

STATE OF TEXAS §
 §
COUNTY OF BREWSTER §

A RESOLUTION OF THE BREWSTER COUNTY COMMISSIONERS COURT DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR TEXAS TAX CODE CHAPTER 312 TAX ABATEMENT IN PORTIONS OF BREWSTER COUNTY, TEXAS, TO BE KNOWN AS THE “AUGUST” REINVESTMENT ZONE; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Brewster County, Texas, desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone as authorized by the Property Redevelopment and Tax Abatement Act, as amended (Texas Tax Code § 312.401), for the purpose of authorizing a Tax Abatement Agreement, as authorized by Chapter 312 of the Texas Tax Code; and,

WHEREAS, Brewster County, Texas, (the “County”) desires to encourage the retention or expansion of primary employment and to attract major investment in the County that would be a benefit to property in a reinvestment zone created by the County and that would contribute to the economic development of the County;

WHEREAS, on August 22, 2014, the Brewster County Commissioners Court held a hearing, such date being at least seven (7) days after the date of publication of the notice of such public hearing, and the delivery of written notice to the respective presiding officers of each taxing entity which includes within its boundaries real property that is to be included in the proposed reinvestment zone as described on EXHIBIT A and mapped on EXHIBIT B; and,

WHEREAS, the Brewster County Commissioners Court at such public hearing invited any interested person to appear and speak for or against (1) the creation of the reinvestment zone, and whether all or part of the territory described should be included in the proposed reinvestment zone; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone and opponents, if any, of the reinvestment zone appeared to contest the creation of the reinvestment zone;

WHEREAS, the County wishes to (1) create a reinvestment zone consisting of the same real property as described on EXHIBIT A and mapped on EXHIBIT B;

NOW THEREFORE, BE IT RESOLVED BY THE BREWSTER COUNTY COMMISSIONERS COURT:

SECTION 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

SECTION 2. That the Brewster County Commissioners Court, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on the adoption of the “August” Reinvestment Zone has been properly called, held, and conducted, and that notices of such hearing have been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment zone; and,
- (b) That the boundaries of the “August” Reinvestment Zone be and, by the adoption of this Resolution, are declared and certified to be, the area as described in the description attached hereto as "EXHIBIT A"; and,
- (c) That the map attached hereto as "EXHIBIT B" is declared to be and (by the adoption of this Resolution) is certified to depict and to show accurately the boundaries of the “August” Reinvestment Zone, which is normatively described in “EXHIBIT A”, and further certifies that the property described in “EXHIBIT A” is inside the boundaries shown on “EXHIBIT B”; and,
- (d) That creation of the “August” Reinvestment Zone with boundaries as described in “EXHIBIT A” and “EXHIBIT B” will result in benefits to Brewster County and to land included in the zone, and that the improvements sought are feasible and practical; and,
- (e) That the “August” Reinvestment Zone described in “EXHIBIT A” and “EXHIBIT B” meets the criteria set forth in Texas Tax Code §312.401 for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, in that it is reasonably likely that the designation will contribute to the retention or expansion of primary employment, and/or will attract major investment in the zone that will be a benefit to the property to be included in the reinvestment zone and would contribute to the economic development of Brewster County, Texas.

SECTION 3. That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, the Brewster County Commissioners Court, hereby creates a reinvestment zone under the provisions of Texas Tax Code §312.401, encompassing the area described by the descriptions in “EXHIBIT A” and “EXHIBIT B”, and such reinvestment zone is hereby designated and shall hereafter be referred to as the *August Reinvestment Zone*.

SECTION 4. That the *August Reinvestment Zone* shall take effect upon adoption by the County Commissioners Court and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of such designation.

SECTION 5. That if any section, paragraph, clause, or provision of this resolution shall for any reason beheld to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

SECTION 6. That it is hereby found, determined, and declared that a sufficient notice of the date, hour, place, and subject of the meeting of the Brewster County Commissioners Court, at which this resolution was adopted, was posted at a place convenient and readily accessible at all times, as required by the Texas Open Government Act, Texas Government Code, Chapter 551, as amended; and that a public hearing was held prior to the designation of such reinvestment zone, and that proper notice of the hearing was published in newspapers of general circulation in Brewster County of the State of Texas; and that, furthermore, such notice was in fact delivered to the presiding officer of any affected taxing entity as prescribed by the Property Redevelopment and Tax Abatement Act.

