



Texas General Land Office
Commissioner Dawn Buckingham, M.D.
1700 North Congress Avenue
Austin, Texas 78711-2873

GUIDELINES FOR LEASING STATE RIGHT OF WAY

- Use the *Application for State Right of Way Lease* form, if the road you wish to lease is designated as a State ROW [e.g., “SH71”, “FM2323”, or “US10”] that the state maintains.
- Anyone may apply to lease a state road by submitting the *Application for State Right of Way Lease* form and the required materials to the Commissioner of the Texas General Land Office (GLO). The owner of the right to develop the oil and gas in the adjacent land has a preferential right to obtain an oil and gas lease on the state road.
- If the applicant is not the adjacent mineral owner, then the adjacent mineral owner must execute a waiver of his or her preferential right to lease. The waiver must be filed with the GLO.
 - ♣ Note: If land adjacent to a State ROW tract is unleased, then “adjacent mineral owner” refers to the holder of the mineral estate in the adjacent land. If the land adjacent to a State ROW tract is subject to an existing oil and gas lease, then an “adjacent mineral owner” refers to all working interest (leasehold) owners of the lease on the adjoining acreage.
- A lease will be issued only after the School Land Board approves the lease and the following financial requirements have been met:
 - ◆ **Send separate checks with the application payable to: Commissioner of Texas General Land Office**◆
 - Bonus
 - Statutory sales fee equal to 1.5% of the bonus payment
 - \$500.00 application fee
- No surface use shall be allowed under the provisions of the state road lease.

Pooling a State ROW: A state right of way lease provides pooling authority. When a lease is pooled, the following must be provided to the GLO within thirty (30) days of Designation of Pooled Unit being filed of record:

1. Completed *State Right of Way and/or County Road Unit Designation* form.
2. Copy of recorded original Designation of Pooling Unit (DPU), and any/all corrections and amendments.
3. Copy of unit plat with State and County tracts included in the DPU highlighted.
4. \$500.00 Unit Processing Fee (payable to: Commissioner of General Land Office)

NOTE: If the State or County owns the surface of a highway or road on Relinquishment Act Land, a lease may be obtained by sealed bid or pooled under Natural Resource Code 32.207