From:	McBride, Ashanti
To:	Jamie Seaman; Dilmore, Cory; Kromhout, Elizabeth; Eldredge, Susan F.; Ron Beladi
Cc:	Junos Reed; Leonard Marion; Regina Montgomery
Subject:	RE: Declaration of Restrictive Covenant
Date:	Monday, July 31, 2017 2:56:59 PM

Good Afternoon Ms. Seaman,

Thank you for providing a copy of the Trustee's Deed and the Mineral Quit Claim Deed. I will review and advise if I have any additional comments. Can you please provide a letter to the Department stating your legal opinion below that pursuant to Fla. Stat. 689.20 the mineral royalties and interest reservation do not apply and thus will not conflict with the Declaration of Restrictive Covenant? We will need this letter to place with the Department's file on the Declaration of Restrictive Covenant for on-site soils for this site?

Please do not hesitate to contact me if you have any questions or if I may further assist.

Thank you,

Ashanti I. McBride
Assistant General Counsel
Programs: Solid Waste, Hazardous Waste, and Waste Reduction
Office of the General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Boulevard | Tallahassee, FL, 32399-3000
T: (850) 245-2203 | F: (850) 245-2298
Ashanti.McBride@dep.state.fl.us

From: Jamie Seaman [mailto:jseaman@volusia.org]
Sent: Wednesday, July 26, 2017 10:57 AM
To: McBride, Ashanti <Ashanti.McBride@dep.state.fl.us>; Dilmore, Cory <Cory.Dilmore@dep.state.fl.us>; Kromhout, Elizabeth <Elizabeth.Kromhout@dep.state.fl.us>; Eldredge, Susan F. <Susan.F.Eldredge@dep.state.fl.us>; Ron Beladi <ron.beladi@neel-schaffer.com>
Cc: Junos Reed <JReed@volusia.org>; Leonard Marion <LMarion@volusia.org>; Regina Montgomery <RMontgomery@volusia.org>
Subject: RE: Declaration of Restrictive Covenant

Ms McBride,
The below email was returned because the file size was too large. County IT set up an FTP site. If you are unable to access the site please contact Ingrid Montoya in the Volusia County Attorney's office - 386-736-5950.
ftp://74.191.71.194
Username: covlsac
Password: 1vldspca

>>> Jamie Seaman 7/25/2017 1:58 PM >>>
Ms. McBride,
I have attached a zip file with the Trustees deed, Deed Book 442, Page 268, 5-14-1951, and the Mineral Quit Claim Deed. The files are a picture rather than a pdf as the images on the microfilm in the clerk's office are not very good. The image for the Trustees deed is white on black, which makes it slightly easier to read. These are the best available copies. If you have difficulty opening the documents, please let me know.

Section 689.20, Florida Statutes states that the word minerals used in any deed shall not include topsoil, muck, peat, humus, sand, and common clay unless expressly stated. Since this permit is for excavation of topsoil, the mineral royalties and reservations do not apply.
Jamie E. Seaman
Deputy County Attorney

>>> "McBride, Ashanti" <Ashanti.McBride@dep.state.fl.us> 7/10/2017 2:44 PM >>>
Good Afternoon,

Please accept my apologies for the delayed response as I was out of the office due to a family emergency. I have completed my review of the Declaration of Restrictive Covenant Package for Volusia County. I have the following comments.

