

RECLAMATION ASSURANCE AGREEMENT

THIS RECLAMATION ASSURANCE AGREEMENT (the "Agreement") made and entered into this 22nd day of July 2025 between EUGENE H. TURNER & SON, INC. 105 S. Brevard Avenue, Arcadia, FL 34266, hereinafter referred to as ("DEVELOPER") and DESOTO COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter referred to as ("COUNTY"), collectively referred to as the "Parties".

WITNESSETH

WHEREAS, COUNTY has heretofore adopted the DeSoto County Land Development Regulations ("LDRs") Sections 20-996 through 20-1013 regulating the removal, extraction, or mining of sand, shell or minerals; and

WHEREAS, it is a condition of the DeSoto County LDRs Sections 20-996 through 20-1013 that an application for an Excavation Permit for excavation and major earth moving be accompanied by a guarantee that the operator will comply with reclamation regulations and an approved Reclamation Plan; and

WHEREAS, specifically, Section 20-100(c) of the LDRs provides that the DEVELOPER enter into an assurance agreement with the County to assure complete reclamation of the excavation site and required external improvements, which assurance agreement shall provide for a schedule of reclamation satisfactory to the Board of County Commissioners, be recorded in the public records of the County and shall include the consent of the DEVELOPER, as owner, and his/her successors in title, allowing the County to enter the excavation site to perform the reclamation in the event that reclamation is not timely performed pursuant to the approved reclamation plan; and

WHEREAS, it is intended that this Agreement shall act as a covenant encumbering and running with the land, and that the DEVELOPER by entering into this Agreement shall agree to provide financial assurance for reclamation in the form of cash escrow, construction bond or irrevocable letter of credit in favor of the County prior to the issuance of a notice to commence for the Excavation Permit; and

WHEREAS, DEVELOPER is the owners of the property described below and has been granted a Type III excavation permit development plan application approval, with conditions, by COUNTY for excavation and major earth moving activities as more particularly set forth in Resolution 2024-089, subject to receipt of a Notice to Commence for the Excavation Permit, as defined in the DeSoto County Land Development Regulations Section 20-997, on the property described as:

S1/2 E OF US 17 LESS PARCEL 0045 AND ALSO LESS COM AT SW COR SEC 8 TH ALG W LI SEC 8 N 00D38M48S E 1291.98 FT TO SURVEY BASE LI TH ALG W LI S 00D38M48S W 71.99 FT SLY R/W LI OF STATE RD 35 FOR POB TH ALG SLY R/W N 44D38M18S E 2014.12 FT N LI OF SW1/4 SEC 8 TH ALG N LI S 89D47M21S E 193.83 FT TO PC RADIUS=20.00 FT DELTA=15D00M10 S CHORD=S 77D57M45S E TO PT TH S 85D27M50S E 35.00 FT TH S 04D32M10S W 60.00 FT TH N 85D27M50S W 35.00 FT TO PC RADIUS=80.00 FT DELTA=40D06M08S CHORD= N 65D24M46S W TO PT TH N 45D21M42S W 9.94FT TH S 44D38M18S W 674.30 FT TH S 55D56M54S W 20.40 FT TH S 44D38M18S W 500.00 FT TH S 33D19M42S W 20.40 FT TH S 44D38M18S W 180.00 FT TH S 33D19M42S W 10.20 FT TH S 44D18M18S W 160.00 FT TH S 55D56M54S W 30.59 FT TH S 44D38M18S W 613.77 FT TO W LI OF SEC 8 TH ALG W LI N 00D38M48S E 167.01 FT TO POB INST: 201714005719

WHEREAS, DEVELOPER has submitted to COUNTY and COUNTY has approved the Reclamation Plan identified as:

<u>Turner Borrow Pit</u>	
TELEPHONE No.:	<u>863-494-4777</u>
PLAN DATE:	<u>April 2, 2025</u>
SHEET NUMBER:	<u>26-33</u>
PERMIT NUMBER:	<u>USE-0158-2023</u>

which is attached hereto as Exhibit 1, as well as a Reclamation Plan Narrative which is attached hereto as Exhibit 2 (collectively, the "Reclamation Plan") and said Reclamation Plan as approved is incorporated in and made a part of this Agreement; and

WHEREAS, the LDRs Sections 20-996 through 20-1013 require a guarantee to ensure the required land reclamation is performed, and the Parties hereto agree that a surety bond in the favor of the COUNTY, as provided for in this Agreement, will fulfill that purpose; and

WHEREAS, it is the purpose of DEVELOPER in and by this Agreement to provide the COUNTY assurances that a construction bond or irrevocable letter of credit will be provided prior to the issuance of a Notice to Commence for the Excavation Permit.

NOW, THEREFORE, the Parties for the uses and purposes herein expressed agree as follows:

1. DEVELOPER agrees to present to COUNTY, prior to the issuance of a Notice to Commence, either a construction bond or irrevocable letter of credit acceptable to the

COUNTY and in favor of the COUNTY in the amount of \$289,875.00 that will remain valid for a period of one (1) year longer than the full term of the Excavation Permit. The DEVELOPER shall provide verification of renewal of the construction bond or irrevocable letter of credit at least sixty (60) days prior to the expiration of said construction bond or irrevocable letter of credit, which period may be extended at the request of the County Administrator depending on the time required to accomplish reclamation of the excavation site. Failure to provide such verification shall constitute a default in the terms of the Reclamation Agreement.

2. All required reclamation shall be certified as being reclaimed to COUNTY requirements by a Professional Engineer registered in the State of Florida, and said reclamation shall be approved by the Board of County Commissioners. Upon approval of the completed reclamation by the construction bond or irrevocable letter of credit, this Agreement shall terminate and the Excavation Permit shall be voided.
3. Failure of DEVELOPER to perform the required land reclamation within the time limitations set forth in this Agreement, the DeSoto County Land Development Regulations Sections 20-1007 through 20-1008 and the approved Reclamation Plan shall entitle COUNTY to draw funds from the construction bond or irrevocable letter of credit to be used by COUNTY for completion of said Reclamation Plan. When COUNTY proceeds under the terms of this article, DEVELOPER shall be considered to be in default of this Agreement and the Excavation Permit granted to DEVELOPER by COUNTY shall be considered as revoked.
4. By entering into this Agreement, DEVELOPER hereby consents to allowing COUNTY entry on to the above-described property for purposes of monitoring compliance with the DeSoto County Land Development Regulations Sections 20-996 through 20-1013 and for purposes of completing the approved Reclamation Plan in the event of default by the DEVELOPER. DEVELOPER further agrees to the transfer of any necessary state or federal permits in the event the COUNTY elects to complete the Reclamation Plan.
5. This Agreement shall be recorded in the public records of the County at the expense of the DEVELOPER, and shall act as a covenant encumbering and running with the land.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties have signed this Agreement as of the day and year herein first above written.

EUGENE H. TURNER
& SON, INC.

