

ORDER**THE STATE OF TEXAS****COUNTY OF HOPKINS**

BE IT REMEMBERED that the Commissioners' Court of Hopkins County met in ~~Special~~/Regular Session on July 1, 2019, 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 the City of Sulphur Springs, Texas to release TXU Mining Company, LP and/or Luminant Mining Company, LLC, or their successors in interest from their obligations to restore county roads located in Hopkins County, Texas pursuant to Orders of this Commissioners' Court entered on January 14, 2000, September 10, 2007 and July 26, 2010 as follows:

1. The City of Sulphur Springs, Texas has entered into that certain Development Agreement Between Luminant Generation Company, LLC, Luminant Mining Company, LLC (collectively "Luminant") and the City of Sulphur Springs dated October 16, 2018 (the "Development Agreement"). Pursuant to the terms of the Development Agreement, upon the successful acquisition of water rights to impound waters of the State of Texas currently impounded on the Land, as defined in the Development Agreement, among other things, Luminant will convey to the City of Sulphur Springs the Land (as defined in the Development Agreement), subject to the other terms and conditions of the Development Agreement.
2. As an express condition of the Development Agreement, the City of Sulphur Springs must "[d]eliver to Luminant an order from the Hopkins County Commissioners' Court that the terms and obligations in the orders and agreements related to CR2307 and CR 2309, attached hereto as Exhibit [A]..., have been transferred to the City and that Luminant has been released of all liabilities and obligations related thereto".

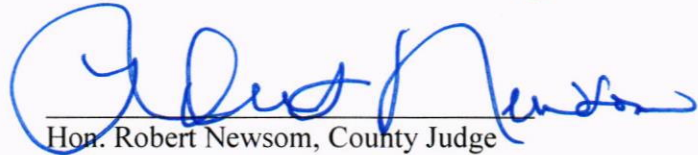
IT IS, HEREBY, ORDERED BY THE COMMISSIONERS' COURT OF HOPKINS COUNTY, TEXAS:

A. Immediately upon the completion of the transfer of the Land from Luminant to the City of Sulphur Springs, the terms and obligations of Luminant set forth in the Orders attached hereto as Exhibit "A" shall be released in all respects and that Luminant, its successors and assigns shall have no further obligation or liability as a result of said Orders.

IT IS FURTHER DETERMINED BY THE COMMISSIONERS' COURT that the interests of the public and any affected landowners have been protected as it relates to the transfer of terms and obligations for CR2307 and CR 2309 as described herein.

Upon a vote, 4 voted "aye", and 0 voted "nay", and the County Judge declared the Order passed, approved and adopted as of the 1 day of July, 2019.

SIGNED, ENTERED AND ORDERED FILED on this the 1 day of July, 2019.


Hon. Robert Newsom, County Judge

ATTEST:


Tracy Smith, County Clerk



ORDER

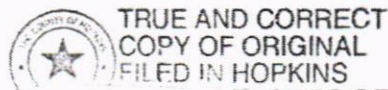
THE STATE OF TEXAS *
COUNTY OF HOPKINS *

BE IT REMEMBERED that the Commissioners' Court of Hopkins County met in Special Session on January 14, 2000, 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-Mining to close, abandon and vacate a county road located in Hopkins County, Texas, said work being more particularly described as follows:

- (1) TXU-Mining requests the closure, abandonment and relocation of a portion of County Road 2309, beginning at a point along said road, approximately 1.0 mile south of the intersection of said road and FM Highway 1870, with said beginning point being further described as an interior point in a tract of land conveyed from Daniel W. Edge to L. D. Cross, Trustee, acting as agent in and for Texas Utilities, and being recorded in Vol. 362, Page 288 of the Real Property Records of Hopkins County, Texas. Thence, from said beginning point, and along said proposed closure section, traveling in a south then westerly direction for a distance of approximately 2.0 miles to the terminus point of the proposed road closure, with said terminus point being a southwest corner of a tract of land conveyed to First Security Bank, N.A., acting as agent in and for Texas Utilities, by Joe A. Worsham and Bobbie Miller Worsham, recorded in Vol. 312, Page 38, of the Real Property Records of Hopkins County, Texas, with said terminus point being approximately 0.2 miles east of the intersection of Hopkins County Road 2309 and State Highway 11. Said proposed road closure being marked as CR 2309 on the map attached hereto as Attachment 1.
- (2) TXU-Mining proposes that in 2008, or within two (2) years after all mining and reclamation has been completed west and north of the proposed closure section, whichever is later, TXU-Mining will construct a new county road segment with a typical section as shown in Attachment 2. Said new county road segment will be of similar alignment, location, and distance as existed prior to mining and will thereby reconnect previously open sections of Hopkins County Road 2309 to the north and south-southwest, creating a continuous road between FM 1870 and State Highway 11.

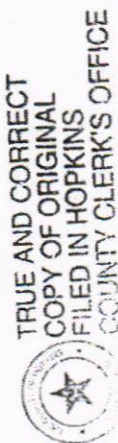
After consideration of said request and hearing remarks from TXU-Mining and interested citizens from within the county, upon motion duly made by Commissioner Halcomb and seconded by Commissioner Wisembaker, the following Order was adopted by the Commissioners' Court of Hopkins County, Texas, to-wit:



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

That the following described county road located in Hopkins County, Texas, shall be closed, abandoned and vacated:

- (a) County Road 2309, beginning at a point along said road, approximately 1.0 mile south of the intersection of said road and FM Highway 1870, with said beginning point being further described as an interior point in a tract of land conveyed from Daniel W. Edge to L. D. Cross, Trustee, acting as agent in and for Texas Utilities, and being recorded in Vol. 362, Page 288 of the Real Property Records of Hopkins County, Texas. Thence, from said beginning point, and along said proposed closure section, traveling in a south then westerly direction for a distance of approximately 2.0 miles to the terminus point of the proposed road closure, with said terminus point being a southwest corner of a tract of land conveyed to First Security Bank, N.A., acting as agent in and for Texas Utilities, by Joe A. Worsham and Bobbie Miller Worsham, recorded in Vol. 312, Page 38, of the Real Property Records of Hopkins County, Texas, with said terminus point being approximately 0.2 miles east of the intersection of Hopkins County Road 2309 and State Highway 11. Said proposed road closure being marked as CR 2309 on the map attached hereto as Attachment 1.
- (b) In 2008, or within two (2) years after all mining and reclamation has been completed west and north of the proposed closure section, whichever is later, TXU-Mining will construct a new county road segment with a typical section as shown in Attachment 2. Said new county road segment will be of similar alignment, location, and distance as existed prior to mining and will thereby reconnect previously open sections of Hopkins County Road 2309 to the north and south-southwest, creating a continuous road between FM 1870 and State Highway 11. In addition, TXU-Mining shall resurface that portion of County Road 2309 which is not relocated pursuant to the terms of this Order.
- (c) **In lieu of reconstructing the county road segment as it existed prior to mining and described in paragraph (b) above, the Commissioners' Court of Hopkins County, Texas, may, at its option, select a route for a roadway, with the approval of TXU-Mining, which connects County Road 2307 with the northern portion of County Road 2309 which remains open. The cost of the proposed roadway connecting County Road 2309 and County Road 2307 to be paid for by TXU-Mining shall not exceed the cost of reconstructing that portion of County Road 2309 described in paragraph (b) above. In the event the cost of such road built under this paragraph (c) should be less than the amount required under paragraph (b), then TXU-Mining shall pay the difference to Hopkins County. TXU-Mining shall agree to resurface the portion of County Road 2309 which lies North of the portion closed under paragraph (a).**
- (d) **In lieu of reconstructing the county road segment as it existed prior to mining and described in paragraph (b) above, the Commissioners' Court of Hopkins County, Texas, may, at its option, apply the funds, of which TXU-Mining would be**



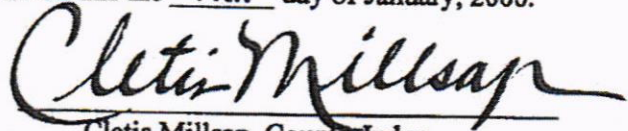
responsible for reconstructing that portion of County Road 2309, for the benefit of a proposed roadway connecting County Road 2307 on the south and Interstate Highway 30 on the north. This proposed roadway has not been finally determined as to its course or in any way approved by any governmental authorities. In the event the Commissioners' Court of Hopkins County, at any time prior to the cessation of mining and reclamation, has not chosen either of the alternatives outlined in paragraphs (b) or (c), the said funds necessary to relocate County Road 2309 may be used by the Court for the purposes of this proposed roadway. If TXU-Mining should own any property along the route of this proposed roadway, it will cooperate and use its best efforts to provide right-of-way for the completion of said road, taking into account its effect on any future proposed mining area and its ownership of any property lying on such right-of-way of the proposed roadway.

- (e) The selection of any alternative under paragraph (b), (c), (d) shall relieve TXU-Mining from any obligation under the remaining paragraphs, except its commitment under paragraph (d) to assist in providing right-of-way for the proposed roadway.

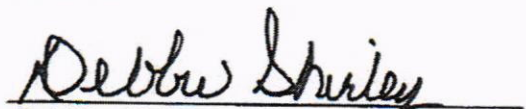
IT IS FURTHER DETERMINED BY THE COMMISSIONERS' COURT that the interests of the public and affected landowners have been protected.

