



**Hillsborough**  
**County** Florida

**DEVELOPMENT SERVICES**

PO Box 1110, Tampa, FL 33601-1110  
(813) 272-5600

**BOARD OF COUNTY  
COMMISSIONERS**

Chris Boles  
Donna Cameron Cepeda  
Harry Cohen  
Ken Hagan  
Christine Miller  
Gwendolyn "Gwen" Myers  
Joshua Wostal

**COUNTY ADMINISTRATOR**

Bonnie M. Wise

**COUNTY ATTORNEY**

Christine M. Beck

**COUNTY INTERNAL AUDITOR**

Melinda Jenzarli

**DEPUTY COUNTY ADMINISTRATOR**

Gregory S. Horwedel

**DATE:** October 27, 2025

**SUBJECT:** Bullfrog Creek Wetland Mitigation Bank, LLC; Release of Bond CS3250201  
Land Excavation Operating Permit 20-02-LE / SU 20-0179

**DEPARTMENT:** Development Review Division of Development Services

**DEPT. SECTION:** Natural Resources

**BOARD DATE:**

**CONTACT:** Wayne Doyon, Supervisor, Natural Resources

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**RECOMMENDATION:** Release of reclamation Bond in the amount of \$45,879 for land excavation operating permit 20-02-LE.

**BACKGROUND:** Bullfrog Creek Wetland Mitigation Bank, LLC was approved for a special use permit SU 20-0179, on 10/05/2020 for a duration of 18 months. Maximum excavation volume permitted was 198,000 cubic yards. The operating permit was issued on 09/09/2022 with an expiration of 03/08/2024. The applicant provided a Bond in the amount of \$45,879.00 with an expiration date of 10/23/2025.

The total volume excavated under SU 20-0179 was 136,760 cubic yards. On October 21, 2025, the final inspection found the site was reclaimed consistent with the approved reclamation plans.

It is requested that the reclamation Bond #CS3250201 be released to the applicant Bullfrog Creek Wetland Mitigation Bank, LLC.

20-02-LE



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SEP 20 REC'D

## BOARD OF COUNTY COMMISSIONERS

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Kimberly Overman

Mariella Smith

Stacy R. White

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## COUNTY ATTORNEY

Christine M. Beck

## COUNTY INTERNAL AUDITOR

Peggy Caskey

## DEPUTY COUNTY ADMINISTRATOR

Gregory S. Horwedel

Date: September 16, 2022

To: Midge Dixon, BOCC Records

From: Lori Moreda, Engineering Associate, Land Excavation, DSD

Re: Operating permit and Legal Documents for Land Excavation 20-02-LE

Bullfrog Creek Wetland Mitigation Bank SU-20-0179

The following documents have been reviewed and approved by the County Attorney's Office, and are ready to be recorded:

1. Copy of the Operating Permit 20-02-LE
2. Bond Number CS3250201
3. Legal Description
4. Power of Attorney Number 021328
5. Nematode Affidavit
6. License to Reclaim
7. Affidavit to Complete Reclamation – Corporate
8. Reclamation Calculations

Please retain with H.C. BOCC Records until such time they are approved for release or redemption.

813-274-6737

LMM



# Hillsborough County Florida

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## BOARD OF COUNTY COMMISSIONERS

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## DEPUTY COUNTY ADMINISTRATOR

Gregory S. Horwedel

**Land Excavating Operating Permit      20-02-LE      SU-20-0179**

**Applicant:**      Jesus Merly, P.E. (813) 404-8872  
12506 Bronco Drive Tampa, FL

**Owner:**      Bullfrog Creek Wetland Mitigation Bank LLC  
111 S. Armenia Ave, Suite 201 Tampa, FL 33609

**Folio:**      077960.0000

**Physical Location:**      1,150 feet south of Hidden Breeze Drive on West Lake Drive

**Operating Permit Issuance Date:**      September 9, 2022

**Financial Security Instrument (LOC) Expiry Date:** 10/23/25

**Operating Permit Expiration Date:**      March 8,, 2024

7. DAYS/HOURS OF OPERATION: 7:00 am to 6:00 pm and shall be restricted to Monday through Saturday with no operations on Sunday or any County recognized holidays. Per SU-LE-20-0179:
- a. Land Excavation related activities as described as follows but are not limited to the following are PROHIBITED before, during, or after permitted days/hours of operations (above):
- i. Excavation
  - ii. Reclamation
  - iii. Equipment Maintenance (or idling).
  - iv. Loading
  - v. Hauling
  - vi. Grading
  - vii. Maintenance of Soil Tracking Device(s)
  - viii. Jake / Engine Braking
  - ix. Horn blowing
  - x. Idling
  - xi. Queuing, parking, or staging of trucks and/or equipment by the permittee or its contractors or customers along the ROW on West Lake Rd or Bill Tucker Road.
8. GENERAL PROHIBITIONS: Disposal or storage of any type of material other than excavated materials associated with the land excavation permitted for this site at any time including the following:
- i. Hazardous substances of any type.
  - ii. Vegetative materials (organic).
    1. Trees, brush, plants, wood
      - a. Any other discarded materials.
    2. Metal
    3. Construction Debris
    4. Plastics
    5. Animal Waste

