 INDUSTRY STANDARDS & CODES

The National Fire Codes of the National Fire Protection Association, Factory Mutual (FM) Loss Prevention Data, and the Underwriter's Laboratories (UL) Standards will be used as guidelines for the design and installation of the plant fire protection system(s). Equipment used in fire systems will be approved for fire service by UL or FM.

2.2 SYSTEM DESIGN BASIS

2.2.1 One electric motor-driven fire pump is provided. The pumping capacity of this pump is the flow rate or gallons per minute (gpm) required for the largest automatic system plus 750 gpm. Sufficient pressure shall be maintained in the yard loop main to provide a minimum pressure of 65 psig at the highest hose station with 100 gpm flowing.

2.2.2 The fire protection system includes a fire main that encircles both units and supplies water to each unit from two independent branch lines. Isolation valves are provided to ensure the supply of water for fire suppression should a section of piping be out of service. Two-way fire hydrants are installed along the main header. All hose connections for fire hydrants, stand pipe connections and hose reels shall be national standard fire thread.

2.2.3 Automatic sprinkler and/or water deluge systems are provided to protect lubricating and hydraulic oil equipment. These fire protection systems are designed to conform to standard power plant practices. Water to the automatic sprinkler and deluge systems is supplied by independent headers from the main yard header. Each branch header is provided with a PIV isolation valve.

2.2.4 Wet standpipes and hose reels are provided throughout the plant at strategic locations.

2.2.5 Portable fire extinguishers are provided throughout the plant at strategic locations. Type and size of extinguisher will depend upon the hazard protected.

3.0 SYSTEM DESCRIPTION

3.1 GENERAL

A complete fire protection system is provided consisting of a water supply system, fire main loop header, fire hydrants, hose reel stations, water spray (deluge) and wet pipe sprinkler systems and portable fire extinguishers. The water supply system includes a fire water storage tank and one electric motor-driven, horizontal centrifugal fire pump. Connections off the main fire loop header are provided for the stand pipe systems and automatic fire protection systems that are located throughout the plant.

3.2 FIRE MAIN LOOP HEADER

A main fire protection loop header is provided around the two units. The header is designed with PIV isolation valves to isolate sections of the header to provide required maintenance and in the event of header failure. The header piping, fittings and valves are rated for fire protection service. A pressure maintenance and back-up line is connected to the fire loop header through an O.S. & Y. valve and a check valve from the service water pump discharge. Continuous operation of the service water pumps keeps the pressure (not less than 90 psig) maintained on the fire protection header.

3.3 FIRE HYDRANTS

Fire hydrants shall conform to AWWA specification C502 and shall have two 2-1/2 inch hose connections and one 4-1/2 inch pumper connection.

3.4 FIRE HOSE STATIONS

Sufficient hose stations for adequate coverage to fight a fire within the plant are provided. Each hose station is furnished with an angle valve with a 2-1/2 inch hose connection, 2-1/2 inch to 1-1/2 inch reducer, one hose reel or hose cabinet, 100 feet of 1-1/2 inch fire hose with a fog-type nozzle. All fire hose and fire hose adapters and appliances shall have national standard fire thread.

3.5 FIRE PUMP

An electric motor-driven, horizontal centrifugal fire pump is provided. For initiation of the fire pump control and alarms, pressure switches are provided at remote points on the fire system. Should the header pressure drop below a predetermined pressure a low pressure switch will initiate the start of the fire pump. The fire pump can also be manually started locally or remotely. The fire pump can only be shutdown locally at the fire pump. The fire pump status will be annunciated on the central control room fire protection status panel. Electric power to the electric fire pump motor is provided from the station auxiliary electrical distribution system. Alternate emergency electrical power is provided by separate means.

3.6 FIRE PROTECTION STATUS PANEL

A fire protection status panel is provided in the central control room. The panel includes annunciators for fire pump status, fire protection system status, and main loop header low water pressure.

3.7 WATER SUPPLY

Water for the fire protection system is obtained from the fire water storage tank and in an emergency from the plant water storage tank. Water supply to the fire protection water storage tank is provided from fresh water wells. The emergency fire pump suction is connected to the plant water storage tank through a manual O.S. & Y. valve (normally closed) and a check valve at the outlet of the tank.

3.8 DELUGE AND AUTOMATIC SPRINKLER SYSTEMS

Automatic spray and sprinkler systems are provided to protect the plant lubricating oil and hydraulic oil pumps, piping and reservoirs. The automatic spray (deluge) systems are activated by thermal detectors or manually with pull stations. The automatic sprinkler systems consists of fusible link type sprinklers and associated alarm check valves, water flow alarm devices and O.S. & Y. valves. Activation of any automatic system activates the fire alarm in the central control room. Altered system status will cause a trouble alarm to sound on the central control room fire system status annunciator panel.

3.9 FIRE AND SMOKE DETECTION SYSTEM

Local fire alarm pull stations are provided in critical areas of the plant. Upon activation an alarm will sound in the central control room and locally.

Smoke detectors are provided in critical areas of the plant. When activated an alarm will be sounded in the central control room and locally.

The remote fire annunciator panel located in the central control room includes fire and trouble alarms for each automatic system and plant fire zones.

