



Application for Appraised Value Limitation on Qualified Property

(Tax Code, Chapter 313, Subchapter B or C)

Economic Development
and Analysis
Form 50-296-A

INSTRUCTIONS: This application must be completed and filed with the school district. In order for an application to be processed, the governing body (school board) must elect to consider an application, but — by Comptroller rule — the school board may elect to consider the application only after the school district has received a completed application. Texas Tax Code, Section 313.025 requires that any completed application and any supplemental materials received by the school district must be forwarded within seven days to the Comptroller of Public Accounts.

If the school board elects to consider the application, the school district must:

- notify the Comptroller that the school board has elected to consider the application. This notice must include:
 - the date on which the school district received the application;
 - the date the school district determined that the application was complete;
 - the date the school board decided to consider the application; and
 - a request that the Comptroller prepare an economic impact analysis of the application;
- provide a copy of the notice to the appraisal district;
- must complete the sections of the application reserved for the school district and provide information required in the Comptroller rules located at 34 Texas Administrative Code (TAC) Section 9.1054; and
- forward the original hard copy of the completed application to the Comptroller in a three-ring binder with tabs, as indicated on page 9 of this application, separating each section of the documents, in addition to an electronic copy on CD. See 34 TAC Chapter 9, Subchapter F.

The governing body may, at its discretion, allow the applicant to supplement or amend the application after the filing date, subject to the restrictions in 34 TAC Chapter 9, Subchapter F.

When the Comptroller receives the notice and required information from the school district, the Comptroller will publish all submitted application materials on its website. The Comptroller is authorized to treat some application information as confidential and withhold it from publication on the Internet. To do so, however, the information must be segregated and comply with the other requirements set out in the Comptroller rules. For more information, see guidelines on Comptroller's website.

The Comptroller will independently determine whether the application has been completed according to the Comptroller's rules (34 TAC Chapter 9, Subchapter F). If the Comptroller finds the application is not complete, the Comptroller will request additional materials from the school district. Pursuant to 9.1053(a)(1)(C), requested information shall be provided within 20 days of the date of the request. When the Comptroller determines that the application is complete, it will send the school district a notice indicating so. The Comptroller will determine the eligibility of the project, issue a certificate for a limitation on appraised value to the school board regarding the application and prepare an economic impact evaluation by the 90th day after the Comptroller receives a complete application—as determined by the Comptroller.

The school board must approve or disapprove the application not later than the 150th day after the application review start date (the date the application is finally determined to be complete), unless an extension is granted. The Comptroller and school district are authorized to request additional information from the applicant that is reasonably necessary to issue a certificate, complete the economic impact evaluation or consider the application at any time during the application review period.

Please visit the Comptroller's website to find out more about the program at www.texasahead.org/tax_programs/chapter313/. There are links to the Chapter 313 statute, rules, guidelines and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

SECTION 1: School District Information

1. Authorized School District Representative

06/08/2015

Date Application Received by District

Janet

Hunt

First Name

Last Name

Superintendent

Title

McCamey Independent School District

School District Name

111 E. 11th

Street Address

111 E. 11th

Mailing Address

McCamey

City

432-652-3666

Phone Number

Texas

79752

State

ZIP

432-652-4219

Fax Number

janhunt@mcisd.esc18.net

Email Address

Mobile Number (optional)

2. Does the district authorize the consultant to provide and obtain information related to this application?



Yes



No

The Economic Development and Analysis Division at the Texas Comptroller of Public Accounts provides information and resources for taxpayers and local taxing entities.

For more information, visit our website:
www.TexasAhead.org/tax_programs/chapter313/

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SECTION 1: School District Information (continued)

3. Authorized School District Consultant (If Applicable)

Sara	Leon
First Name	Last Name
Attorney	
Title	
Powell and Leon	
Firm Name	
512-494-1177	512-494-1188
Phone Number	Fax Number
	sleon@powell-leon.com
Mobile Number (optional)	Email Address

4. On what date did the district determine this application complete? 06/12/2015
5. Has the district determined that the electronic copy and hard copy are identical? ☒ Yes ☐ No

SECTION 2: Applicant Information

1. Authorized Company Representative (Applicant)

Robert	Reichenberger
First Name	Last Name
Authorized Representative	SPD-SolarTexas2 LLC
Title	Organization
777 S High St.	
Street Address	
Suite 100	
Mailing Address	
Denver	CO
City	State
303-886-1162	80209
Phone Number	ZIP
	303-593-1182
	Fax Number
	robert@solar-prime.com
Mobile Number (optional)	Business Email Address

2. Will a company official other than the authorized company representative be responsible for responding to future information requests? ☐ Yes ☒ No
- 2a. If yes, please fill out contact information for that person.

First Name	Last Name
Title	Organization
Street Address	
Mailing Address	
City	State
	ZIP
Phone Number	Fax Number
Mobile Number (optional)	Business Email Address

3. Does the applicant authorize the consultant to provide and obtain information related to this application? ☒ Yes ☐ No

SECTION 2: Applicant Information (continued)**4. Authorized Company Consultant (If Applicable)**

Michael

Fry

First Name

Last Name

Licensed Senior Property Tax Consultant, Director-Energy Services

Title

KE Andrews

Firm Name

469.298.1594

469.298.1619

Phone Number

Fax Number

mike@keatax.com

Business Email Address

SECTION 3: Fees and Payments

1. Has an application fee been paid to the school district? ☒ Yes ☐ No

The total fee shall be paid at time of the application is submitted to the school district. Any fees not accompanying the original application shall be considered supplemental payments.

- 1a. If yes, attach in **Tab 2** proof of application fee paid to the school district.

For the purpose of questions 2 and 3, "payments to the school district" include any and all payments or transfers of things of value made to the school district or to any person or persons in any form if such payment or transfer of thing of value being provided is in recognition of, anticipation of, or consideration for the agreement for limitation on appraised value.

