

Arker Keen ✓
Cargill Fertilizer
8813 Hwy 41 South
Riverview, FL 33569

INSTR # 2001410080

OR BK 11294 PG 0232

RECORDED 12/20/2001 03:25 PM
RICHARD AKE CLERK OF COURT
HILLSBOROUGH COUNTY
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This document prepared by
Roger Sims
Holland & Knight LLP
P O Box 1526
Orlando, Florida 32802-1526

DECLARATION OF RESTRICTIONS - Archie Creek Restoration

Cargill Fertilizer, Inc ("Cargill"), a Delaware corporation and the owner of the land more particularly represented in Figure 1 annexed hereto and made a part hereof by reference (the "Property"), hereby imposes permanent restrictions on the uses permitted on the Property and declares that from and after the date of execution hereof, the Property shall be used only as a restored wetland system preservation area, consistent with the findings and conditions contained in the Development Order approved by Hillsborough County, Florida on June 13, 2000 (the "Development Order") and the conditions hereof. The Development Order and related environmental permits (the "Permits") were reviewed by Hillsborough County, a political subdivision of the State of Florida, the Environmental Protection Commission of Hillsborough County, Southwest Florida Water Management District, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, Tampa Bay Regional Planning Council, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Service (hereafter, the "Reviewing Agencies"), as a function of the ecosystem management / team permitting process authorized in sections 403.075 and 403.0752, Florida Statutes. The Development Order and the Permits authorize the expansion of the phosphogypsum storage system at the Cargill Riverview facilities (the "Expansion"). Various Net Ecosystem Benefit ("NEB") projects associated with the Expansion are incorporated in the Development Order and the Permits as conditions for development.

Cargill hereby agrees and declares that only the following uses shall be permitted upon the Property, in furtherance of the NEB's described above:

- 1 Preservation and maintenance of restored wetlands and surface water conveyances, as provided in the Development Order and the Permits, including but not limited to
 - Eradication and removal, to the extent practical and feasible, of exotic vegetation which may infest the restored wetlands and surface water conveyances,
 - Installation, maintenance, and access to water quality monitoring equipment,

- Repair of surface water management facilities and conveyances, including removal of sediments and obstructions to flow,
- Such other activities deemed appropriate or necessary by the Reviewing Agencies; provided, however, that all Reviewing Agencies shall be notified of such other activity at least 30 days prior to initiation, and the activity shall not proceed over the objection of any Reviewing Agency submitted in writing to the owner and the approving agency within 30 days of receipt of notice.

2 Mitigation and remediation of impacts of uses of adjoining lands owned by Cargill

3 Access by duly authorized agents of the Reviewing Agencies, for the sole purpose of verifying that the Property is being used in a manner consistent with this Declaration of Restrictions; provided, however, such access shall be granted only after prior written notice to the owner of the Property, and only if the duly authorized agent or representative requesting access is also accompanied by an employee or representative of the owner of the Property. The owner of the Property agrees to make a representative available to accompany the designated agent. No such access shall be permitted that interferes unreasonably with authorized uses of adjacent properties

The covenants and restrictions contained in this Declaration of Restrictions shall be binding upon all successive owners of the Property and shall run with the title to the Property Hillsborough County, a political subdivision of the State of Florida, The Environmental Protection Commission of Hillsborough County, the Florida Department of Environmental Protection and the Florida Department of Community Affairs shall have the authority to enforce the terms hereof and the sole remedy for enforcement of the terms hereof shall be injunctive relief to enjoin a use or uses of the Property prohibited by this Declaration of Restrictions

In witness whereof, the foregoing Declaration of Restrictions has been executed this 18th day of December, 2001, by the duly authorized representative of Cargill Fertilizer, Inc., a Delaware corporation, as owner of the Property.

WITNESSES:

CARGILL FERTILIZER,
INC

Tonja Helton
Name: Tonja Helton

(Print or Type)

By Gary N Dms
Title: Vice President

W. Keen
Name: W. KEEN

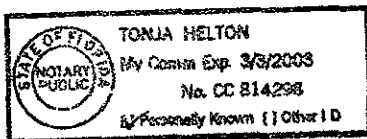
(Print or Type)