4.0 REFERENCES

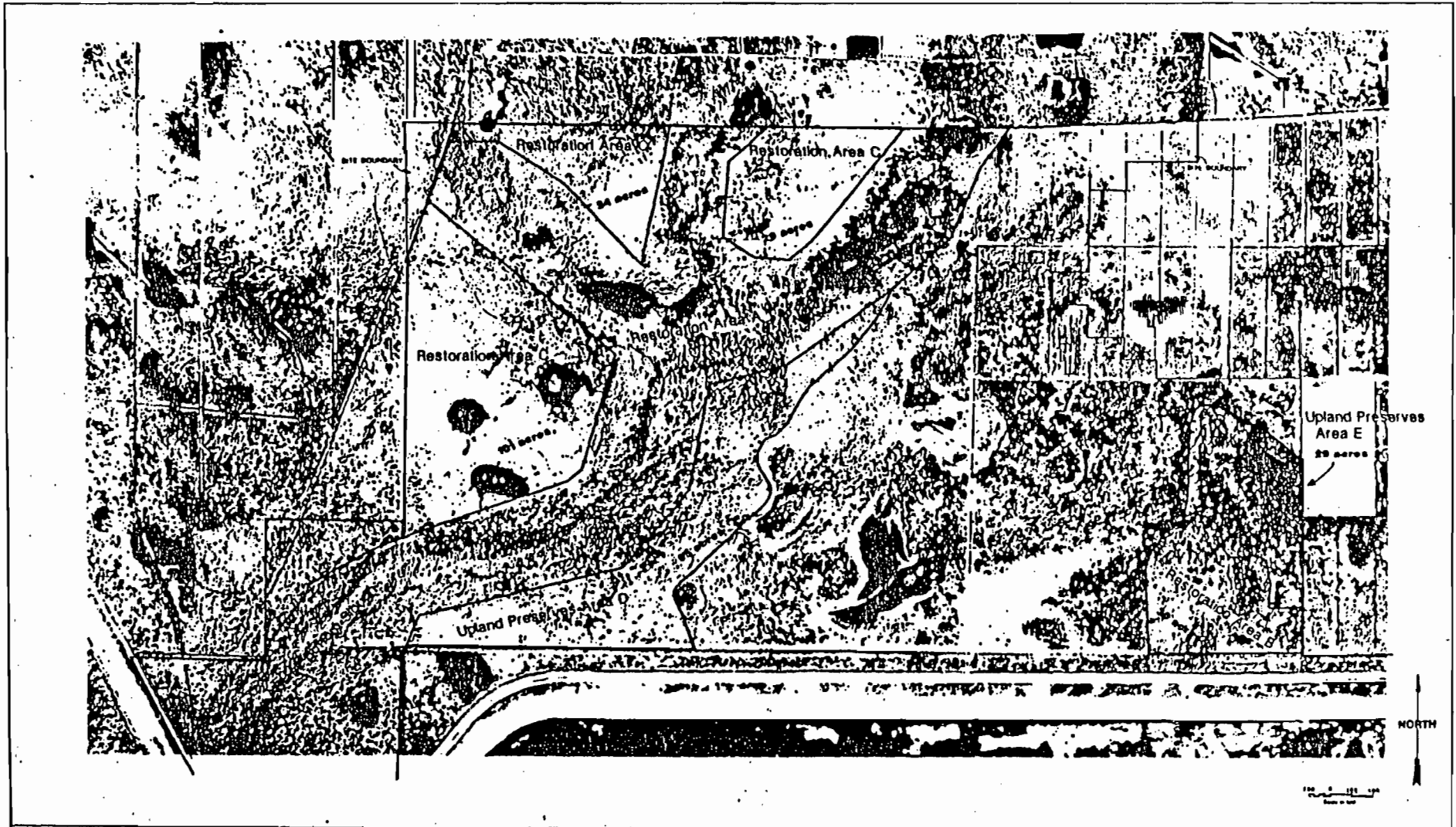
- 4.1 National Fire Codes of the National Fire Protection Association (NFPA)
- 4.2 Underwriter's Laboratories, Inc. (UL) Fire Protection Equipment List and Standards
- 4.3 Code of Federal Regulations, 29 CFR 1910, Occupational Safety and Health Administration (OSHA)
- 4.4 FPL Construction and Operations Procedures
- 4.5 Factory Mutual System (FM) Approval Guide

MARTIN EXPANSION PROJECT

MAP OF AREAS FOR
ECOLOGICAL RESOURCES, ENHANCEMENT
AND RESTORATION PROGRAM

Attachment 5 to
Exhibit "F"

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NOTE: Land Cover at Restoration Area A is:

| | |
|---|-------|
| Pine Forests and Associated Pine Lianas | 88 % |
| Other Uplands | 17 % |
| Functional Wetlands | 35 % |
| Total | 100 % |

Land Cover at Upland Preserves Area D:

| | |
|---------------------------|-------|
| Pine Forests | 89 % |
| Cabbage Palm/Dick Hammock | 10 % |
| Pine/Cabbage Palm | 9 % |
| Palmate Prairie | 17 % |
| Total | 100 % |

Land Cover at Upland Preserves Area E is:

| | |
|---------------------------|-------|
| Shrub Hammock | 70 % |
| Cabbage Palm/Dick Hammock | 30 % |
| Pine/Cabbage Palm | 7 % |
| Functional Wetlands | 31 % |
| Total | 100 % |

FLORIDA POWER & LIGHT COMPANY
 MARTIN SITE
 HABITAT PRESERVATION, ENHANCEMENT AND RESTORATION AREAS
 AERIAL PHOTOGRAPH
 OF THE NORTHWEST PARCEL

MARTIN EXPANSION PROJECT

MARTIN UNITS 1 & 2
HAZARDOUS - WASTE MANAGEMENT PLAN

Attachment 6 to
Exhibit "F"

3.0 HAZARDOUS-WASTE MANAGEMENT PLAN

Florida Power & Light Company's (FPL) Martin Plant (United States Environmental Protection Agency [USEPA] ID NO. FLD000807461) may generate both listed and characteristic hazardous waste. Spent sulfuric acid and caustic (sodium hydroxide) from regeneration of the demineralizer are neutralized in a Totally Enclosed Treatment Facility as defined in 40 CFR 260.10 (see Figure 3.1). This unit is exempt from regulation as a hazardous-waste treatment unit [40 CFR 265.1-(c)(9)]. The remaining wastes which are generated at this plant typically accumulate in containers of 55 gallons or less near their respective points of generation (satellite accumulation areas) as specified by Table 3.1. As these containers are filled (with 55 gallons of material or less), they are transferred to a storage-for-disposal area where they are stored prior to being transported off site for disposal. Figure 3.1 shows the location of both the satellite accumulation areas and the central storage-for-disposal area. Because wastes accumulate in the storage-for-disposal area for less than 90 days, a storage permit is not required, provided certain management standards are met [40 CFR - 262.34(a)].

The following subsections describe specific container management practices for the satellite accumulation areas and the storage-for-disposal area, as well as general facility preparedness and prevention. Personnel training is addressed in Appendix B. The Martin Plant's hazardous-waste contingency plan and emergency procedures are discussed separately in Section 4.0.

3.1 USE AND MANAGEMENT OF CONTAINERS

Containers in the satellite accumulation and central storage-for-disposal areas are addressed below.