- h. REPORT ALL ROADWAY DAMAGE(S), turn radii, shoulder, under-drain, and/or ROADWAY & RIGHT-OF-WAY DAMAGES or FAILURES within the AREA of RESPONSIBILITY IMMEDIATELY (within 24 hours) to the Public Work Department at 813-635-5400 and to Development Services Division, Natural Resources, Land Excavation staff at 813-627-1300 immediately upon discovery.
10. EXCAVATION / DEPTH OF EXCAVATION / ENVIRONMENTAL TESTING:
  - a. EXCAVATION shall not exceed the depth(s) shown on the approved site plans.
  - b. No excavating of the confining clay layer. LDC 8.01.05.B.
  - c. If the County has reason to suspect the excavation or any of its associated activities are negatively impacting groundwater or surface waters, or is causing flooding to occur, excavation shall cease immediately. Followed by required environmental testing requested by the County.
    - i. The permittee shall be responsible for bearing all costs associated with performing and reporting any County those required environmental tests.
  - d. When excavation activities cease for a period of 90 calendar days, reclamation of the area shall begin immediately and continue until excavation resumes or reclamation is complete.
  - e. Site perimeters slopes shall be at a ratio of 4:1 from the top of bank to six (6) feet below the estimated natural water level, then continue at a ratio of 2:1 (slope) to the bottom of the excavation and not be over-cut/excavated/backfilled.
11. STAKING OF AREA FOR EXCAVATION: Prior to excavation, the perimeter of the land excavation project shall be adequately staked to delineate the excavation. These stakes shall be maintained throughout the duration of excavation and reclamation.
  - a. In the event limestone is encountered, all land excavation activities shall cease until DSD staff and the H.C. Environmental Protection Commission (EPC) staff have been notified. DSD staff shall determine proper capping of the limestone.
12. EROSION & DISCHARGE OF TURBID WATERS & WETLANDS: All efforts must be undertaken to prevent any erosion or turbid water from being discharged offsite into wetlands and/or waters of the County. Turbid discharges that exceed 29 NTU's (Nephelometric Turbidity Units) above background levels are a violation pursuant to Chapter 1-5, the EPC Water Quality Rule. The erosion or discharge of sediments into wetlands is a violation of Chapter 1-11, the EPC Wetland Rule. Silt screens or other methods of erosion/turbidity control may be required. It is the responsibility of the owner/developer to insure the installation of adequate erosion control barriers prior to the commencement of any site work. These erosion control devices must be maintained in good condition throughout the construction process and until all loose soils have stabilized. It is strongly recommended that all erosion control devices be regularly inspected during construction and modified if conditions warrant.
  - a. Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining, or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, Rules of the Commission, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and Chapter 1-11, Regulations of the EPC.

16. The Administrator shall have the right to inspect the lands affected by this division. Permitted land excavations shall be inspected to ensure compliance with this division and all conditions of the permit. Inspections shall be performed at least quarterly. Advance notice of inspections shall not be required, however, upon arrival the inspector shall attempt to contact operating personnel. LDC 8.01.03.H

**AT COMPLETION OF EXCAVATION PROJECT**

17. The accepted reclamation instrument (the letter of credit) in the amount of \$45,879.00 shall be considered for release by the Board of County Commissioners when the DSD has determined the reclamation plan has been satisfactorily completed.
18. DSD staff will conduct a field verification that the site reclamation is consistent with the approved reclamation plans dated electronically July 18, 2022.
19. A topographical survey is required at completion of excavation project with volume calculations.
- a. All applicable excavation inspect fees shall be reconciled based on the topographical survey volume calculations as compared to fees paid over the lifetime of the project for SU-LE-20-0179
  - b. At the completion of the project, and before the release of the financial security bond, a post-construction inspection shall be conducted by appropriate Public Works staff of the roadway to determine what, if any repairs are to be made the haul route.

**ALL LAND EXCAVATION ACTIVITIES AND OPERATING PERMIT INQUIRIES SHOULD BE DIRECTED TO:**

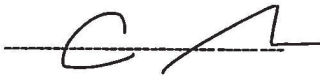
Lori Moreda, Engineering Associate, Natural Resources Department Development Services Division

813-274-6737 (office)

Email: [moredaL@hillsboroughcounty.org](mailto:moredaL@hillsboroughcounty.org)

813-944-7741 (mobile)

813-272-5149 (fax)



Carrie Moore, Natural Resources Manager

Date 09/12/2022

Natural Resources Department

Development Services Division

LAND EXCAVATION RECLAMATION BOND

CS3250201  
Bond Number

**KNOW ALL PERSONS BY THESE PRESENTS**, that we, the undersigned, Bullfrog Creek Mitigation Bank, LLC [*name of permittee*] called the Principal and Great American Insurance Company [*name of bond company*] called the Surety, are held and firmly bound unto the **BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA** (the "County"), in the sum of Forty-five Thousand Eight Hundred Seventy-nine and 00/100 (\$45,879.00) Dollars for the payment of which we jointly and severally bind ourselves, our successors and assigns.

THE CONDITION OF THE ABOVE OLLIGATION IS SUCH THAT:

WHEREAS, the above named Principal has submitted ☒ permit application number 20-02-LE or ☐ application for transfer of permit number 20-02-LE to conduct land excavation pursuant to the Hillsborough County Land Development Code, Ordinance 92-5, as amended (the "LDC"), on the property identified in **Exhibit A** ("the Property"), attached hereto; and

WHEREAS, the LDC and its implementing regulations require the submittal of a reclamation plan with the application for a permit to conduct land excavation; and

WHEREAS, the LDC and its implementing regulations further require that a financial security be provided guaranteeing that the reclamation plan will be completed; and

WHEREAS, the Principal has chosen to submit this performance bond as a guarantee that the reclamation of the land disturbed by excavation on the Property will be completed pursuant to the approved reclamation plan for the Property (the "Reclamation Plan"), the LDC and the terms of the land excavation permit issued for the Property (the "Permit"); and

WHEREAS, the Surety and its successors and assigns agree to guarantee the obligation and to indemnify, defend and hold harmless the County from any and all losses and expenses

which the County may sustain as a result of the Principal's failure to comply with the conditions of the obligation.

NOW THEREFORE, if the Principal shall complete the approved Reclamation Plan as required by the Permit and the LDC, then this obligation shall be void; otherwise this obligation shall remain in full force and effect until October 23, 2025.

The failure of the Principal to fulfill the obligations set forth by the LDC, the Reclamation Plan and its Permit shall result in a forfeiture of this performance bond.