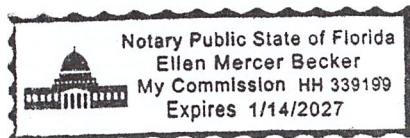
By: _____
President

By: _____
Treasurer

STATE OF
COUNTY OF

Before me, this 21st day of July, 2025 personally appeared Eugene H. Turner SR and Eugene H. Turner as President and Treasurer, respectively, of Eugene H. Turner & Son, Inc., to me well known to be the persons described in and who executed the foregoing instrument and who acknowledged that they did so as officers of said corporation all by and with the authority of the Board of Directors of said corporation.

My Commission Expires:



Ellen Mercer Becker
Ellen Mercer Becker
[PRINT NAME]
NOTARY PUBLIC
COMMISSION NO. _____

BOARD OF COUNTY COMMISSIONERS
DESOTO COUNTY, FLORIDA

BY: _____
Chairman

ATTEST BY: _____
County Administrator

APPROVED AS TO FORM:

County Attorney

STATE OF FLORIDA
COUNTY OF DESOTO

Before me, this ____ day of _____, 20____ personally appeared _____ and _____ as Chairman of the Board of County Commissioners and County Administrator, respectively, of DeSoto County, Florida, to me well know to be the persons described in and who executed the foregoing instruments and who acknowledge that they did so as officers of said County all by and with the authority and on behalf of said County.

My Commission Expires: _____

[PRINT NAME]
NOTARY PUBLIC
COMMISSION NO.: _____

NARRATIVE TO RECLAMATION PLAN

NAME OF PROJECT: TURNER BORROW PIT

OWNER: EUGENE H. TURNER AND SONS

105 S. BREVARD AVENUE
ARCADIA, FL 34266

OPERATOR: JOHN "JR" WITT

105 S. BREVARD AVE
ARCADIA, FL 34266

- a. Bear a date of issue identical to that of the reclamation plan and have each page numbered followed by the total number of pages.

Response: The date of this Reclamation Narrative is the same date of the reclamation plan - April 2, 2025.

.....

- b. Include details of planting of vegetative cover.

Response: The detailed planting cover consists of sod or approved equivalent for disturbed areas.

- c. Include a schedule for:

1. The commencement and phasing of all reclamation.

Response: Reclamation will commence upon completion of all excavation activities. The site lake slopes will be graded and sodded as shown in the development plans. The site will be stabilized with seed and mulch. Littoral plantings and perimeter buffers will be planted as noted in the Excavation and Reclamation plans, signed by Matthew J Morris on April 03, 2025, and this Reclamation Narrative.

An overflow control structure will be installed in accordance with the County and Southwest Florida Water Management District regulations.

Any structures located on the property for use in the excavation process, debris and any surplus materials will be removed from the excavation site. The existing haul route on the northern end of the property will remain in place for continued use by the property owner for operation and maintenance of his properties.

2. The planting of vegetation cover including the species, quantities needed and size upon planting.

Response: A Type D buffer will be planted along US 17 in accordance with LDC Section 20-604(d), (Figure 7-7) and will consist of twelve (12) trees, 24 shrubs and 12 conifers per 100 feet. Trees shall be installed at 10 feet in height and shrubs shall be installed with 3-gallon container plantings. Trees and shrubs species may vary from those noted based upon availability at time of planting but shall comply with the list of species referenced in LDR Sec. 20-598(7).

Trees (1/2 plantings to be large variety)

- Queen Palms (M) – *Arecastrum romanzoffianum*
- Dahoon Holly (M) – *Ilex cassine*
- Live Oak (L) – *Quercus laurifolia*

Shrubs

- Junipers – *juniperus* sp.
- Grape myrtle – *lagerstoemia indica*
- Native azalea – *rhododendron viscosum*

Plantings for the littoral zone plantings are to be clustered and not exceed 50% of the shoreline perimeter to ensure adequate access for maintenance and other land purposes. Typical littoral plantings will comply with the LDR and may include, but are not limited to:

Pickerel weed – *Pontederia*
cordata Arrowhead –
Syngonium podophyllum
Water willow – *Justicia*
americana Bulrush -
Scirpoides holoschoenus
Cordgrass – *Spartina*

- d. Include commitment for the maintenance of fences and surface water management facilities until reclamation is completed and accepted.

Response: Operation and maintenance of fences and surface water management facilities will be the responsibility of the Owner until reclamation is completed and accepted.

- e. Include a detailed signed and sealed engineer's estimate for all post-excavation improvements.

Response: See attached signed and sealed Engineer's Opinion of Probable Cost, dated January 23, 2025.

- f. Include an estimated time schedule and final completion for all reclamation.

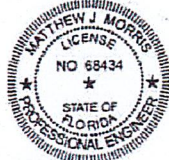
Response: The permittee shall notify the Development Department in writing within 30 days following permanent cessation of all excavation activities permitted under the Excavation Permit for Lakes 1 through 5, as identified on the Reclamation Plan. The notice shall include a schedule for reclamation.

All reclamation activities shall begin within 30 days of cessation of excavation. The reclamation shall be completed within six (6) months thereafter. The requirement to complete the reclamation activities as set forth herein and the DeSoto County Land Development Regulations apply to the Permittee notwithstanding the Permittee's failure to provide the written notice of cessation of excavation as set forth above.

TURNER BORROW PIT Engineer's Opinion of Probable Cost FOR RECLAMATION				
ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL
SITEWORK				
SEED AND MULCH	721,842	SY	\$ 0.30	\$ 216,552.60
SOD LAKE BANK (BAHIA)	25,862	SY	\$ 2.70	\$ 69,827.40
SUB TOTAL SITEWORK				\$ 286,380.00
DRAINAGE				
36" RCP	50	LF	\$ 150.00	\$ 7,500.00
OVERFLOW CONTROL STRUCTURE	1	EA	\$ 9,000.00	\$ 9,000.00
SUB TOTAL DRAINAGE				\$ 16,500.00
LANDSCAPE AND IRRIGATION				
LANDSCAPE BUFFERS (CLASS D BUFFER ALONG US 17)	1	LS	\$ 125,000.00	\$ 125,000.00
SUB TOTAL LANDSCAPE AND IRRIGATION				\$ 125,000.00
PROJECT TOTAL				\$ 427,880.00

Matthe
w J
Morris

Digitally signed
by Matthew J
Morris
Date: 2025.04.03
11:50:12 -04'00'