2. Will any "payments to the school district" that you may make in order to receive a property tax value limitation agreement result in payments that are not in compliance with Tax Code §313.027(i)? ☐ Yes ☒ No ☐ N/A
3. If "payments to the school district" will only be determined by a formula or methodology without a specific amount being specified, could such method result in "payments to the school district" that are not in compliance with Tax Code §313.027(i)? ☐ Yes ☒ No ☐ N/A

SECTION 4: Business Applicant Information

1. What is the legal name of the applicant under which this application is made? SPD-SolarTexas2 LLC
2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) 32055793296
3. List the NAICS code 221114
4. Is the applicant a party to any other pending or active Chapter 313 agreements? ☐ Yes ☒ No
- 4a. If yes, please list application number, name of school district and year of agreement

SECTION 5: Applicant Business Structure

1. Identify Business Organization of Applicant (corporation, limited liability corporation, etc) Limited Liability Corporation
2. Is applicant a combined group, or comprised of members of a combined group, as defined by Tax Code §171.0001(7)? ☐ Yes ☒ No
- 2a. If yes, attach in **Tab 3** a copy of Texas Comptroller Franchise Tax Form No. 05-165, No. 05-166, or any other documentation from the Franchise Tax Division to demonstrate the applicant's combined group membership and contact information.
3. Is the applicant current on all tax payments due to the State of Texas? ☒ Yes ☐ No
4. Are all applicant members of the combined group current on all tax payments due to the State of Texas? ☐ Yes ☐ No ☒ N/A
5. If the answer to question 3 or 4 is no, please explain and/or disclose any history of default, delinquencies and/or any material litigation, including litigation involving the State of Texas. (If necessary, attach explanation in **Tab 3**)

SECTION 6: Eligibility Under Tax Code Chapter 313.024

1. Are you an entity subject to the tax under Tax Code, Chapter 171? ☒ Yes ☐ No
2. The property will be used for one of the following activities:
 - (1) manufacturing ☐ Yes ☒ No
 - (2) research and development ☐ Yes ☒ No
 - (3) a clean coal project, as defined by Section 5.001, Water Code ☐ Yes ☒ No
 - (4) an advanced clean energy project, as defined by Section 382.003, Health and Safety Code ☐ Yes ☒ No
 - (5) renewable energy electric generation ☒ Yes ☐ No
 - (6) electric power generation using integrated gasification combined cycle technology ☐ Yes ☒ No
 - (7) nuclear electric power generation ☐ Yes ☒ No
 - (8) a computer center that is used as an integral part or as a necessary auxiliary part for the activity conducted by applicant in one or more activities described by Subdivisions (1) through (7) ☐ Yes ☒ No
 - (9) a Texas Priority Project, as defined by 313.024(e)(7) and TAC 9.1051 ☐ Yes ☒ No
3. Are you requesting that any of the land be classified as qualified investment? ☐ Yes ☒ No
4. Will any of the proposed qualified investment be leased under a capitalized lease? ☐ Yes ☒ No
5. Will any of the proposed qualified investment be leased under an operating lease? ☐ Yes ☒ No
6. Are you including property that is owned by a person other than the applicant? ☐ Yes ☒ No
7. Will any property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment? ☐ Yes ☒ No

SECTION 7: Project Description

1. In **Tab 4**, attach a detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information.
2. Check the project characteristics that apply to the proposed project:

☒ Land has no existing improvements
☐ Expansion of existing operation on the land (*complete Section 13*)

☐ Land has existing improvements (*complete Section 13*)
☐ Relocation within Texas

SECTION 8: Limitation as Determining Factor

1. Does the applicant currently own the land on which the proposed project will occur? ☐ Yes ☒ No
2. Has the applicant entered into any agreements, contracts or letters of intent related to the proposed project? ☐ Yes ☒ No
3. Does the applicant have current business activities at the location where the proposed project will occur? ☐ Yes ☒ No
4. Has the applicant made public statements in SEC filings or other documents regarding its intentions regarding the proposed project location? ☐ Yes ☒ No
5. Has the applicant received any local or state permits for activities on the proposed project site? ☐ Yes ☒ No
6. Has the applicant received commitments for state or local incentives for activities at the proposed project site? ☐ Yes ☒ No
7. Is the applicant evaluating other locations not in Texas for the proposed project? ☒ Yes ☐ No
8. Has the applicant provided capital investment or return on investment information for the proposed project in comparison with other alternative investment opportunities? ☒ Yes ☐ No
9. Has the applicant provided information related to the applicant's inputs, transportation and markets for the proposed project? ☐ Yes ☒ No
10. Are you submitting information to assist in the determination as to whether the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in Texas? ☒ Yes ☐ No

Chapter 313.026(e) states "the applicant may submit information to the Comptroller that would provide a basis for an affirmative determination under Subsection (c)(2)." If you answered "yes" to any of the questions in Section 8, attach supporting information in Tab 5.

For more information, visit our website: www.TexasAhead.org/tax_programs/chapter313/

SECTION 9: Projected Timeline

1. Application approval by school board June 2015
 2. Commencement of construction October 2015
 3. Beginning of qualifying time period 2015
 4. First year of limitation January 2017
 5. Begin hiring new employees June 1, 2016
 6. Commencement of commercial operations October 1, 2016
 7. Do you propose to construct a new building or to erect or affix a new improvement after your application review start date (date your application is finally determined to be complete)? ☒ Yes ☐ No
- Note:** Improvements made before that time may not be considered qualified property.
8. When do you anticipate the new buildings or improvements will be placed in service? July 1, 2016

SECTION 10: The Property

1. Identify county or counties in which the proposed project will be located Upton County
2. Identify Central Appraisal District (CAD) that will be responsible for appraising the property Upton County Appraisal District
3. Will this CAD be acting on behalf of another CAD to appraise this property? ☐ Yes ☒ No
4. List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:

County: <u>Upton County, 100%, tax=.2567</u> <small>(Name, tax rate and percent of project)</small>	City: <u>n/a</u> <small>(Name, tax rate and percent of project)</small>
Hospital District: <u>McCamey Hosp Dist, 00%, tax=.4966</u> <small>(Name, tax rate and percent of project)</small>	Water District: <u>Upton County Water District, 100%, tax=.0038</u> <small>(Name, tax rate and percent of project)</small>
Other (describe): <u>Upton County EMS, 100%, tax=.0534</u> <small>(Name, tax rate and percent of project)</small>	Other (describe): <u>n/a</u> <small>(Name, tax rate and percent of project)</small>
5. Is the project located entirely within the ISD listed in Section 1? ☒ Yes ☐ No
 - 5a. If no, attach in **Tab 6** additional information on the project scope and size to assist in the economic analysis.
6. Did you receive a determination from the Texas Economic Development and Tourism Office that this proposed project and at least one other project seeking a limitation agreement constitute a single unified project (SUP), as allowed in §313.024(d-2)? ☐ Yes ☒ No
 - 6a. If yes, attach in **Tab 6** supporting documentation from the Office of the Governor.

SECTION 11: Investment

NOTE: The minimum amount of qualified investment required to qualify for an appraised value limitation and the minimum amount of appraised value limitation vary depending on whether the school district is classified as Subchapter B or Subchapter C, and the taxable value of the property within the school district. For assistance in determining estimates of these minimums, access the Comptroller's website at www.texasahead.org/tax_programs/chapter313/.