The Surety shall not cancel this bond at any time for any reason, including non-payment of premium or bankruptcy of the Principal during the period of liability.

IN WITNESS WHEREOF, the Principal and the Surety have set their signatures as of the dates set below. This bond shall be effective this 20<sup>th</sup> day of November, 2020 [insert date signed by Surety].

Signed this 10 day of August, 20 21.

**PRINCIPAL**

(Attach written authorization to execute on behalf of Principal)

By: Bullfrog Creek Mitigation Bank, LLC

Signature of authorized representative

Printed Name

Ryan Denbler

Title

Managing Member

**ACKNOWLEDGMENT (PRINCIPAL)**

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this 10 day of AUGUST, 20 21, by RYAN DEIBLER [name] MANAGING MEMBER of BULLFROG CREEK MITIGATION BANK, LLC [type of business entity], on behalf of the PERSONALLY KNOWN [type of identification] as identification and did (did not) take an oath.

NOTARY PUBLIC:

Sign: Nancy Mansfield

Print: 08/10/2021

APPROVED BY THE COUNTY ATTORNEY

BY [Signature]

Approved As To Form And Legal Sufficiency.



**SURETY**

(Attach written authorization  
to execute on behalf of Surety)

Great American Insurance Company  
Name of Surety

Tanya L. Russo  
Signature of Attorney-In-Fact

Tanya L. Russo, Attorney-in-Fact  
Printed Name of Attorney-In-Fact

**ACKNOWLEDGEMENT (SURETY)**

STATE OF FLORIDA

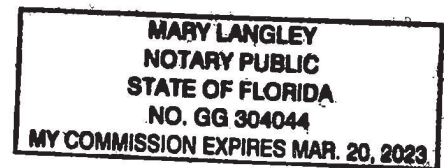
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before by means of ☒ physical presence or ☐ online notarization me this 20<sup>th</sup> day of November, 2020, by Tanya L. Russo as Attorney-In-Fact of Great American Insurance Company (Surety). He/She is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did (did not) take an oath.

NOTARY PUBLIC:

Sign: Mary Langley (Seal)

Print: Mary Langley



**EXHIBIT A**  
*[legal description and folio]*

## EXHIBIT "A" LEGAL DESCRIPTION

### PARCEL A

As a Point of Reference commence at the Southwest corner of Section 33, Township 31 South, Range 20 East Hillsborough County, Florida, and proceed S. 89°18'11" E., along the South boundary of said Section 33, a distance of 1040.00 feet for a POINT OF BEGINNING; thence N. 00°06'44" E., parallel with the West boundary of said Section 33, a distance of 516.00 feet; thence S. 89°18'11" W., parallel with the South boundary of said Section 33, a distance of 923.49 feet to a point on the Easterly right-of-way line of West Lake Road; thence N. 21°23'37" W., along said Easterly right-of-way line, a distance of 211.36 feet to a point on the Southerly boundary of RANCH LANDS, as recorded in Plat Book 88, Page 98 of the Public Records of Hillsborough County, Florida; thence N. 70°40'21" E., along said Southerly boundary, a distance of 280.38 feet; thence N. 65°39'19" E., along said Southerly boundary a distance of 461.21 feet, thence N. 10°47'54" W., along the Easterly boundary of RANCH LANDS, a distance of 1377.56 feet; thence N. 24°42'53" E., along said Easterly boundary, a distance of 308.08 feet; thence N. 17°08'27" W., along said Easterly Boundary a distance of 930.73 feet; thence N. 89°22'20" W., along the North boundary of RANCH LANDS, a distance of 104.50 feet; thence N. 00°07'19" W., a distance of 337.21 feet; thence S. 89°25'01" E., a distance of 1532.32 feet; thence S. 01°20'05" W., a distance of 2278.13 feet; thence S. 73°37'33" E., a distance of 307.51 feet; thence S. 23°32'54" E., a distance of 1644.54 feet to the Southwest corner of the Southeast 1/4 of said Section 33; thence N. 89°18'11" W., along said South Boundary, a distance of 1607.41 feet to the POINT OF BEGINNING.

AND

### PARCEL B

As a POINT OF BEGINNING commence at the Northwest corner of Section 33, Township 31 South, Range 20 East Hillsborough County, Florida, and proceed S. 89°20'19" E., along the North boundary of said Section 33, a distance of 1770.15 feet to a point lying 900.00 feet West of the Northeast corner of the Northwest 1/4 of said Section 33; thence S. 01°20'05" W., a distance of 1250.45 feet; thence N. 89°24'15" W., a distance of 1743.67 feet to a point on the West boundary of the Northwest 1/4 of the Northwest 1/4 of said Section 33; thence N. 00°07'19" E., along said West boundary, a distance of 1252.76 feet to the POINT OF BEGINNING.

Together with a permanent non-exclusive easement for ingress and egress, over and across the following described tracts:

A portion of Tract 3 described as the West 50 feet running along the Westerly boundary of Tract 3 and the North 50 feet running along the Northerly boundary line of Tract 3 more particularly described as follows:

Commencing at the Southeast corner of the Southeast 1/4 of Section 33, Township 31 South, Range 20 East, Hillsborough County, Florida and run thence N. 89°18'11" W. 130.31 feet to the Point of Beginning of Tract 3 as herein described. From said point continue thence N. 89°18'11" W., 2050.00 Feet; thence run N. 00°22'13" W., 616.36 feet; thence run N. 89°34'10" W. 624.12 feet; thence run N. 30°02'31" W., 992.97 feet; thence run N. 73°37'33" W. 307.51 to the Point of Beginning (Tract 3 Easement Parcel). From said Point of Beginning thence run N. 01°20'05" E., 3570.50 feet along the West boundary of Tract 3 to the North boundary of said Section 33, thence run S. 89°20'19" E, along said North Boundary a distance of 1200.00 feet, to a point 300.00 feet East of Northwest Corner of the Northeast 1/4 of said Section 33 and the Point of Termination.