PASSED, APPROVED, AND ADOPTED on this 26 th day of August 2014.

BREWSTER COUNTY, TEXAS

By: Kathy Killingsworth
The Honorable Kathy Killingsworth
County Judge

By: Asa Stone
Asa "Cookie" Stone
Commissioner, Precinct 1

By: Ruben Ortega
Ruben Ortega
Commissioner, Precinct 3

By: _____
Vacant
Commissioner, Precinct 2

By: Mike Pallanez
Mike Pallanez
Commissioner, Precinct 4

**EXHIBIT A
LEGAL DESCRIPTION OF "AUGUST"
REINVESTMENT ZONE**

**LEGAL DESCRIPTION
FOR**

A 1,678.25 ACRE, OR 73,104,737 SQUARE FEET MORE OR LESS, TRACT OF LAND COMPRISED OF: ALL OF SECTION 74, BLOCK 10 OF THE G.H. & S.A. Ry. Co. SURVEY, ABSTRACT 8612, RECORDED IN GENERAL LAND OFFICE (G.L.O) FILE NO. 138439, A PORTION OF SECTION 77, BLOCK 10 OF THE G.H. & S.A. Ry. Co. SURVEY, ABSTRACT 5525, RECORDED IN G.L.O FILE NO. 109819 AND A PORTION OF SECTION 78, BLOCK 10 OF THE G.H. & S.A. Ry. Co. SURVEY, ABSTRACT 4779, RECORDED IN G.L.O. FILE NO. 098304; SAID 1,678.25 ACRES OF LAND BEING LOCATED IN BREWSTER COUNTY AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a fence corner post found at the common corner to Sections 74-73-98 & 97 of said Block 10, for the northeast corner of this tract and the **POINT OF BEGINNING**, having a Texas State Plane coordinate of Northing = 14115738.13', Easting 560813.98';

THENCE South 02°34'04" West, along and with the east line of said Section 74, the west line of said Section 97, a distance of 5180.84 feet to a large rock in rock mound scribed "NE 77", the common corner to Sections 74-97-94 & 77;

THENCE South 03°07'35" West, along and with the east line of said Section 77, the west line of said Section 94, a distance of 4332.88 feet to a calculated point on the northwest right-of-way line of U.S. Highway 67, from which a type 1 concrete highway marker bears N31°53'29" E a distance of 259.36 feet and from which a 5/8" iron rod found in a dismantled rock mound at the common corner to Sections 77-94-93 & 78 bears, South 03°07'35" West, a distance of 1102.33 feet;

THENCE South 31°53'29" West, over and across said Sections 77 & 78, along and with the northwest right-of-way line of U.S. Highway 67, a distance of 7351.98 feet to a calculated point on the south line of said Section 78, for the southeast corner of this tract, and from which a rock mound with large rock scribed "NE 81" found at the common corner to Sections 78-93-90 & 81 bears South 87°22'37" East a distance of 3593.76 feet;

THENCE North 87°22'37" West, with the south line of said Section 78 a distance of 1712.33 feet to a rock mound found at the common corner to Sections 78-81-80 & 79 and the southwest corner of this tract;

THENCE North 02°42'30" East, with the west line of said Section 78, the east line of said Section 79, a distance of 5312.68 feet to a 60D Nail near large rock at the common corner to Sections 78-79-76 & 77;

THENCE North 02°41'55" East, with the west line of said Section 77, the east line of said Section 76, a distance of 5455.15 feet to a calculated point at the common corner to Sections 77-76-75 & 74;

THENCE North 02°41'47" East, with the west line of said Section 74, the east line of said Section 75, a distance of 5167.93 feet to a fence post at the common corner to Sections 74-75-72 & 73, and the northwest corner of this tract;

THENCE South 87°16'49" East, along and with the north line of said Section 74, a distance of 5318.09 feet to the **POINT OF BEGINNING** and containing 1,678.25 acres of land, more or less, in Brewster County, Texas.

EXHIBIT B MAP OF "AUGUST" REINVESTMENT ZONE