1. At the time of application, what is the estimated minimum qualified investment required for this school district? 25,000,000.00
 2. What is the amount of appraised value limitation for which you are applying? 25,000,000.00
- Note:** The property value limitation amount is based on property values available at the time of application and may change prior to the execution of any final agreement.
3. Does the qualified investment meet the requirements of Tax Code §313.021(1)? ☒ Yes ☐ No
 4. Attach a description of the qualified investment [See §313.021(1).] The description must include:
 - a. a specific and detailed description of the qualified investment you propose to make on the property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (**Tab 7**);
 - b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your minimum qualified investment (**Tab 7**); and
 - c. a detailed map of the qualified investment showing location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period, with vicinity map (**Tab 11**).
 5. Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or §313.053 for Subchapter C school districts) for the relevant school district category during the qualifying time period? ☒ Yes ☐ No

SECTION 12: Qualified Property

1. Attach a detailed description of the qualified property. [See §313.021(2)] (If qualified investment describes qualified property exactly, you may skip items a, b and c below.) The description must include:
 - 1a. a specific and detailed description of the qualified property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (Tab 8);
 - 1b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your qualified property (Tab 8); and
 - 1c. a map of the qualified property showing location of new buildings or new improvements with vicinity map (Tab 11).
2. Is the land upon which the new buildings or new improvements will be built part of the qualified property described by §313.021(2)(A)? ☐ Yes ☒ No
 - 2a. If yes, attach complete documentation including:
 - a. legal description of the land (Tab 9);
 - b. each existing appraisal parcel number of the land on which the new improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property (Tab 9);
 - c. owner (Tab 9);
 - d. the current taxable value of the land. Attach estimate if land is part of larger parcel (Tab 9); and
 - e. a detailed map showing the location of the land with vicinity map (Tab 11).
3. Is the land on which you propose new construction or new improvements currently located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303? ☒ Yes ☐ No
 - 3a. If yes, attach the applicable supporting documentation:
 - a. evidence that the area qualifies as a enterprise zone as defined by the Governor's Office (Tab 16);
 - b. legal description of reinvestment zone (Tab 16);
 - c. order, resolution or ordinance establishing the reinvestment zone (Tab 16);
 - d. guidelines and criteria for creating the zone (Tab 16); and
 - e. a map of the reinvestment zone or enterprise zone boundaries with vicinity map (Tab 11)
 - 3b. If no, submit detailed description of proposed reinvestment zone or enterprise zone with a map indicating the boundaries of the zone on which you propose new construction or new improvements to the Comptroller's office within 30 days of the application date. What is the anticipated date on which you will submit final proof of a reinvestment zone or enterprise zone? n/a

SECTION 13: Information on Property Not Eligible to Become Qualified Property

1. In Tab 10, attach a specific and detailed description of all **existing property**. This includes buildings and improvements existing as of the application review start date (the date the application is determined to be complete by the Comptroller). The description must provide sufficient detail to locate all existing property on the land that will be subject to the agreement and distinguish existing property from future proposed property.
2. In Tab 10, attach a specific and detailed description of all **proposed new property that will not become new improvements** as defined by TAC 9.1051. This includes proposed property that: functionally replaces existing or demolished/removed property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property; or is otherwise ineligible to become qualified property. The description must provide sufficient detail to distinguish existing property (question 1) and all proposed new property that cannot become qualified property from proposed qualified property that will be subject to the agreement (as described in Section 12 of this application).
3. For the property not eligible to become qualified property listed in response to questions 1 and 2 of this section, provide the following supporting information in Tab 10:
 - a. maps and/or detailed site plan;
 - b. surveys;
 - c. appraisal district values and parcel numbers;
 - d. inventory lists;
 - e. existing and proposed property lists;
 - f. model and serial numbers of existing property; or
 - g. other information of sufficient detail and description.
4. Total estimated market value of existing property (that property described in response to question 1): \$ 0.00
5. In Tab 10, include an appraisal value by the CAD of all the buildings and improvements existing as of a date within 15 days of the date the application is received by the school district.
6. Total estimated market value of proposed property not eligible to become qualified property (that property described in response to question 2): \$ 0.00

Note: Investment for the property listed in question 2 may count towards qualified investment in Column C of Schedules A-1 and A-2, if it meets the requirements of 313.021(1). Such property cannot become qualified property on Schedule B.

Application for Appraised Value Limitation on Qualified Property



SECTION 14: Wage and Employment Information

1. What is the estimated number of permanent jobs (more than 1,600 hours a year), with the applicant or a contractor of the applicant, on the proposed qualified property during the last complete quarter before the application review start date (date your application is finally determined to be complete)? 0
2. What is the last complete calendar quarter before application review start date:
☒ First Quarter ☐ Second Quarter ☐ Third Quarter ☐ Fourth Quarter of 2015
(year)
3. What were the number of permanent jobs (more than 1,600 hours a year) this applicant had in Texas during the most recent quarter reported to the Texas Workforce Commission (TWC)? 0
Note: For job definitions see TAC §9.1051 and Tax Code §313.021(3).
4. What is the number of new qualifying jobs you are committing to create? 3
5. What is the number of new non-qualifying jobs you are estimating you will create? 0
6. Do you intend to request that the governing body waive the minimum new qualifying job creation requirement, as provided under Tax Code §313.025(f-1)? ☒ Yes ☐ No
 - 6a. If yes, attach evidence in **Tab 12** documenting that the new qualifying job creation requirement above exceeds the number of employees necessary for the operation, according to industry standards.
7. Attach in **Tab 13** the four most recent quarters of data for each wage calculation below, including documentation from the TWC website. The final actual statutory minimum annual wage requirement for the applicant for each qualifying job — which may differ slightly from this estimate — will be based on information from the four quarterly periods for which data were available at the time of the application review start date (date of a completed application). See TAC §9.1051(21) and (22).
 - a. Average weekly wage for all jobs (all industries) in the county is 1,634.60
 - b. 110% of the average weekly wage for manufacturing jobs in the county is not available
 - c. 110% of the average weekly wage for manufacturing jobs in the region is 52,364.40
8. Which Tax Code section are you using to estimate the qualifying job wage standard required for this project? ☒ §313.021(5)(A) or ☐ §313.021(5)(B)
9. What is the minimum required annual wage for each qualifying job based on the qualified property? 52,364.40
10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? 70,484.00
11. Will the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? ☒ Yes ☐ No
12. Do you intend to satisfy the minimum qualifying job requirement through a determination of cumulative economic benefits to the state as provided by §313.021(3)(F)? ☐ Yes ☒ No
 - 12a. If yes, attach in **Tab 12** supporting documentation from the TWC, pursuant to §313.021(3)(F).
13. Do you intend to rely on the project being part of a single unified project, as allowed in §313.024(d-2), in meeting the qualifying job requirements? ☐ Yes ☒ No
 - 13a. If yes, attach in **Tab 6** supporting documentation including a list of qualifying jobs in the other school district(s).

