

**CREATIVE LAND MANAGEMENT LLC
COMMITMENT FOR RESTORATION OF MINING SITE**

WHEREAS, Creative Land Management LLC, hereinafter referred to as Owner, and Martin County, hereinafter referred to as County, entered into a Stipulation and Agreed Final Order for Case Number 16-0107262 (Order), attached hereto as Exhibit 1; and

WHEREAS, among the requirements contained within the Order is Owner's obligation to restore the mining site on the property described therein; and

WHEREAS, pursuant to Section 4.350, Land Development Regulations, Martin County Code, Owner shall post a three-year performance bond/security to ensure that the restoration is complete.

NOW THEREFORE, Owner agrees as follows:

1. By **April 12, 2019**, which is two years from the approval date of the reclamation plan, all hauling of fill material to or from the site shall cease, unless otherwise authorized by an approved development order. Owner shall complete the restoration of the mining site, including items such as, but not limited to, general clean-up, grading, and revegetation of the lake banks, littoral zones and upland transition zone as set forth on the Reclamation Plan, attached hereto at Exhibit 2. The Owner's Florida licensed professional engineer licensed professional surveyor and mapper shall certify that the reclamation grading was completed in substantial conformance with the Reclamation Plan approved by County. The following certification statement must appear on the certification report:

I hereby notify Martin County of the completion of all restoration for the above referenced project and certify that it has been completed in conformance with the Reclamation Plan approved by County including, but not limited to, all area and quantities of vegetated littoral and upland buffer zones, all excavation and fill material quantities, excavation depths, and natural resources protection. (A copy of the approved Reclamation Plan is attached.) I hereby affix my seal this_____ day of _____/_____/20____.

Seal and Signature:

(Printed name)

Florida Registration No. _____

2. Following receipt of the certification, if an inspection by County confirms satisfactory completion of the restoration grading, the bond/security shall be released to Owner. In the event the restoration grading was not completed in substantial conformance with the Reclamation Plan approved by County, County shall have the right to complete the restoration, either itself or through its agents or contractors, and to use the security provided for payment of all costs and expenses incurred in the completion thereof, including but not limited to, engineering, consultant, legal and contingent costs. Further, County shall be reimbursed from the security provided for any damages, either direct or consequential, which County may sustain as a result of the failure of Owner to carry out and execute all of the provisions of this Commitment.

3. By October 12, 2019, which is two and one-half years from the approval date of the reclamation plan, the Owner's Florida licensed landscape architect or environmental professional shall certify the establishment of the required littoral and upland plantings in substantial conformance with the approved Preserve Area Management Plan. With the certification of establishment of the required littoral and upland plantings, the Owner shall provide a three year performance bond/security and accompanying agreement for the supply and installation cost of the required littoral and upland plantings to ensure adequate maintenance and survivability of vegetative materials. The amount of the security shall be based on 110 percent of a cost estimate prepared by a Florida licensed professional engineer, landscape architect, or environmental professional.

4. Owner designates the following person as its representative to be contacted and to receive all notices regarding this Commitment:

Name: _____

Company: _____

Address: _____

Telephone number: _____

The date of this Commitment shall be the date on which this Commitment was executed by the Owner.

Creative Land Management, LLC

Signature

Printed Name

Title

Date

STATE OF _____

COUNTY OF _____

The foregoing Commitment for Restoration of Mining Site is acknowledged before me this _____ day of _____, 20____ by _____, known to be _____ of the corporation. He or she () is personally known to me or () has produced _____ as identification.

Dated this _____ day of _____, 20____.

NOTARY PUBLIC

[STAMP]
