

RESOLUTION

COUNTY OF WINSTON
STATE OF ALABAMA

Old Union #2 Mine
P-3962, R-3 Rt. No. 37

WHEREAS, the Code of Alabama § 23-1-80 grants the Winston County Commission of Winston County, Alabama, the jurisdictional authority over all roads maintained by the Winston County Commission; and,

WHEREAS, Winston County Road 37 is maintained by the Winston County Commission; and,

WHEREAS, Birmingham Coal & Coke, Inc., has submitted a request to be allow to conduct extraction activities within the 100' setback along Winston County Road 37 in Winston County at the Old Union #2 Mine (ASMC Ref. # P-3962, R-3); and,

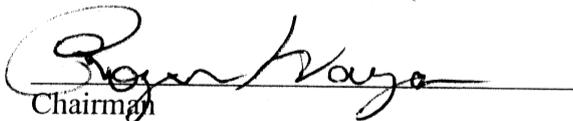
WHEREAS, Birmingham Coal & Coke, Inc., has met with the personnel from the Winston County Road Department and submitted a written description of the proposed operations within the 100' setback area; and,

WHEREAS, the Winston County Road Department has determined that if all said operations comply with applicable laws, regulation, and best management practices regarding safety within a public right-of-way that adequate protection for the traveling public and the interest of the County and its public investment in Winston County Road 37 will be provided;

NOW, THEREFORE, BE IT RESOLVED that the Winston County Commission does hereby grant unto Birmingham Coal & Coke, Inc., the right to conduct surface mining and reclamation activities within the 100' setback, provided a berm is constructed outside of the right-of-way and along Winston County Road 37 to separate the traveling public from said activities within the 100' setback area; and further, that any area of Winston County Road 37 damaged by said operations shall be restored to its condition prior to said operations by Birmingham Coal & Coke, Inc. The specific area affected by this allowance is described as follows: the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 4, Township 12 S, Range 9W; the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 10, Township 12 S, Range 9W all within Winston County, Alabama.

WINSTON COUNTY COMMISSION

Governing Body


Chairman


Member


Member