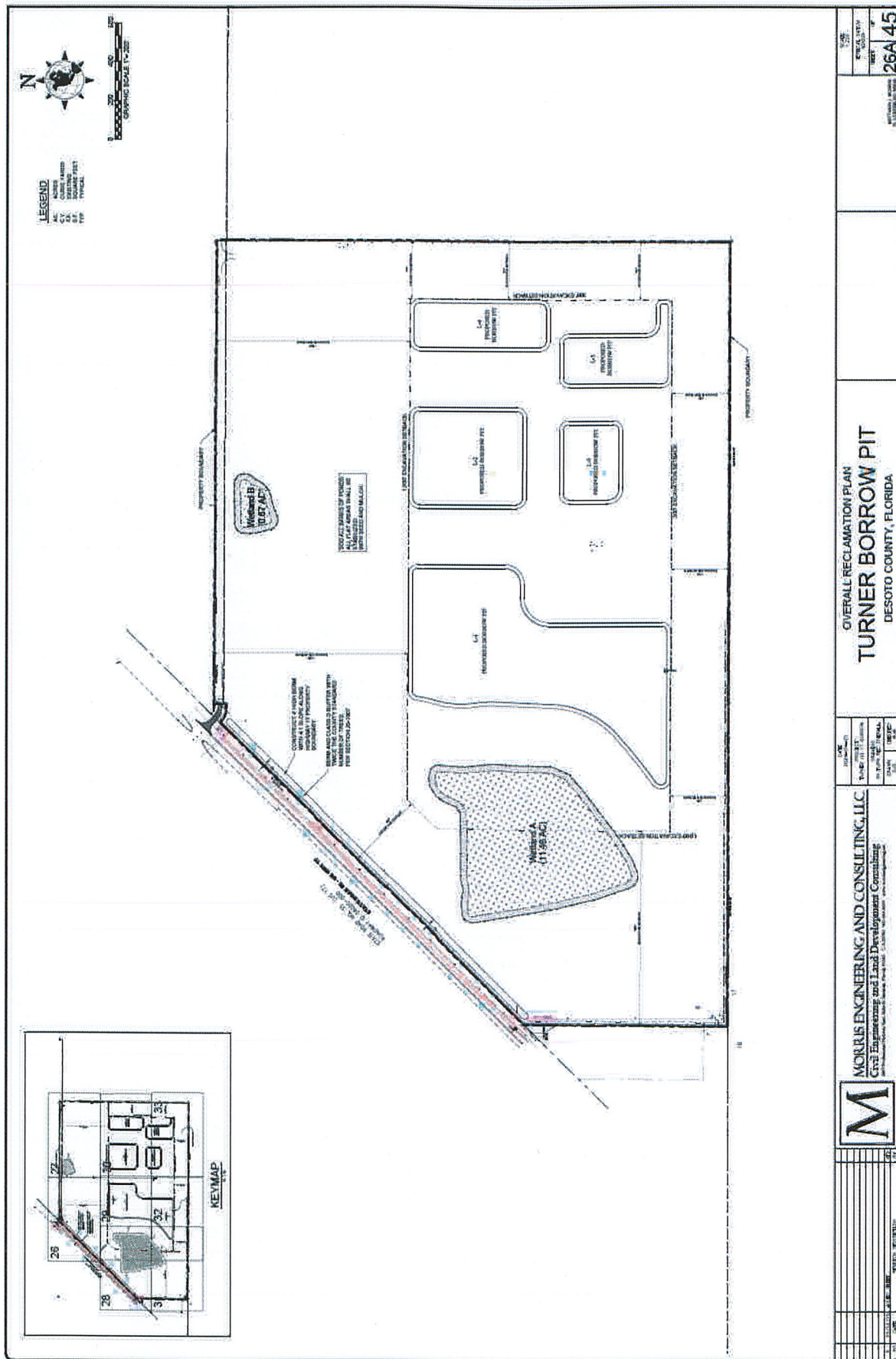


This item has been digitally signed and sealed by
Matthew J. Morris, PE., on the date adjacent to the seal.
Printed copies of this document are not considered signed
and sealed and the signature must be verified on any
electronic copies.

1/23/2025

Matthew J. Morris, P.E., Morris Engineering, 6997 Professional Pkwy E, Suite B, Sarasota, FL 34240
FL PE No. 68434

OVERALL RECLAMATION PLAN SCHEDULE - EXHIBIT 1

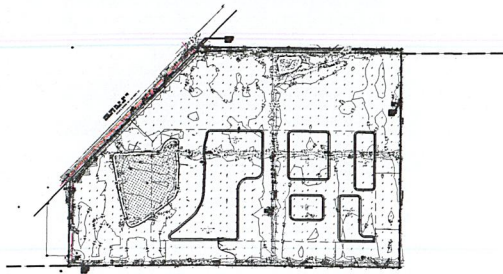


OVERALL RECLAMATION PLAN SCHEDULE – EXHIBIT 1

Conditions:

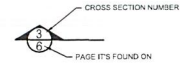
The permittee shall notify the Development Department in writing within 30 days following permanent cessation of all excavation activities permitted under the Excavation Permit for Lakes 1 through 5, as identified in this Reclamation Plan. The notice shall include a schedule for reclamation conforming to the requirements for reclamation outlined herein.

All reclamation activities shall begin within 30 days of cessation of excavation. The reclamation shall be completed within six (6) months thereafter. The requirement to complete the reclamation activities as set forth herein and the DeSoto County Land Development Regulations apply to the Permittee notwithstanding the Permittee's failure to provide the written notice of cessation of excavation as set forth above.



SOD ALL BANKS OF PONDS
ALL FLAT AREAS SHALL BE
STABILIZED
WITH SEED AND MULCH.

GENERAL NOTE:



LEGEND

AC. ACRES
C.Y. CUBIC YARDS
EX. EXISTING
S.F. SQUARE FEET
TYP. TYPICAL



0 50' 100 150
GRAPHIC SCALE 1"=50'

SET MAG NAIL &
DISK LB#6729
CONTROL POINT
BENCHMARK
ELEV 43.95'

PROPOSED SILT
FENCE

FOUR STRAND BARBED
WIRE FENCE, 4' HIGH

1049'

BARB WIRE FENCE

ROCK DRIVE

FOUR STRAND BARBED
WIRE FENCE, 4' HIGH

PROPOSED SILT
FENCE

ASPHALT

AIR RELEASE
VALVE

BERM AND CLASS D BUFFER
PER SECTION 20-1007

CONSTRUCT 4' HIGH BERM
WITH 4:1 SLOPE ALONG
HIGHWAY 17 PROPERTY
BOUNDARY

US HWY 17

500'



MORRIS ENGINEERING AND CONSULTING, LLC
Civil Engineering and Land Development Consulting
6097 Professional Parkway East, Suite B, Sarasota, Florida 34240 C.A. 28760 941-444-6644 www.morrisengineering.net

DATE	2024-04-25
PROJECT	TURNER US 17 BORROW
DRAWING	04 TURN REC
DRAWN	DJS
CHECKED	M.M.