3.1.1 Satellite Accumulation Areas

Containers in which hazardous waste is accumulated in satellite accumulation areas are managed in accordance with the requirements of 40 CFR 262.34(c)(1). Each container is clearly marked with the words "hazardous waste" and/or the names of specific wastestreams accumulated in that particular container [40 CFR 262.34(c)(1)(ii)]. These containers are typically 55-gallon drums made of or lined with materials that will not react with (and are otherwise compatible with) the waste being stored, so as not to impair the ability of the containers to contain the wastes [40 CFR 265.172].

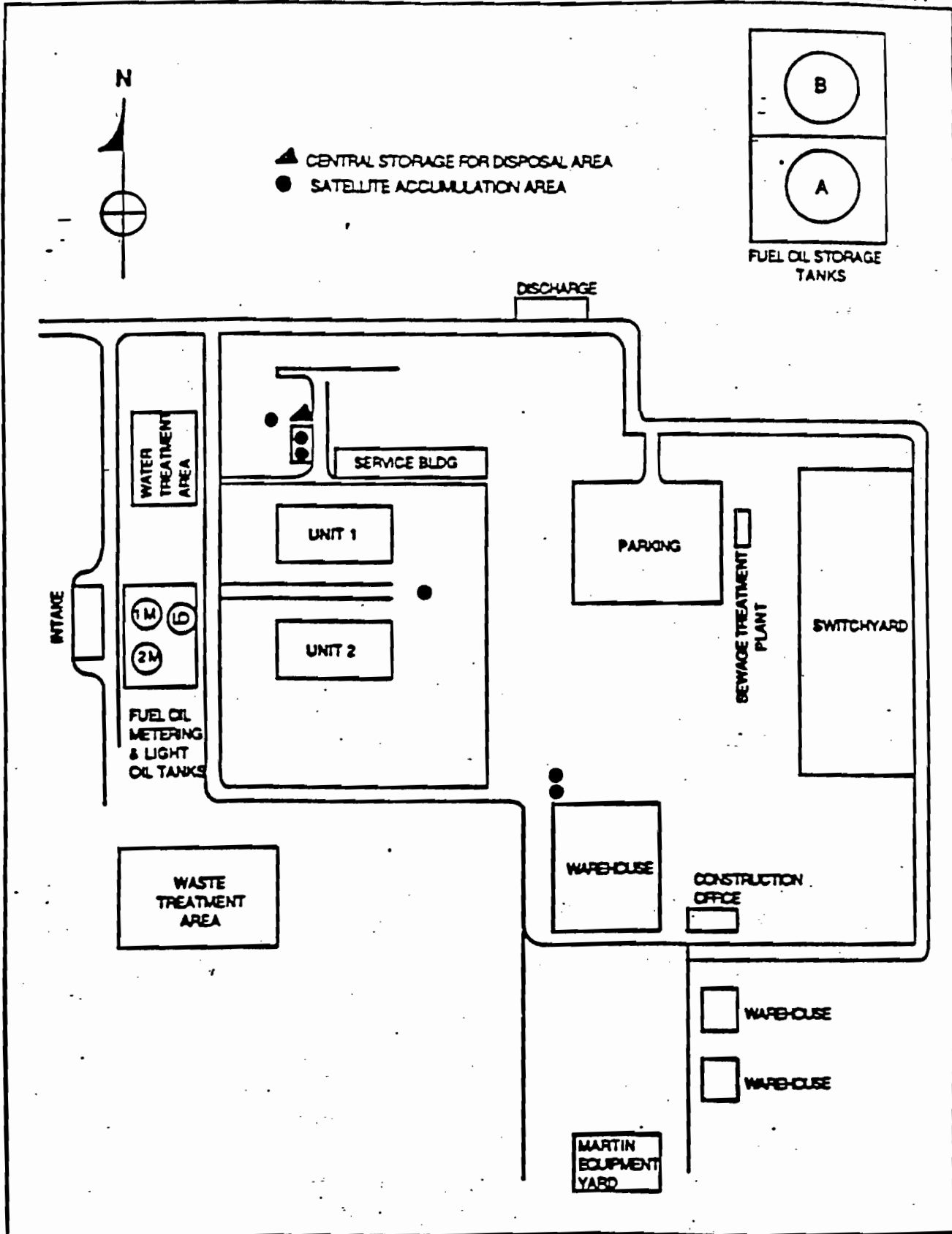


FIGURE 3.1, HAZARDOUS WASTE SATELLITE ACCUMULATION AND CENTRAL STORAGE FOR DISPOSAL AREAS

TABLE 3.1
TYPICAL HAZARDOUS-WASTE GENERATED

| <u>Hazardous Waste</u> | <u>EPA ID No.</u> |
|----------------------------|------------------------------------|
| Hazardous Waste Liquid NOS | D002, D009 |
| Hazardous Waste Solid NOS | D007, D008 |
| Waste Flammable Liquid NOS | D001, D008 |
| Waste Flammable Solid NOS | D001, D007, D008, F003, F005 |

Except when adding or removing wastes, the containers are kept closed [40 CFR 265.173(a)]. If a container is found to be deteriorating or leaking during an inspection or at any other time, the contents of the container are immediately transferred to a container in good condition or an overpack is used [40 CFR 265.171]. Typically, 55-gallon containers are used in each satellite accumulation area. When a container becomes full, it is removed to the central storage-for-disposal area and replaced before any excess waste begins to accumulate [40 CFR 262.34(c)(2)].

3.1.2 Central Storage-for-Disposal Area

Containers storing hazardous waste in the central storage-for-disposal area are managed in accordance with the requirements of 40 CFR 262.34(a). Each container is clearly marked with the words "hazardous waste" and the accumulation start-date [40 CFR 262.34(a)(3) and (4)]. These containers are compatible with all of the wastes being stored in them (40 CFR 265.172).

Containers in this area are kept closed and are stored and handled in a manner that will not cause them to rupture or leak [40 CFR 265.173(c)].

The central storage-for-disposal area is inspected at least weekly for observation of leaks and deterioration caused by corrosion or other factors (40 CFR 265.174). Container inspection procedures are described in Section 5.0 of this manual. If a container is found to be deteriorating or leaking, the contents of the container are immediately transferred to a container in good condition or an overpack is used (40 CFR 265.171).

As soon as a container of hazardous waste is placed in the central storage-for-disposal area, facility personnel begin making arrangements to have the waste transported to a USEPA-permitted waste-treatment, storage, or disposal facility (TSDF).

