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CAUSE NO. 799234

TRAIL ENTERPRISES, INC.	§	IN THE COUNTY CIVIL COURT
d/b/a WILSON OIL COMPANY,	§	
THOMAS G. ROGERS, CATHERINE	§	
BAUMANN, CAROLYN WHIPPLE,	§	
MRS. S. KELLEY BRUCE, JOHN	§	
HOBBS KELLEY, MARY VIRGINIA	§	
KELLEY INGRAM, DAYSTAR OIL	§	
AND GAS CORPORATION, JOHN	§	AT LAW NUMBER ONE
ALEXANDER, REBECCA BRUCE	§	
JONES, ELEANOR BRUCE	§	
McREYNOLDS, ROBERT D. BRUCE	§	
and Intervenor, MARY BRUCE	§	
	§	
v.	§	
	§	
THE CITY OF HOUSTON	§	OF HARRIS COUNTY, TEXAS

ORDER

Be it remembered that on the 28th day of April, 2005, came on to be heard the City of Houston's Motion for Reconsideration of the Court's Holding That There Has Been a Taking. Having considered the Motion, the filings of the parties related thereto, and the argument of counsel, the Court is of the opinion that the Motion should be granted in part.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The City of Houston's Motion for Reconsideration of the Court's Holding That There Has Been a Taking is GRANTED in part;
2. The Court's finding that the adoption of Ordinance 97-1394 resulted in a prohibition on all drilling from any location, whether inside or outside Plaintiffs' mineral leases, that would allow a sufficient quantity of minerals to be extracted in an economically feasible manner that the Plaintiffs' could realize an economic benefit from the entirety of their leases is set aside; and
3. The Court shall hear further evidence and testimony regarding whether or not the adoption of Ordinance 97-1394 resulted in a prohibition on drilling from any location, whether inside or outside Plaintiffs' mineral leases, that would allow a sufficient quantity of minerals to be extracted in an economically feasible manner so that the Plaintiffs' could realize an economic benefit from the entirety of their leases.

JUN 16 2005

SIGNED this _____ day of _____, 2005.


R. JACK CAGLE JUDGE

APPROVED:

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