Tract 4:

That portion of Section 32 and 33, Township 31 South, Range 20 East Hillsborough County, Florida more fully described as follows: Commencing at the Northeast corner of said Section 32 run thence S.  $00^{\circ}07'19''$  W. along the East boundary of said Section 32 a distance of 1277.16 feet to a Point of Beginning. (P.O.B.) From said P.O.B. run S.  $89^{\circ}25'01''$  E. a distance of 210.10 feet, thence S.  $00^{\circ}07'19''$  E. a distance of 362.21 feet, thence N.  $89^{\circ}22'20''$  W. a distance of 1528.38 feet to the Easterly right-of-way of West Lake Road, thence N.  $37^{\circ}40'44''$  W. along said Easterly right-of-way a distance 127.39 feet to a point of curve to the right; central angle =  $38^{\circ}05'11''$  radius = 209.00 feet arc = 138.93 feet chord bearing = N.  $10^{\circ}38'08''$  W. chord = 136.39 feet, to a point of tangency; thence N.  $00^{\circ}21'23''$  E along said Easterly right-of-way, a distance of 121.05 feet; thence S.  $89^{\circ}22'20''$  E. along the South boundary of the Northeast 1/4 of the Northeast 1/4 of said Section 32, a distance of 1439.52 feet, to the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of said Section 32 thence N.  $00^{\circ}07'19''$  E., a distance of 12.04 feet to said P.O.B.

Tract 5:

A 50.00 foot parcel of land being 25 feet each side of a centerline which is described as follows: Commencing at the Northwest Corner of Section 33, Township 31 South, Range 20 East, Hillsborough County, Florida, run thence S.  $00^{\circ}07'19''$  W. along the West boundary of said Section 33, a distance of 1277.16 feet, thence run S.  $89^{\circ}25'01''$  E. a distance of 210.20 feet to a Point of Beginning. (P.O.B.) From said P.O.B. run thence S.  $89^{\circ}25'01''$  E, a distance of 1532.22 feet to termination.

# GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by  
this power of attorney is not more than FOUR

No. 0 21328

## POWER OF ATTORNEY

**KNOW ALL MEN BY THESE PRESENTS:** That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

| Name                     | Address        | Limit of Power |
|--------------------------|----------------|----------------|
| FREDERIC M. ARCHERD, JR. | ALL OF         | ALL            |
| TANYA L. RUSSO           | TAMPA, FLORIDA | \$100,000,000  |
| RICHARD P. RUSSO, JR.    |                |                |
| MARY MARTHA LANGLEY      |                |                |

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 18TH day of JUNE 2019

Attest

GREAT AMERICAN INSURANCE COMPANY



*Atty L C. B.*

Assistant Secretary

*Mark Vicario*

Divisional Senior Vice President

STATE OF OHIO, COUNTY OF HAMILTON - ss:

MARK VICARIO (877-377-2405)

On this 18TH day of JUNE, 2019, before me personally appeared MARK VICARIO, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



SUSAN A. KOHORST  
Notary Public  
State of Ohio  
My Comm. Expires  
May 18, 2025

*Susan A. Kohorst*

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

**RESOLVED:** That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

**RESOLVED FURTHER:** That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

## CERTIFICATION

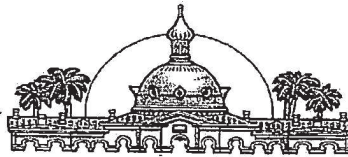
I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this 20th day of November, 2020



*Atty L C. B.*

Assistant Secretary



Hillsborough County  
Florida

NEMATODE AFFIDAVIT

Land Excavation Permit # 20-02-LE

I, Jeffery S. Hills, the duly authorized representative of Bullfrog Creek Mitigation Bank, LLC [business name or n/a for individual owner], and being first duly sworn, certify that the removed soils will not be used within one hundred (100) feet of a commercial citrus grove, citrus nursery, or any nursery site approved for producing burrowing nematode certified stock without the prior approval of the Division of Plant Industry or certification that the soils are free of burrowing nematode. I acknowledge that this is required by Chapter 5B-62.021, Florida Administrative Code.

Signed this 29th day of OCTOBER, 20 20

Signature of Owner/Signature of Applicant  
(If different than owner)

Jeffery S. Hills  
Printed Name of Signer

MANAGER  
Title of Signer

BULLFROG CREEK MITIGATION, LLC  
Name of Permit Holder  
[entity name where applicable]

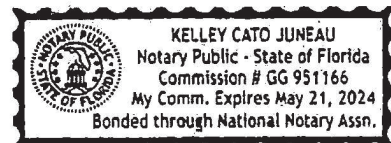
ACKNOWLEDGEMENT:

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 29th day of October, 2020 by Jeffery S. Hills as Manager of Bullfrog Creek Mitigation Bank, LLC, ☒ who is personally known to me, ☒ or who has produced the following identification: \_\_\_\_\_ (check one).

NOTARY PUBLIC:

Sign: \_\_\_\_\_ (Seal)  
Print: Kelley Cato Juneau



APPROVED BY THE COUNTY ATTORNEY

BY [Signature]  
Approved As To Form And Legal  
Sufficiency.

## LICENSE TO RECLAIM

Land Excavation # 20-02-LE

THIS AGREEMENT made and entered into this 29<sup>th</sup> day of OCTOBER, 2020, by and between Bullfrog Creek Mitigation Bank, LLC, hereinafter referred to as "Licensor," and the BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "Licensee."

