

COMMISSIONERS' COURT
REGULAR MEETING
APRIL, 8, 2002

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS' COURT met in *Regular Session* on Monday, April 8, 2002, in the Titus County Courtroom with the following members present:

DANNY P. CROOKS.....COUNTY JUDGE
BOB FITCH.....COMMISSIONER PRECINCT 1
MIKE FIELDS.....COMMISSIONER PRECINCT 2
BILLY J. THOMPSON.....COMMISSIONER PRECINCT 3
THOMAS E. HOCKADAY.....COMMISSIONER PRECINCT 4
SHERRY JO MARS.....COUNTY CLERK

ABSENT: NONE

PUBLIC AND COUNTY OFFICIALS ATTENDING MEETING:

CYNTHIA AGAN, COUNTY TREASURER
ARVIL P. SHEPARD, COUNTY SHERIFF
CARL JOHNSON, COUNTY AUDITOR
TIM TAYLOR, COUNTY ATTORNEY
LEO SCHAKEL, JUSTICE OF THE PEACE PRECINCT # 1

KERRY WOOTTEN	BRUCE LOUSBERG
JOHN HICKMAN	A.D. TAYLOR
NORMA NARRAMORE	JAKE NARRAMORE
PHILLIP CROMWELL	BOB GRAY
TONYA JANWAY	

IN THE MATTER OF
ADOPTION OF RULES OF PROCEDURE, CONDUCT
AND DECORUM AT MEETINGS OF THE
TITUS COUNTY COMMISSIONERS' COURT

Tim Taylor, County Attorney, suggested appointing a committee of two (2) commissioners and himself to adopt Rules of Procedure, Conduct and Decorum at meetings of the Titus County Commissions' Court. Motion was made by Commissioner Mike Fields and seconded by Commissioner Bob Fitch to name the Committee Members for the board as follows:

1. Mike Fields 2. Tim Taylor 3. Danny Pat Crooks 4. Phillip Cromwell
and to table this matter until further notice. Motion carried unanimously.

IN THE MATTER OF
PROPOSED NW-12 COUNTY ROAD RELOCATION
AS A NEW ROAD SEGMENT AS REQUIRED BY PRIOR
COMMISSIONERS' COURT ORDER DATED APRIL 25, 1994

Kerry Wootten presented his TXU proposal requesting an order from this Court identifying the proposed route and indicating this route is in compliance with the Court's Order. Motion was made by Commissioner Bob Fitch and seconded by Commissioner Bob Fitch to approve this proposal. Motion carried unanimously.

SEE EXHIBIT A

IN THE MATTER OF
AMENDMENTS TO COMMISSIONERS' COURT ORDER
OF APRIL 25, 1994 RELATING TO REFERENCES TO A
TYPICAL ROAD SECTION AND TREATMENT OF
PIPELINES CROSSING SAID ROAD

Kerry Wootten asked the Court to approve amendments to a Commissioners' Court Order of April 25, 1994 relating to bringing the road back to 16 ft. road with hot mix seal coverage. Motion was made by Commissioner Bob Fitch and seconded by Commissioner Billy Jack Thompson to approve amendment. Motion carried unanimously. SEE EXHIBIT A

IN THE MATTER OF
HIRING A CONSULTANT TO WORK UP
INSURANCE BIDS

Motion was made by Commissioner Mike Fields and seconded by Commissioner Thomas Hockaday to hire a consultant to work up insurance bids for the County. Motion carried unanimously.

IN THE MATTER OF
ALLOWING EMPLOYEES DEPENDANTS
TO TAKE OUT MORE LIFE INSURANCE

Motion was made by Commissioner Mike Fields and seconded by Commissioner Bob Fitch to table this matter until further notice. Motion carried unanimously

IN THE MATTER OF
CONSIDER AND POSSIBLY APPROVE GOING OUT
FOR BIDS ON TWO (2) TRUCKS:
ONE (1) FOR COOKVILLE
ONE (1) FOR NORTEX
(PRECINCT 4)

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Mike Fields to receive bids for two (2) trucks. One for Cookville Fire Department and one for Nortex Fire Department. Motion carried unanimously.

IN THE MATTER OF
CONSIDERING AND APPROVING DEPUTATION OF
GERALDINE LUM FOR DEPUTY COUNTY CLERK

Motion was made by Commissioner Billy Jack Thompson and seconded by Commissioner Bob Fitch to approve deputation of Geraldine Lum as Deputy County Clerk. Motion carried unanimously.

IN THE MATTER OF
ADDING TWO NEW BOARD MEMBERS TO THE
TITUS COUNTY CHILD PROTECTIVE SERVICES BOARD

Motion was made by Commissioner Bob Fitch and seconded by Commissioner Billy Jack Thompson to add two (2) new board members, Ann Abston and Susan Garrett, to the Titus County Child Protective Services Board. Motion carried unanimously.

IN THE MATTER OF
ORDER BY JIMMY L. WHITE, JUDGE OF THE 76TH JUDICIAL
DISTRICT OF TEXAS, REGARDING APPOINTMENT OF CRESTA LEFEVRE
OF TITUS COUNTY, TEXAS, AS OFFICIAL COURT REPORTER FOR THE 76TH
JUDICIAL DISTRICT COURT OF TEXAS, COMPOSED OF CAMP, MORRIS
AND TITUS COUNTIES

The effective appointment and salary date for Cresta LeFevre is March 1, 2002.
Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Billy Jack Thompson to approve appointment and salary date. Motion carried unanimously. EXHIBIT B

IN THE MATTER OF
HEARING PHILLIP CROMWELL CONCERNING OPEN MEETINGS

Phillip Cromwell spoke to the Court concerning Open Meetings. He wanted the Court to put on the agenda that citizens be able to speak openly in Court during the meeting. The motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Mike Fields to table this matter until next meeting. Motion carried unanimously.

IN THE MATTER OF
ORAL AND WRITTEN REPORTS OF
COUNTY OFFICIALS

Arvel P. Shepard, County Sheriff reported (orally) that the Law Library has been moved from the jail bank to the courthouse. Written reports from Sugar Hill Volunteer Fire Department, Justice of the Peace Precinct # 1, County Auditor, District Clerk, Justice of the Peace, Precinct #2, Motion was made by Commissioner Bob Fitch and seconded by Commissioner Billy Jack Thompson to approve above reports. Motion carried unanimously.

IN THE MATTER OF
APPROVING BUDGET AMENDMENTS

Motion was made by Commissioner Bob Fitch and seconded by Commissioner Thomas Hockaday to approve budget amendments # 22 thru # 28. Motion carried unanimously. Amendments can be seen in the County Auditor's Office upon request.

IN THE MATTER OF
SIGNING PAY ORDERS AND APPROVING PAYMENT

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Billy Jack Thompson to approve signing pay orders and approve payment. Motion carried unanimously.

IN THE MATTER OF
APPROVE PLAT FOR LINKS ADDITION
PRECINCT 1

Motion was made by Commissioner Bob Fitch and seconded by Commissioner Billy Jack Thompson to approve the plat for "Links Addition". Motion carried unanimously.