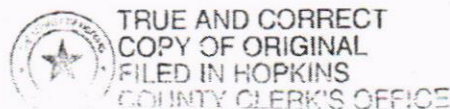
Upon a vote, all voted "aye", and none voted "no", and the County Judge declared the Order passed, approved, and adopted as of the 14th day of January, 2000.

SIGNED, ENTERED and ORDERED FILED on this the 14th day of January, 2000.


Cletis Millsap, County Judge

ATTEST:


Debbie Shirley, County Clerk

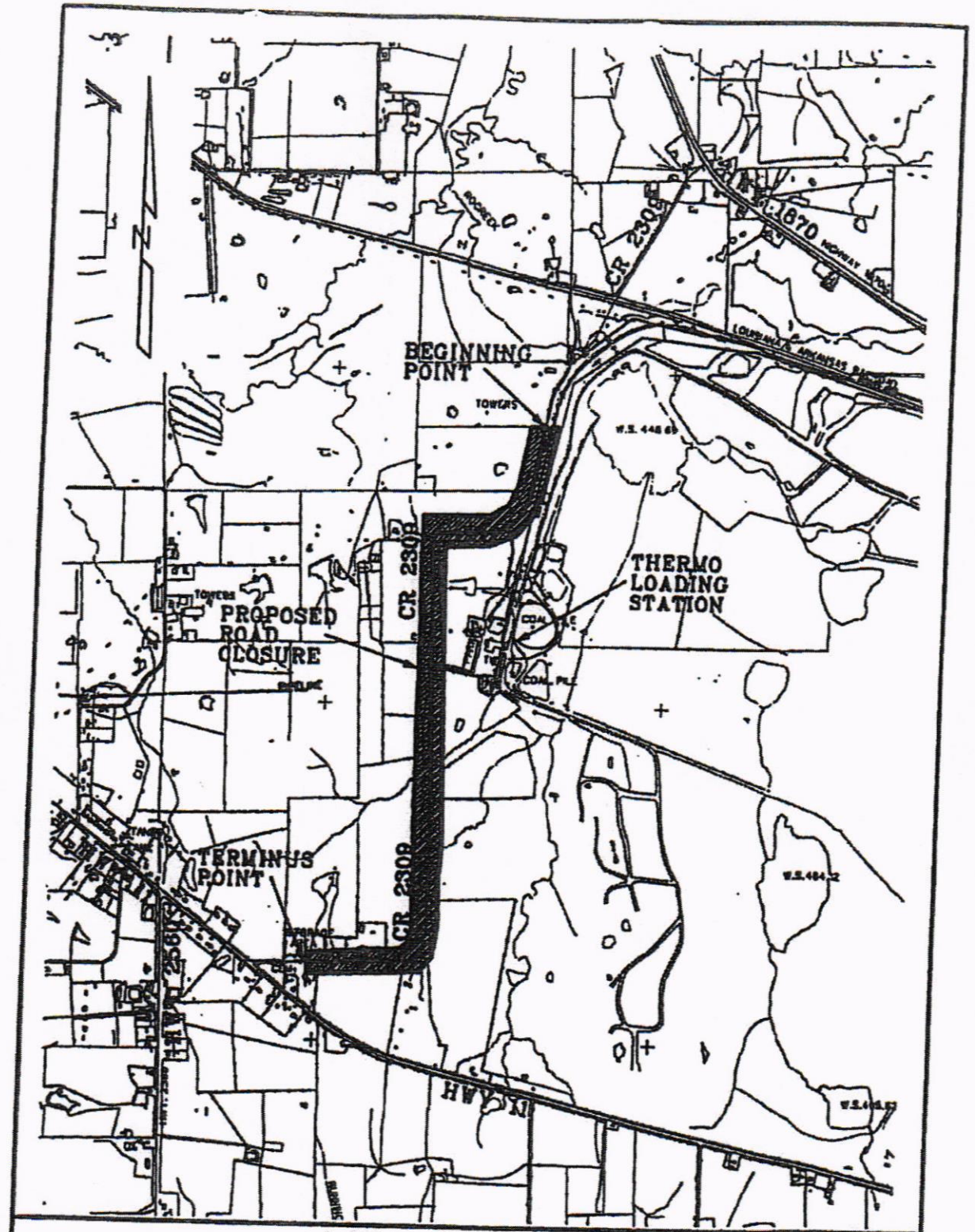


CLERK'S CERTIFICATE

THE STATE OF TEXAS I
COUNTY OF HOPKINS I

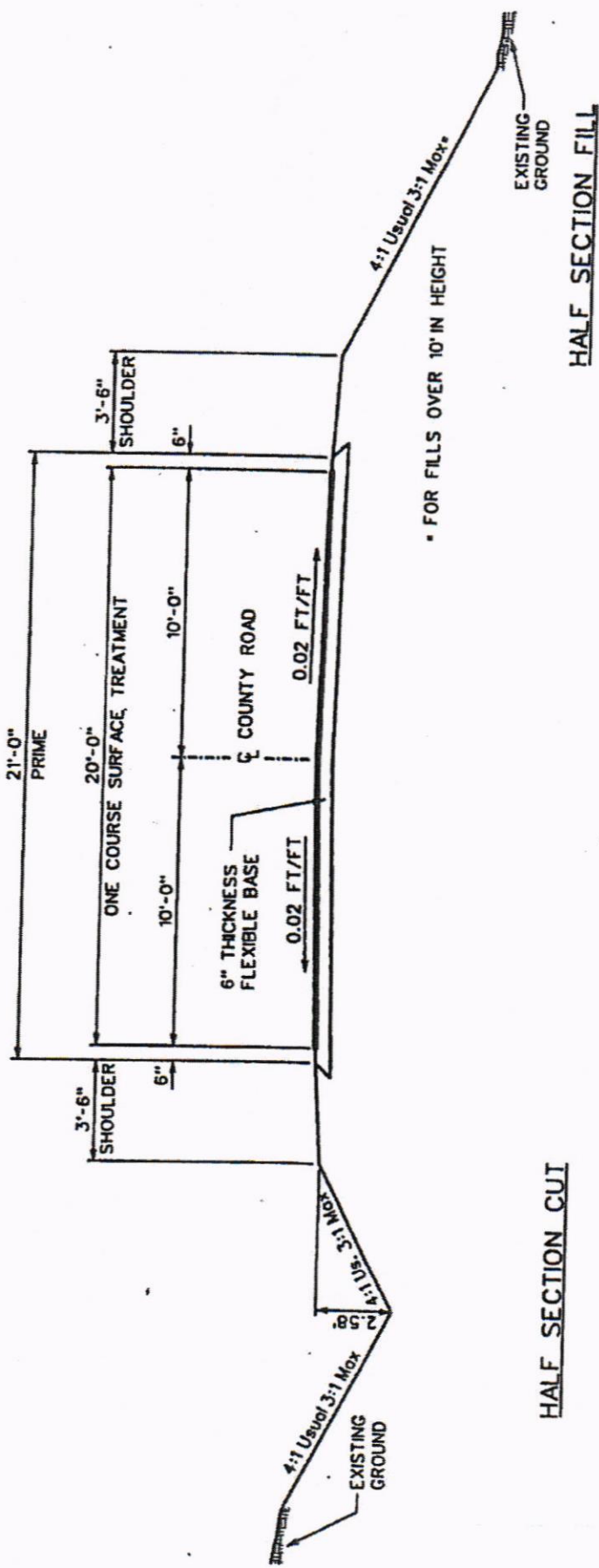
I, DEBBIE SHIRLEY, County Clerk and Clerk of the Commissioners' Court of Hopkins County, Texas, do hereby certify that the above is a true and correct excerpt as taken from the minutes of the Commissioners' Court sitting in session on the 14th day of January, 2000 and recorded in the Minutes of the office of the County Clerk of Hopkins County, Texas.


COUNTY CLERK, HOPKINS COUNTY



Attachment 1

**Proposed Road Closure
Hopkins County Road 2309
TXU-Mining Company
Sulphur Spri**



TYPICAL SECTION
NOT TO SCALE

| | |
|-----------------------------|------------|
| MONTICELLO THERMO | |
| SULPHER SPRINGS, TEXAS | |
| TYPICAL COUNTY ROAD SECTION | |
| DR. BY: | TXU MINING |
| APPROVAL: | DATE: |
| INVC NO | IN DATE |

Exhibit P – County Road 2307, County Road
2309 Order and Agreements

STATE OF TEXAS *
 *
COUNTY OF HOPKINS *

AGREEMENT

FILED FOR RECORD
00 AUG 30 AM 11:22
DEPUTY CLERK
BY _____ DEPUTY

WHEREAS, the Commissioners' Court of Hopkins County ("the Court") meeting in a Special Session on January 14, 2000, considered and approved the request of TXU-Mining to close a portion of County Road 2309, which was described in the Order issued on the same date by the Court ("the Order"); and

WHEREAS, contained in the Order issued by the Court were three (3) options regarding the reconstruction of a roadway by TXU-Mining; and

WHEREAS, the Court and TXU-Mining have agreed upon the selection of an option for the reconstruction of a roadway as outlined in the Order issued by the Court;

NOW, THEREFORE, the parties agree as follows:

(1) The Commissioners' Court of Hopkins County, Texas, has selected the option for reconstruction of a roadway outlined in that Order of the Court dated January 14, 2000, and said option being described as follows:

In 2008, or within two (2) years after all mining and reclamation has been completed west and north of the proposed closure section, whichever is later, TXU-Mining will construct a new county road segment with a typical section as shown in Attachment 2 (as shown in the Court's Order). Said new county road segment will be of similar alignment, location, and distance as existed prior to mining and will thereby reconnect previously open sections of Hopkins County Road 2309 to the north and south-southwest, creating a continuous road between FM 1870 and State Highway 11. In addition, TXU-Mining shall resurface that portion of County Road 2309 which is not relocated pursuant to the terms of the Order.