RECLAMATION PLAN
TURNER BORROW PIT
DESOTO COUNTY, FLORIDA

SCALE
1"=50'

VERTICAL DATUM
NGVD29

SHEET 26 OF 45

MATTHEW J. MORRIS
FL LICENSE NO. 68434

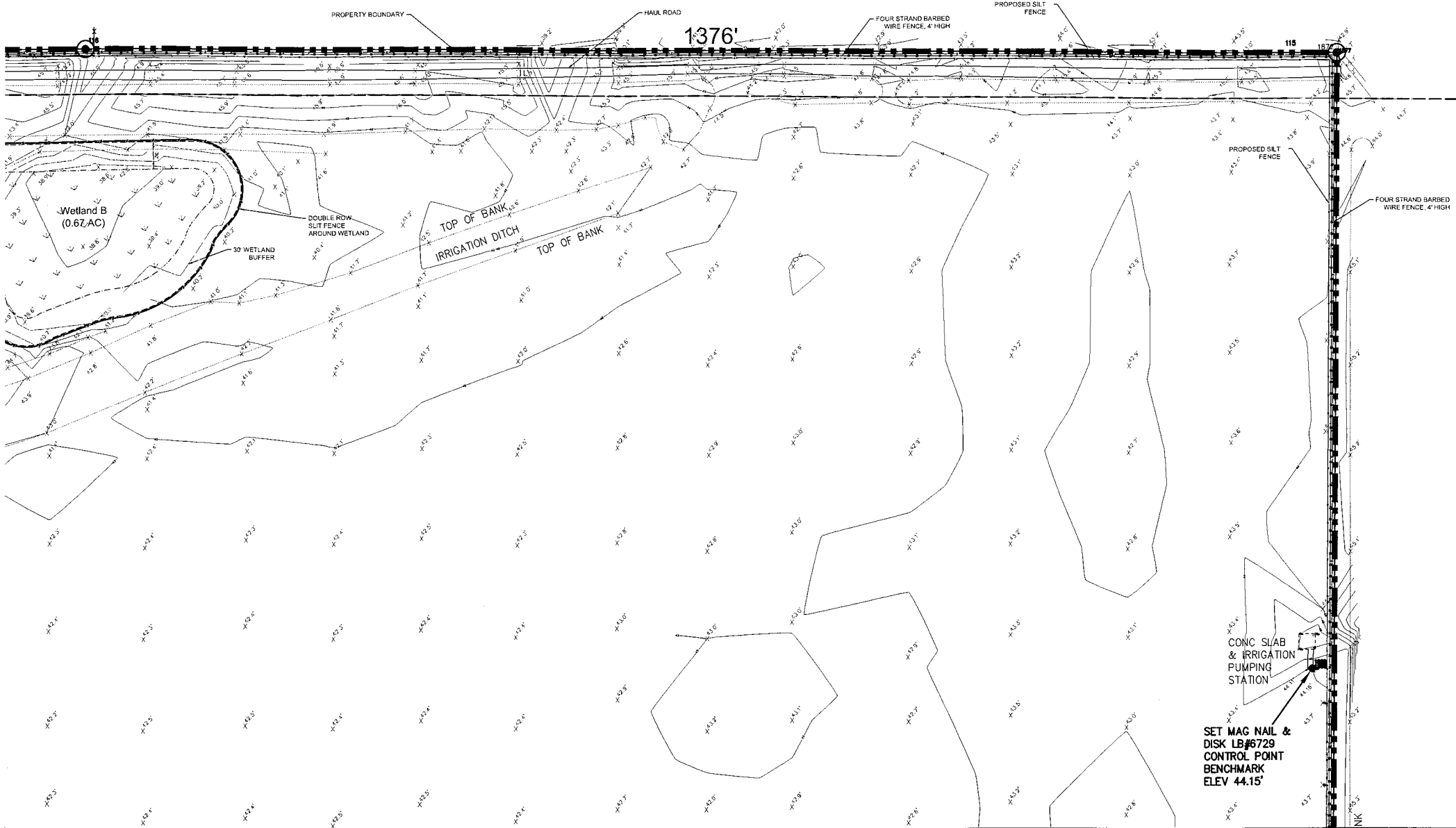
SOIL ALL BANKS OF POND
ALL FLAT AREAS SHALL BE
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GENERAL NOTE:



LEGEND

AC ACRES
C.Y. CUBIC YARDS
EX. EXISTING
S.F. SQUARE FEET
TYP. TYPICAL



CONC SLAB
& IRRIGATION
PUMPING
STATION

SET MAG NAIL &
DISK LB#6729
CONTROL POINT
BENCHMARK
ELEV 44.15'

NO.	DATE	REVISION DESCRIPTION	BY
4	12/03/24	PER DESOTO COUNTY COMMENTS	DJS
3	9/25/24	REVISE WETLAND B LIMITS	DJS
2	7/19/24	PER DESOTO COUNTY COMMENTS	DJS
1	5/2/24	PER DESOTO COUNTY COMMENTS	DJS



MORRIS ENGINEERING AND CONSULTING, LLC
Civil Engineering and Land Development Consulting
2007 Professional Parkway East, Suite B, Sarasota, Florida 34239 C.A. 24761 941.444.6644 www.morrisengineering.net

DATE	2024-04-25
PROJECT	TURNER US 17 BORROW
DRAWING	04 TURN REC
DRAWN	DJS
CHECKED	MJM

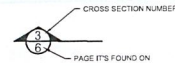
RECLAMATION PLAN
TURNER BORROW PIT
DESOTO COUNTY, FLORIDA