IN THE MATTER OF
ADJOURNMENT

Motion was made by Commissioner Billy Jack Thompson and seconded by Commissioner Thomas Hockaday to adjourn the meeting. Motion carried unanimously.

RUSSELL & WOOTTEN, P.C.

ATTORNEYS AT LAW
P.O. BOX 1138
204 W. SEVENTH STREET
MT. PLEASANT, TEXAS 75466-1138

TRAYLOR RUSSELL (1806-1868)
SAM W. RUSSELL (OF COUNSEL)
KERRY WOOTTEN

TELEPHONE
(803) 672-9663
FAX
(803) 672-7448

March 22, 2002

The Hon. Danny Pat Crooks
County Judge of Titus County
100 W. First Street
Mt. Pleasant, Texas 75455

RE: Request by TXU

Dear Judge Crooks:

On behalf of my client, TXU, I am requesting that the attached matter, pertaining to the establishment of the relocation of NW-12 County Road and to amend certain portions of Commissioners' Court Order dated April 25, 1994, be placed on the agenda for the meeting of the Commissioners' Court to be held on April 8, 2002. I believe the information contained in the request is self-explanatory, but in the event you should have questions, please feel free to contact me.

Sincerely,


Kerry Wootten

Encs.
KW/jmc

MEMO TO: Jean - County Judge's Office

FROM: Kerry Wootten

DATE: March 22, 2002

RE: Request for Appearance by TXU to establish NW-12 County Road Relocation and Amend Certain Portions of that Order dated April 25, 1994, found at Vol. 17, Page 226, regarding Typical Road Sections

Posting Language:

Consider and possibly approve proposed NW-12 County Road relocation as a new road segment as required by prior Commissioners' Court Order dated April 25, 1994.

Consider and possibly approve amendments to Commissioners' Court Order of April 25, 1994, relating to references to a typical road section and treatment of pipelines crossing said road.

RUSSELL & WOOTTEN, P.C.

ATTORNEYS AT LAW
P.O. BOX 1136
204 W. SEVENTH STREET
MT. PLEASANT, TEXAS 75466-1136

March 22, 2002

TRAYLOR RUSSELL (1909-1988)
SAM W. RUSSELL (OF COUNSEL)
KERRY WOOTTENTELEPHONE
(903) 872-3888
FAX
(903) 872-7448

TO: County Judge and Commissioners' Court of Titus County, Texas

RE: Request to establish NW-12 County Road Relocation and Amend Certain Portions of that Order dated April 25, 1994, found at Vol. 17, Page 226, regarding Typical Road Sections

Gentlemen:

This Court previously entered its Order dated April 25, 1994, closing certain county roads and requiring TXU to construct "two separate new road segments" within one year after all mining has been completed in the road closing areas. TXU has proposed what is referred to as NW-12 County Road Relocation as one of the two segments required by this Order. A copy of the Court's prior Order is attached to this request as Exhibit #1 for your reference. The Court's Order does not establish the exact route of the roadway because such route was not determinable at the time of the Order. TXU now requests an Order from this Court identifying the proposed route and indicating that this route is in compliance with the Court's Order. The proposed road is shown on the map entitled Exhibit #2 to this request.

The Court's Order of April 25, 1994, contained the specifications for constructing the new roadways. The specifications for such construction are shown on Attachment 5 to Exhibit #1. TXU is requesting that certain amendments to these specifications be approved by this Court. The proposed amendments are shown as Exhibit #3 to this request. The amendments consist of reducing the paved area to 16 feet, but using hot mix asphalt as surface for the roadway.

It has been discovered that the proposed relocated road will cross two pipelines. Some questions have arisen as to whether these pipelines should be encased. After discussions with the pipeline companies, they indicated that they only require a three to four foot dirt covering over the pipelines rather than encasement. We have attached, as Exhibits #4 and #5 to this request, letters received from the respective pipeline companies, showing their preference. TXU is requesting that the Court accept their recommendations.

We have enclosed packages for each member of the Court to review prior to the meeting. If any member has any questions, please contact Mr. Bruce Lousberg at your earliest convenience so that he may answer any of your questions. His telephone number is 577-5140.

Sincerely,


Kerry WoottenEnc.
KW/jmc

Volume 17 Page 226
Minutes of the Titus
County Commissioners Court

ORDER

County Roads	
SW-22	NW-35A
NW-12	NW-35B
NW-24	NW-35
NW-35	NW-37

THE STATE OF TEXAS *

COUNTY OF TITUS *

BE IT REMEMBERED that the Commissioners' Court of Titus County met in Regular Session on April 25, 1994, after notice of the meeting had been posted in the form, manner and place required by law, with a quorum of its members present and participating in the meeting when, among other matters, the following came on to be considered, and action taken thereon, to-wit:

Came on to be considered, pursuant to Articles 2351(2) and 6702-1, Section 2.002, V.A.T.S., the request of TEXAS UTILITIES MINING COMPANY to close, abandon and vacate certain segments of county roads located in Titus County, Texas, more particularly described as follows:

- (1) Such segment being a part of a county road, identified as County Road SW-22, and beginning at the northwest corner of a tract of land conveyed to Texas Utilities Mining Company by Barbara Beth Joyner, as recorded in Vol. 718, Page 161, of the Deed Records of Titus County, Texas, extending south approximately 0.2 miles to its end, said segment being marked as Road #1 on the map attached hereto as Attachment 1;
- (2) Such segment being a part of a county road, identified as County Road NW-12, beginning at the southwest corner of a tract of land conveyed to Texas Utilities Mining Company by W. N. Rieger et ux, as recorded in Vol. 694, Page 189, of the Deed Records of Titus County, Texas, continuing north approximately 0.3 mile, then east approximately 0.6 mile to the intersection of County Roads NW-12 and NW-4, said segment being marked as Road #2 on the map attached hereto as Attachment 2;
- (3) Such segment being a part of a county road, identified as County Road NW-24, beginning at the southwest corner of a tract of land conveyed to Texas Utilities Mining Company by Vennie Rea Penny, as recorded in Vol. 781, Page 141, of the Deed Records of Titus County, Texas, continuing in an easterly direction along NW-24 approximately 1.8 miles to the intersection of County Road NW-24 and Farm-to-Market Highway 2152, said segment being marked as Road #3 on the map attached hereto as Attachment 3;
- (4) Such segment being a part of a county road, identified as County Road NW-35, beginning at the northwest corner of a tract of land conveyed to Texas Utilities Mining Company by Earnest L. McAnally et ux, as recorded in Vol. 540, Page 148, of the Deed Records of Titus County, Texas, continuing in a southerly direction along NW-35 approximately 1.0 mile to the intersection of

County Road NW-35 and Loop 418, said segment being marked as Road #4 on the map attached hereto as Attachment 4;

- (5) Such segment being a part of a county road, identified as County Road NW-35A, beginning at the northeast corner of a tract of land conveyed to Texas Utilities Mining Company by Jack Stephens et ux, as recorded in Vol. 851, Page 120, of the Deed Records of Titus County, Texas, extending west approximately 0.3 mile to the intersection of County Road NW-35 and U.S. Highway 271, said segment being marked as Road #5 on the map attached hereto as Attachment 4;
- (6) Such segment being a part of a county road, identified as County Road NW-35B, beginning at the northwest corner of a tract of land conveyed to Texas Utilities Mining Company by James Gerald Chance et ux as recorded in Vol. 586, Page 201, of the Deed Records of Titus County, Texas, extending east approximately 0.7 mile to its end, said segment being marked as Road #6 on the map attached hereto as Attachment 4; and
- (7) Such segment being a part of a county road, identified as County Road NW-37, beginning at the northwest corner of a tract of land conveyed to Texas Utilities Mining Company by Robert K. Moran et ux, as recorded in Vol. 523, Page 387, of the Deed Records of Titus County, Texas, extending south approximately 0.8 mile, then east approximately 0.4 mile to the intersection of NW-37 and Farm-To-Market Highway 2152, said segment being marked as Road #7 on the map attached hereto as Attachment 4.