(2) That upon the selection of this option by the Court, TXU-Mining shall have no responsibility with regard to either of the other two (2) options contained in the Court's order dated


January 14, 2000. The parties agree that upon the construction of the new county road as described above in Section 1 and acceptance by the Court, TXU-Mining shall have complied with the requirements of the Court's order dated January 14, 2000.

(3) This Agreement shall be considered effective upon the approval by the Commissioners' Court of Hopkins County, Texas.

This Agreement entered into the 28th day of August, 2000.


Cletis Millsap, County Judge
Hopkins County, Texas

TXU-Mining

By: 
Title: Mine Manager - Monticello

ORDER

2007 SEP 21 11 2: 22

THE STATE OF TEXAS *
COUNTY OF HOPKINS *

BE IT REMEMBERED that the Commissioners' Court of Hopkins County met in Regular Session on September 10, 2007, 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 Mining Company LP ("TXU") to close, abandon and relocate a portion of a certain county road located in Hopkins County, Texas, said work being more particularly described as follows:

- (1) Being identified as a portion of Hopkins County Road No. 2307 and beginning at a point along said road, approximately 0.42 miles north of the intersection of said road and State Highway 11. Thence, from said beginning point, and along said proposed closure section, traveling in a north then westerly direction for a distance of approximately 1.28 miles to the terminus point of the proposed road closure. Said proposed road closure being marked as a dotted line on the map attached hereto as Attachment 1.
- (2) As a condition for the closure, abandonment and relocation of a certain portion of County Road No. 2307, TXU shall, at its expense, construct an access road to provide access to a property owned by the City of Sulphur Springs, Texas, said road beginning at a point on County Road No. 2309 at the point where such road becomes a public road pursuant to that Order of this Court dated January 14, 2000, and continuing westward to said property, as shown on Attachment 1.
- (3) TXU proposes that in 2013 or within two (2) years after all mining and reclamation has been completed in the proposed closure section, whichever is later, TXU will construct two (2) new county road segments identified on Attachment 1 as Proposed County Road No. 1 and Proposed County Road No. 2, with the typical section as shown on Attachment 2.

After consideration of said request and hearing remarks from TXU and interested citizens from within the county, upon motion duly made by Commissioner Burke Bullock and seconded by Commissioner Don Patterson, the following Order was adopted by the Commissioners' Court of Hopkins County, Texas, to-wit:

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

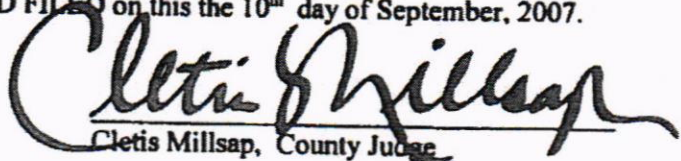
That the following described portion of Hopkins County Road No. 2307 shall be closed, abandoned and relocated as follows:

- (1) Being identified as a portion of Hopkins County Road No. 2307 and beginning at a point along said road, approximately 0.42 miles north of the intersection of said road and State Highway 11. Thence, from said beginning point, and along said proposed closure section, traveling in a north then westerly direction for a distance of approximately 1.28 miles to the terminus point of the proposed road closure. Said proposed road closure being marked as a dotted line on the map attached hereto as Attachment 1.
- (2) As a condition for the closure, abandonment and relocation of a certain portion of County Road No. 2307, TXU shall, at its expense, construct an access road to provide access to a property owned by the City of Sulphur Springs, Texas, said road beginning at a point on County Road No. 2309 at the point where such road becomes a public road pursuant to that Order of this Court dated January 14, 2000, and continuing westward to said property, as shown on Attachment 1. Prior to completion of such access road, TXU shall, at all times, provide gates and keys to those persons or entities which shall need access to the property owned by the City of Sulphur Springs, Texas.
- (3) TXU proposes that in 2013 or within two (2) years after all mining and reclamation has been completed in the proposed closure section, whichever is later, TXU will construct two (2) new county road segments identified on Attachment 1 as Proposed County Road No. 1 and Proposed County Road No. 2, with the typical section as shown on Attachment 2.

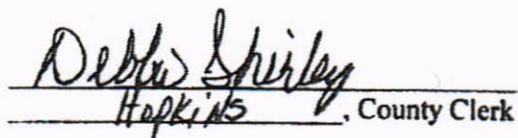
IT IS FURTHER DETERMINED BY THE COMMISSIONERS' COURT that the interests of the public and affected landowners have been protected.

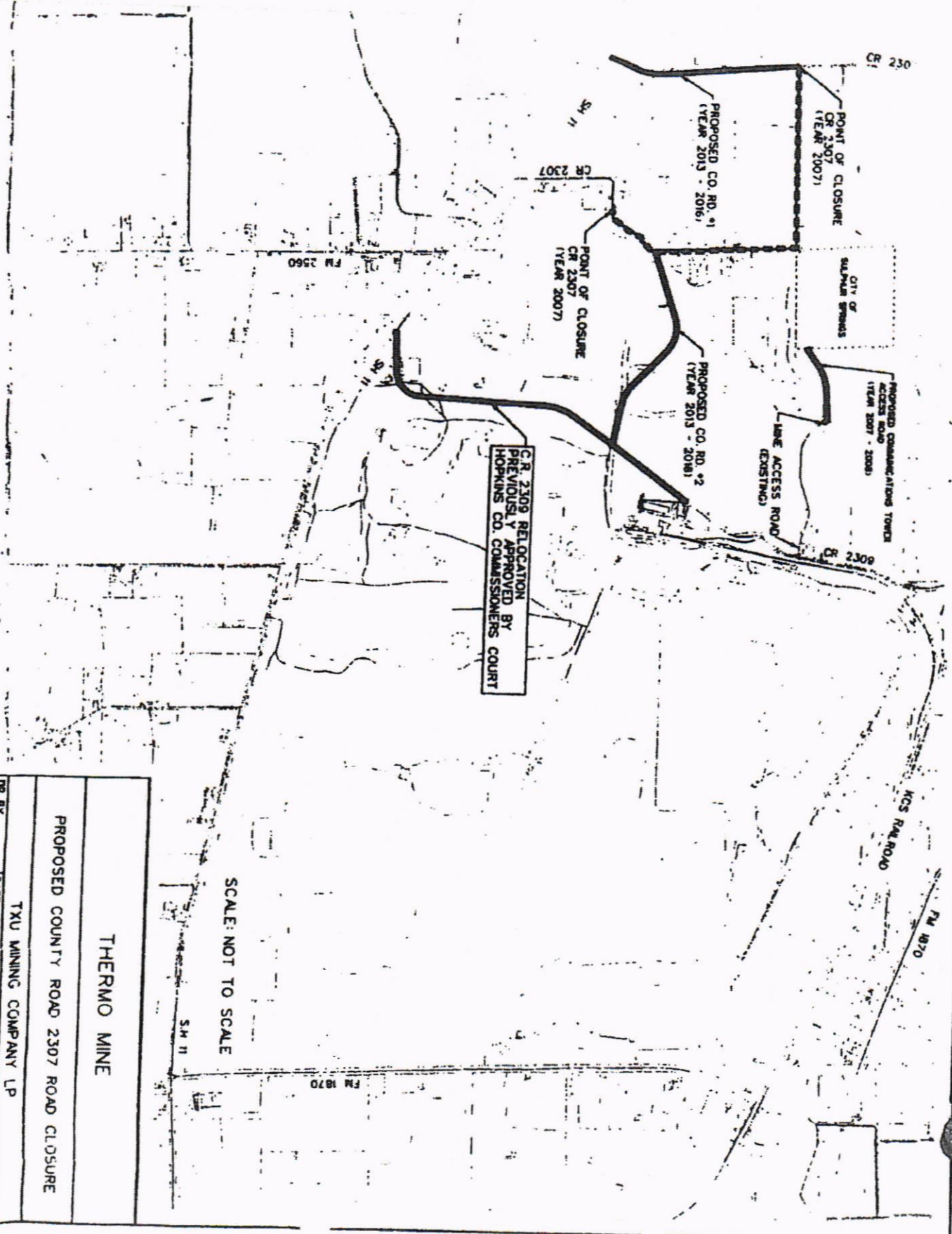
Upon a vote, all voted "aye", and none voted "no", and the County Judge declared the Order passed, approved, and adopted as of the 10th day of September, 2007.

SIGNED, ENTERED and ORDERED FILED on this the 10th day of September, 2007.