To expedite the removal process, the Martin Plant currently has approvals in place at an EPA permitted TSDF for all wastestreams listed in Table 3.1 as well as other wastes which may be generated at the plant. Within 90 days of the date that storage in the central storage-for-disposal area begins, waste is removed by a permitted hazardous-waste transporter and delivered to a TSDF.

All containers used for hazardous-waste storage are approved by the Department of Transportation (DOT) for transport of the waste. Prior to transport, each drum is inspected, labeled, and marked in accordance with 40 CFR 262.30

through 262.33 and the applicable DOT regulations, including 49 CFR 172, 173, 178, and 179. This preparation for shipment includes:

- o Ensuring that the container is in good condition and properly sealed
- o Labeling the container with the proper DOT hazard class
- o Marking the container with the standard hazardous-waste label, as described in 40 CFR 172.304
- o Marking the drum with an identifying drum number which also appears on the hazardous-waste manifest

The Martin Plant Results Supervisor is responsible for ensuring that the manifest is accurately and completely prepared for the waste at the time of removal. This individual will also ensure that the transportation vehicle is correctly placarded for the hazard class being removed.

3.2 PREPAREDNESS AND PREVENTION

The Martin Plant is maintained and operated in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous-waste constituents to air, soil, or surface water.

Many of the plant's operating and management procedures, as well as the facility contingency plan in Section 4.0, have been developed with this intention. The facility procedures and equipment for preparedness and prevention, as required by 40 CFR 265 Subpart C, are addressed in Section 4.0.

APPENDIX 10.3

LAND USE PLAN DESCRIPTIONS

[Note: The land use plan amendment and rezoning for the project area were processed concurrently and approved by Martin County in August, 1989 as part of the Martin CG/CC Project. Refer to Appendix 10.2.]

MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN

FUTURE LAND USE MAPS - YEAR 2005

Adopted Feb 20, 1990

(REVISED OCTOBER 23, 1990 - ORDINANCE #388)
(REVISED JULY 9, 1991 - ORDINANCE #400)
(REVISED OCTOBER 22, 1991 - ORDINANCE #403)
(REVISED OCTOBER 27, 1992 - ORDINANCE #419)
(REVISED MAY 7, 1993 - ORDINANCE # 423)

(EFFECTIVE DATE NOVEMBER 29, 1994 - ORDINANCE #448)
(EFFECTIVE DATE FEBRUARY 14, 1995 - ORDINANCE #450)
(EFFECTIVE DATE DECEMBER 1, 1995 - ORDINANCE #477)
(EFFECTIVE DATE FEBRUARY 24, 1996 - ORDINANCE #484)
(EFFECTIVE DATE NOVEMBER 16, 1996 - ORDINANCE #502)
(EFFECTIVE DATE MARCH 4, 1999 - ORD. 538)

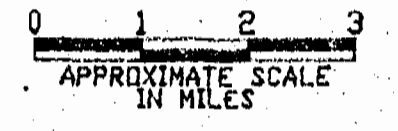
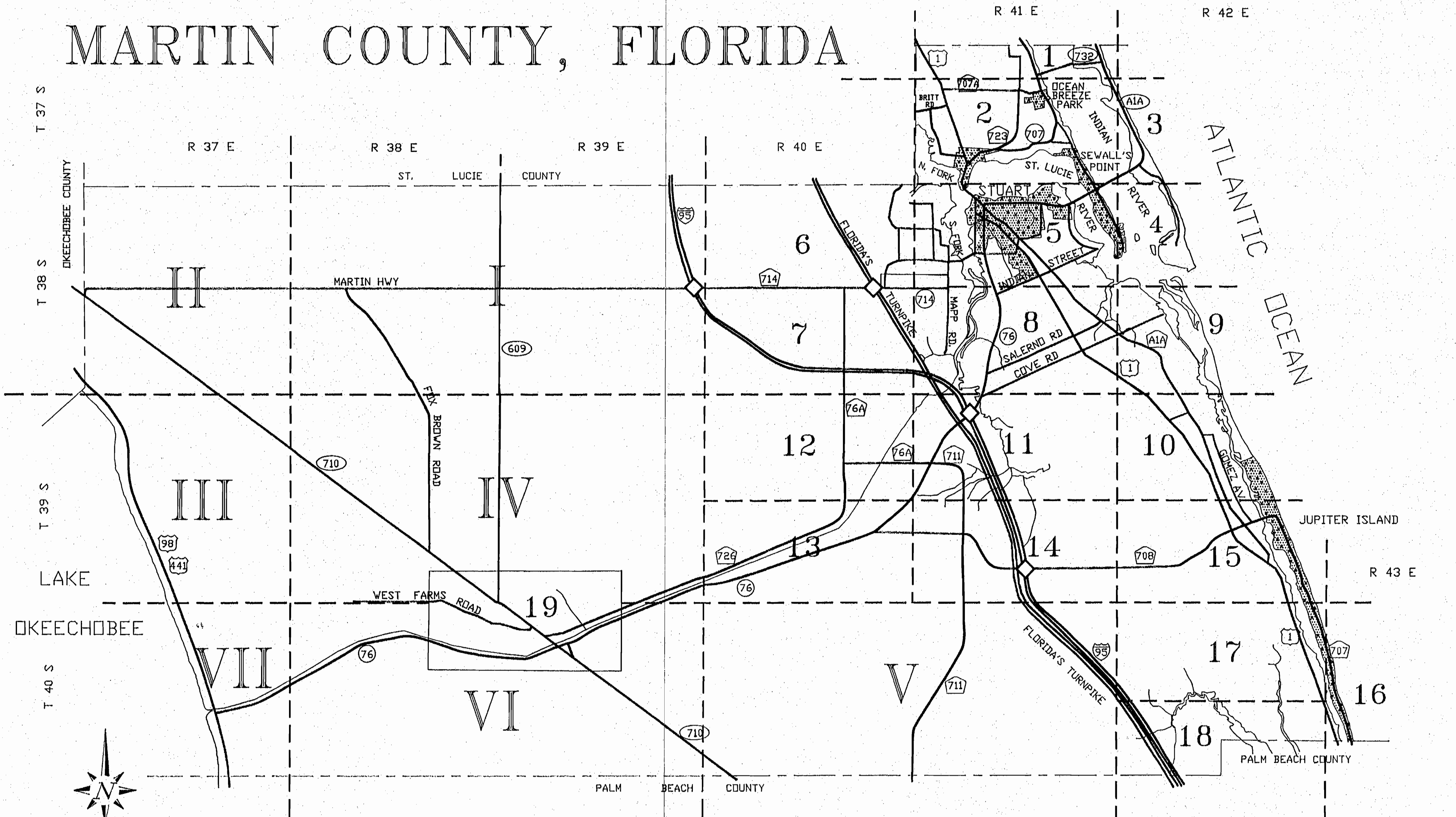
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EFFECTIVE DATE MAY 27, 1999 - ORD. 542
EFFECTIVE DATE MAY 27, 1999 - ORD. 543
EFFECTIVE DATE DECEMBER 6, 1999 - ORD. 553 & 554
EFFECTIVE DATE NOVEMBER 3, 2000 - ORD. 575 & 576
EFFECTIVE DATE OCTOBER 5, 2001 - ORD. 598