### RECITALS

WHEREAS, Licensor has applied for a land excavation permit, pursuant to the Hillsborough County Land Development Code, Ordinance 92-5, as amended (hereinafter the "Code"), for the purpose of excavating and hauling soil or other material from property owned by Licensor in Hillsborough County; and

WHEREAS, the Code requires Licensor to complete the reclamation plan for the land excavation pursuant to the terms of the Code and the land excavation permit for the protection of the public health, safety, and welfare; and

WHEREAS, Licensor has indicated its willingness to permit the Licensee to enter upon the land excavation site to complete the necessary reclamation in the event Licensor fails to do so.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN AND OTHER VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

Section 1: The Recitals above are true, correct and are incorporated herein by this reference.

Section 2: Licensor hereby grants to Licensee its agents and employees, the right to enter on the property described in section 3 below, for the purpose of completing the reclamation work required by the Code and land excavation permit # 20-02-LE when such entry is deemed to be necessary by Licensee due to the failure of Licensor to perform the necessary reclamation.

Section 3: The land affected by this License is owned by Licensor and is located in Hillsborough County, Florida, as more specifically described as follows:

Folio #: 77960.0000

Legal Description: provided separately

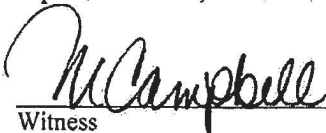
Section 4: This License is irrevocable by the Licensors and shall be terminated only upon certification by the Licensee that the reclamation work required by the Code and land excavation permit # 20-02-1E has been satisfactorily completed.

Section 5: Any additions or supplements to this License shall be in writing and executed by the parties.

Section 6. Each party represents to the other that the party has the authority under all applicable law to enter into an agreement containing such covenants and provisions as are contained in this Agreement, that all of the procedural requirements imposed by law upon each party for the approval and authorization of this Agreement have been properly completed, and that the persons who have executed this Agreement on behalf of each party are the authorized officers of the party, empowered to execute said Agreement.

Section 7: Nothing in this Agreement shall be deemed to be a waiver of Licensee's sovereign immunity or the limitations of liability or recovery contained in Section 768.28, Florida Statutes or other statute, and nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim which would otherwise be barred under the doctrine of sovereign immunity or operation of law.

IN WITNESS THEREOF, the parties, by and through their respective duly authorized representatives, have executed this License on the day, month and year first above written.

  
\_\_\_\_\_  
Witness

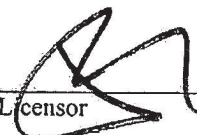
**Michelle M. Campbell**

Printed Name of Witness

  
\_\_\_\_\_  
Witness

**Kelley Cato Juneau**

Printed Name of Witness

  
\_\_\_\_\_  
Owner / Licensors

**Jeffery S. Hills**

Printed Name of Owner / Licensors

**MANAGER**

Title

**BULLDOG CREEK MITIGATION BANK**

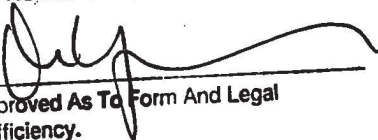
Printed Name of Corporation, Partnership or Trust

**1115. Armenia Ave, Ste 201**

Address of Owner / Licensors

**Tampa, FL 33609**

APPROVED BY THE COUNTY ATTORNEY

BY   
\_\_\_\_\_  
Approved As To Form And Legal Sufficiency.

ACKNOWLEDGEMENT:

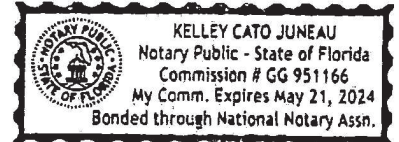
STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 29th day of October, 2020 by Jeffery S. Hills as Manager of Bullfrog Creek Mitigation Bank, LLC, ☒ who is personally known to me, ☐ or who has produced the following identification: \_\_\_\_\_ (check one).

NOTARY PUBLIC:

Sign: [Signature] (Seal)

Print: Kelley Cato Juneau



Hillsborough County Board  
of County Commissioners

[Signature]  
Chair

Attest: Cindy Stuart  
Clerk of Circuit Court

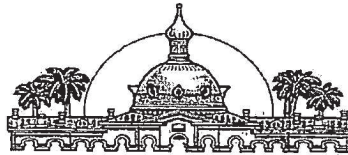
By: [Signature]  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY: [Signature]  
Assistant County Attorney



BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY FLORIDA  
DOCUMENT NO. 22-0965



Hillsborough County  
Florida

**AFFIDAVIT TO COMPLETE RECLAMATION - CORPORATE**

*(for multiple owners, each owner must complete a separate affidavit)*

I, Jeffery S. Hills ("Authorized Representative"), being first duly sworn, state and affirm:

1. I affirm that I am the Manager and the duly authorized representative of Bullfrog Creek Mitigation Bank, LLC (the "Permit Holder"), and that I possess the legal authority to make this Affidavit on behalf of myself and the Permit Holder.
2. The Permit Holder is the owner of the property located at Unaddressed parcel folio 77960.0000 (the "Property").
3. The Property is subject to the conditions of Land Excavation Operating Permit # 20-02-LE (the "Permit").
4. I further acknowledge and affirm that the Permit Holder will complete the reclamation of the Property within the time frame and in the manner required by the Hillsborough County-approved reclamation plan for the Property, by the Permit, and by the Hillsborough County Land Development Code, Ord. 92-05, as amended.

Signed this 29<sup>th</sup> day of OCTOBER, 2020.

Name of Permit Holder: Bullfrog Creek  
Mitigation Bank, LLC

Signature of Authorized Representative

**Jeffery S. Hills**

Printed Name of Authorized Representative

**OWNER ACKNOWLEDGMENT (CORPORATE)**

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

**APPROVED BY THE COUNTY ATTORNEY**

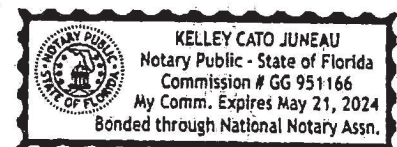
BY [Signature]  
Approved As To Form And Legal  
Sufficiency.