Cletis Millsap, County Judge

ATTEST:

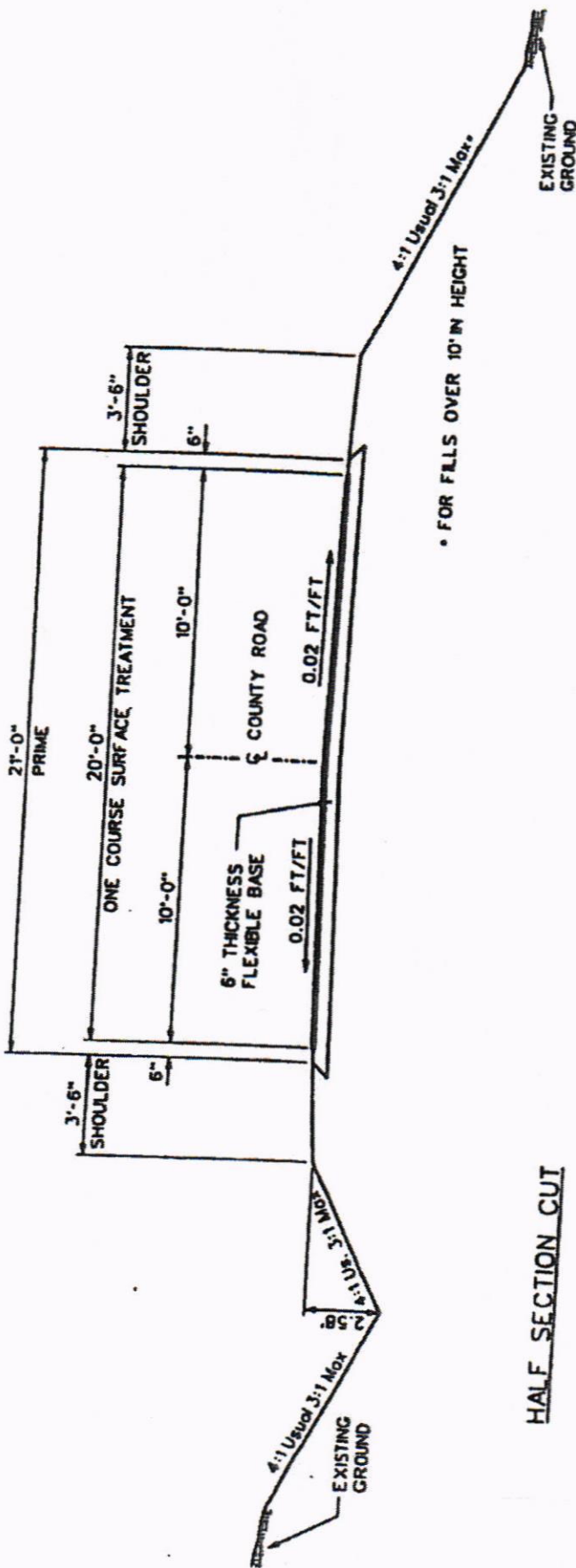

Debbie Shirley
Hopkins, County Clerk



C.R. 2309 RELOCATION
PREVIOUSLY APPROVED BY
HOPKINS CO. COMMISSIONERS COURT

SCALE: NOT TO SCALE

| |
|--|
| THERMO MINE |
| PROPOSED COUNTY ROAD 2307 ROAD CLOSURE |
| TXU MINING COMPANY LP |
| DR. BY JNATP |



HALF SECTION FILL

TYPICAL SECTION
NOT TO SCALE

HALF SECTION CUT

| |
|-----------------------------|
| MONTICELLO THERMO |
| SULPHUR SPRINGS, TEXAS |
| TYPICAL COUNTY ROAD SECTION |
| TXU MINING |

**NOTICE OF REQUEST TO
CLOSE, ABANDON AND RELOCATE
A COUNTY ROAD IN HOPKINS COUNTY, TEXAS**

Notice is hereby given that TXU Mining Company LP has requested the Commissioners' Court of Hopkins County, Texas, to close, abandon and relocate a segment of County Road No. 2307. This request will be heard by the Commissioners' Court of Hopkins County, Texas, in a regular session on the 10th day of September, 2007, at 10:00 o'clock a.m., in the Commissioners' Courtroom located in the Hopkins County Courthouse. A copy of such request is on file in the Office of the County Clerk of Hopkins County, Texas, and may be inspected by any interested person. As a result of closing, abandoning and relocating said segment of said county road, no person will be left without access to their residence or lands.

Notice given this 18th day of July, 2007.

TXU Mining Company LP

By: *Kerry Wootten*
Kerry Wootten, Attorney

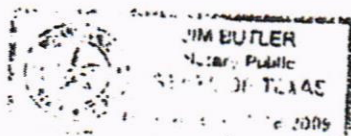
RUSSELL & WOOTTEN, P.C.
P. O. Box 1135
Mt. Pleasant, Texas 75456-1135
Phone: (903) 572-3653
FAX: (903) 572-7442

STATE OF TEXAS *
COUNTY OF HOPKINS *

BEFORE ME, the undersigned authority, on this day personally appeared Scott Keys, Publisher of the Sulphur Springs News Telegram, a newspaper of general circulation in Hopkins County, Texas, who, being by me duly sworn upon oath, says that the foregoing notice was published in said newspaper, bearing the date of August 12, 2007.

Scott Keys, Publisher

SUBSCRIBED AND SWORN TO BEFORE ME on the 13 day of August, 2007, to certify which witness my hand and official seal.



Jim Butler
NOTARY PUBLIC, STATE OF TEXAS

Exhibit P - County Road 2307, County Road 2309 Order and Agreements

NOTICE OF REGULAR MEETING

VUL PAGE
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TIME: 10:00 A.M.
DATE: Monday, July 26th, 2010
PLACE: In The Commissioners' Courtroom On The First Floor Of The Hopkins County Courthouse Located At 118 Church St., Sulphur Springs, TX.

FILED FOR RECORD
HOPKINS COUNTY, TEXAS

2010 JUL 23 A 9:02

DEBBIE SHIRLEY
COUNTY CLERK

- I. Invocation
- II. Pledge Of Allegiance To The Flag

- A. AMERICAN FLAG:
- B. TEXAS FLAG: "Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One SEVERALTY Indivisible."

The Following Items Will Be Considered By Commissioners' Court For Discussion And/Or Action:
The Court May Go Into Executive Session To Discuss Legal Matters.

ORDER OF BUSINESS

- 1) The Court To Declare A Quorum
- 2) Consent Agenda.
 - i) Approve Previous Meeting Minutes.
 - a) Regular - 7-12-10
 - ii) Approval Of Utility Easements, Burial Of Telephone Cables And Construction Of Water Distribution Facilities.
 - a) The Court To Consider Approving A Request From North Hopkins Water Supply Corporation To Install A 1" Water Main Across County Road 3304 Located In Precinct 3.
- 3) The Court To Consider Citizen Comments.
- 4) Other County Business.
 - i) The Court To Consider Approving A Tax Abatement Policy.
 - ii) The Court To And Possibly Approve The Closure, Abandonment And Relocation Of A Section Of County Road No. 2309 And To Consider And Possibly Approve The Construction And Acceptance Of A Relocation Of County Road 2309.
 - iii) The Court To Discuss/And May Take Action On Amending The July 1, 2010 Hopkins County Hiring Process.
 - iv) The Court To Review Monthly Reports For Offices.
- 5) The Court To Consider Budget Amendments And Line Item Transfers.
- 6) The Court Will Consider And Act On Payment Of Bills, Revenues And Expenses And Financial Statements.
- 7) The Court To Consider Contracts.
- 8) The Court Will Consider And Act On Personnel Matters.
- 9) The Court To Consider Disposal Of Asset Request.
- 10) The Court To Approve Resolutions And Proclamations.
- 11) The Court To Adjourn.

Cletis Millsap
CLETIS MILLSAP, COUNTY JUDGE
HOPKINS COUNTY, TEXAS

STATE OF TEXAS X
COUNTY OF HOPKINS X

I, Debbie Shirley, County Clerk of Hopkins County, Texas, do hereby certify that the above and foregoing notice was filed in my office this the 23rd day of July, 2010 at 10:00 A.M.

Given under my hand and seal this the 23rd day of July, 2010 at 10:00 A.M.

Debbie Shirley
DEBBIE SHIRLEY, COUNTY CLERK
HOPKINS COUNTY, TEXAS
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STATE OF TEXAS §
 COUNTY OF HOPKINS §

BE IT REMEMBERED on the 26th day of July 2010, there was conducted a **REGULAR** Public Meeting of the Honorable Commissioners' Court of Hopkins County, Texas, on the 1st Floor, Commissioners' Courtroom, in the Courthouse, 118 Church Street, City of Sulphur Springs, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

10:00 A.M.

PRESENT:

CLETIS MILLSAP
 COUNTY JUDGE

BETH WISEBAKER
 COMMISSIONER, PRECINCT NO. 1

BURKE BULLOCK
 COMMISSIONER, PRECINCT NO. 2

DON PATTERSON
 COMMISSIONER, PRECINCT NO. 3

DANNY EVANS
 COMMISSIONER, PRECINCT NO. 4

CHERE GODBOLT Deputy
 COUNTY CLERK

ABSENT:

The meeting was called to order by Judge Cletis Millsap. Judge Millsap offered an invocation and asked the court and audience to join him in reciting the Pledge of Allegiance to The American Flag & Texas Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on July 23, 2010 at 9:02 a.m. Judge Millsap Declared A Quorum.

For The Record Commissioner Evans Came In At 10:15 a.m.

CONSENT AGENDA:

Upon motion by Commissioner Patterson, seconded by Commissioner Wisenbaker and carried unanimously, To Approve The Following Consent Agenda:

THE MINUTES FROM PREVIOUS MEETINGS

The Minutes of The **Regular** Meeting Held July 12, 2010. Commissioners' Courtroom Located At 118 Church St., Sulphur Springs, TX.