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

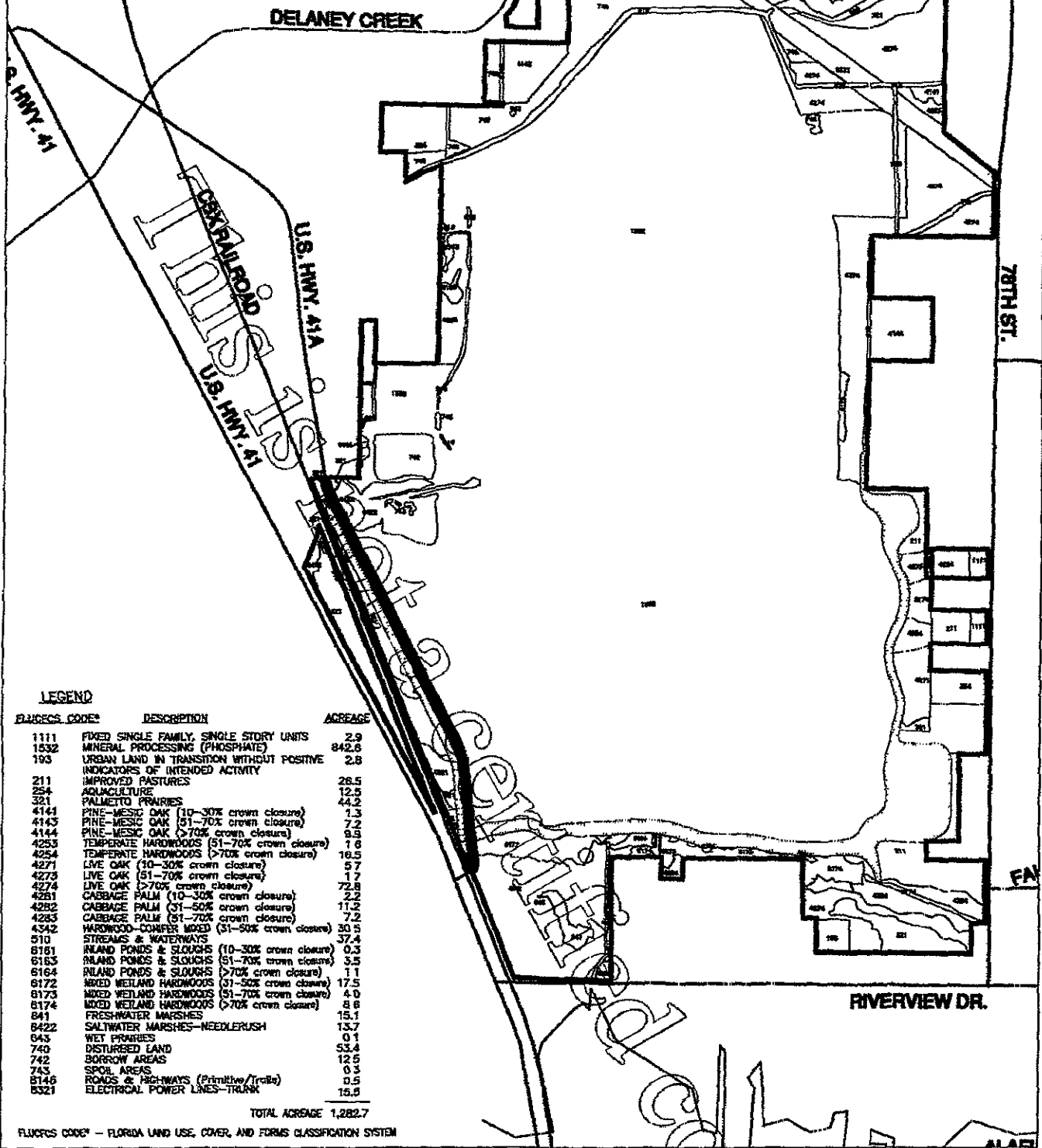
The foregoing instrument was acknowledged before me this 18
day of December, 2001 by Gary N Dms, as Vice President of Cargill
Fertilizer, Inc, a Delaware corporation, on behalf of the corporation.
Gary N Dms is personally known to me or has produced his/her driver's license
no. _____
or _____ as identification.

Tonja Helton
(Signature)
Tonja Helton
(Printed Name)

(NOTARIAL SEAL)

NOTARY PUBLIC, STATE OF
FLORIDA

3/3/2003
(Commission Expiration Date)
814298
(Serial Number, If Any)



ARCHIE CREEK RESTORATION DOR AREA

Figure 1

ARCHIE CREEK RESTORATION
DOR AREA
RIVERVIEW PROPERTY

CARGILL FERTILIZER, INC.
TAMPA, FLORIDA

Yonessa Hagen Brantley, Inc.
Environmental Services Division

3010 U.S. 19 NORTH
POST OFFICE BOX 35
PALMETTO, FLORIDA