BOARD OF COUNTY COMMISSIONERS

FUTURE LAND USE MAP SERIES

1. FIGURE 4-7 URBAN SERVICE BOUNDARIES
2. APPENDIX 4-2 (PART I - FUTURE LAND USE ELEMENT), SOIL SURVEY OF MARTIN COUNTY AREA, FLORIDA (MARTIN COUNTY SOIL AND WATER CONSERVATION DISTRICT, U.S.D.A., SOIL CONSERVATION SERVICE, 1981)
3. FIGURE 8-2, MARTIN COUNTY COASTAL AREA - COASTAL ZONE RESOURCES, BIOLOGICAL COMMUNITIES, BEACH AND DUNE SYSTEMS AND HISTORICAL RESOURCES. POLICY F.4. OF THE FUTURE LAND USE ELEMENT SPECIFIES THAT ALL SIGNIFICANT HISTORICAL, ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES WILL BE MAPPED IN 1991.
4. FIGURE 7-1, MARTIN COUNTY PARK LOCATIONS WITHIN RECREATION PLANNING AREAS.
5. FIGURE 11-2, EXISTING MARTIN COUNTY WELLFIELD LOCATIONS. POLICY A.1.D. OF THE POTABLE WATER SERVICES ELEMENT REQUIRES THAT ALL WELLFIELD CONES OF INFLUENCE WILL BE MAPPED IN 1991.

MARTIN COUNTY, FLORIDA

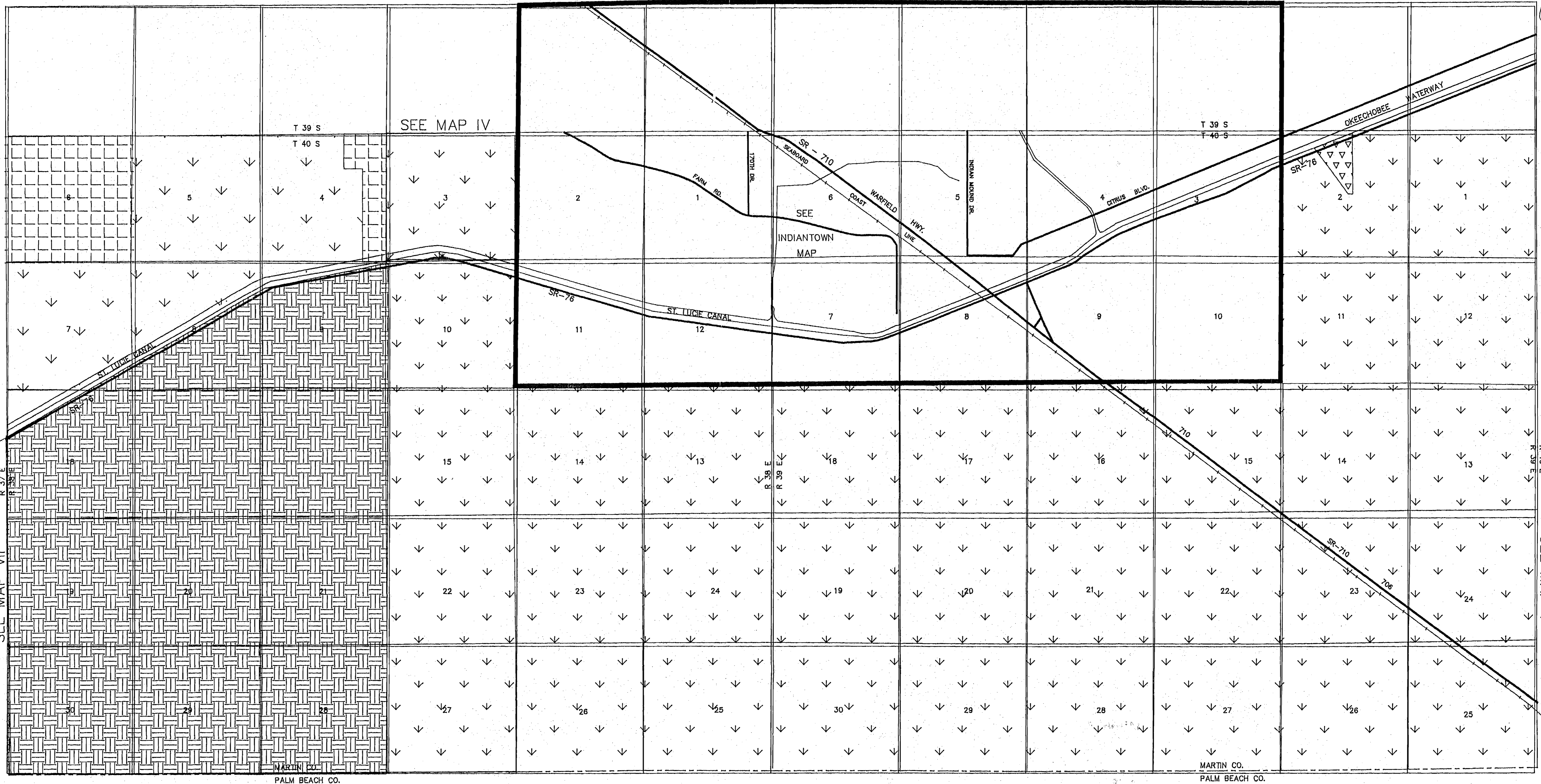


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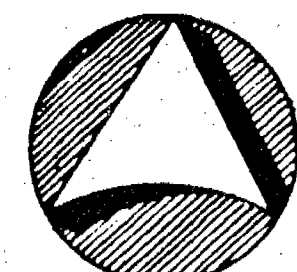
LEGEND