SCALE	1"=50'
VERTICAL DATUM	NOV29
SHEET	27
OF	45

MATTHEW J. MORRIS
FL LICENSE NO. 68434



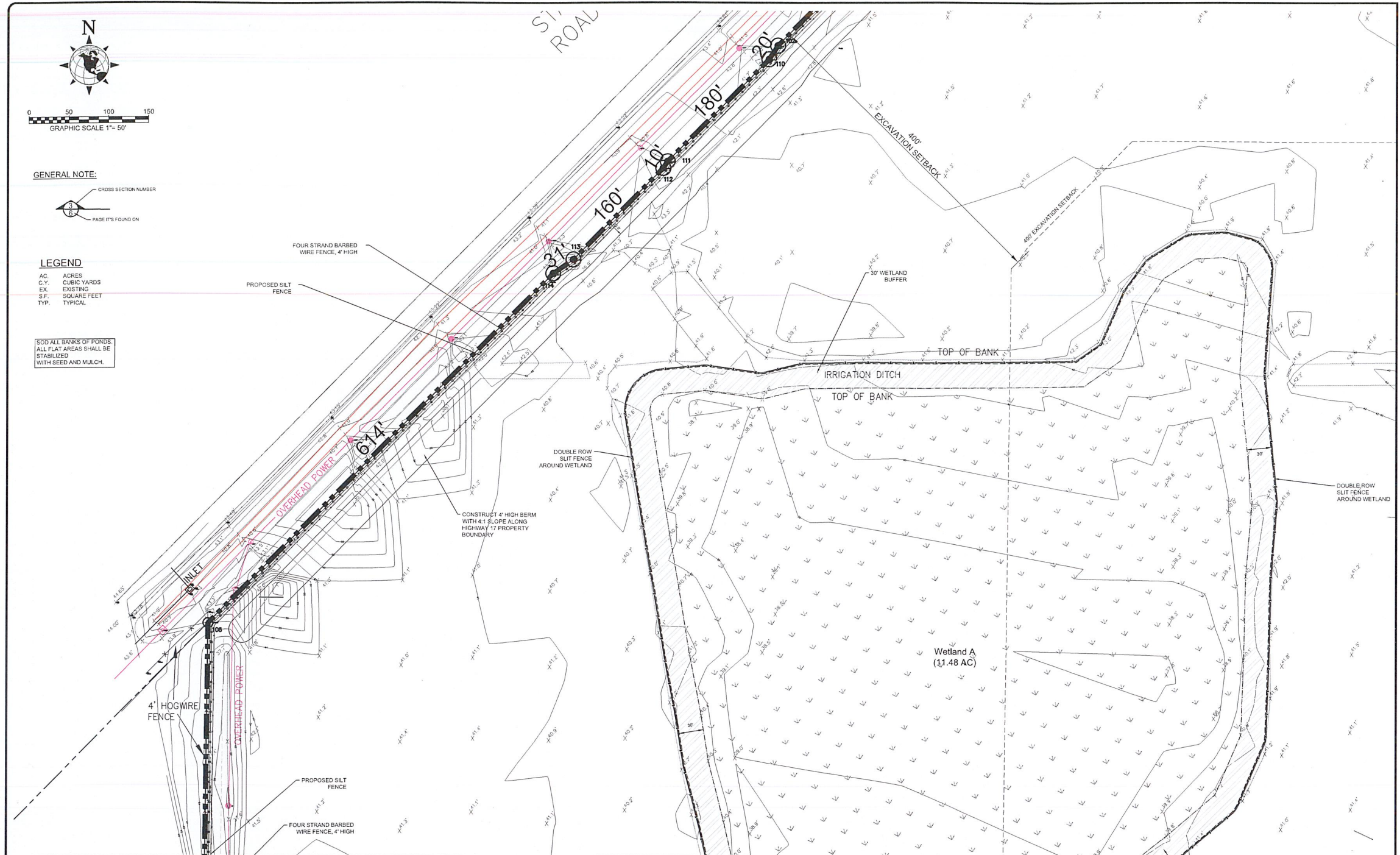
GENERAL NOTE:



LEGEND

AC. ACRES
C.Y. CUBIC YARDS
EX. EXISTING
S.F. SQUARE FEET
TYP. TYPICAL

SOD ALL BANKS OF PONDS.
ALL FLAT AREAS SHALL BE
STABILIZED
WITH SEED AND MULCH.



NO.	DATE	REVISION DESCRIPTION	BY
3	12/03/24	PER DESOTO COUNTY COMMENTS	DJS
2	4/19/24	PER DESOTO COUNTY COMMENTS	DJS
1	3/4/24	PER DESOTO COUNTY COMMENTS	DJS

M

MORRIS ENGINEERING AND CONSULTING, LLC

Civil Engineering and Land Development Consulting

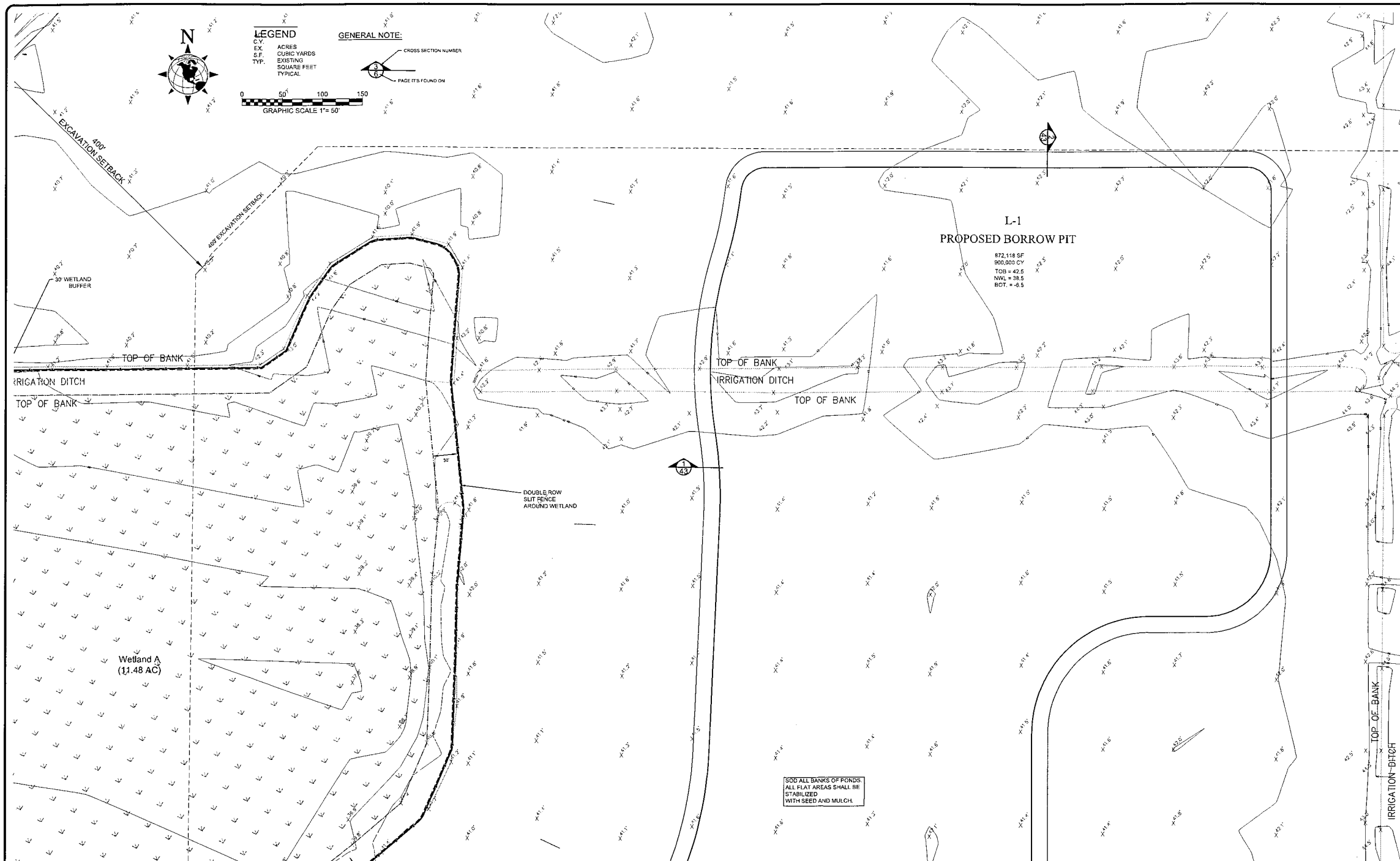
6997 Professional Parkway East, Suite B, Sarasota, Florida 34240 C.A. 24780 941-444-6644 www.morrisengineering.com

DATE	2024-04-25
PROJECT	TURNER US 17 BORROW
DRAWING	04 TURN REC
DRAWN	DJS
CHECKED	M.M.