1. Please attach to Exhibit B a survey of the property as follows below. The survey should be of the entire Property described in Exhibit A and show and label the restricted portion as described in Exhibit B.
    - **Survey.** A Specific Purpose Survey, Boundary Survey or Sketch and Description as defined under Chapter 5J-17, F.A.C., and prepared using the minimum technical standards (MTS) as defined therein (collectively referred to as a "Survey") should be attached to the RC as Exhibit B. In addition, the Survey should include four corners of the designated restricted area labeled with the state plane coordinates (SPC) system or geographical coordinates. We need a survey of the area to be held for cover fill, specifically. A more general legal description will suffice for the closure and access purposes. The Survey should be a clearly labeled attachment to the RC and the area to be restricted should also be clearly labeled with a label that corresponds to the terminology used to describe it in the text of the document.
1. The Ownership and Encumbrance Report indicates that there are two encumbrances on the property. An undivided ½ interest in all oil, gas, and minerals as reserved in the Trustees' Deed recorded May 28, 1951, as well as a ½ royalty interest reserved in a Mineral Quit Claim Deed recorded September 12, 1984. The copies of the Trustees' Deed and Mineral Quit Claim Deed included in the DRC package are illegible. Please provide legible copies of the documents. Additionally, please provide an analysis of whether or not the holder(s) of these interests (Norpak Corporation) is entitled to notice of the Declaration of Restrictive Covenant or whether it is appropriate to seek subordination or joinder and consent from the encumbrance holder.

Please let me know if you have any additional questions for me. Please do not hesitate to contact me if I may further assist.

Thank you,
Ashanti I. McBride
Assistant General Counsel
Programs: Solid Waste, Hazardous Waste, and Waste Reduction
Office of the General Counsel

Florida Department of Environmental Protection
3900 Commonwealth Boulevard | Tallahassee, FL, 32399-3000
T: (850) 245-2203 | F: (850) 245-2298
Ashanti.McBride@dep.state.fl.us

From: Ron Beladi [mailto:ron.beladi@neel-schaffer.com]
Sent: Thursday, July 6, 2017 2:26 PM
To: Dilmore, Cory <Cory.Dilmore@dep.state.fl.us>; Kromhout, Elizabeth <Elizabeth.Kromhout@dep.state.fl.us>; McBride, Ashanti <Ashanti.McBride@dep.state.fl.us>; Eldredge, Susan F. <Susan.F.Eldredge@dep.state.fl.us>
Cc: Leonard Marion <lmarion@volusia.org>; Junos Reed (JReed@volusia.org) <JReed@volusia.org>; Regina Montgomery <RMontgomery@volusia.org>; Jamie Seaman <JSeaman@volusia.org>
Subject: RE: Declaration of Restrictive Covenant

Cory:
It's been over 30-days since we submitted the package for declaration of restricted covenant for the Volusia County Solid Waste Division's Pioneer Trail Borrow Area project. Any progress toward approval? The County hopes to adjust this year's closure financial responsibility cost estimates based on FDEP approval of the closure cover fill from Pioneer Trail Borrow Area.

Please let us know at your convenience.

Regards

……

Ron S. Beladi
Vice-president
Sr. Engineer Manager

Neel-Schaffer, Inc.
2301 Lucien Way, Suite 300
Maitland, FL 32751
Direct: 407.720.4276
Phone: 407.647.6623 Ext.3805
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From: Ron Beladi
Sent: Sunday, June 04, 2017 12:35 PM
To: Cory D. Dilmore (cory.dilmore@dep.state.fl.us) <cory.dilmore@dep.state.fl.us>; El Kromhout (elizabeth.kromhout@dep.state.fl.us) <elizabeth.kromhout@dep.state.fl.us>; Ashanti I. McBride (Ashanti.McBride@dep.state.fl.us) <Ashanti.McBride@dep.state.fl.us>; Eldredge, Susan F.

(Susan.F.Eldredge@dep.state.fl.us) <Susan.F.Eldredge@dep.state.fl.us>
Cc: Leonard Marion <lmarion@volusia.org>; Junos Reed (JReed@volusia.org) <JReed@volusia.org>; Regina Montgomery <RMontgomery@volusia.org>; Jamie Seaman <JSeaman@volusia.org>
Subject: Declaration of Restrictive Covenant

Mr. Dilmore:
Please see attached as we discussed. The paper copy with original signatures are transmitted to you and others by overnight mail. Please let us know if any questions or comments.

Regards

……

Ron S. Beladi
Vice-president
Sr. Engineer Manager

Neel-Schaffer, Inc.
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Maitland, FL 32751
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