APPROVAL OF UTILITY EASEMENTS, BURIAL OF TELEPHONE CABLES AND CONSTRUCTION OF WATER DISTRIBUTION FACILITIES

A Request From North Hopkins Water Supply Corporation To Install A 1" Water Main Across County Road 3504 Located In Precinct 3. A Copy Is Attached Hereto And Made A Part Hereof. (Ex.1)

CITIZENS COMMENTS

NO ACTION TAKEN

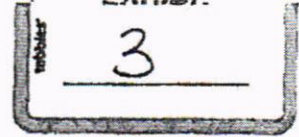
OTHER COUNTY BUSINESS

TAX ABATEMENT POLICY

Upon motion by Commissioner Bullock, seconded by Commissioner Patterson and carried unanimously, To Approve A Tax Abatement Policy. A Copy Is Attached Hereto And Made A Part Hereof. (Ex.2)

APPROVE THE CLOSURE, ABANDONMENT AND RELOCATION OF A SECTION OF COUNTY ROAD NO. 2309 AND TO CONSIDER AND POSSIBLY APPROVE THE CONSTRUCTION AND ACCEPTANCE OF A RELOCATION OF COUNTY ROAD 2309

Upon motion by Commissioner Bullock, seconded by Commissioner Wisenbaker and carried unanimously, To Approve The Closure, Abandonment And Relocation Of A Section Of County Road No. 2309 And To Approve The Construction And Acceptance Of A Relocation Of County Road 2309. A Copy Is Attached Hereto And Made A Part Hereof. (Ex.3)



ORDER

THE STATE OF TEXAS *
 COUNTY OF HOPKINS *

BE IT REMEMBERED that the Commissioners' Court of Hopkins County met in Regular Session on July 26, 2010, 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 Luminant Mining Company LLC to close, abandon and relocate a portion of a certain county road located in Hopkins County, Texas, said work being more particularly described as follows:

- (1) Being identified as a portion of Hopkins County Road No. 2309 and beginning at its intersection with Farm Road 1870 and proceeding southward and then westward for approximately 0.6 miles. Said proposed road closure being marked as a dotted line on the map attached hereto as Attachment 1.
- (2) As a condition for the closure, abandonment and relocation of a certain portion of County Road No. 2309, Luminant shall, at its expense, construct a relocation of this road to the west of the current road alignment, which will be approximately 0.75 miles in length as shown by the black triple line on the map attached hereto as Attachment 1. The relocated section of the road will be constructed according to the attached typical cross section attached hereto as Attachment 2.

After consideration of said request and hearing remarks from Luminant and interested citizens from within the county, upon motion duly made by Commissioner Pullock and seconded by Commissioner Wesley Baker, the following Order was adopted by the Commissioners' Court of Hopkins County, Texas, to-wit:

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

That the following described portion of Hopkins County Road No. 2309 shall be closed, abandoned and relocated as follows:

- (1) Being identified as a portion of Hopkins County Road No. 2309 and beginning at its intersection with Farm Road 1870 and proceeding southward and then westward for approximately 0.6 miles. Said proposed road closure being marked as a dotted line on the map attached hereto as Attachment 1.
- (2) As a condition for the closure, abandonment and relocation of a certain portion of County Road No. 2309, Luminant shall, at its expense, construct a relocation of this

VOL PAGE
013 145

road to the west of the current road alignment, which will be approximately 0.75 miles in length as shown by the black triple line on the map attached hereto as Attachment 1. The relocated section of the road will be constructed according to the attached typical cross section attached hereto as Attachment 2.

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 26th day of July, 2010.

SIGNED, ENTERED and ORDERED FILED on this the 26th day of July, 2010.

Cletis Millsap

Cletis Millsap, County Judge

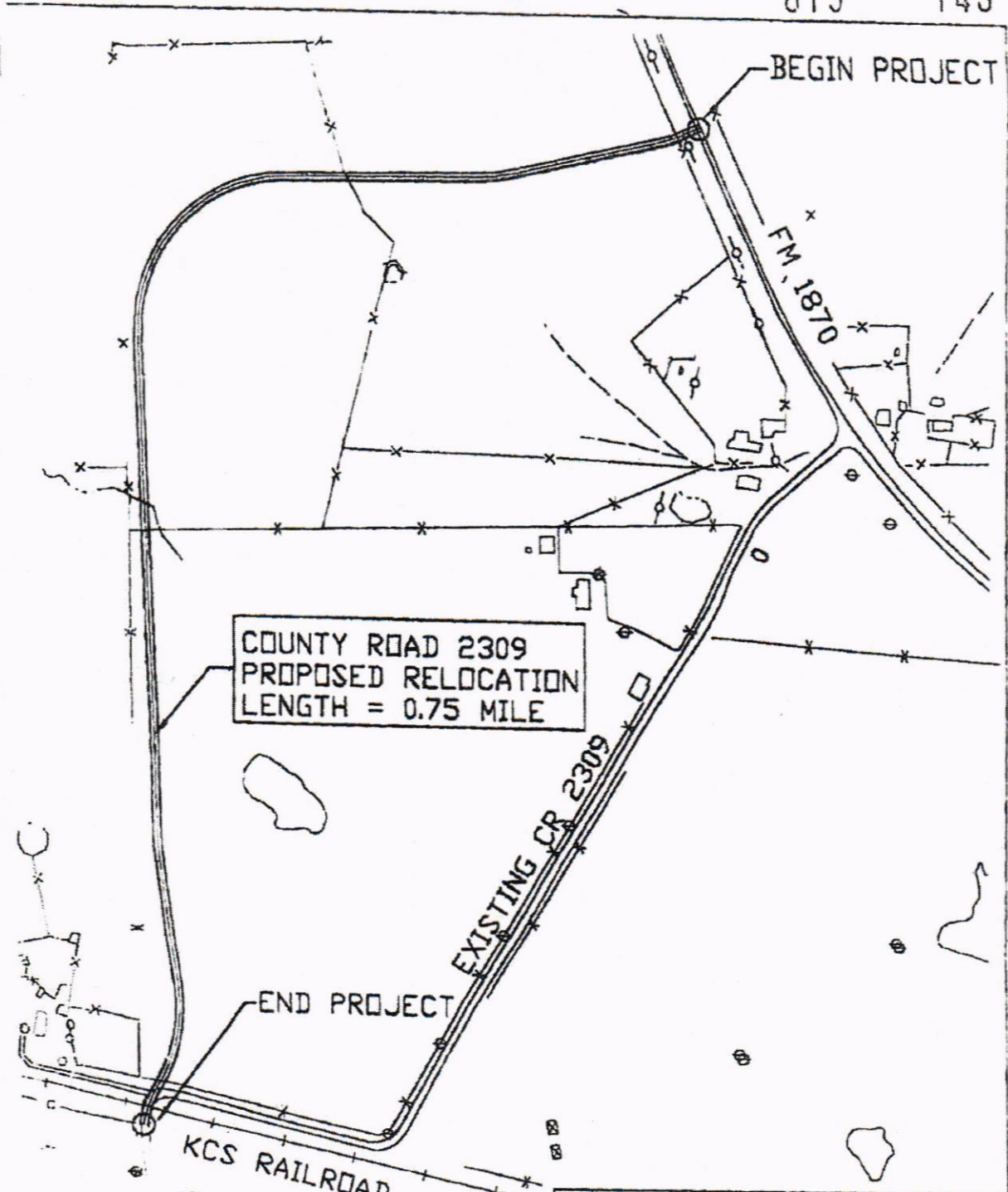


Bob Shively

BOB SHIVELY, County Clerk

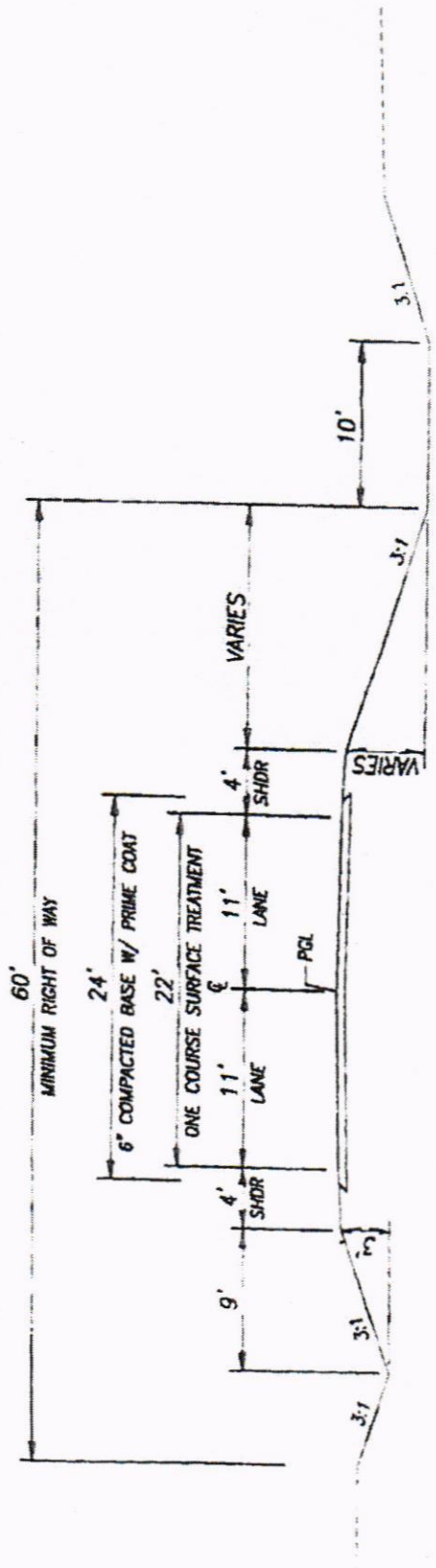
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COUNTY ROAD 2309
 PROPOSED RELOCATION
 LENGTH = 0.75 MILE

| | | |
|---|-------------------|-----------------------|
| THERMO MINE HOPKINS COUNTY, TEXAS | | |
| HOPKINS COUNTY ROAD 2309 PROPOSED RELOCATION | | |
| LUMINANT MINING COMPANY LLC | | |
| DR. BY DCH | DATE DEC. 2009 | SCALE NOT TO SCALE |



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CR 2309 - TYPICAL SECTION
N.T.S.