SECTION 15: Economic Impact

1. Complete and attach Schedules A1, A2, B, C, and D in **Tab 14**. Note: Excel spreadsheet versions of schedules are available for download and printing at URL listed below.
2. Attach an Economic Impact Analysis, if supplied by other than the Comptroller's Office, in **Tab 15**. (not required)
3. If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, attach a separate schedule showing the amount for each year affected, including an explanation, in **Tab 15**.

SECTION 16: Authorized Signatures and Applicant Certification

After the application and schedules are complete, an authorized representative from the school district and the business should review the application documents and complete this authorization page. Attach the completed authorization page in **Tab 17**. **NOTE:** If you amend your application, you will need to obtain new signatures and resubmit this page, Section 16, with the amendment request.

1. Authorized School District Representative Signature

I am the authorized representative for the school district to which this application is being submitted. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code.

print here → Janet Hunt
Print Name (Authorized School District Representative)

Superintendent
Title

sign here → Janet Hunt
Signature (Authorized School District Representative)

June 9, 2015
Date

2. Authorized Company Representative (Applicant) Signature and Notarization

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best of my knowledge and belief.

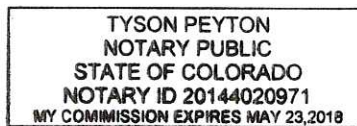
I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

print here → Robert Reichenberger
Print Name (Authorized Company Representative (Applicant))

Principal
Title

sign here → Robert Reichenberger
Signature (Authorized Company Representative (Applicant))

JUNE 5, 2015
Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

5th day of June, 2015

Tyson Peyton - [Signature]
Notary Public in and for the State of Texas

My Commission expires: 05/23/18

If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.

APPLICATION TAB ORDER FOR REQUESTED ATTACHMENTS

TAB	ATTACHMENT
1	Pages 1 through 11 of Application
2	Proof of Payment of Application Fee
3	Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation <i>(if applicable)</i>
4	Detailed description of the project
5	Documentation to assist in determining if limitation is a determining factor
6	Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor <i>(if applicable)</i>
7	Description of Qualified Investment
8	Description of Qualified Property
9	Description of Land
10	Description of all property not eligible to become qualified property <i>(if applicable)</i>
11	<p>Maps that clearly show:</p> <ul style="list-style-type: none"> a) Project vicinity b) Qualified investment including location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period c) Qualified property including location of new buildings or new improvements d) Existing property e) Land location within vicinity map f) Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size <p>Note: Electronic maps should be high resolution files. Include map legends/markers.</p>
12	Request for Waiver of Job Creation Requirement and supporting information <i>(if applicable)</i>
13	Calculation of three possible wage requirements with TWC documentation
14	Schedules A1, A2, B, C and D completed and signed Economic Impact <i>(if applicable)</i>
15	Economic Impact Analysis, other payments made in the state or other economic information <i>(if applicable)</i>
16	<p>Description of Reinvestment or Enterprise Zone, including:</p> <ul style="list-style-type: none"> a) evidence that the area qualifies as a enterprise zone as defined by the Governor's Office b) legal description of reinvestment zone* c) order, resolution or ordinance establishing the reinvestment zone* d) guidelines and criteria for creating the zone* <p>* To be submitted with application or before date of final application approval by school board</p>
17	Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative <i>(applicant)</i>

Proof of payment of filing fee received by the
Comptroller of Public Accounts per TAC Rule
§9.1054 (b)(5)

*(Page Inserted by Office of Texas Comptroller of Public
Accounts)*

Tab 3

Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation (if applicable)

Not Applicable

Tab 4
Description of the Project

The Applicant for this project, and its Parent, is a national solar developer with the ability to locate projects of this type in several other states in the US with strong solar characteristics. The applicant is actively developing other projects in Arizona, Colorado, New Mexico, Missouri, and Minnesota, which are competing for the limited investment funds.

The anticipated generating capacity of the project is up to 180MW. The qualified investment for which the applicant is seeking an appraised value limitation shall include, but is not limited to, solar modules, mounting system, electrical collection systems, combiner boxes, inverters, project substation, meteorological equipment, operations and maintenance facility, transmission facilities, and other ancillary equipment necessary to safely operate, maintain, and transmit power to the grid.

The project will be located entirely within Upton County and McCamey Independent School District. It may utilize approximately 1850 acres of the land within the Reinvestment Zone. The project design has not yet been finalized so the final location of new buildings and improvements has not been determined. The land on which the project is located will be rented from the landowner, secured by a long term lease.

The applicant anticipates commencing construction activities in the 4th quarter of 2015 and completing construction in the 4th quarter of 2016. Once completed, the project may operate for 25 years or longer.

Project area & panel tracker layout illustration below.

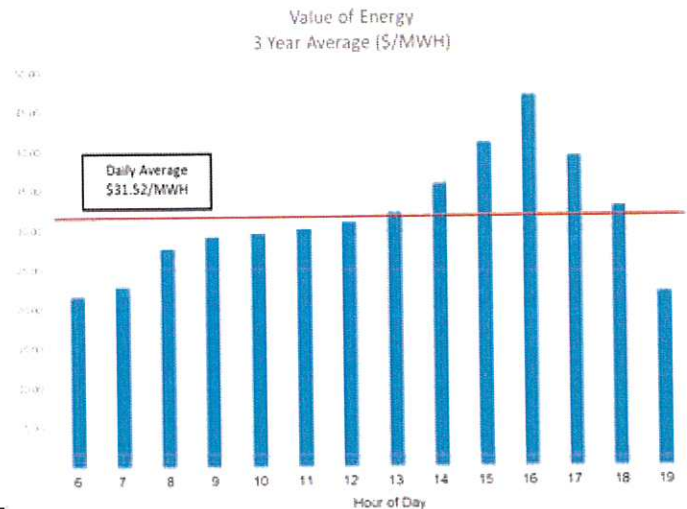
Confidential

Tab 5

Documentation to Assist in Determining if Limitation is a Determining Factor

The applicant's parent company for this project is a national solar developer with the ability to locate projects of this type in other states in the US with strong solar characteristics. The applicant is actively developing other projects in Arizona, Colorado, New Mexico, Missouri, and Minnesota. All of these projects are competing with the Upton County project for applicant's limited resources. The applicant requires this appraised value limitation in order (i) to continue allocating resources to develop the project (e.g., paying for studies related to subsurface geotechnical conditions at the project site, having detailed land surveys carried out, retaining the services of specialized legal counsel), and (ii) to secure long-term (>20 years) project related capital from the limited pool of third-party institutional solar investors that have the very significant resources needed to construct and operate a project of this size.