- RESIDENTIAL**
 - RURAL DENSITY - UP TO 0.5 UNITS PER ACRE
 - ESTATE DENSITY - UP TO 1 UNIT PER ACRE
 - ESTATE DENSITY - UP TO 2 UNITS PER ACRE
 - LOW DENSITY - UP TO 5 UNITS PER ACRE
 - MEDIUM DENSITY - UP TO 8 UNITS PER ACRE
 - HIGH DENSITY - UP TO 10 UNITS PER ACRE
FOR DENSITY BONUS - SEE FUTURE LAND USE ELEMENT SECTION 4-4, POLICY M.I.D. (5)
 - MOBILE HOME DENSITY - UP TO 8 UNITS PER ACRE
- COMMERCIAL**
 - COMMERCIAL GENERAL
 - COMMERCIAL LIMITED
 - COMMERCIAL OFFICE RESIDENTIAL
 - COMMERCIAL WATERFRONT
- INSTITUTIONAL**
 - RECREATIONAL
 - PUBLIC CONSERVATION AREAS
 - GENERAL
- INDUSTRIAL**
 - INDUSTRIAL
- AGRICULTURAL**
 - AGRICULTURAL
 - AGRICULTURAL RANCHETTE
- PUBLIC UTILITIES**
 - MAJOR POWER GENERATION FACILITY
- HISTORIC SITE
- EXPRESSWAY ORIENTED TRANSIENT COMMERCIAL SERVICE CENTERS-SEE FUTURE LAND USE ELEMENT SECTION 4-4, POLICY M.I.E.(5)
- INCORPORATED AREAS

NOTE: THESE MAPS ARE FOR REFERENCE PURPOSES ONLY AND ARE NOT DRAWN TO EXACT SCALE.



5



NORTH

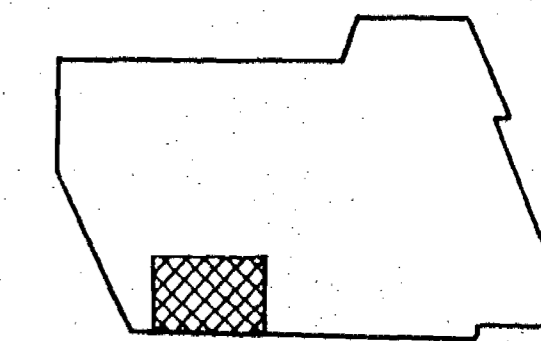
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MARTIN COUNTY FUTURE LAND USE MAP