Also came on to be considered was Texas Utilities Mining Company's request to construct two separate new road segments within one year after all mining has been completed in the road closing areas contingent upon the approval of the aforementioned road closures, as shown on Attachment 5, which is attached hereto.

After consideration of said requests and hearing remarks from Texas Utilities Mining Company and interested citizens from within the county, upon motion duly made by Commissioner Mike Price and seconded by Commissioner J. W. Terrell, the following Order was adopted by the Commissioners' Court of Titus County, Texas, to-wit:

IT IS, HEREBY, ORDERED BY THE COMMISSIONERS' COURT OF TITUS COUNTY, TEXAS:

That the following described segments of county roads located in Titus County, Texas, shall be closed, abandoned and vacated:

- (1) County Road SW-22 beginning at the northwest corner of a tract of land conveyed to Texas Utilities Mining Company by Barbara Beth Joyner, as recorded in Vol. 718, Page 161, of the Deed

Records of Titus County, Texas, extending south approximately 0.2 miles to its end, said segment being marked as Road #1 on the map attached hereto as Attachment 1;

- (2) County Road NW-12 beginning at the southwest corner of a tract of land conveyed to Texas Utilities Mining Company by W. N. Rieger et ux, as recorded in Vol. 694, Page 189, of the Deed Records of Titus County, Texas, continuing north approximately 0.3 mile, then east approximately 0.6 mile to the intersection of County Roads NW-12 and NW-4, said segment being marked as Road #2 on the map attached hereto as Attachment 2;
- (3) County Road NW-24 beginning at the southwest corner of a tract of land conveyed to Texas Utilities Mining Company by Vennie Rea Penny, as recorded in Vol. 781, Page 141, of the Deed Records of Titus County, Texas, continuing in an easterly direction along NW-24 approximately 1.8 miles to the intersection of County Road NW-24 and Farm-to-Market Highway 2152, said segment being marked as Road #3 on the map attached hereto as Attachment 3;
- (4) County Road NW-35 beginning at the northwest corner of a tract of land conveyed to Texas Utilities Mining Company by Earnest L. McAnally et ux, as recorded in Vol. 540, Page 148, of the Deed Records of Titus County, Texas, continuing in a southerly direction along NW-35 approximately 1.0 mile to the intersection of County Road NW-35 and Loop 419, said segment being marked as Road #4 on the map attached hereto as Attachment 4;
- (5) County Road NW-35A beginning at the northeast corner of a tract of land conveyed to Texas Utilities Mining Company by Jack Stephens et ux, as recorded in Vol. 651, Page 120, of the Deed Records of Titus County, Texas, extending west approximately 0.3 mile to the intersection of County Road NW-35 and U.S. Highway 271, said segment being marked as Road #5 on the map attached hereto as Attachment 4;
- (6) County Road NW-35B beginning at the northwest corner of a tract of land conveyed to Texas Utilities Mining Company by James Gerald Chance et ux as recorded in Vol. 586, Page 201, of the Deed Records of Titus County, Texas, extending east approximately 0.7 mile to its end, said segment being marked as Road #6 on the map attached hereto as Attachment 4; and
- (7) County Road NW-37 beginning at the northwest corner of a tract of land conveyed to Texas Utilities Mining Company by Robert K. Moran et ux, as recorded in Vol. 523, Page 387, of the Deed Records of Titus County, Texas, extending south approximately 0.9 mile, then east approximately 0.4 mile to the intersection of NW-37 and Farm-To-Market Highway 2152, said segment being marked as Road #7 on the map attached hereto as Attachment 4.

IT IS FURTHER ORDERED that within one year after all mining has been completed in the road closing areas, Texas Utilities Mining Company shall construct two separate new road segments with a typical section as shown on Attachment 5.

Upon a vote, all voted "aye", and none voted "no", and the County Judge declared the Order passed, approved, and adopted as of the 25th day of April, 1994.

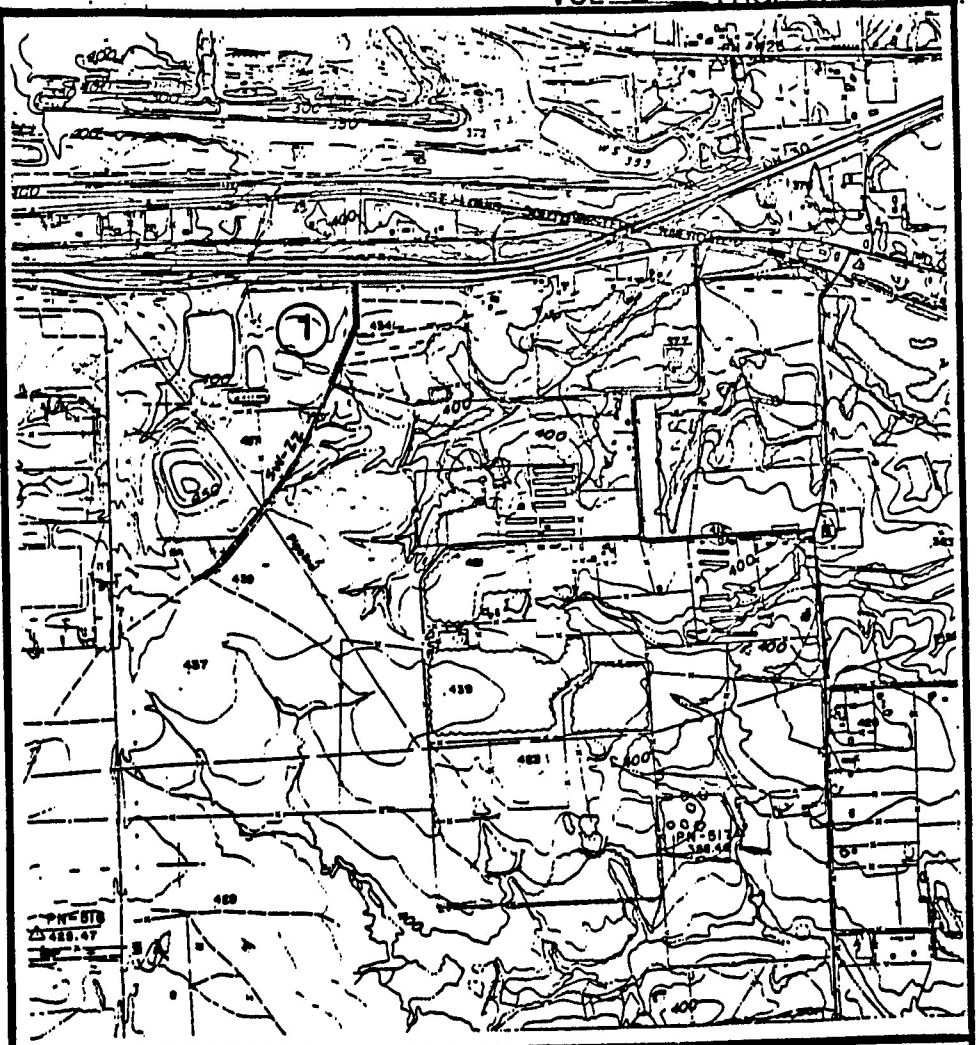
SIGNED, ENTERED and ORDERED FILED on this the 25th day of April, 1994.