RECLAMATION PLAN
TURNER BORROW PIT
DESOTO COUNTY, FLORIDA

SCALE	1"=50'
VERTICAL DATUM	NGVD29
SHEET	28
OF	45

MATTHEW J. MORRIS
FLORIDA LICENSE NO. 68434



NO.	DATE	REVISION DESCRIPTION	BY
1	12/03/24	PER DESOTO COUNTY COMMENTS	DJS
2	4/19/24	PER DESOTO COUNTY COMMENTS	DJS
3	3/4/24	PER DESOTO COUNTY COMMENTS	DJS



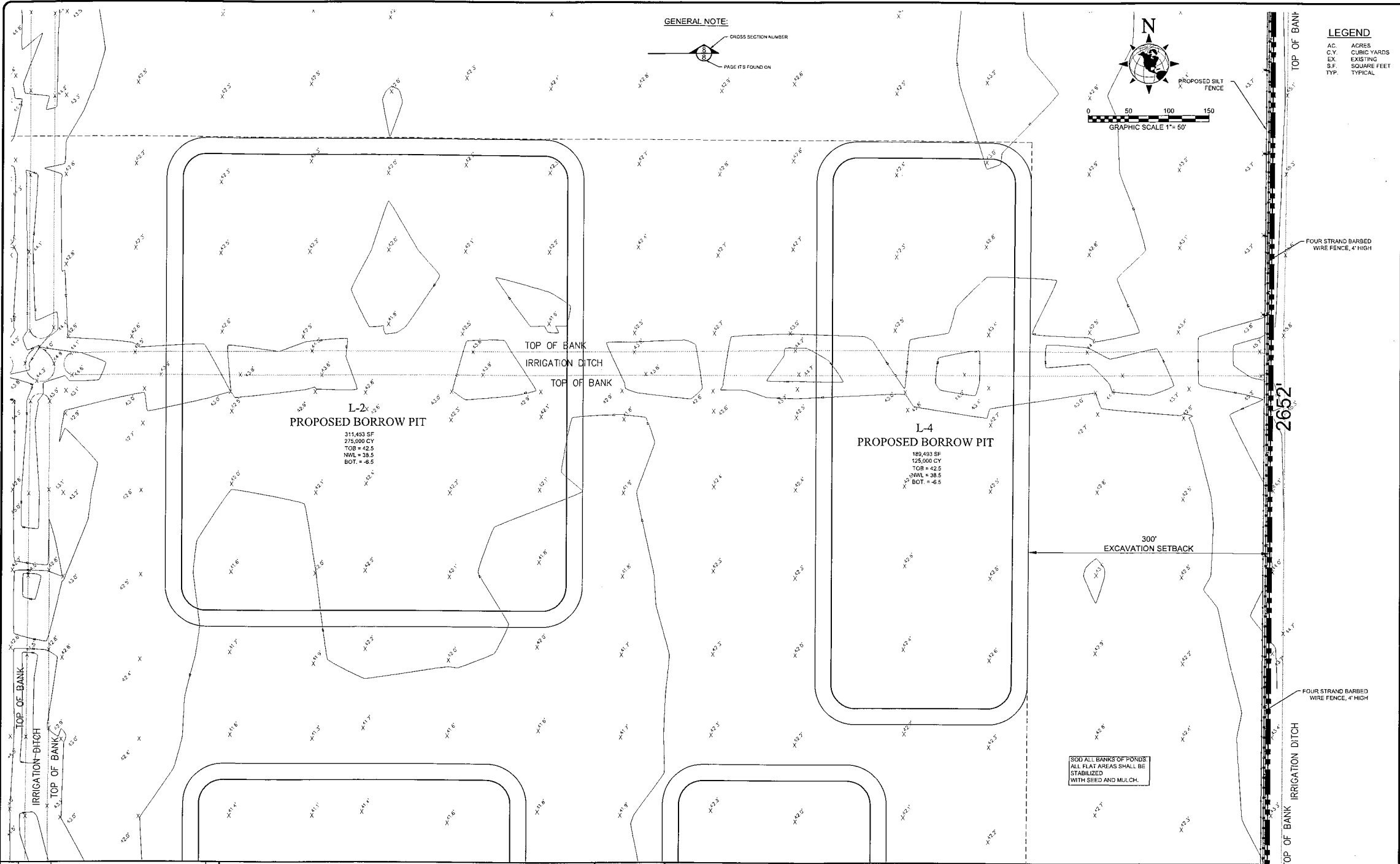
MORRIS ENGINEERING AND CONSULTING, LLC
Civil Engineering and Land Development Consulting
6907 Professional Parkway East, Suite B, Seaside, Florida 32405 C.A. 24780 941-444-6644 www.morrisengineering.net

DATE	2024-04-25
PROJECT	TURNER US 17 BORROW
DRAWING	04 TURN REC
DRAWN	DJS
CHECKED	MJM

RECLAMATION PLAN
TURNER BORROW PIT
DESOTO COUNTY, FLORIDA

SCALE	1:50
VERTICAL DATUM	NAVD83
SHEET	29
OF	45

MATTHEW J. MORRIS
FL LICENSE NO. 68434



NO.	DATE	REVISION DESCRIPTION	BY
2	12/03/24	PER DESOTO COUNTY COMMENTS	D.S.
1	5/7/24	PER DESOTO COUNTY COMMENTS	D.S.