GROWTH MANAGEMENT DEPARTMENT

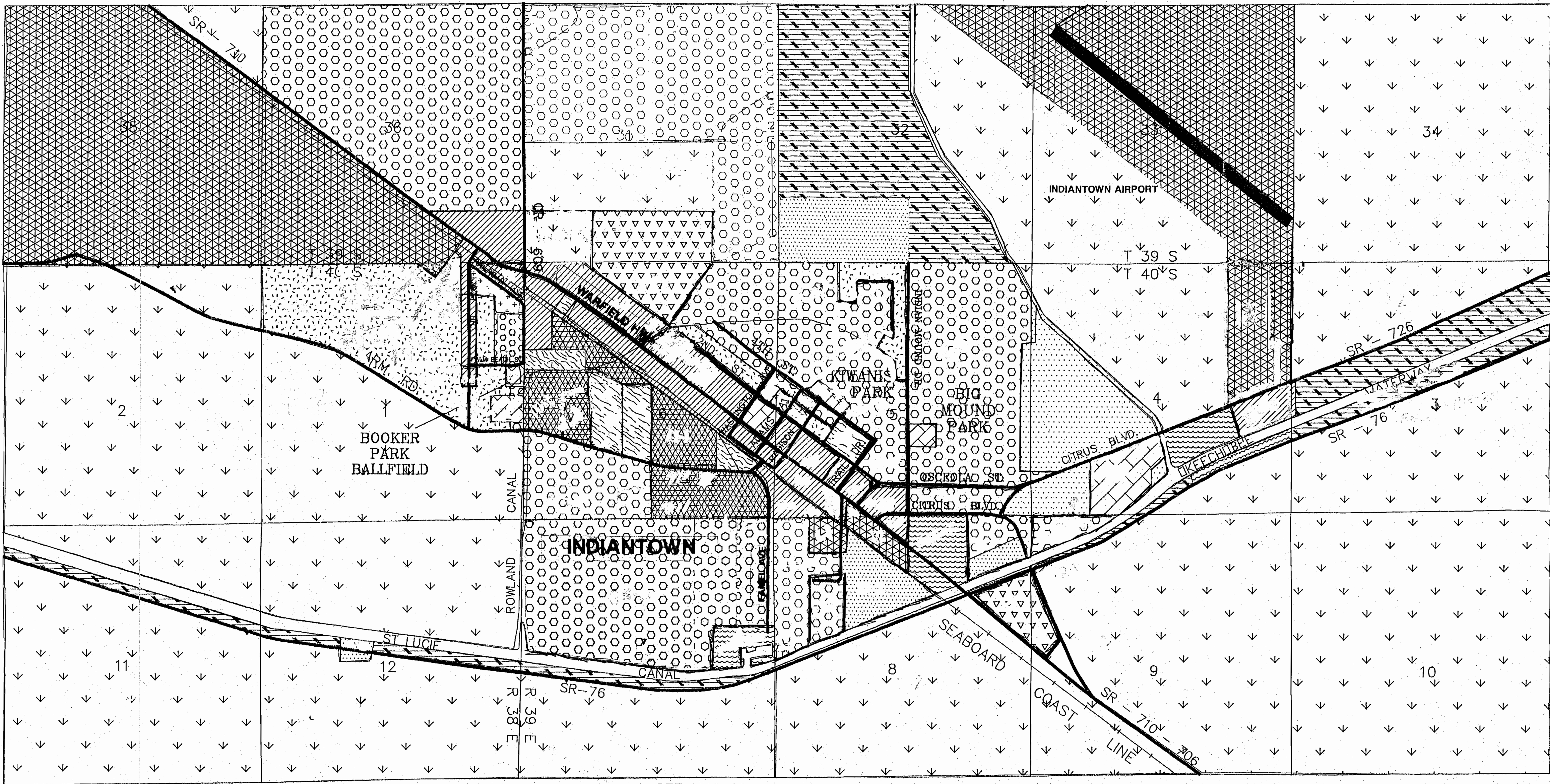
ADOPTED: FEBRUARY 20, 1990

REVISED: FUTURE LAND USE MAP PANEL # VI ADOPTING ORDINANCE # 400 AMENDMENT # 2 25a



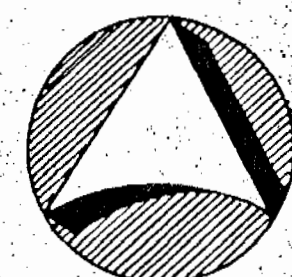
MAP NO. VI

SEE MAP IV



6

SEE MAP VI



NORTH

MARTIN COUNTY FUTURE LAND USE MAP

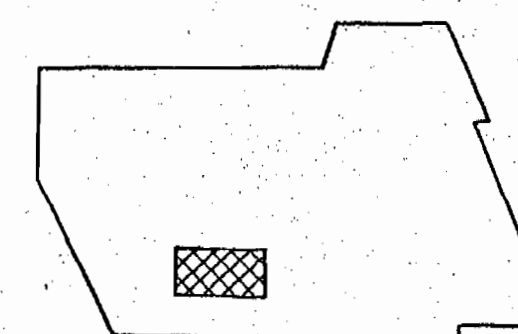
1" = 1000'

GROWTH MANAGEMENT DEPARTMENT

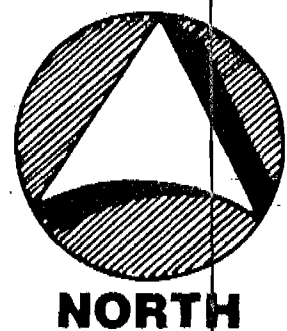
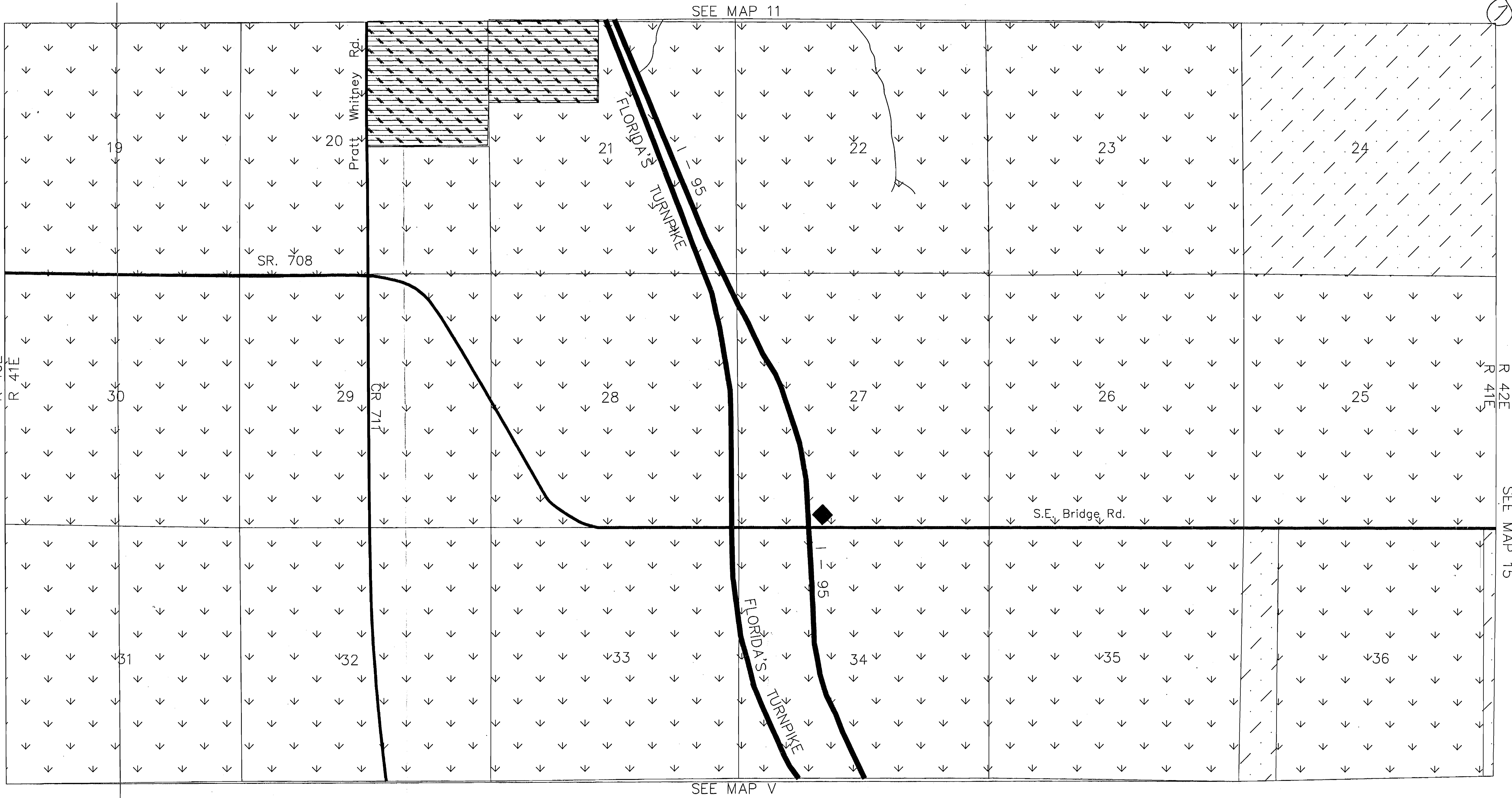
ADOPTED: FEBRUARY 20, 1990

REVISED:

| FLUM #19 | |
|-------------------------------|---------------|
| Adopting Ordinance/Resolution | Amendment #'s |
| Ord. 328 | 86-22, 24 |
| Ord. 400 | SSA |
| Ord. 403 | 90-9 |
| Ord. 423 | BCC 91-9 |
| Ord. 450 | 93-21 (BCC) |
| Res. 94-9.20 | |
| Res. 94-10.15 | |
| Ord. #477 | 945 |
| 554 | #99-2 |