Alford Planagan, County Judge

ATTEST:


Sheila Price, County Clerk

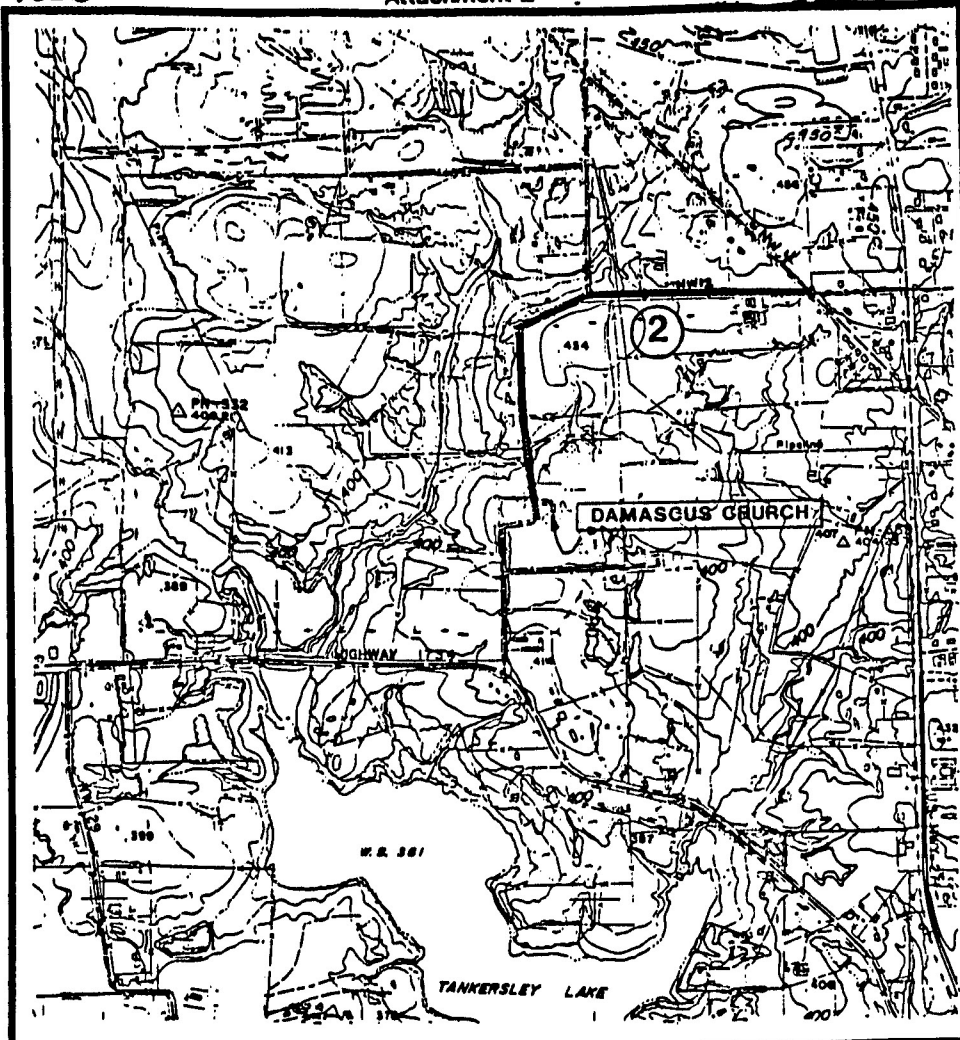




TEXAS UTILITIES MINING COMPANY



PROPOSED ROAD CLOSURE

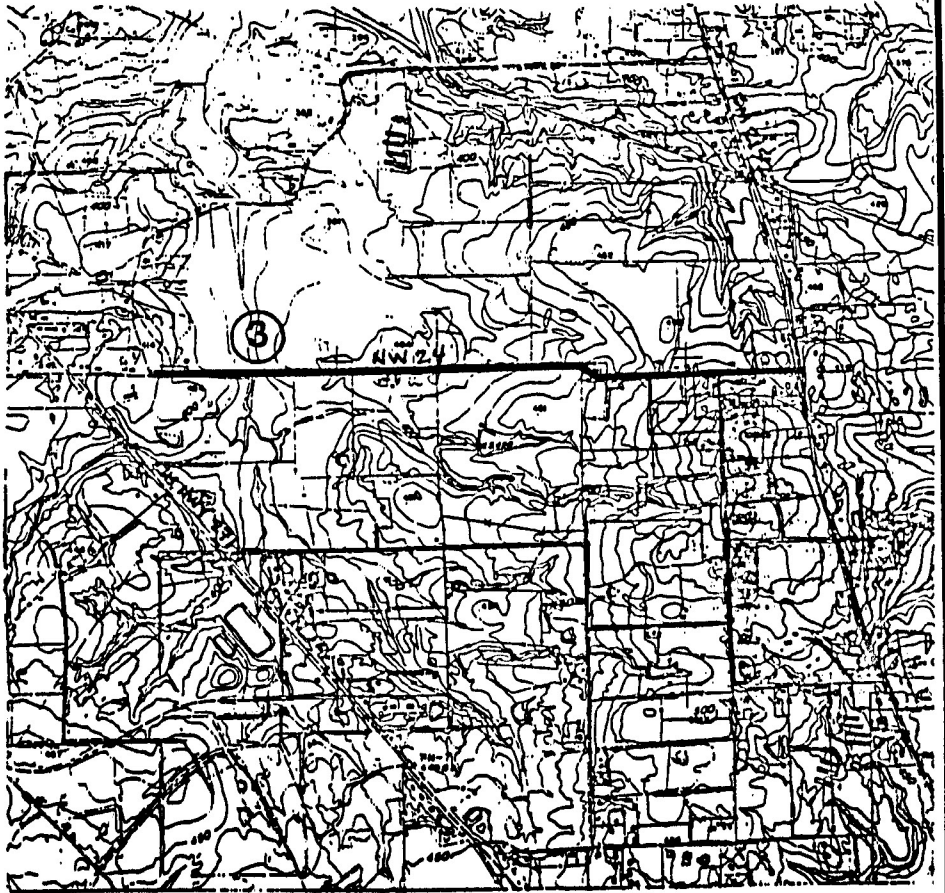


TEXAS UTILITIES MINING COMPANY



1:100,000 SCALE

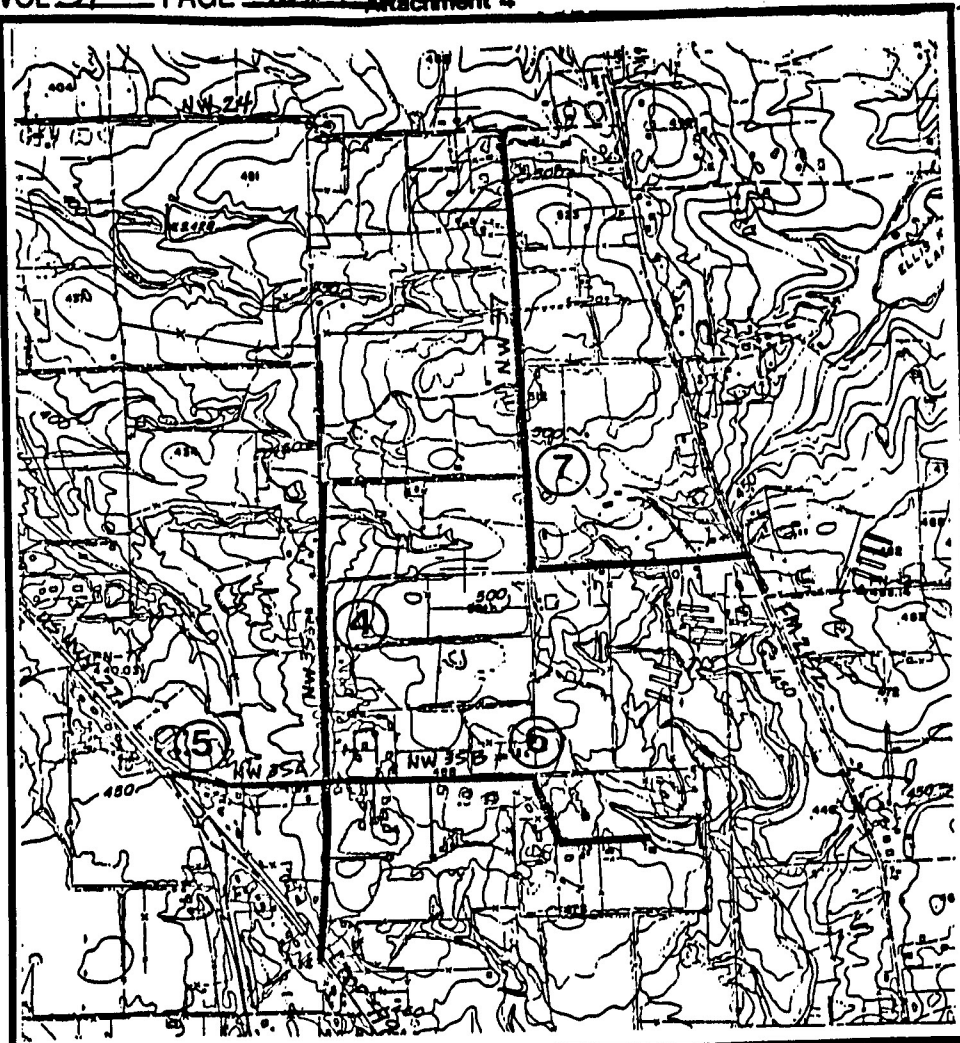
PROPOSED ROAD CLOSURE