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 29<sup>th</sup> day of October, 2020 by Jeffery S. Hills as Manager of Bullfrog Creek Mitigation Bank, LLC, ☒ who is personally known to me, ☐ or who has produced the following identification: \_\_\_\_\_ (check one).

NOTARY PUBLIC:

Sign: [Signature] (Seal)

Print: Kelley Cato Juneau



## PROPOSED RECLAMATION FINANCIAL SECURITY WORKSHEET

PROPOSED EXCAVATION AREA = **33** acres

### SLOPE AREA

WITH 4:1 SIDE SLOPES

1. (a) **19,100 ft. (Perimeter)** x (b) **3 ft. (Depth)** x (c) **4 slope** = (d) **229,200 ft<sup>2</sup>**

(a) = perimeter of excavation

(b) = natural ground elevation to bottom of excavation

(c) = 4 (4:1 side slope)

(d) = ft<sup>2</sup> of slope surface area

WITH 4:1 AND 2:1 COMBINATION SIDE SLOPES

1. (e) **0 ft. (Perimeter)** x (f) **0 ft. (Depth)** x (g) **0 slope** = (h) **0 ft<sup>2</sup>**

(e) = Perimeter of excavation

(f) = natural ground elevation to a depth six (6) ft below normal low water level

(g) = 4 (4:1 side slope)

(h) = ft<sup>2</sup> of 4:1 slope surface area

2. (i) **0 ft. (Perimeter)** x (k) **ft. (Depth)** x (m) **slope** = (n) **0 ft<sup>2</sup>**

(i) = (e) - [(f) x 4]

(k) = total depth of excavation less (f)

(m) = 2 (2:1 side slope)

(n) = ft<sup>2</sup> of 2:1 slope surface area

3. TOTAL SQUARE FEET OF SLOPE SURFACE AREA = (p) **0 ft<sup>2</sup>**

(p) = (h) + (n)

### RECLAMATION AND EQUIPMENT MOBILIZATION

WITH 4:1 SIDE SLOPES:

1. (d) **229,200 ft<sup>2</sup> / 43560** = (q) **5.26 acres** x \$5,000 (cost/acre) = \$ (r) **26,308**

WITH 4:1 AND 2:1 COMBINATION SIDE SLOPES:

1. (p) **0 ft<sup>2</sup> / 43560** = (s) **0 acres** x \$5,000 (cost/acre) = \$ (t) **0**

Jesus A Merly

2020.10.12

'00'04- 15:52:15



### SEEDING AND MULCHING

1. (h) **229,200 ft<sup>2</sup> / 9** = (u) **25,467 yd<sup>2</sup>** x \$0.50 (cost/yard<sup>2</sup>) = (v) **\$12,733**

### SURVEYING

WITH 4:1 SIDE SLOPES:

1. (q) **5.26 acres** x \$1,300 (cost/acre) = \$ (w) **6,838**

WITH 4:1 AND 2:1 COMBINATION SIDE SLOPES:

1. (s) **0 acres** x \$1,300 (cost/acre) = \$ (y) **0**

### TOTAL AMOUNT OF PROPOSED RECLAMATION SECURITY

WITH 4:1 SIDE SLOPES

$$[(r) + (v) + (w)] \times 110\% = \$ (26,308 + 12,733 + 6,838) \times 1.1 = \$45,879$$

WITH 4:1 AND 2:1 COMBINATION SIDE SLOPES

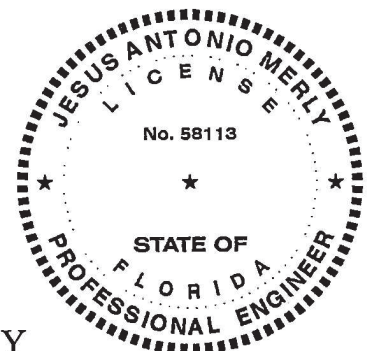
$$[(t) + (v) + (y)] \times 110\% = \$ 0$$

Costs given are based on Department of Transportation (DOT) cost estimates for the items of surveying and mobilization. Said costs are a minimum of what will be acceptable by the

Jesus Antonio Merly, State of Florida,  
Professional Engineer License No. 58113

This item has been digitally signed and sealed  
by Jesus Antonio Merly, P.E. 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.



**COUNTY OF HILLSBOROUGH  
DECISION OF THE LAND USE HEARING OFFICER**

|                                  |                                                                                 |
|----------------------------------|---------------------------------------------------------------------------------|
| <b>APPLICATION NUMBER:</b>       | SU-LE 20-0179                                                                   |
| <b>DATE OF HEARING:</b>          | September 14, 2020                                                              |
| <b>APPLICANT:</b>                | Bullfrog Creek Mitigation Bank,<br>LLC                                          |
| <b>PETITION REQUEST:</b>         | The request is for a Special Use<br>for a Land Excavation Permit                |
| <b>LOCATION:</b>                 | 5,175 feet north of the<br>intersection of Orendain Lane<br>and West Lake Drive |
| <b>SIZE OF PROPERTY:</b>         | 175 acres m.o.l.                                                                |
| <b>EXISTING ZONING DISTRICT:</b> | PD 19-0102                                                                      |
| <b>FUTURE LAND USE CATEGORY:</b> | WVR-2                                                                           |
| <b>SERVICE AREA:</b>             | Rural                                                                           |

## **STAFF PROVIDED BACKGROUND**

### **Request Details:**

The applicant seeks Special Use approval for a Land Excavation permit to allow the removal of 198,600 cubic yards of material to restore existing wetlands on the site and create additional wetlands for the Bullfrog Creek Mitigation Bank. The proposed excavation is located on the east side of West Lake Drive, south of Bill Tucker Road.