MAP NO. 19



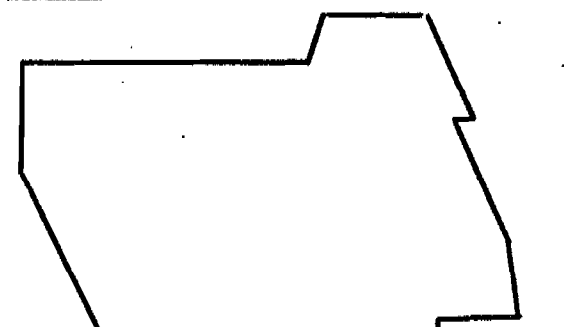
MARTIN COUNTY FUTURE LAND USE MAP

1" = 1000'

GROWTH MANAGEMENT DEPARTMENT

ADOPTED: FEBRUARY 20, 1990

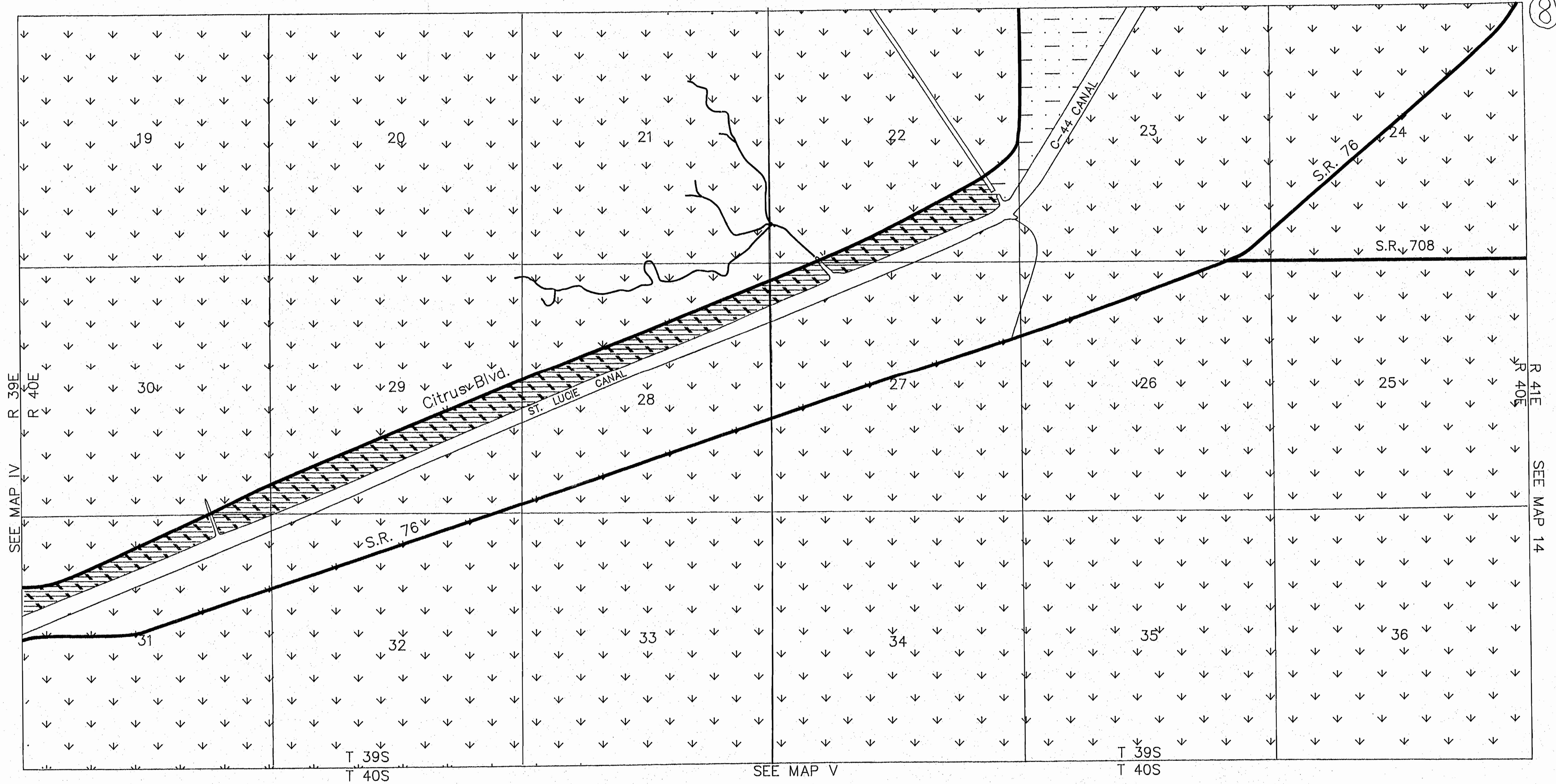
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MAP NO. 14

SEE MAP 12

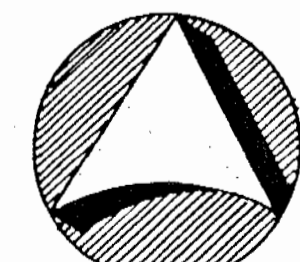
8



SEE MAP IV

SEE MAP 14

SEE MAP V



NORTH

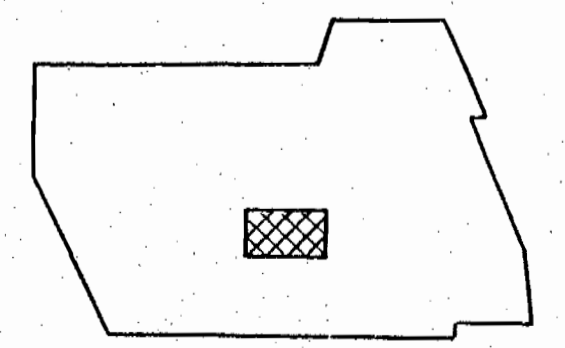
MARTIN COUNTY FUTURE LAND USE MAP

1" = 1000'

GROWTH MANAGEMENT DEPARTMENT

ADOPTED: FEBRUARY 20, 1990

REVISED: FUTURE LAND USE MAP PANEL # 13 ADOPTING ORDINANCE # 400 AMENDMENT #'s 322



MAP NO. 13