

TEXAS TRANSPORTATION COMMISSION

LEON County

MINUTE ORDER

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BRYAN District

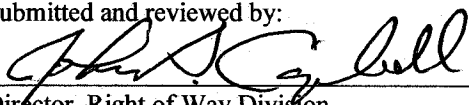
In LEON COUNTY, on FARM TO MARKET ROAD 39, the State of Texas acquired certain land for highway purposes by various instruments.

The Texas Transportation Commission (commission) approved Minute Order 110207 on August 25, 2005, authorizing the conveyance and release of surplus land, described in Exhibit A, to Texas Westmoreland Coal Co. (TWCC) in exchange for needed land. The minute order erroneously provided for the reservation and retention of coal and lignite rights, title and interest from the conveyance and release of the surplus land to TWCC. This provision is being corrected by this minute order, so that the state will not be reserving and retaining the coal and lignite rights.

NOW, THEREFORE, IT IS ORDERED that Minute Order 110207 be amended only with respect to the provision for the exception of coal and lignite rights, title and interest in the conveyance and release of the surplus land, and all other provisions of Minute Order 110207 are to remain unchanged.

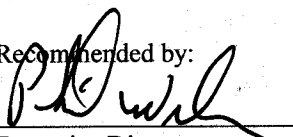
FURTHER, the commission recommends, subject to approval by the attorney general, that the governor of Texas execute proper instruments conveying and releasing all of the state's rights, title and interest in the surplus land to Texas Westmoreland Coal Co.; SAVE AND EXCEPT, however, there is excepted and reserved herefrom all of the state's rights, titles and interests, if any, in and to all of the oil, gas, sulphur and other minerals of every kind and character, except for coal and lignite rights, titles and interests, in, on, under and that may be produced from the surplus land.

Submitted and reviewed by:



Director, Right of Way Division

Recommended by:



Executive Director

113132 MAY 31 12

Minute
Number

Date
Passed