The proposed excavation area is approximately 33 acres in size and located on a 173-acre parcel that is zoned Planned Development (PD) 19-0102. PD 19-0102 permits conservation uses in the proposed excavation area. The proposed land excavation is for the purpose of enhancing the wetland conservation area for the Bullfrog Creek Mitigation Bank to restore wetlands, suitable wildlife habitat and vegetation. Sediment will be removed from the wetland area and additional wetland area will be created.

As proposed by the applicant, a total of 198,600 cubic yards of material will be removed from the site over an 18-month period.

### **Required Separations:**

The proposed excavation does not meet all separation requirements found in LDC Section 6.11.54.A.2 for excavations that are not dry excavations. Waivers to allow excavation within 25 feet from any non-residential property line, to allow the proposed excavation within 500 feet of residentially developed or zoned property, and to allow the excavation within the wetland setback area are requested.

Per LDC Section 6.11.54.A.2.c, a 25-foot distance separation is required from any non-residential property line, including agricultural use. The applicant is requesting a waiver to this requirement along the eastern portion of the subject site to allow a 0-foot distance separation. Along the eastern property line there is an existing farm road, which effectively provides an approximate 10-foot separation in most areas, except the southernmost portion of the site. The property to the east is used for crop farming. Per the applicant, in areas where the excavation is adjacent to the property to the east, planned slopes are 4:1 or flatter. Additionally, the excavation areas adjacent to the agricultural areas function as stormwater treatment areas that will improve water quality. Staff has no objection to the proposed waiver.

Per LDC Section 6.11.54.A.2.d, a 500-foot distance separation is required from any residentially developed or residentially zoned property line. Residentially developed property exists to the west of the subject site. The applicant is requesting a waiver to reduce the required distance separation to residentially

developed property to 321 feet. The majority of the land excavation will be 500 feet from residentially developed property. The areas that encroach into the 500-foot distance separation area are areas of the land excavation that will be limited to sediment removal from the existing wetland area. Additionally, given the limited duration of the proposed excavation to 18 months, staff has no objection to the proposed waiver.

Per LDC Section 6.11.54.f, a 30-foot distance separation is required from any wetland/waterbody Conservation Area. The applicant is requesting a waiver to this requirement to allow a 0-foot distance separation. Per the applicant, the purpose of the proposed land excavation is to construct wetlands. Sediment will be removed from existing wetlands, and additional wetland area will be created to expand the wetlands as part of the Bullfrog Creek Mitigation Bank. Natural Resources staff and Environmental Protection Commission staff offered no objections to the proposed special use subject to conditions contained in the proposed conditions of approval. Development Services staff has no objection to the proposed waiver.

The proposed stockpile removal shall conform to the operational hours found in LDC Section 6.11.54.A.4.b of the Land Development Code, which are from 7:00 a.m. to 6:00 p.m. Monday through Saturday, excluding holidays recognized by Hillsborough County.

#### **Prohibited/Restricted Areas:**

The proposed land excavation is not located in a prohibited or restricted area pursuant to LDC Section 6.11.54.A.5.

#### **Fencing:**

The proposed stockpile removal will meet all fencing requirements found in LDC Section 6.11.54.B.7.

#### **Access Requirements:**

A waiver is requested from LDC Section 6.11.54.A.3.a. to allow for access through an easement to a local road, West Lake Drive. The access driveway for haul trucks will be located along the eastern boundary of the site, and proceed to an easement across the site and west to West Lake Drive. The haul trucks will proceed north on West Lake Drive to Bill Tucker Road, and west on Bill Tucker Road to US Highway 301, then to and from delivery destinations in accordance with the Truck Route Plan. Given the relatively limited duration and scope of the proposed excavation, staff has no objection to the proposed waiver.

**Transportation Issues:**

Transportation staff has reviewed the proposed excavation and does not object, subject to the recommended conditions of approval found in this report (Conditions 4, 7-9). The applicant is proposing to excavate 198,600 cubic yards of material over an 18-month period. The fill from the excavation is to be placed in 18 cubic yard dump trucks and hauled from the site using the designated haul route.

Operations are permitted from 7:00 a.m. to 6:00 p.m., Monday through Saturday. No operations are permitted on Sunday and County-recognized holidays. Based on the amount of material proposed to be excavated and the size of the vehicles (18 cu. yd. dump trucks), the site is estimated to generate approximately 300 daily trips (approximately 30 peak hour trips) but 13 trucks per hour based on the productivity rate of a loading operation. Given the number of trips generated by the site the applicant may be required to construct a southbound left turn lane on W Lake Drive based on the frequency and direction of operations to allow trucks to safely decelerate and enter the site without impeding the flow of north bound or south bound traffic on W Lake Drive.

**Agency Comments:**

Geospatial and Land Acquisition Services Department staff has verified the title report submitted covers the subject parcel owned by the applicant and has an effective date of 10-10-2019. Staff has researched and verified the applicant is the property owner. Additionally, Geospatial and Land Acquisition Services Department staff has researched and verified that the deed includes the property that is the subject of the land excavation permit application.

The School District of Hillsborough County staff reported no objections to the proposed Special Use.

Environmental Protection Commission staff reported no objections to the proposed Special Use, subject to recommended conditions of approval found in this report (Conditions 15-18).

Land Excavation staff has offered no objections to the proposed excavation subject to conditions which have been included in the recommended conditions of approval found in this report (Conditions 6, 11). If the Special Use is approved the permittee shall comply with all provisions of the Land Excavation Regulations as stated in Article 8.01.00 of the Hillsborough County Land Development Code.

Natural Resources staff has offered no objections to the proposed excavation subject to conditions which have been included in the recommended conditions of approval found in this report (Conditions 19-23).

**Conclusion:**

Based on the reasons discussed below, staff finds that the proposed land excavation approvable, subject to recommended conditions found in the report.

Special Use conditions which were presented at the September 14, 2020 Land Use Hearing Officer hearing were reviewed and are incorporated by reference as a part of the Land Use Hearing Officer decision.