TEXAS UTILITIES MINING COMPANY



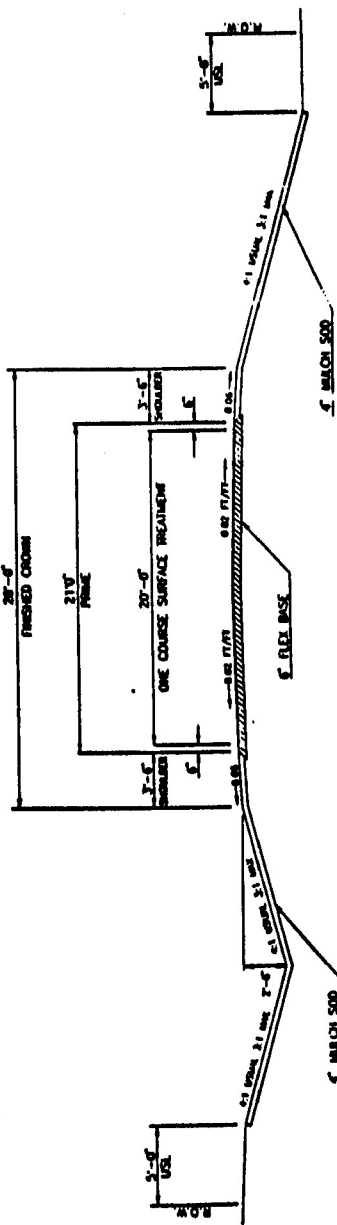
PROPOSED ROAD CLOSURE



TEXAS UTILITIES MINING COMPANY



————— PROPOSED ROAD CLOSURE



Texas Utilities Mining Company
TYPICAL COUNTY ROAD SECTION

ORDERED BY: B.C.M.	APPROVED BY: B.W.	DATE: 10/11/94	DATE MO:
ISSUED BY: B.C.M.	SCALE: N.T.S.		SHEET NO:

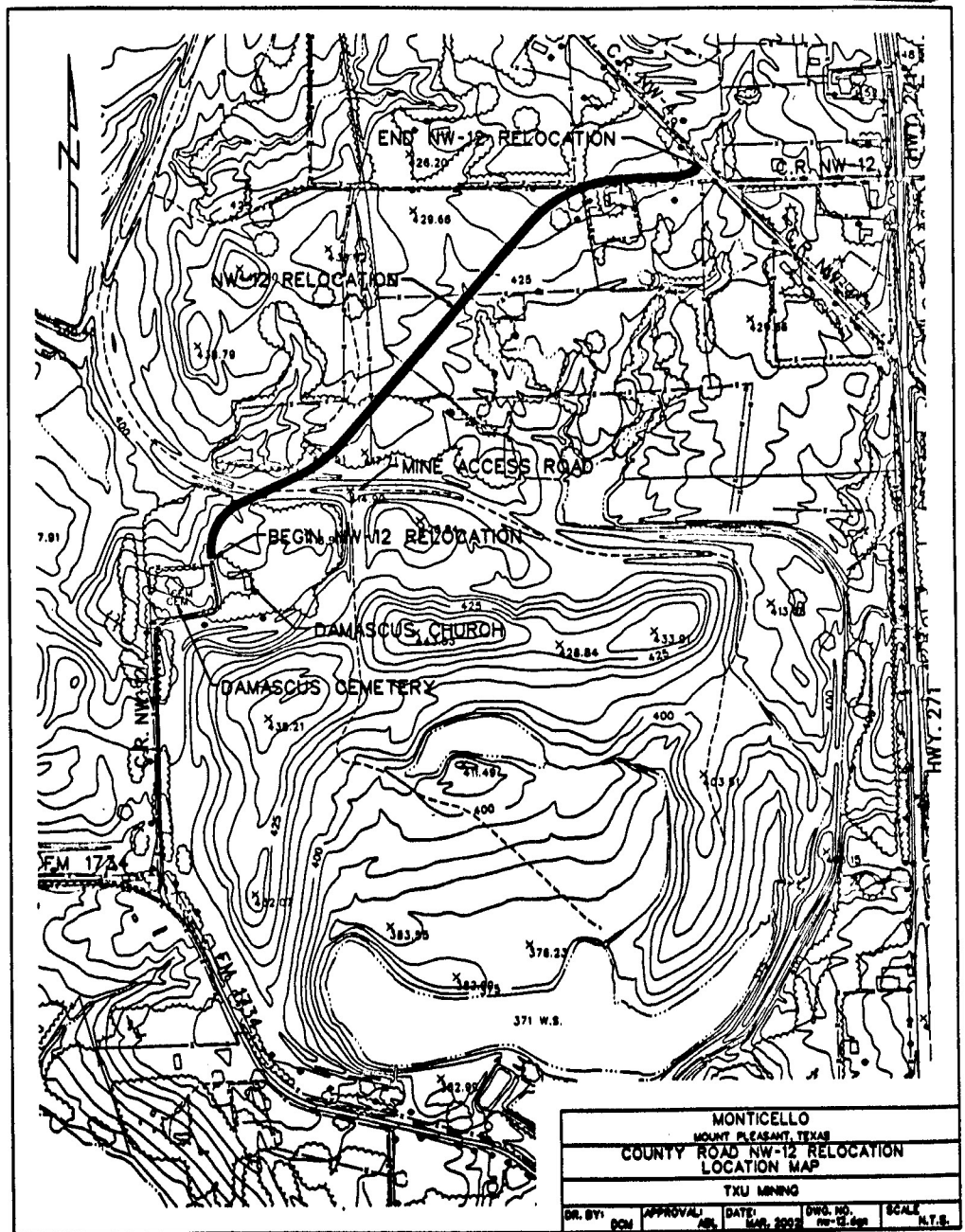
VOL 31 PAGE 70

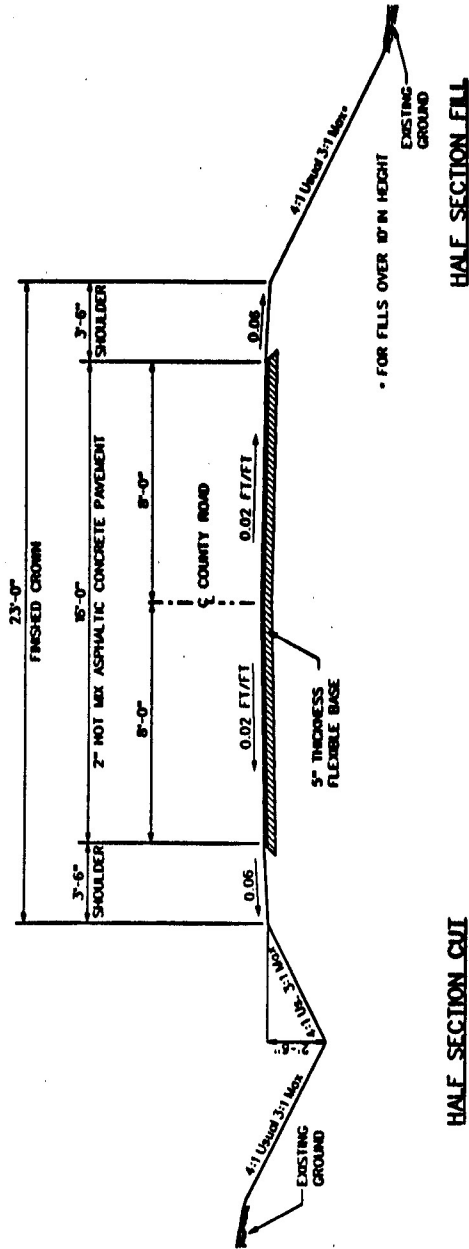
FILED

— O'CLOCK AM — PM —

APR 27 1994

Shirley Price
Tulare County Clerk





MONTICELLO			
MOUNT PLEASANT, TEXAS			
COUNTY ROAD NW-12 RELOCATION			
TYPICAL SECTION			
TXU MINING			
DES. BY:	APPROVAL:	DATE:	PLANE:
DCS	AKL	Mar. 2002	typical-3.4pm

March 7, 2001

Mr. Bruce Lousberg
TXU Mining
P.O. Box 1636
Mt. Pleasant, Texas 75456

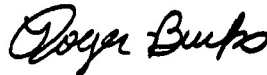
Dear Mr. Lousberg:

In response to my discussion with George Sandford about our 6 inch crude pipeline crossing your property and the ensuing county road to be built, TransMontaigne's only requirement for the construction of the county road would be a minimum of a 3 foot cover over our pipeline.

If future circumstances should ever require another line, we would simply bore under existing road and replace with new pipe along with removal of the old pipe. We hope these requirements meet with your satisfaction.

If you have any further questions, please feel free to give me a call.

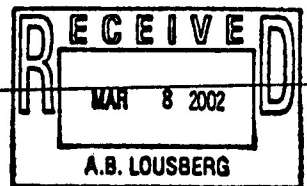
Sincerely,



Roger Burks
Area Supervisor

1727 West First Street
Mt. Pleasant, TX 75455

Phone: (903) 572-3416
Fax: (903) 572-4807



SCLTD

Seminole Creek, LTD.

P.O. Drawer 8065
Longview, Texas 75607Phone: 903.758.5892
Fax: 903.758.6022

March 8, 2002

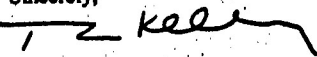
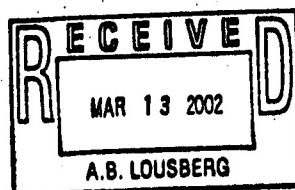
Mr. Bruce Lousberg:

In response to my discussion with George Sanford concerning our crude oil pipeline crossing your property and the ensuing county road to be built, Seminole Creek, LTD.'s only requirement for the construction of the county road would be a minimum of a 4 foot cover over our pipeline.

If future circumstances should ever require another line, we would simply bore under the existing road and replace the old pipe with new pipe. The old pipe would be removed. We hope these requirements meet with your satisfaction. Please call me when the work is scheduled.

If you have any further questions, please feel free to give me a call.

Sincerely,


Ronnie W. Kelley
Director of Operations
Seminole Creek, LTD.