NOTICE OF REQUEST TO
CLOSE, ABANDON AND RELOCATE
A COUNTY ROAD IN HOPKINS COUNTY, TEXAS

Notice is hereby given that Luminant Mining Company LLC has requested the Commissioners' Court of Hopkins County, Texas, to close, abandon and relocate a segment of County Road No. 2309. This request will be heard by the Commissioners' Court of Hopkins County, Texas, in a regular session on the 26th day of July, 2010, at 10:00 o'clock a.m., in the Commissioners' Courtroom located in the Hopkins County Courthouse. A copy of such request is on file in the Office of the County Clerk of Hopkins County, Texas, and may be inspected by any interested person. As a result of closing, abandoning and relocating said segment of said county road, no person will be left without access to their residence or lands.

Notice given this 29th day of June, 2010.

Luminant Mining Company LLC

By: Kerry Wootten
Kerry Wootten, Attorney

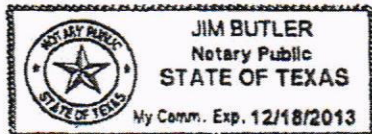
RUSSELL & WOOTTEN, P.C.
P. O. Box 1135
Mt. Pleasant, Texas 75456-1135
Phone: (903) 572-3653
FAX: (903) 572-7442

STATE OF TEXAS *
COUNTY OF HOPKINS *

BEFORE ME, the undersigned authority, on this day personally appeared Scott Keys, Publisher of the Sulphur Springs News Telegram, a newspaper of general circulation in Hopkins County, Texas, who, being by me duly sworn upon oath, says that the foregoing notice was published in said newspaper, bearing the date of July 4, 2010.

Scott Keys, Publisher

SUBSCRIBED AND SWORN TO BEFORE ME on the 12 day of July, 2010, to certify which witness my hand and official seal.



Jim Butler
NOTARY PUBLIC, STATE OF TEXAS

NOTICE OF REQUEST TO
CLOSE, ABANDON AND RELOCATE
A COUNTY ROAD IN HOPKINS COUNTY, TEXAS

Notice is hereby given that Luminant Mining Company LLC has requested the Commissioners' Court of Hopkins County, Texas, to close, abandon and relocate a segment of County Road No. 2309. This request will be heard by the Commissioners' Court of Hopkins County, Texas, in a regular session on the 26th day of July, 2010, at 10:00 o'clock a.m., in the Commissioners' Courtroom located in the Hopkins County Courthouse. A copy of such request is on file in the Office of the County Clerk of Hopkins County, Texas, and may be inspected by any interested person. As a result of closing, abandoning and relocating said segment of said county road, no person will be left without access to their residence or lands.

Notice given this 29th day of June, 2010.

Luminant Mining Company LLC

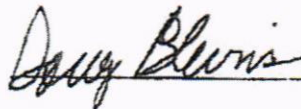
By: 

Kerry Wootten, Attorney

RUSSELL & WOOTTEN, P.C.
P. O. Box 1135
Mt. Pleasant, Texas 75456-1135
Phone: (903) 572-3653
FAX: (903) 572-7442

CERTIFICATE

I hereby certify that two (2) true and correct copies of the above and foregoing Notice were posted in the vicinity of County Road No. 2309 in Hopkins County, Texas, which is sought to be closed, abandoned and relocated, as set forth in the Request which is on file in the Office of the County Clerk of Hopkins County, Texas, on this the 1st day of July, 2010.



RUSSELL & WOOTTEN, P.C.

ATTORNEYS AT LAW
P.O. BOX 1135
204 W SEVENTH STREET
MT. PLEASANT, TEXAS 75458-1135

013

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KERRY WOOTTEN

June 29, 2010

TELEPHONE
(803) 572-3853
FAX
(803) 572-7442

The Hon. Cletis Millsap
County Judge of Hopkins County
118 Church Street
Sulphur Springs, TX 75482


RE: Request by Luminant Mining Company, LLC

Dear Judge Millsap:

On behalf of my client, Luminant Mining Company LLC, I am requesting that the attached matter pertaining to the request by Luminant to close, abandon and relocate a county road be placed on the agenda for the meeting of the Commissioners' Court to be held on July 26, 2010. I believe the information contained in the request is self-explanatory, but, in the event you should have any questions, please feel free to contact me.

I appreciate your assistance in this matter.

Very truly yours,


Kerry Wootten

KW/jmc

cc Doug Blevins
Luminant Mining Company, LLC

RUSSELL & WOOTTEN, P.C.

ATTORNEYS AT LAW
P.O. BOX 1135
204 W. SEVENTH STREET
MT. PLEASANT, TEXAS 75456-1135

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KERRY WOOTTEN

TELEPHONE
(803) 572-3652
FAX
(803) 572-7442

June 29, 2010

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

RE: Request to close, abandon and relocate a county road located in Hopkins County, Texas

Gentlemen:

Luminant Mining Company, LLC ("Luminant") would show that it has coal and lignite leases in Hopkins County, Texas. In order to conduct mining operations on this property, it will be necessary to close, abandon, vacate and relocate a certain section of a public road in Hopkins County. Pursuant to authority vested in the Commissioners' Court under Texas Local Government Code, Sec. 81.028(2) and Texas Transportation Code, Sec. 251.051, Luminant respectfully requests the Commissioners' Court of Hopkins County, Texas, to allow the following:

- (1) Luminant requests the closure, abandonment and relocation of a portion of County Road No. 2309 in Hopkins County, beginning at its intersection with Farm Road 1870 proceeding southward and then westward for approximately 0.6 miles. Said proposed road closure being highlighted on the map attached hereto as Attachment 1.
- (2) As a condition for the closure, abandonment and relocation of a certain portion of County Road No. 2309, Luminant shall, at its expense, construct a relocation of this road to the west of the current road alignment, which will be approximately 0.75 miles in length as shown by the black triple line on the map attached hereto as Attachment 1. The relocated section of the road will be constructed according to the attached typical cross section attached hereto as Attachment 2.

Luminant requests that the Commissioners' Court of Hopkins County, Texas, adopt and enter an order which closes, abandons and relocates the County Road identified in Item (1) above; and (2) approves the construction of the relocation of County Road No. 2309.

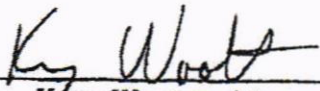
In the event there are individuals living on lands in the vicinity of the roads for which closure, abandonment and relocation is being requested, no such resident or landowner will be denied access to their property.

Luminant would also show that the interests of the public and affected landowners will be protected at all times by the closing of this road.

Thank you very much for your consideration in this matter.