**SUMMARY OF HEARING**

This Cause came on for hearing before the Hillsborough County Zoning Hearing Master on September 14, 2020. Mr. Tom Hiznay of the Hillsborough County Development Services Department introduced the Petition.

Mr. Jesus Merly with 5M Civil LLC testified on behalf of the applicant. Mr. Merly stated that he was the engineer for the project which is a mitigation bank to develop wetlands and receive wetland credits for development for the FDOT. He added that the plan is to create wetlands in upland pasture areas and remove sediment from agricultural runoff in existing wetland areas. The next step would be to plant the wetlands and create them. He concluded his presentation by stating that all of the details are specified in the special use plan.

Ms. Colleen Marshall of the Development Services staff testified regarding the County staff report. Ms. Marshall stated that the request is for a land excavation permit to allow the removal of 198,600 cubic yards of material to restore existing wetlands on the site and create additional wetlands for the Bullfrog Creek Mitigation Bank. The proposed excavation area is approximately 33 acres in size and located on a parcel that is 173 acres. Ms. Marshall testified that a 25 foot separation is required from any nonresidential property including agricultural uses. The applicant is requesting a waiver to the requirement along the eastern portion of the site resulting in zero feet of separation. Staff supports the waiver request. The applicant is also requesting a waiver to the required 500 foot separation from residentially zoned property as there is developed residential to the west. The resulting separation would be 321 feet. The applicant is also requesting a waiver to the required 30 foot separation from any wetland conservation area. The waiver would result in a setback of zero feet. An additional wetland area will be created to expand the wetlands as a part of the Bullfrog Mitigation Bank. Finally, the applicant is requesting a waiver to permit access to an easement to a local road, West Lake Drive. The access driveway for trucks to haul material will be located on the eastern boundary. Ms. Marshall described the proposed haul route. Staff supports the requested waivers and the Special Use application.

Ms. Yeneka Mills of the Planning Commission testified regarding the Special Use application. Ms. Mills stated that the property is located within the Wimauma

Village Residential Plan Future Land Use category and the Rural Service Area as well as the Wimauma Community Planning Area. The proposed land excavation meets the intent of Policy 10.9 and Objective 11 of the Conservation and Aquifer Recharge Element. Ms. Mills concluded her presentation by stating that the request also meets Policy 1.4 of the Future Land Use Element regarding compatibility and that the Planning Commission finds the Special Use request consistent with the Comprehensive Plan.

Hearing Master Finch asked for audience members in support. There were none.

Hearing Master Finch asked for audience members in opposition. None replied.

County staff did not have additional comments.

Mr. Merly testified during the rebuttal period that the encroachment into the setbacks are to provide stormwater treatment areas.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

Ms. Mason of the Development Services Department submitted a copy of the Planning Commission staff report into the record.

### **PREFACE**

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact.

### **Findings of Fact**

1. The property is zoned Planned Development (PD) 19-0102 and designated Wimauma Village Residential Planned-2 (WVR-2) by the Comprehensive Plan.
2. The Special Use request is for a Land Excavation Special Use permit to excavate 198,000 cubic yards of material from a 173 acre site.
3. The Planning Commission found the Special Use request consistent with the intent of Policy 10.9 and Objective 11 of the Conservation and Aquifer Recharge Element and Policy 1.4 of the Future Land Use Element the Comprehensive Plan. The Planning Commission found the request consistent with the Comprehensive Plan.

4. The purpose of the land excavation request is to enhance the wetland conservation area for the Bullfrog Creek Mitigation Bank to restore wetlands, suitable wildlife habitat and vegetation. Additionally, sediment will be removed from the wetland area and additional wetlands will be created.
5. The applicant has requested waivers as a part of the request. First, the applicant is requesting a waiver to the required 25-foot separation from non-residential property including agricultural development along the eastern portion of the site resulting in zero feet of separation. Second, the applicant is also requesting a waiver to the required 500 foot separation from residentially zoned property as there is developed residential to the west. The resulting separation would be 321 feet. Third, the applicant is also requesting a waiver to the required 30 foot separation from any wetland conservation area. The waiver would result in a setback of zero feet. An additional wetland area will be created to expand the wetlands as a part of the Bullfrog Mitigation Bank. Finally, the applicant is requesting a waiver to permit access to an easement to a local road, West Lake Drive.

The waivers are justified as the excavation of the 198,600 cubic yards of material is to create stormwater ponds which will enhance water quality and enhance the wetland conservation area for the Bullfrog Creek Mitigation Bank. The excavation period is limited to 18 months which mitigates the requested waivers in terms of separation and the access waiver. Further, EPC staff does not object to the proposed excavation subject to the Special Use conditions.

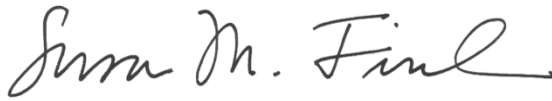
6. The County's Transportation staff has no objection to the request and the associated traffic.
7. The Special Use conditions proposed by the Development Services Department result in an excavation project that protects the surrounding area by means of a limited duration of time (18 months), limited hours of operation, and the enhancement of the Bullfrog Creek Mitigation Bank to restore wetlands, suitable wildlife habitat and vegetation.

### **Final Conclusions of Law**

Based on the Findings of Fact and Conclusions of Law cited above, there is sufficient competent substantial evidence to demonstrate that the Special Use request for a land excavation permit with the requested waivers is in accordance with the applicable Land Development Code requirements.

## DECISION

Based on the foregoing, the applicant has satisfied the criteria for issuance of a Special Use permit for a land excavation permit with waivers of the required distance standards from non-residential, residentially developed or zoned property and the Wetland Conservation Area as well as the required access through an easement. The Special Use is hereby **APPROVED** subject to the conditions proposed by the Development Services Department.



October 5, 2020

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**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

**Date**