M

MORRIS ENGINEERING AND CONSULTING, LLC

Civil Engineering and Land Development Consulting

6991 Professional Parkway East, Suite B, Sarasota, Florida 34240 | C.A. 24768 | 941-444-6644 | www.morrisengineering.net

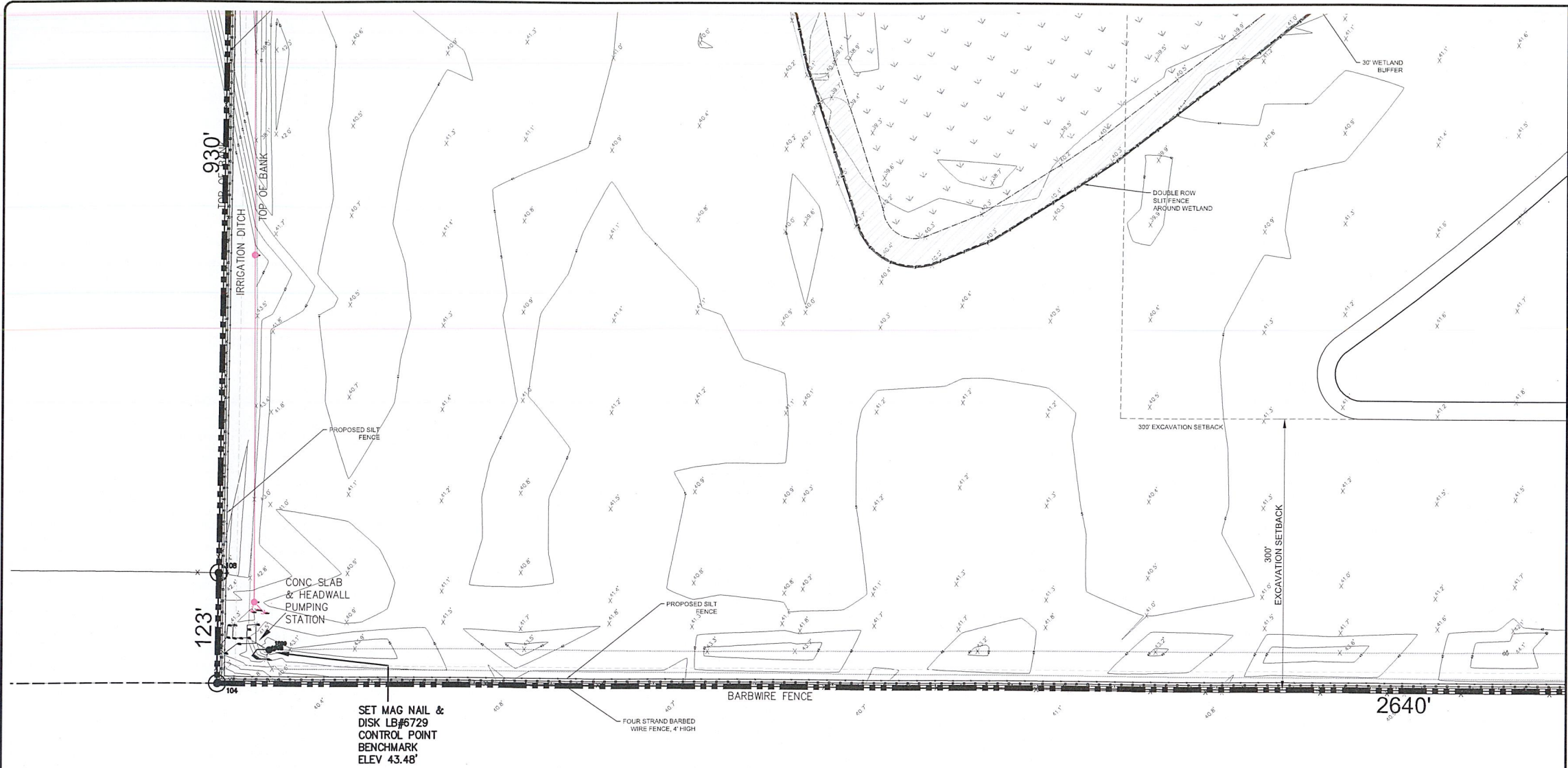
DATE	2024-04-25
PROJECT	TURNER US 17 BORROW
DRAWING	04 TURN REC
DRAWN	DJS
CHECKED	MAM

RECLAMATION PLAN

TURNER BORROW PIT

DESOTO COUNTY, FLORIDA

SCALE	1"=50'
VERTICAL DATUM	NGVD29
SHEET	OF
30	45
MATTHEW J. MORRIS FL LICENSE NO. 68434	



SOD ALL BANKS OF PONDS.
ALL FLAT AREAS SHALL BE
STABILIZED
WITH SEED AND MULCH.

GENERAL NOTE:



LEGEND

AC. ACRES
C.Y. CUBIC YARDS
EX. EXISTING
S.F. SQUARE FEET
TYP. TYPICAL



NO.	DATE	REVISION DESCRIPTION	BY
3	12/03/24	PER DESOTO COUNTY COMMENTS	DJS
2	4/19/24	PER DESOTO COUNTY COMMENTS	DJS
1	3/4/24	PER DESOTO COUNTY COMMENTS	DJS

M

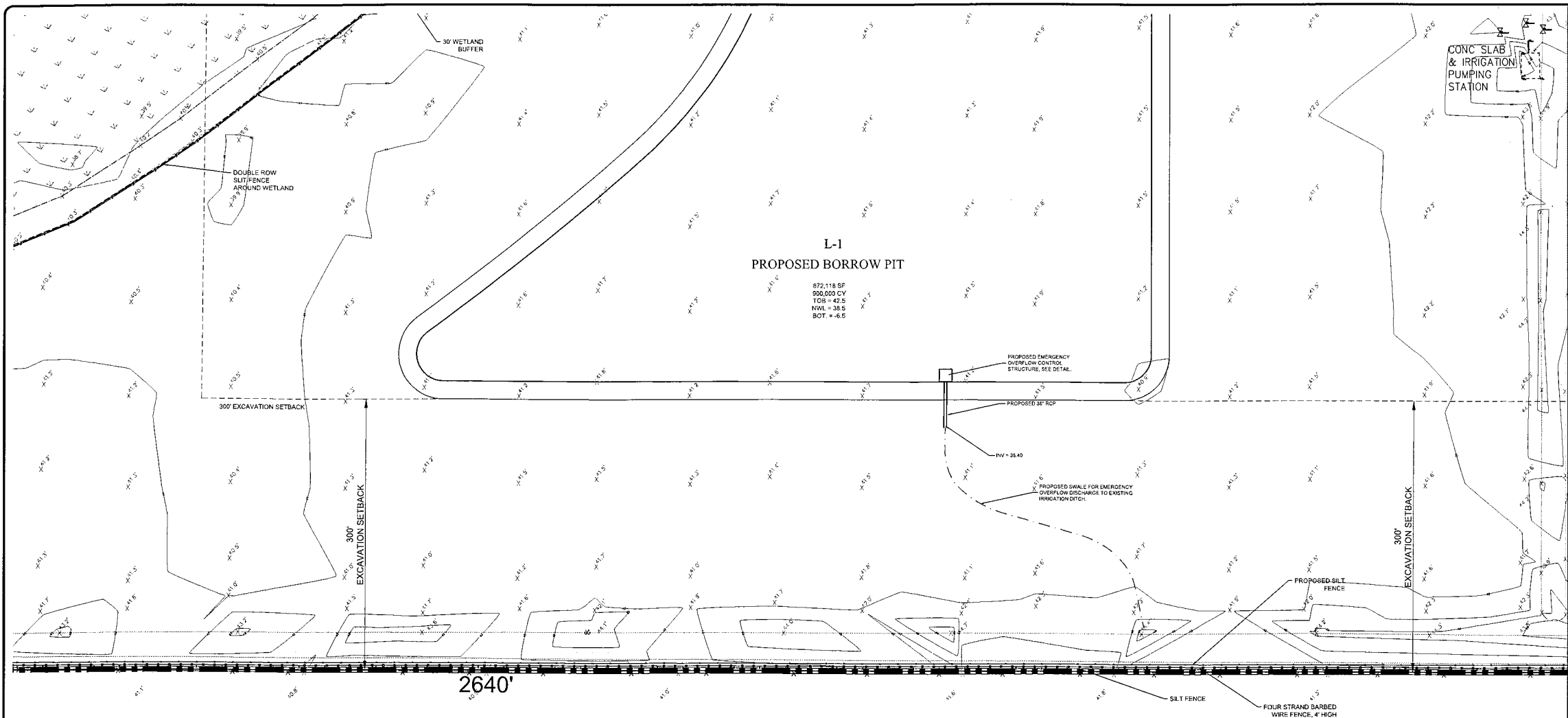
MORRIS ENGINEERING AND CONSULTING, LLC
Civil Engineering and Land Development Consulting
4097 Professional Parkway East, Suite B, Sarasota, Florida 34240 C.A. 26760 941-444-6644 www.morrisengineering.net