Confidential



limitation, either 1) solar companies would have to

charge well above the 3 year average of \$31.52 per MWH, making the PPA undesirable for a potential PPA counterparty

Confidential

• ALTA Survey

CONFIDENTIAL

Confidential

Attachment 1

Confidential

Attachment 2:

Applicant's Other Projects Outside of Texas Competing for Investment

Confidential

Tab 6

Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor (if applicable)

Not applicable

The project is located 100% in McCamey ISD and Upton County.

Tab 7

Description of Qualified Investment

The Qualified Investment is described below:

- Up to 180MW solar power generating facility containing:
 - Photovoltaic (PV) Solar Panels and DC-to-AC Inverters
 - Tracker system infrastructure.
 - Collection Substation including High Voltage Transformer, Switch Gear & Transmission equipment
 - Inverter boxes on concrete or gravel pads
 - Fencing for safety and security, Video Security System
 - Telephone System and Data Systems for communication and remote monitoring
 - Maintenance trailer and office equipment
 - Meteorological equipment to measure solar irradiance & weather conditions
 - New or improved access roads and service roads.

and associated ancillary equipment necessary to safely operate, maintain, and transmit power to the ERCOT grid.

Project area & panel tracker layout illustration below.

Confidential

Tab 8

Description of Qualified Property

The Qualified Property is described below:

- Up to a 180MW solar power generating facility containing:
 - Photovoltaic (PV) Solar Panels and DC-to-AC Inverters
 - Tracker system infrastructure.
 - Collection Substation including High Voltage Transformer, Switch Gear & Transmission equipment
 - Inverter boxes on concrete or gravel pads
 - Fencing for safety and security, Video Security System
 - Telephone System and Data Systems for communication and remote monitoring
 - Maintenance trailer and office equipment
 - Meteorological equipment to measure solar irradiance & weather conditions
 - New or improved access roads and service roads.

and associated ancillary equipment necessary to safely operate, maintain, and transmit power to the ERCOT grid.

Project area & panel tracker layout illustration below.

Confidential

Tab 9

Description of the Land

Confidential

Thence: Directly West for a distance of 1090 feet to the Beginning Point.

Tab 10

Description of all Property Not Eligible to Become Qualified Property

Not applicable

There are no buildings or improvements on the property

Tab 11

Maps that clearly show:

- a) Project vicinity (See Below)
- b) Qualified investment including location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period (See Below)
- c) Qualified property including location of new buildings or new improvements (See Below)
- d) Existing property (There is no existing property on the site)
- e) Land location within vicinity map (See Below)
- f) Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size (See Below)

Vicinity Map: Solar Project is located 100% in Upton County and 100% in McCamey ISD

Confidential

Location of the Qualified Investment & New Buildings and New Improvements (Solar Facility) shown below.

Confidential

Confidential

Tab 12

**Request for Waiver of Job Creation Requirement
and supporting information (if applicable)**

Solar Prime LLC

SPD-UptonSolar1 LLC
Robert Reichenberger
President
(303) 886-1162
robert@solar-prime.com

May 27, 2015

Ms. Jan Hunt
Superintendent
McCamey Independent School District
111 East 11th
McCamey, TX 79752

Re: Chapter 313 Job Waiver Request for Solar Project

Dear Ms. Hunt:

This letter is to request a waiver of the requirement to create 10 full time jobs as part of the Appraised Value Limitation application for the SPD-UptonSolar1 LLC solar project contemplated for Southwestern Upton County, TX and inside McCamey ISD's district. House Bill 1470 altered the jobs requirement by adding Section 313.025(f-1) to permit a school district's board of trustees to make a finding that the job requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility.

SPD-UptonSolar1 LLC requests that the McCamey ISD Board of Trustees make such a finding and waive the job creation requirement for ten (10) permanent jobs. According to industry data and based upon the size and scope of this project, SPD UptonSolar1 expects to permanently employ two (2) highly skilled maintenance technicians for this facility. Solar projects create a large number of full-time, temporary jobs during the construction phase, but require a small number of personnel to operate the facility after commercial operation. Based upon our experience, the two permanent employees is sufficient to maintain the facility during the expected 25 year operational phase.

This waiver request is in line with industry standards for the number of jobs related to a solar generation facility of this size. This is evidenced by previously filed limitation agreement applications by solar developers who requested a waiver of the job requirements and through readily available documentation related to the development of solar generation facilities. Further, SPD-UptonSolar1 inquired with a solar industry operations and maintenance company with over 3000MW of projects under management and confirmed that 2 personnel is typical for similar projects of this size.

Respectfully,



Robert Reichenberger
SPD-UptonSolar1 LLC

Tab 13

Calculation of three possible wage requirements with TWC documentation

Quarterly Employment and Wages (QCEW)

[Back](#)

Page 1 of 1 (40 results/page)

Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2014	1st Qtr	Upton County	Private	00	0	10	Total, All Industries	\$1,927
2014	2nd Qtr	Upton County	Private	00	0	10	Total, All Industries	\$1,252
2014	3rd Qtr	Upton County	Private	00	0	10	Total, All Industries	\$1,280
2014	4th Qtr	Upton County	Private	00	0	10	Total, All Industries	\$1,485

Year	Period	Industry	Avg Weekly Wages
2014	1st Qtr	Total, All Industries	\$1,927.00
2014	2nd Qtr	Total, All Industries	\$1,252.00
2014	3rd Qtr	Total, All Industries	\$1,280.00
2014	4th Qtr	Total, All Industries	\$1,485.00

4 Quarter Average: \$1,486.00

x 110% 110%

Weekly Wage @ 110% of Average: **\$1,634.60**

Annual Wage @ 110% of Average: \$84,999.20

County Manufacturing Wages

No Manufacturing Wage in Upton County

**2013 Manufacturing Wages by Council of Government Region
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
Texas	\$23.73	\$49,363
1. Panhandle Regional Planning Commission	\$20.43	\$42,499
2. South Plains Association of Governments	\$16.53	\$34,380
3. NORTEX Regional Planning Commission	\$19.15	\$39,838
4. North Central Texas Council of Governments	\$25.00	\$51,997
5. Ark-Tex Council of Governments	\$17.45	\$36,298
6. East Texas Council of Governments	\$19.50	\$40,565
7. West Central Texas Council of Governments	\$18.64	\$38,779
8. Rio Grande Council of Governments	\$16.27	\$33,848
9. Permian Basin Regional Planning Commission	\$22.89	\$47,604
10. Concho Valley Council of Governments	\$17.20	\$35,777
11. Heart of Texas Council of Governments	\$19.44	\$40,444
12. Capital Area Council of Governments	\$27.31	\$56,805
13. Brazos Valley Council of Governments	\$17.20	\$35,770
14. Deep East Texas Council of Governments	\$16.48	\$34,287
15. South East Texas Regional Planning Commission	\$29.09	\$60,501
16. Houston-Galveston Area Council	\$26.13	\$54,350
17. Golden Crescent Regional Planning Commission	\$22.23	\$46,242
18. Alamo Area Council of Governments	\$18.91	\$39,329
19. South Texas Development Council	\$13.94	\$28,990
20. Coastal Bend Council of Governments	\$23.78	\$49,454
21. Lower Rio Grande Valley Development Council	\$15.82	\$32,907
22. Texoma Council of Governments	\$20.93	\$43,529
23. Central Texas Council of Governments	\$17.33	\$36,042
24. Middle Rio Grande Development Council	\$19.07	\$39,666

Source: Texas Occupational Employment and Wages

Data published: July 2014

Data published annually, next update will be July 31, 2015

Note: Data is not supported by the Bureau of Labor Statistics (BLS).

