

**AMENDMENT NO. 1
TO AGREEMENT FOR LIMITATION ON APPRAISED VALUE OF PROPERTY FOR
SCHOOL DISTRICT MAINTENANCE AND OPERATIONS TAXES**

STATE OF TEXAS §

COUNTY OF WILBARGER §

THIS AMENDMENT NO. 1 TO THE AGREEMENT FOR LIMITATION ON APPRAISED VALUE OF PROPERTY FOR SCHOOL DISTRICT MAINTENANCE AND OPERATIONS TAXES (this “**AMENDMENT NO. 1**”) is executed and delivered by and between the **HARROLD INDEPENDENT SCHOOL DISTRICT**, hereinafter referred to as the “**District**,” a lawfully created independent school district within the State of Texas operating under and subject to the TEXAS EDUCATION CODE, and **ELECTRA WIND, LLC**, Texas Taxpayer Identification Number 32055164449 hereinafter referred to as the “**Applicant**.” The Applicant and the District are hereinafter sometimes referred to individually as a “**Party**” and collectively as the “**Parties**.”

RECITALS

WHEREAS, on September 24, 2015, pursuant to Chapter 313 of the TEXAS TAX CODE, after conducting a public hearing on the matter, the District made factual findings and passed, approved, and executed that certain Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes dated September 24, 2015, by and between the District and Applicant (the “**Agreement**”);

WHEREAS, the Agreement was adopted using the January 2014 version of Comptroller Form 50-286; and,

WHEREAS, in January 2020, the Comptroller’s Office published a new Comptroller Form 50-826, and has authorized signatories to Agreements adopted under the prior Comptroller Form 50-286 to amend their existing Agreements to incorporate new terms; and,

WHEREAS, the Texas Comptroller’s Office approved the form of this AMENDMENT NO. 1; and

WHEREAS, on November 19, 2020, the Board of Trustees approved the form of this AMENDMENT NO. 1 and authorized the Board President and Secretary to execute and deliver such Amended Agreement to the Applicant;

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants and agreements herein contained, the Parties agree to amend the Agreement as follows:

1. Amendments

- a. **SECTION 3.1** of the Agreement shall be deleted and replaced with the following language:

Section 3.1. LOCATION WITHIN ENTERPRISE OR REINVESTMENT ZONE. At the time of the Application Approval Date, the Land is within an area designated either as an enterprise zone, pursuant to Chapter 2303 of the TEXAS GOVERNMENT CODE, or a reinvestment zone, pursuant to Chapter 311 or 312 of the TEXAS TAX CODE. The legal description, and information concerning the designation, of such zone is attached to this Agreement as **EXHIBIT 1** and is incorporated herein by reference for all purposes.

2. **Effect.** Except as modified and amended by the terms of this AMENDMENT NO. 1, all of the terms, conditions, provisions and covenants of the Agreement are ratified and shall remain in full force and effect, and the Agreement and this AMENDMENT NO. 1 shall be deemed to constitute a single instrument or document. Should there be any inconsistency between the terms of this AMENDMENT NO. 1 and the Agreement; the terms of this AMENDMENT NO. 1 shall prevail. A copy of this AMENDMENT NO. 1 shall be delivered to the Texas Comptroller to be posted to the Texas Comptroller's internet website.
3. **Counterparts.** This AMENDMENT NO. 1 may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document.

IN WITNESS WHEREOF, this Agreement has been executed by the Parties in multiple originals on this 19th day of November, 2020.

ELECTRA WIND, LLC

By: 
Name: Brad Kallenberger
Title: Vice President

**HARROLD
INDEPENDENT SCHOOL DISTRICT**

By: 
PRESIDENT, BOARD OF TRUSTEES

ATTEST:

By: 
SECRETARY, BOARD OF TRUSTEES