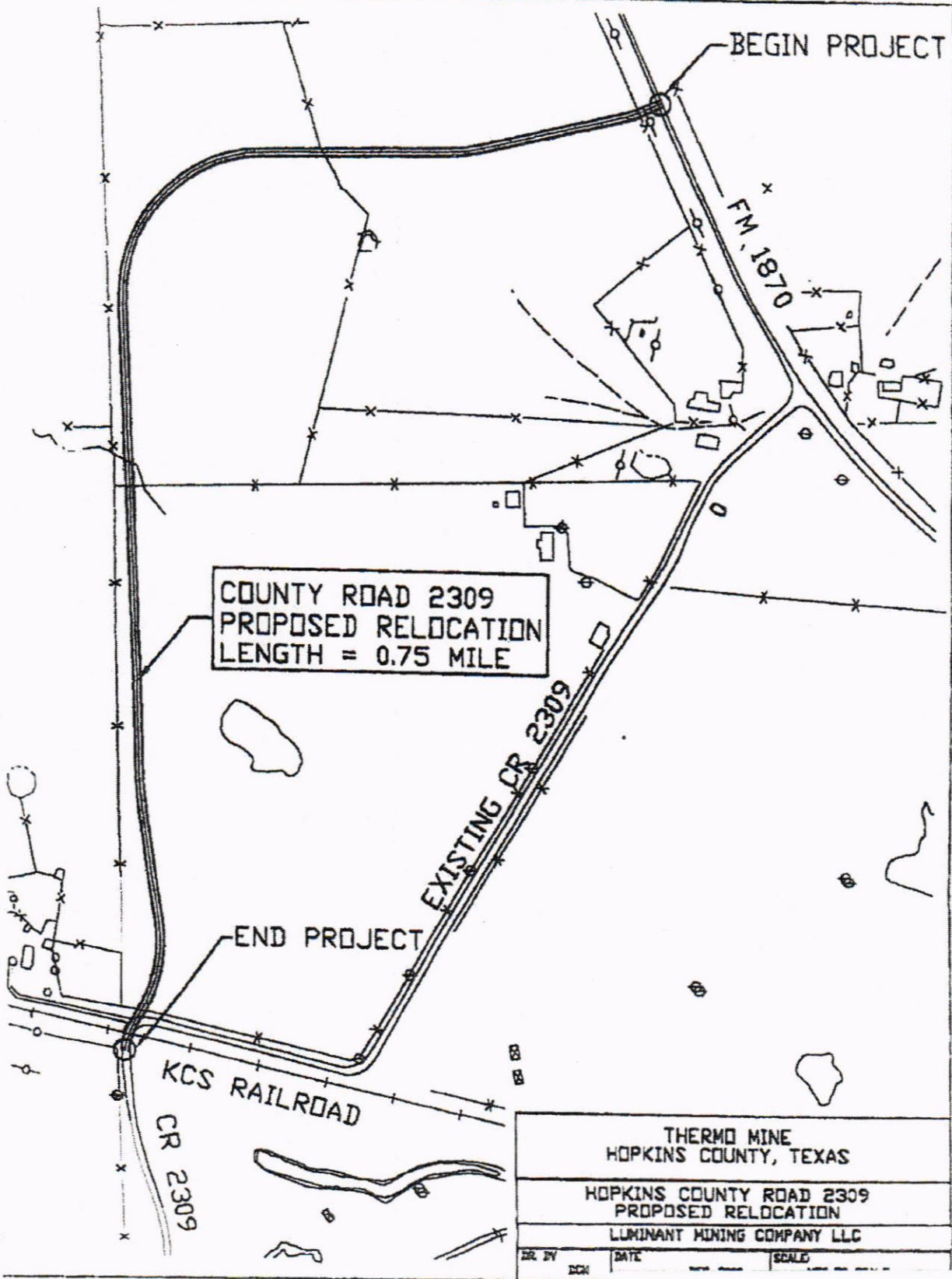
Respectfully submitted,

Luminant Mining Company, LLC

By: 
Kerry Wootten, Attorney

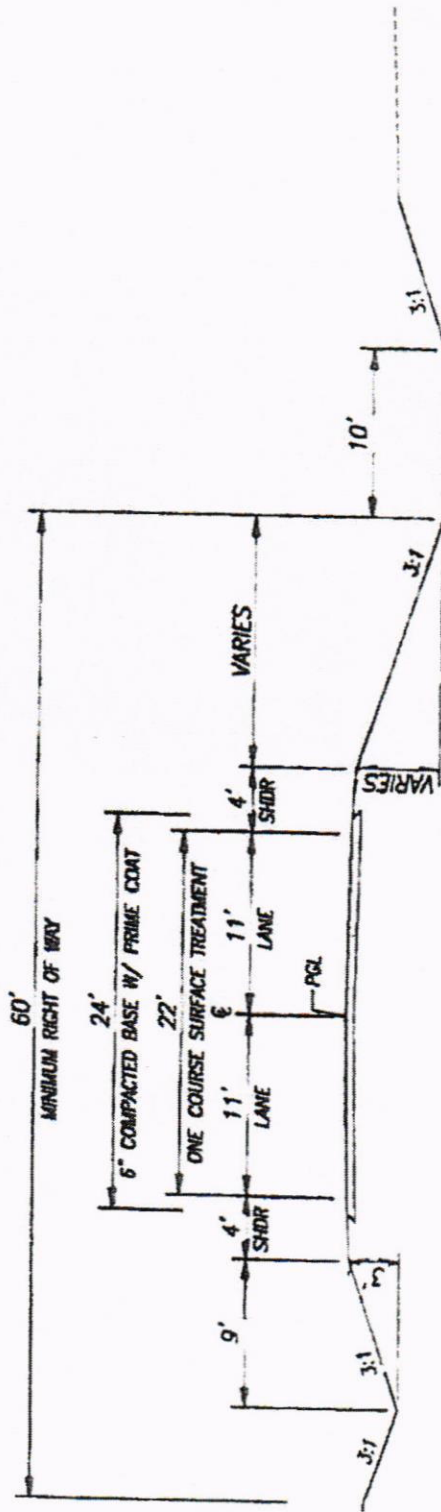
RUSSELL & WOOTTEN, P.C.
P. O. Box 1135
Mt. Pleasant, Texas 75456-1135
Telephone: (903) 572-3653
FAX: (903) 572-7442

State Bar Card No. 21993600



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CR 2309 - TYPICAL SECTION
E.T.S.

ACE GROUP of Alcoholics Anonymous begins at 7 p.m. Sunday at First Presbyterian Church, College St. Call 903-243-4377 for information.

ENGLISH LANGUAGE interpretation of worship services, 11 a.m. Sundays at First Baptist Church. 903-885-0646.

MIDDLE-AGE to senior interested in fellowship and study are invited to the Bible Sunday School Class at Baptist Church at 9:45 a.m. Class is broadcast at 9:45 a.m. on KSSD radio.

ALCOHOLICS ANONYMOUS New Life Group meets at 7 p.m. for open discussion at 468 W. Main Road, Suite 11B, located behind China House. No smoking. Call Mickelle 903-348-5865 or try 903-885-6184.

independence Day holiday. The meeting will be moved to noon on July 12 in the Edward Jones Building, 1331 South Broadway St.

CHRISTIAN INITIATION Sessions are held Mondays at 6:30 p.m. at St. James Catholic Church, 297 Texas St. All are invited to "come and increase your knowledge about God and the Catholic Church." For more information, call Diane Ames at 903-648-2345.

PRAYER ON the Square, a community-wide praise, worship and prayer service, will be hosted each Monday at 6 p.m. on the downtown square. There will be singing and music. All are invited to join in the weekly prayer and praise fellowship. Prayers will be offered for city, county, state and federal officials, as well as the military, schools, businesses and all others. For information, contact Larry Friday Sr. at 903-243-6863.

CANHELP WELCOMES the donation of recycled cell phones and cell phone batteries at the CANHelp Community Resource Center, 613 Gilmer St., on Mondays and Wednesdays from 10 a.m. to 3 p.m. Donations can be made at other times if necessary. Call 903-885-9797 for more information.

FOLLOW ME! TUTORING/Mentoring Program at Lord's Way Church, 806 Freeman St., will be offered from 6:30 p.m. to 8 p.m. Mondays, Tuesdays

at 8 p.m. at 468 Shannon Road, Suite 11B, behind China House. Call Mickelle 903-348-5865 and Kerry 903-885-6184.

GRATITUDE ALANON Group meets Monday nights at 8 p.m. at the Presbyterian Church, 302 South Chestnut St., in Winnsboro. Call 903-342-3011.

HOPKINS COUNTY Amateur Radio Club (HCARC)'S Public information net is every Monday at 7 p.m. on frequency 146.68. Everyone invited. For more information, call 903-885-8460 or visit www.k5sst.org.

"KNITTING, CROCHETING and Tating" are taught every Monday at 1 p.m. by Betty Landes at the Senior Citizens Center (150 MLK Jr. Drive). Also **BOARD GAMES** are also held Mondays at noon.

"RECOVERY: YOU Are Not Alone!", a Christian-based support group for addictions, depression, anger, grief, divorce, fear and other issues of life meets from 7 p.m. to 9 p.m. Mondays at Family Life Church, 1400 East Loop 301. Dinner will be served at 6:30 p.m. Contact: 903-439-2016.

BIBLE DISCIPLE Bible study will be held at Como Methodist Church Mondays at 7 p.m. Call 903-488-3541.

TEEN GROUP meets at 6 p.m. at Franklin National Bank in Winnsboro, corner of Main and Broadway streets. Call 903-342-8941.

Monday, July 5
HOPKINS COUNTY Beautification Program Committee meets first Monday of the month in Hopkins County Courthouse in months in which holiday on the first Monday meetings in those months held on the 2nd Monday.
 Anyone interested in joining a member or with committee welcome to attend. For information, contact Wyonna at 903-439-4997.
MEETS the first Monday

below. Plans for the above are available from TXDOT at www.txdot.gov and from insurance companies at the expense of the contractor.
 Construction Division, 200 West Dr., Austin, Texas 78704, 4-18-2540.
 Office(s): Paris District, District 385 N. Main St., Paris, Texas, Phone: 903-737-6300.
 Wage rates are set out in summary and the rates will be contract. TXDOT ensures that not be discriminated against on of race, color, sex or national

obtained at the City of Sulphur Springs Municipal Building, 125 South Davis, Sulphur Springs, Texas. Office of the City Secretary. Proposals must be submitted in the format of the proposal sheet. Sealed proposals are due on or before 11:00 a.m. on Wednesday, July 28, 2010 at the Sulphur Springs Municipal Building, Office of the City Secretary. Please read all general information and specifications. The City will only consider direct reinsurance contracts, not managing general underwriters contracts. Stop loss carrier must at the time of the submitted proposal: 1) Assume 100% of the risk of its proposal, 2) Guarantee a renewal, 3) Guarantee no increase at renewal, unless it is in the City's interest to do so. To be considered, reinsurance firms must carry an A rating with A.M. Best. The City reserves the right to consider only those proposals which are responsive to terms, conditions and specifications of the invitation to bid.