ORDER

THE STATE OF TEXAS *
COUNTY OF TITUS *

BE IT REMEMBERED that the Commissioners' Court of Titus County met in Regular Session on April 8, 2002, after notice of the meeting had been posted in the form, manner and place required by law, with a quorum of its members present and participating in the meeting when, among other matters, the following came on to be considered, and action taken thereon, to-wit:

Came on to be considered, the request of TXU to establish NW-12 County Road Relocation as a new road segment and to amend certain portions of prior Commissioners' Order dated April 25, 1994, regarding typical road section, more particularly described as follows:

- (1) TXU requests the approval of NW-12 County Road relocation as fulfillment of that part of Commissioner's Order dated April 25, 1994, in which it was ordered that within one year after all mining had been completed in the road closing areas, TXU would construct two separate new road segments. Said proposed road relocation is one of those segments, as shown on the map attached hereto as Exhibit #1; and
- (2) TXU requests that the typical road section from the original order be amended to the typical road section as shown on the attached Exhibit "2" for the construction of NW-12 County Road Relocation.

After consideration of said request and hearing remarks from TXU and interested citizens from within the county, upon motion duly made by Commissioner BILLY JACK THOMPSON, and seconded by Commissioner MIKE FIELDS, the following Order was adopted by the Commissioners' Court of Titus County, Texas, to-wit:

IT IS, HEREBY, ORDERED BY THE COMMISSIONERS' COURT OF TITUS COUNTY, TEXAS:

- (1) That NW-12 County Road Relocation is approved as a new road segment in fulfillment of that part of Commissioner's Order dated April 25, 1994, in which it was ordered that within one year after all mining had been completed in the road closing areas, TXU would construct two separate new road segments. Said proposed road relocation is one of those road segments, as shown on the map attached hereto as Exhibit #1; and
- (2) That the typical road section from the original order be amended to the typical road section as shown in the attached Exhibit "2" for the construction of NW-12 County Road Relocation.

IT IS FURTHER DETERMINED BY THE COMMISSIONERS' COURT that the interests of the public and affected landowners have been protected.

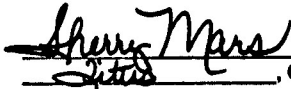
Upon a vote, all voted "aye", and none voted "no", and the County Judge declared the Order passed, approved, and adopted as of the 8th day of April, 2002.

SIGNED, ENTERED and ORDERED FILED on this the 22nd day of April, 2002.

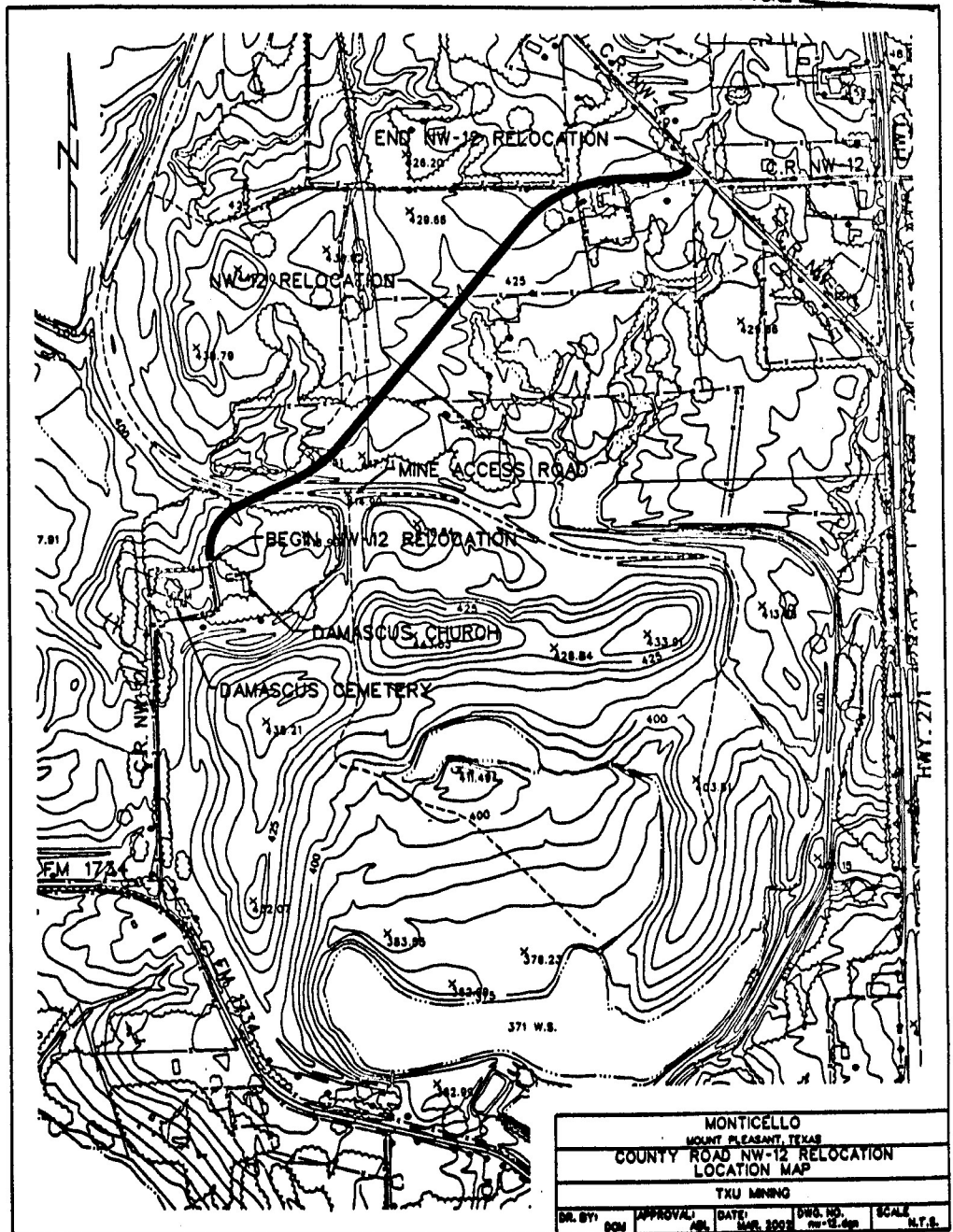


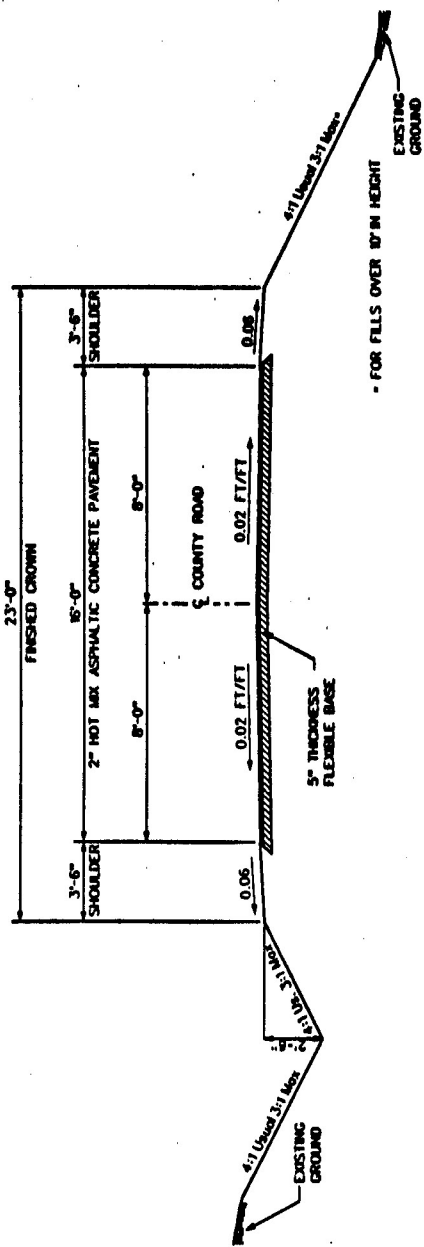
Danny Pat Crooks, County Judge

ATTEST:



Sherry Mars, County Clerk





HALF SECTION CUT

TYPICAL SECTION
NOT TO SCALE

HALF SECTION FILL

- FOR FILLS OVER 10' IN HEIGHT

DE BY: DCN	APPROVAL: ABL	DATE: MAR. 2002	DATE: 12/20/02	FILE
MONTICELLO				
MOUNT PLEASANT, TEXAS				
COUNTY ROAD NW-12 RELOCATION				
TYPICAL SECTION				
TOD MINING				

ORDER

THE STATE OF TEXAS *
COUNTY OF TITUS *

BE IT REMEMBERED that the Commissioners' Court of Titus County met in Regular Session on April 8, 2002, after notice of the meeting had been posted in the form, manner and place required by law, with a quorum of its members present and participating in the meeting when, among other matters, the following came on to be considered, and action taken thereon, to-wit:

Came on to be considered, the request of TXU to establish the treatment of pipelines crossing NW-12 County Road Relocation, more particularly described as follows:

- (1) TXU requests that the Court accept the recommendations received from the respective pipeline companies regarding the encasement of the two pipelines which the proposed relocated road crosses. Said companies are requiring only a three to four foot deep covering over the pipelines instead of encasement. The recommendations of the pipeline companies are attached hereto as Exhibit "3" and "4".

After consideration of said request and hearing remarks from TXU and interested citizens from within the county, upon motion duly made by Commissioner MIKE FIELDS, and seconded by Commissioner BILLY JACK THOMPSON, the following Order was adopted by the Commissioners' Court of Titus County, Texas, to-wit:

IT IS, HEREBY, ORDERED BY THE COMMISSIONERS' COURT OF TITUS COUNTY, TEXAS:

- (1) That the Court accepts the recommendations received from the respective pipeline companies regarding the encasement of the two pipelines which the proposed relocated road crosses. Said companies are requiring only a three to four foot deep covering over the pipelines instead of encasement. The recommendations of the pipeline companies are attached hereto as Exhibit "3" and "4".

IT IS FURTHER DETERMINED BY THE COMMISSIONERS' COURT that the interests of the public and affected landowners have been protected.

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Upon a vote, all voted "aye", and none voted "no", and the County Judge declared the Order passed, approved, and adopted as of the 8th day of April, 2002.

SIGNED, ENTERED and ORDERED FILED on this the 22nd day of April, 2002.

Danny P. Crooks
Danny P. Crooks, County Judge

ATTEST:

Sherry Mars
Sherry, County Clerk

March 7, 2001

Mr. Bruce Lousberg
TXU Mining
P.O. Box 1636
Mt. Pleasant, Texas 75456

Dear Mr. Lousberg:

In response to my discussion with George Sandford about our 6 inch crude pipeline crossing your property and the ensuing county road to be built, TransMontaigne's only requirement for the construction of the county road would be a minimum of a 3 foot cover over our pipeline.

If future circumstances should ever require another line, we would simply bore under existing road and replace with new pipe along with removal of the old pipe. We hope these requirements meet with your satisfaction.

If you have any further questions, please feel free to give me a call.

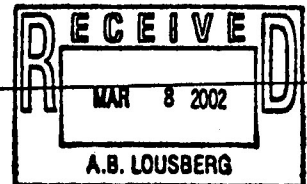
Sincerely,

Roger Burks

Roger Burks
Area Supervisor

1727 West First Street
Mt. Pleasant, TX 75455

Phone: (903) 572-3416
Fax: (903) 572-4807



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Seminole Creek, LTD.

P.O. Drawer 8065
Longview, Texas 75607Phone: 903.758.5892
Fax: 903.758.6022

March 8, 2002

Mr. Bruce Lousberg:

In response to my discussion with George Sanford concerning our crude oil pipeline crossing your property and the ensuing county road to be built, Seminole Creek, LTD.'s only requirement for the construction of the county road would be a minimum of a 4 foot cover over our pipeline.

If future circumstances should ever require another line, we would simply bore under the existing road and replace the old pipe with new pipe. The old pipe would be removed. We hope these requirements meet with your satisfaction. Please call me when the work is scheduled.

If you have any further questions, please feel free to give me a call.

Sincerely,

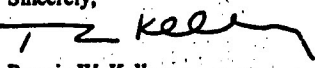
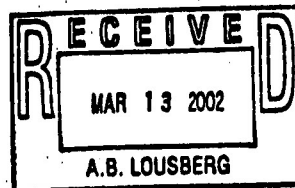

Ronnie W. Kelley
Director of Operations
Seminole Creek, LTD.

EXHIBIT B

STATE OF TEXAS
COUNTY OF TITUS

FILED FOR RECORD
02 MAR -1 PM 2:24

DEBRA BOWEN
DIST CLERK, TITUS CO. TX
BY _____ DEPUTY

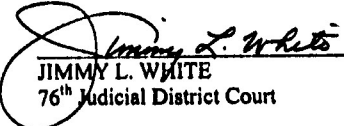
I, Jimmy L. White, Judge of the 76th Judicial District of Texas, by virtue of the authority vested in me by the laws of the State of Texas, do hereby appoint Cresta LeFevre of Titus County, Texas, official Court Reporter for the 76th Judicial District Court of Texas, composed of Titus, Camp, and Titus counties. And it being known to me that the said Cresta LeFevre is a certified Court Reporter, it is ordered that no examination shall be required of her.

The salary of such official Court Reporter be and it is hereby set at \$48,291.36 per year, or \$4,024.28 per month to be apportioned pro rata, as required by law, among the three counties on a per month basis as follows:

CAMP COUNTY \$ 885.34
MORRIS COUNTY ... \$ 1,328.01
TITUS COUNTY \$ 1,810.93

This appointment and the salary therefore shall be effective as of March 1, 2002 and terminate on Order of the court. This Order shall be entered on the minutes of the District Court of each county of the District and a copy hereof shall be filed with each Commissioners' Court of the District.

Signed and entered this 1st day of March, 2002.


JIMMY L. WHITE
76th Judicial District Court