Wage data is produced from Texas OES data, and is not to be compared to BLS estimates.

Data intended for TAC 313 purposes only.

Region/WDA	Year	Hourly/Annual	Avg. Weekly Wage
Permian Basis	2013	\$22.89/\$47,604	\$915.60
Calculation (\$/Week):			= \$915.60 * 1.1 = \$1,007.16

Tab 14

Schedules A1, A2, B, C and D completed and signed Economic Impact (if applicable)

Please see attached Spreadsheets

Date 5/27/2015

Applicant Name SPD-SolarTexas2 LLC

ISD Name McCamoy ISD

Schedule A1: Total Investment for Economic Impact (through the Qualifying Time Period)

Form 50-296A

Revised July 2014

PROPERTY INVESTMENT AMOUNTS					(Estimated Investment in each year. Do not put cumulative totals.)			
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	Column A New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property	Column B New investment made during this year in buildings or permanent nonremovable components of buildings that will become Qualified Property	Column C Other new investment made during this year that will not become Qualified Property [SEE NOTE]	Column D Other new investment made during this year that may become Qualified Property [SEE NOTE]	Column E Total Investment (Sum of Columns A+B+C+D)
Investment made before filing complete application with district	2015	2015-16	2015		Not eligible to become Qualified Property	\$0		\$0
Investment made after filing complete application with district, but before final board approval of application				\$0	\$0	\$0	\$0	\$0
Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period	Q1P1	2016-2017	2016	\$26,137,500	\$0	\$0	\$0	\$26,137,500
Complete tax years of qualifying time period	Q1P2	2017-2018	2017	\$255,112,500	\$0	\$0	\$0	\$255,112,500
				\$0	Qualified Investment	Qualified Investment	\$0	\$0
				\$281,250,000	\$0	\$0	\$0	\$281,250,000
Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]						Enter amounts from TOTAL row above in Schedule A2		
Total Qualified Investment (sum of green cells)				\$281,250,000	\$0			

For All Columns: List amount invested each year, not cumulative totals.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.

Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property, is used to maintain, rebuild, renovate, modify or upgrade existing property, or is added to existing property—described in SECTION 13, question #5 of the application.

Column D: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

Total Investment: Add together each cell in a column and enter the sum in the blue total investment row. Enter the data from this row into the first row in Schedule A2.

Qualified Investment: For the green qualified investment cell, enter the sum of all the green-shaded cells.

Schedule A2: Total Investment for Economic Impact (including Qualified Property and other investments)

ISD Name		McCauley ISD		PROPERTY INVESTMENT AMOUNTS									
				(Estimated investment in each year. Do not put cumulative totals.)									
				Column A		Column B		Column C		Column D		Column E	
				New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property		New investment made during this year in buildings or components of buildings that will become Qualified Property		Other investment made during this year that will become Qualified Property (SEE NOTE)		Other investment made during this year that will become Qualified Property (SEE NOTE)		Total Investment (A+B+C+D)	
		Year		School Year (11/15-11/16)		Tax Year (Fill in actual tax year below) YYYY							
Total Investment from Schedule A1*				=		TOTALS FROM SCHEDULE A1				Enter amounts from TOTAL row in Schedule A1 in the row below			
Each year prior to start of value limitation period**				0		2015-2016		2015		\$0		\$0	
Each year prior to start of value limitation period**				0		2016-2017		2016		\$0		\$0	
Value limitation period***				1		2017-2018		2017		\$0		\$0	
				2		2018-2019		2018		\$0		\$0	
				3		2019-2020		2019		\$0		\$0	
				4		2020-2021		2020		\$0		\$0	
				5		2021-2022		2021		\$0		\$0	
				6		2022-2023		2022		\$0		\$0	
				7		2023-2024		2023		\$0		\$0	
				8		2024-2025		2024		\$0		\$0	
				9		2025-2026		2025		\$0		\$0	
				10		2026-2027		2026		\$0		\$0	
Total investment made through limitation						\$281,250,000		\$0		\$19,371,993		\$300,621,993	
Continue to maintain viable presence				11		2027-2028		2027		\$1,988,320		\$1,988,320	
				12		2028-2029		2028		\$20,070,372		\$20,070,372	
				13		2029-2030		2029		\$2,026,285		\$2,026,285	
				14		2030-2031		2030		\$2,048,568		\$2,048,568	
				15		2031-2032		2031		\$2,069,894		\$2,069,894	
				16		2032-2033		2032		\$2,089,744		\$2,089,744	
				17		2033-2034		2033		\$2,110,622		\$2,110,622	
				18		2034-2035		2034		\$2,131,748		\$2,131,748	
				19		2035-2036		2035		\$2,153,065		\$2,153,065	
				20		2036-2037		2036		\$2,174,596		\$2,174,596	
Additional years for 25 year economic impact as required by 313.02(c)(1)				21		2037-2038		2037		\$2,196,342		\$2,196,342	
				22		2038-2039		2038		\$2,218,305		\$2,218,305	
				23		2039-2040		2039		\$2,240,469		\$2,240,469	
				24		2040-2041		2040		\$2,262,893		\$2,262,893	
				25		2041-2042		2041		\$2,285,522		\$2,285,522	
				26		2042-2043		2042					

* All investments made through the qualifying time period are captured and totaled on Schedule A1 (blue book) and incorporated into this schedule in the first row.

** Only investment made during the period of the start of the limitation (after the end of the qualifying time period but before the start of the Value Limitation Period) should be included in this "year prior to start of value limitation period" row(s). If the limitation starts at the end of the qualifying time period or the qualifying time period overlaps the limitation, no investment should be included on this row.

*** If your qualifying time period will overlap your value limitation period, do not also include investment made during the qualifying time period in years 1 and/or 2 of the value limitation period, depending on the overlap. Only include investments/years that were not captured on Schedule A1.

For All Columns: List amount invested each year, not cumulative totals. Only include investments in the remaining rows of Schedule A2 that were not captured on Schedule A1.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.