DATE 2024-04-25
PROJECT TURNER US 17 BORROW
DRAWING 04 TURN REC
DRAWN DJS
CHECKED MJM

RECLAMATION PLAN
TURNER BORROW PIT
DESOTO COUNTY, FLORIDA

SCALE 1"=50'
VERTICAL DATUM NGVD29
SHEET 31
OF 45

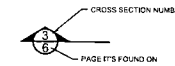
MATTHEW J. MORRIS
FL LICENSE NO. 16434



2640'

500' ALL BANKS OF PONDS:
ALL FLAT AREAS SHALL BE
STABILIZED
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GENERAL NOTE:



LEGEND

- AC. ACRES
- C.Y. CUBIC YARDS
- EX. EXISTING
- S.F. SQUARE FEET
- TYP. TYPICAL



NO.	DATE	REVISION DESCRIPTION	BY
3	12/03/24	PER DESOTO COUNTY COMMENTS	DJS
2	2/19/24	PER DESOTO COUNTY COMMENTS	DJS
1	3/4/24	PER DESOTO COUNTY COMMENTS	DJS

M

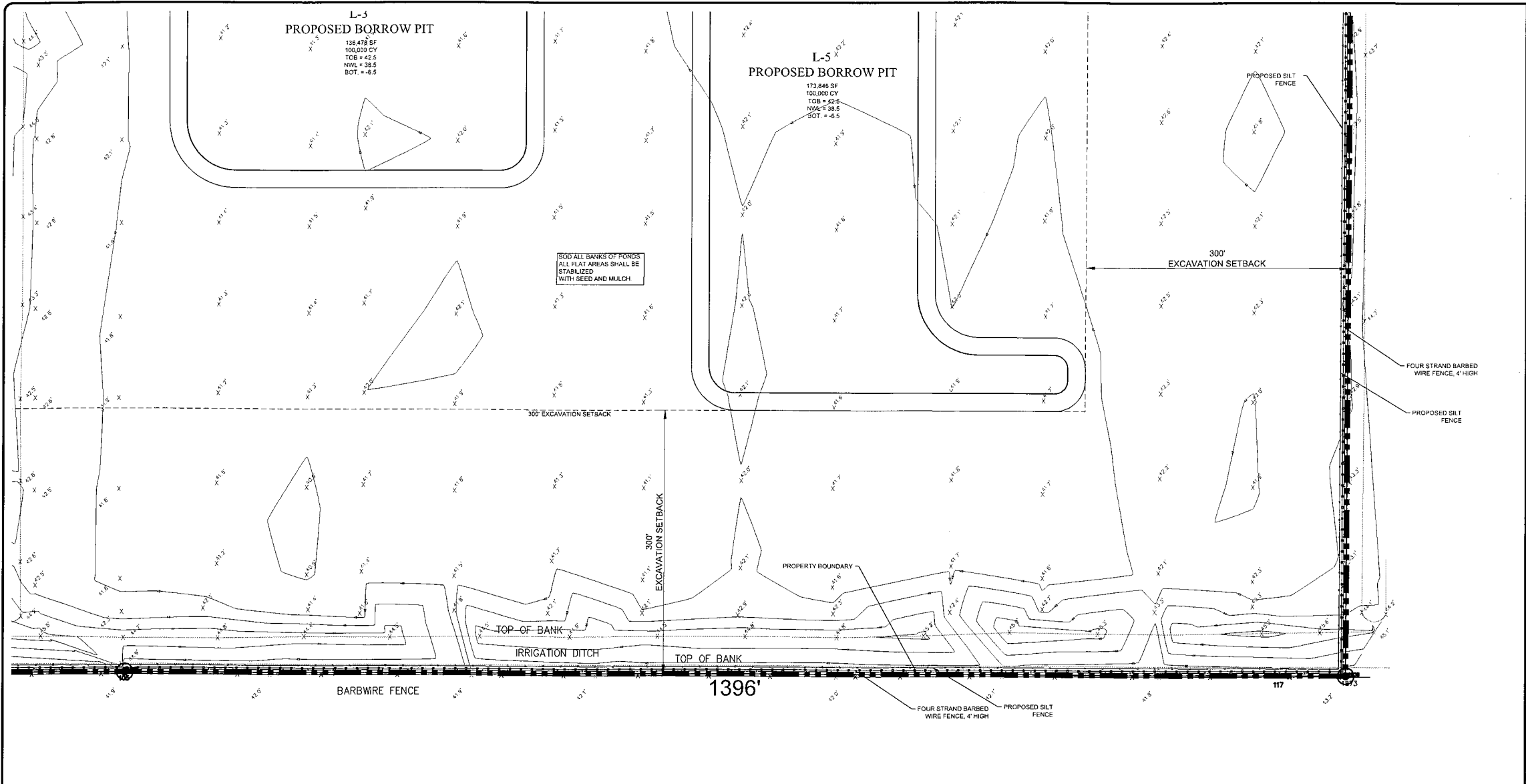
MORRIS ENGINEERING AND CONSULTING, LLC
Civil Engineering and Land Development Consulting
6007 Professional Parkway East, Suite B, Panama, Florida 32409 C.A. 29780 907.444.6644 www.morrisengineering.net

DATE	2024-04-25
PROJECT	TURNER BORROW PIT
DRAWING	04 TURN REC
DRAWN	DJS
CHECKED	MJM

RECLAMATION PLAN
TURNER BORROW PIT
DESOTO COUNTY, FLORIDA

SCALE	1"=50'
VERTICAL DATUM	NGVD29
SHEET	32
OF	45

MATTHEW J. MORRIS
FL LICENSE NO. 68434



NO.	DATE	REVISION DESCRIPTION	BY
1	3/7/24	PER DESOTO COUNTY COMMENTS	DJS
2	4/19/24	PER DESOTO COUNTY COMMENTS	DJS
3	12/03/24	PER DESOTO COUNTY COMMENTS	DJS

M

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RECLAMATION PLAN

TURNER BORROW PIT

DESOTO COUNTY, FLORIDA

SCALE	1"=50'
VERTICAL DATUM	NAVD83
SHEET	33
OF	45

MATTHEW J. MORRIS

FL LICENSE NO. 68434