NOTICE OF REQUEST TO CLOSE AND ABANDON A COUNTY ROAD IN HOPKINS COUNTY
 Notice is hereby given that Luminant Mining Company LLC has requested the Commissioners' Court of Hopkins County, Texas, to close and abandon a segment of County Road No. 2308. This request will be heard by the Commissioners' Court of Hopkins County, Texas, in a regular session on the 28th day of June, 2010, at 10:00 o'clock a.m., in the Commissioners' Courtroom located in the Hopkins County Courthouse. A copy of such request is on file in the Office of the County Clerk of Hopkins County, Texas, and may be inspected by any interested person. As a result of closing and abandoning said

segment of said county road, no person will be left without access to their residence or lands.
 Notice given this 28th day of June, 2010.
 Luminant Mining Company LLC
 by: Kerry Woolton, Attorney
 RUSSELL & WOOLTON, P.C.
 P.O. Box 1135
 M. Pleasant, Texas 75458-1135
 Phone: (803) 672-5683
 Fax: (803) 672-7442

NOTICE OF REQUEST TO CLOSE, ABANDON AND RELOCATE A COUNTY ROAD IN HOPKINS COUNTY
 Notice is hereby given that Luminant Mining Company LLC has requested the Commissioners' Court of Hopkins County, Texas, to close, abandon and relocate a segment of County Road No. 2308. This request will be heard by the Commissioners' Court of Hopkins County, Texas, in a regular session on the 28th day of July, 2010, at 10:00 o'clock a.m., in the Commissioners' Courtroom located in the Hopkins County Courthouse. A copy of such request is on file in the Office of the County Clerk of Hopkins County, Texas, and may be inspected by any interested person. As a result of closing, abandoning and relocating said segment of said county road, no person will be left without access to their residence or lands.
 Notice given this 28th day of June, 2010.
 Luminant Mining Company LLC
 by: Kerry Woolton, Attorney
 RUSSELL & WOOLTON, P.C.
 P.O. Box 1135
 M. Pleasant, Texas 75458-1135
 Phone: (803) 672-5683
 Fax: (803) 672-7442

INVITATION TO BID
 The City of Sulphur Springs is accepting bids for its employee health benefit program. The City of Sulphur Springs health insurance program is self-funded. Proposals will be for a combination package of specific stop loss and aggregate coverages. The City will use its Administrator, Blue Cross/Blue Shield of Texas, to administer the program. The City's current contract year will be from 12/31/2011. Proposals must stay firm contract period. Please bid on as well as 24/2 or paid basis. Specific stop loss coverage is set at alternatives of \$50,000 to \$1,000,000. Alternative specific stop loss coverage will be considered. The City of Sulphur Springs will not consider a full bid. Proposal packets can be

**ORDER GRANTING REQUEST BY LUMINANT MINING COMPANY LLC
TO TEMPORARILY CLOSE A PORTION OF HOPKINS COUNTY ROAD NO. 2309
ALL OF WHICH IS SHOWN AND DESCRIBED ON
EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

BE IT REMEMBERED, that the Commissioners Court of Hopkins County, Texas, met in Regular Session on the 27 day of March, 2017, 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. The following were present:

Robert Newsom, County Judge of Hopkins County, Texas
 Mickey Barker, Commissioner of Precinct No. 1, Hopkins County, Texas
 Mike Odell, Commissioner of Precinct No. 2, Hopkins County, Texas
 Wade Bartley, Commissioner of Precinct No. 3, Hopkins County, Texas
 Danny Evans, Commissioner of Precinct No. 4, Hopkins County, Texas

Pursuant to published agenda of said meeting, Commissioner Mike Odell

offered the following resolution and moved its adoption, which was seconded by Commissioner

Danny Evans to wit:

WHEREAS, LUMINANT MINING COMPANY LLC has ceased mining operations and closed its mine that is located in the vicinity of Hopkins County Road No. 2309 ("Thermo Mine"). The closing of this portion of Hopkins County Road No. 2309 will protect Luminant Mining Company's Thermo Mine and other property, and will support all activities related to reclamation; and

WHEREAS, the temporary closure will be for a period of approximately 3 years or until the Hopkins County Road 2309 relocation is completed; and

WHEREAS, LUMINANT MINING COMPANY LLC is willing to, at its sole cost and expense, temporarily close Hopkins County Road 2309, at the location as shown on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the portion of Hopkins County Road No. 2309 that is to be temporarily closed has no through-traffic and dead-ends at the Thermo Mine; and

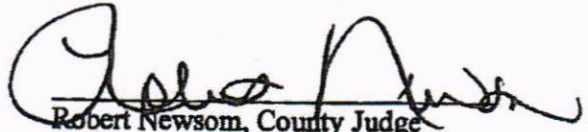
WHEREAS, LUMINANT MINING COMPANY LLC owns all of the land adjacent to the portion of Hopkins County Road No. 2309, that is to be temporarily closed; and

WHEREAS, the Hopkins County Commissioners Court has determined that there is no need for public notice, other than that which has been given in due and proper form and we also find that the interests of the public and affected landowners have been protected as it relates to the temporary closure of Hopkins County Road No.2309.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners Court of Hopkins County, Texas, that they are in agreement with the proposed temporary closure of Hopkins County Road No. 2309, and have no objections to the temporary closure of Hopkins County Road No. 2309, as shown on Exhibit "A".

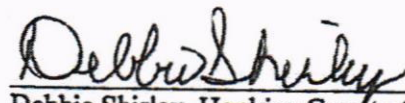
Upon vote, all voted "Aye" and none voted "No", and the County Judge declared the Resolution duly adopted.

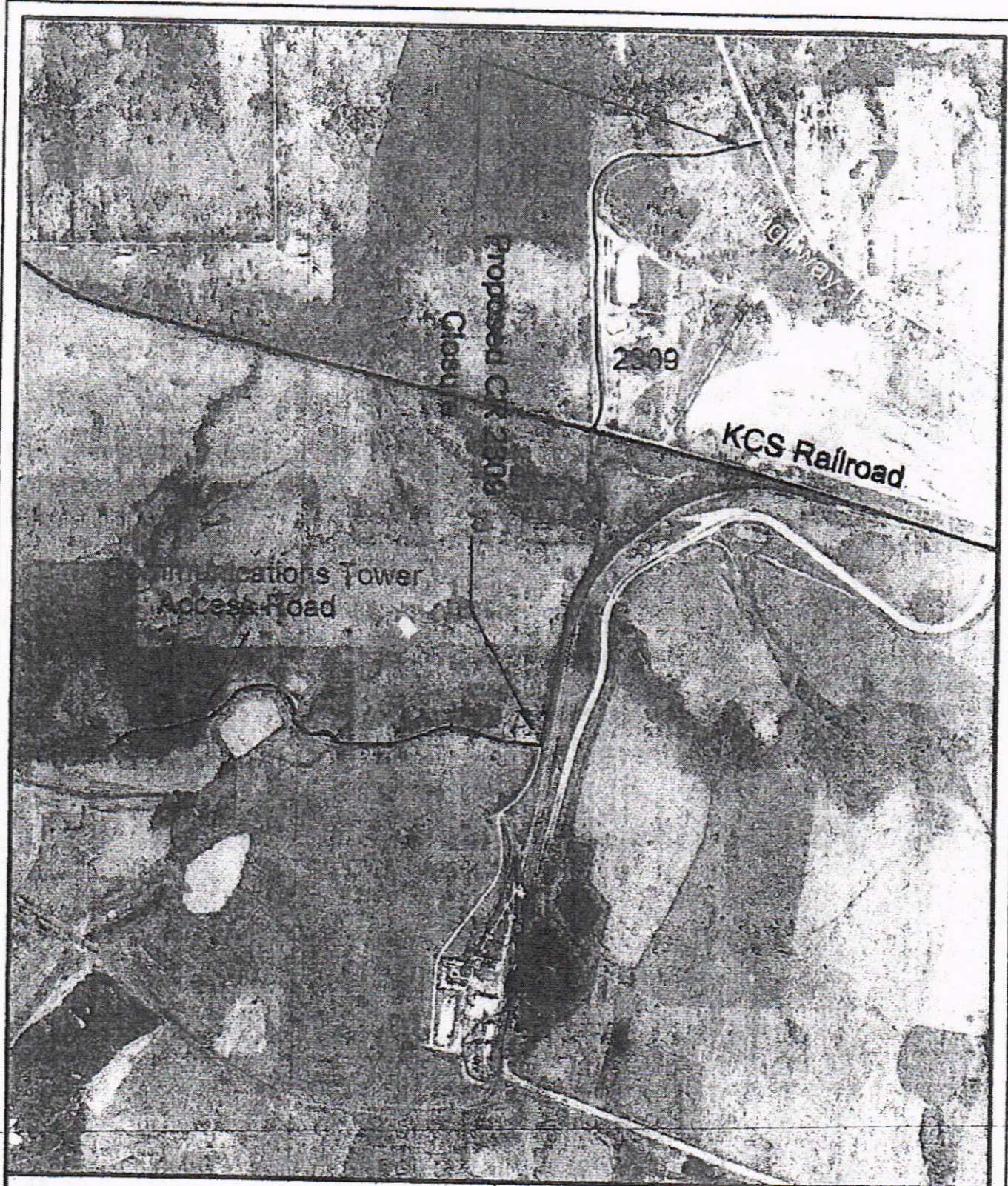
The above and foregoing is true and correct.


Robert Newsom, County Judge
Hopkins County, Texas

I, Debbie Shirley, County Clerk of Hopkins County, Texas, and ex officio clerk of the Commissioners Court of Hopkins County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Resolution adopted by the Commissioners Court of Hopkins County, Texas, at a regular session of said Court, held and conducted on the 27th day of March, 2017, as the same appears in the minutes thereof, and that said Resolution has not been amended, revoked, or rescinded.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 27th day of March, 2017.


Debbie Shirley, Hopkins County Clerk



Prop. CR 2309 Closure

DATE 03/14/2017
 DWG BY abl

Thermo Mine
 Monticello Mine Closure

CONFIDENTIAL
 INTERNAL USE
 ONLY



1200 600 0 1200 2400

SCALE