Column B: Only tangible personal property that is specifically described in the application can become qualified property.

Column C: The total dollar amount of planned investment each year in buildings or nonmovable components of buildings.

Column D: The total dollar amount of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.02(1) but not creating a new improvement as defined by TAC 9.1031. This is proposed property that functionally replaces existing property, is used to maintain, refurbish, remodel, modify or upgrade existing property, or is added to existing property—described in SECTION 13, question #5 of the application.

Column E: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

Schedule B: Estimated Market And Taxable Value (of Qualified Property Only)

Date **5/27/2015** Form **50-296A**
 Applicant Name **SPD-SolarTexas2 LLC** Revised May 2014
 ISD Name **McCarney ISD**

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property			Estimated Taxable Value		
				Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements"	Market Value less any exemptions (such as pollution control) and before limitation	Final taxable value for ISS after all reductions	Final taxable value for M&O after all reductions
Prior Years	0	2015-2016	2015	\$0	\$0	\$0	\$0	\$0	\$0
Prior Years	0	2016-2017	2016	\$0	\$26,137,500	\$0	\$0	\$26,137,500	\$26,137,500
Value Limitation Period	1	2017-2018	2017	\$0	\$281,330,000	\$0	\$0	\$281,330,000	\$25,000,000
	2	2018-2019	2018	\$0	\$258,823,600	\$0	\$0	\$258,823,600	\$25,000,000
	3	2019-2020	2019	\$0	\$236,317,200	\$0	\$0	\$236,317,200	\$25,000,000
	4	2020-2021	2020	\$0	\$213,810,800	\$0	\$0	\$213,810,800	\$25,000,000
	5	2021-2022	2021	\$0	\$191,304,400	\$0	\$0	\$191,304,400	\$25,000,000
	6	2022-2023	2022	\$0	\$168,798,000	\$0	\$0	\$168,798,000	\$25,000,000
	7	2023-2024	2023	\$0	\$146,291,600	\$0	\$0	\$146,291,600	\$25,000,000
	8	2024-2025	2024	\$0	\$123,785,200	\$0	\$0	\$123,785,200	\$25,000,000
	9	2025-2026	2025	\$0	\$101,278,800	\$0	\$0	\$101,278,800	\$25,000,000
	10	2026-2027	2026	\$0	\$78,772,400	\$0	\$0	\$78,772,400	\$25,000,000
	11	2027-2028	2027	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	12	2028-2029	2028	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	13	2029-2030	2029	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	14	2030-2031	2030	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	15	2031-2032	2031	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	16	2032-2033	2032	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	17	2033-2034	2033	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	18	2034-2035	2034	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	19	2035-2036	2035	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	20	2036-2037	2036	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	21	2037-2038	2037	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	22	2038-2039	2038	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	23	2039-2040	2039	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	24	2040-2041	2040	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000
	25	2041-2042	2041	\$0	\$56,266,000	\$0	\$0	\$56,266,000	\$56,266,000

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.
 Only include market value for eligible property on this schedule.

Additional years for
25 year economic
impact as required by
313.026(c)(1)

Schedule C: Employment Information

Date #####
Applicant Name SPD-SolarTexas2 LLC
ISD Name McCamey ISD

Form 50-296A
 Revised May 2014

				Construction		Non-Qualifying Jobs		Qualifying Jobs	
				Column A	Column B	Column C	Column D	Column E	
	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Number of Construction FTE's or man-hours (specify)	Average annual wage rates for construction workers	Number of non-qualifying jobs applicant estimates it will create (cumulative)	Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Average annual wage of new qualifying jobs	
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2015-2016	2015	100 FTE Avg, 200 FTE Peak	\$37,500	0	0	0	
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2016-2017	2016	200 FTE Avg, 450 FTE Peak	\$37,500	0	0	0	
Value Limitation Period <i>The qualifying time period could overlap the value limitation period</i>	1	2017-2018	2017	0	\$0	0	2	\$70,485	
	2	2018-2019	2018	0	0	0	2	\$70,485	
	3	2019-2020	2019	0	0	0	2	\$70,485	
	4	2020-2021	2020	0	0	0	2	\$70,485	
	5	2021-2022	2021	0	0	0	2	\$70,485	
	6	2022-2023	2022	0	0	0	2	\$70,485	
	7	2023-2024	2023	0	0	0	2	\$70,485	
	8	2024-2025	2024	0	0	0	2	\$70,485	
	9	2025-2026	2025	0	0	0	2	\$70,485	
	10	2026-2027	2026	0	0	0	2	\$70,485	
	11 through 25	2027-2042	2026-2040	0	0	0	2	\$70,485	
Years Following Value Limitation Period									

Notes: See TAC 9.1051 for definition of non-qualifying jobs.
 Only include jobs on the project site in this school district.

C1. Are the cumulative number of qualifying jobs listed in Column D less than the number of qualifying jobs required by statute?
 (25 qualifying jobs in Subchapter B districts, 10 qualifying jobs in Subchapter C districts)

Yes ☐ No ☐

If yes, answer the following two questions:

C1a. Will the applicant request a job waiver, as provided under 313.025(-1)?

Yes ☐ No ☐

C1b. Will the applicant avail itself of the provision in 313.021(3)(F)?

Yes ☐ No ☒

Schedule D: Other Incentives (Estimated)

Date

5/27/2015

Applicant Name

SPD-SolarTexas2 LLC

ISD Name

McCamey ISD

Form 50-296A

Revised May 2014

State and Local Incentives for which the Applicant intends to apply (Estimated)						
Incentive Description	Taxing Entity (as applicable)	Beginning Year of Benefit	Duration of Benefit	Annual Tax Levy without Incentive	Annual Incentive	Annual Net Tax Levy
Tax Code Chapter 311	County:					
	City:					
	Other:					
Tax Code Chapter 312	County: Upton County	2016	2016-2025	\$722,174	\$72,217.41	\$649,957
	City:	n/a				
	Other: McCamey Hospital District	2016	2016-2025	\$1,397,085	\$139,708.48	\$1,257,376
Local Government Code Chapters 380/381	County:					
	City:					
	Other:					
Freeport Exemptions						
Non-Annexation Agreements						
Enterprise Zone/Project						
Economic Development Corporation						
Texas Enterprise Fund						
Employee Recruitment						
Skills Development Fund						
Training Facility Space and Equipment						
Infrastructure Incentives						
Permitting Assistance						
Other:						
Other:						
Other:						
Other:						
TOTAL				\$2,119,259	\$211,926	\$1,907,333

Additional information on incentives for this project:

Tab 15

**Economic Impact Analysis, other payments made in the state or other economic information
(if applicable)**

SPD-SolarTexas2 LLC did not conduct an Economic Impact Analysis

Not applicable

Tab 16

Description of Reinvestment or Enterprise Zone, including:

- a) evidence that the area qualifies as a enterprise zone as defined by the Governor's Office
- b) legal description of reinvestment zone*
- c) order, resolution or ordinance establishing the reinvestment zone*
- d) guidelines and criteria for creating the zone*

** To be submitted with application or before date of final application approval by school board*

Resolution Creating Reinvestment Zone

AN ORDER OF THE COMMISSIONERS COURT OF UPTON COUNTY, TEXAS, DESIGNATING CERTAIN REAL PROPERTY WITHIN UPTON COUNTY AS A REINVESTMENT ZONE UNDER CHAPTER 312 OF THE TEXAS TAX CODE

WHEREAS in conformity with Chapter 312 of the Texas Tax Code and Upton County, Texas' Tax Abatement Guidelines and Criteria which were adopted on January 26, 2015 (hereinafter "the Guidelines"), the Commissioners Court of Upton County conducted a public hearing at 9:00 a.m. on February 23, 2015, regarding the designation of the real property within Upton County identified in Exhibit A attached (hereinafter "the Property") as a reinvestment zone under the said chapter at the request of SPD-Solar Texas2 LLC" (hereinafter "Applicant"); and

WHEREAS Applicant has filed an application with the Commissioners Court of Upton County, Texas proposing certain improvements (hereinafter the "Improvements") to be located on the Property and requesting abatement of property taxes with respect to such Improvements; and

WHEREAS Chapter 312 and the Guidelines require that certain findings of fact be entered in order to designate a reinvestment zone,

NOW, THEREFORE, the Commissioners Court of Upton County, Texas finds as follows with regard to the Property:

- a) That the Applicant has met his burden and demonstrated to this body that the designation of the Property as a reinvestment zone is reasonable likely to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the Property and that would contribute to the economic development of Upton County; and
- b) That the Improvements sought are feasible and practical; and
- c) That the Improvements sought will be a benefit to the Property and to Upton County after the expiration of an agreement entered into under V.T.C.A, Tax Code, Section 312.204; and

- d) That, not later than the seventh day before the date of said hearing, notice of the hearing was (1) published in the McCamey News, a newspaper having a general circulation in Upton County, Texas, and (2) delivered in writing to the presiding officers of the McCamey Independent School District, McCamey Hospital District, Upton County ESD #2, and Upton County Water District, said taxing entities being the only other taxing units that includes the Property in its boundaries; and
- e) That notice of said public hearing and the meeting at which this order was adopted was open to the public and was preceded by proper notice as required by Chapter 551 of the Texas Government Code (the Open Meetings Act); and
- f) That the Property is not in the taxing jurisdiction of any municipality.

WHEREAS the Commissioners Court of Upton County has made the findings of fact Necessary to designate the Property as a reinvestment zone; and

WHEREAS the Commissioners Court of Upton County believes such designation to be advantageous to the inhabitants of Upton County;

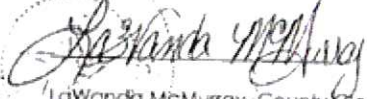
It is therefore ORDERED by the Commissioners Court of Upton County that the Property identified above within Upton County is hereby designated as a reinvestment zone under Chapter 312 of the Texas Tax Code and, in accordance with TEXAS TAX CODE 312.213 such designation shall be effective for a period of twenty five years from the date of this order and may be renewed as provided by applicable law.

PASSED AND APPROVED on this the 24th day of February 2015



Bill Eyler, County Judge
Upton County, Texas

I, the undersigned, LaWanda McMurray, County Clerk of Upton County, Texas, do hereby certify that the above is a true and correct copy of a resolution duly adopted by the County of Upton, at a regular meeting duly convened on January 24, 2015.


LaWanda McMurray, County Clerk

January 24, 2015
Date

EXHIBIT "A"

LEGAL DESCRIPTION

Land Boundaries & Reinvestment Zone Boundaries, Located totally in Upton County Texas,


Beginning at the point of the perimeter of the area designated as the reinvestment zone and at the Northwestern corner of Section 2 (Abstract 879) at a point at Lat 31.27156, Lon -102.2859,
Thence: N 75°E for a distance of 1655 feet to a point at Lat 31.27282, Lon -102.28077,
Thence: Directly East for a distance of 11,500 feet to a point at Lat 31.27264, Lon -102.24403,
Thence: Directly South for a distance of 6628 feet to a point at Lat 31.25440, Lon -102.24405,
Thence: S 75°W for a distance of 3787 feet to a point at Lat 31.25182, Lon -102.25579,
Thence: S 35°W for a distance of 6958 feet to a point at Lat 31.23637, Lon -102.26880,
Thence: Directly West for a distance of 6412 feet to a point at Lat 31.23637, Lon -102.28925,
Thence: Directly North for a distance of 4675 feet to a point at Lat 31.24919, Lon -102.28925,
Thence: Directly East for a distance of 2057 feet to a point at Lat 31.24919, Lon -102.28273,
Thence: Directly North for a distance of 1257 feet to a point at Lat 31.25260, Lon -102.28273,
Thence: Directly West for a distance of 3392 feet to a point at Lat 31.25260, Lon -102.29358,
Thence: Directly North for a distance of 6240 feet to a point at Lat 31.2697, Lon -102.293608,
Thence: N 75°E for a distance of 2535 feet to the starting point at Lat 31.27156, Lon -102.2859.

Re-Investment Zone Image

Confidential

Tab 17

Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative (applicant)

 **Application for Appraised Value Limitation on Qualified Property**
Form 50-236-A

SECTION 16: Authorized Signatures and Applicant Certification

After the application and schedules are complete, an authorized representative from the school district and the business should review the application documents and complete this authorization page. Attach the completed authorization page in Tab 17. NOTE: If you amend your application, you will need to obtain new signatures and resubmit this page, Section 16, with the amendment request.

1. Authorized School District Representative Signature

I am the authorized representative for the school district to which this application is being submitted. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code.

print here ▶ Print Name (Authorized School District Representative) Title

sign here ▶ Signature (Authorized School District Representative) Date

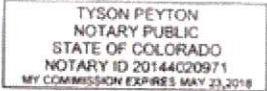
2. Authorized Company Representative (Applicant) Signature and Notarization

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best of my knowledge and belief.

I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

print here ▶ Robert Reichenberger Principal
Print Name (Authorized Company Representative (Applicant)) Title

sign here ▶ *Robert Reichenberger* June 5, 2015
Signature (Authorized Company Representative (Applicant)) Date



GIVEN under my hand and seal of office this, the 5th day of June, 2015.

Tyson Peyton
Notary Public in and for the State of Texas

My Commission expires 5/23/18

(Notary Seal)

If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.

www.TexasAhead.org/tax_programs/chapter313/

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