

**CUMMINGS WESTLAKE LLC**

12837 Louetta Road, Suite 201 Cypress, Texas 77429-5611 713-266-4456 Fax: 713-266-2333

October 10, 2017

Mr. Oran Hamilton, Superintendent and  
Board of Trustees  
Lorenzo Independent School District  
1003 4<sup>th</sup> Street  
Lorenzo, TX 79343

Re: Notice of Request for Amendment to the Limitation on Appraised Value Agreement dated December 12, 2016, by and between Lorenzo Independent School District and Lorenzo Wind, LLC as the “Applicant” (the “**Agreement**”)

Dear Mr. Hamilton and members of the Board of Trustees:

Please accept this letter as Lorenzo Wind, LLC’s (the “**Applicant**”) request to Lorenzo Independent School District (the “**District**”) under Section 10.2 of the Agreement to amend the Reinvestment Zone area. An amendment is sought so that the Agreement may match the current designated Reinvestment Zones created by the County.

Specifically, this letter is intended to (a) submit to the District and the Comptroller a written request to add an additional Reinvestment Zone to the project and Agreement; (b) notify the District and the Comptroller of the changes to the information that was provided in the Application approved by the District; (c) provide any additional information reasonably requested by the District or the Comptroller for the purpose of re-evaluating the new or changed conditions.

Since the time the Application was submitted and the Agreement was thereafter approved and executed, Applicant, due to unforeseen project layout changes, had Crosby County create a second Reinvestment Zone. On September 11, 2017 Crosby County created Reinvestment Zone 2017-02, which we are now requesting be added to the area of the project that is eligible for qualified investment and qualified property. Nothing else has changed, the size, scope and timing of the project have not changed.

The following is a list of the amendments that are being made on the enclosed pages:

1. Tab 11 – Maps 11A, B and C were revised to show the newly created Reinvestment Zone
2. Tab 16 – 16B and C were amended to include the Legal Description and Resolution of Reinvestment Zone 2017-02.
3. Tab 17 – New signature page

Request to Amend Application and Agreement #1142 to Lorenzo ISD  
October 10, 2017

Applicant hereby requests that an amendment as described herein be posted for a public hearing before the Board of Trustees in accordance with applicable law, and after conducting a public hearing on the matter, the Board of Trustees approve such an amendment and take all other action as may be required by law or the Comptroller's Rules. A draft amendment to the Agreement with the changes described above will be provided to the District for its consideration in advance of such meeting.

Sincerely,

A handwritten signature in black ink that reads "J. Weston Jackson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

J. Weston Jackson  
Consultant for Lorenzo Wind, LLC

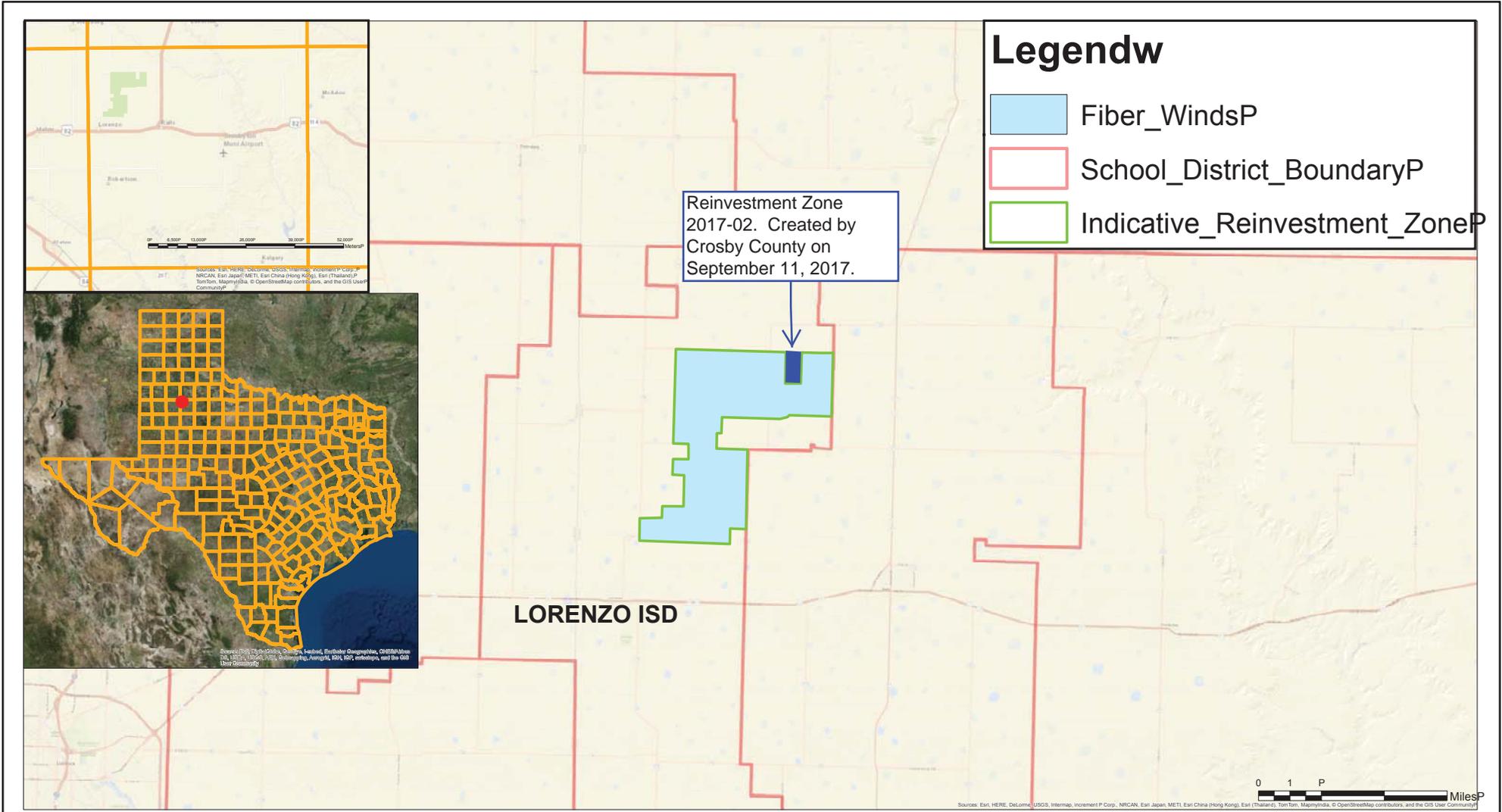
cc Honorable Glenn Hegar  
Texas Comptroller of Public Accounts  
c/o Will Counihan, Manager  
Economic Development & Analysis  
P.O. Box 13528, Capitol Station  
Austin, Texas 78711-3528

Kathy Lowrie, Chief Appraiser  
Crosby County Appraisal District  
109 W. Aspen St.  
Crosbyton, Texas 79322

Mr. Fred Stormer  
Underwood Law Firm, P.C.  
P.O. Box 9158  
Amarillo, Texas 79105-9158

Dion Watson  
Associate Project Manager  
Lorenzo Wind, LLC  
700 Universe Blvd  
Juno Beach, FL 33408

Map 11a



Fiber Winds Holding, LLC  
Property Within VicinityP

**Lorenzo ISD 313 Abatementw**



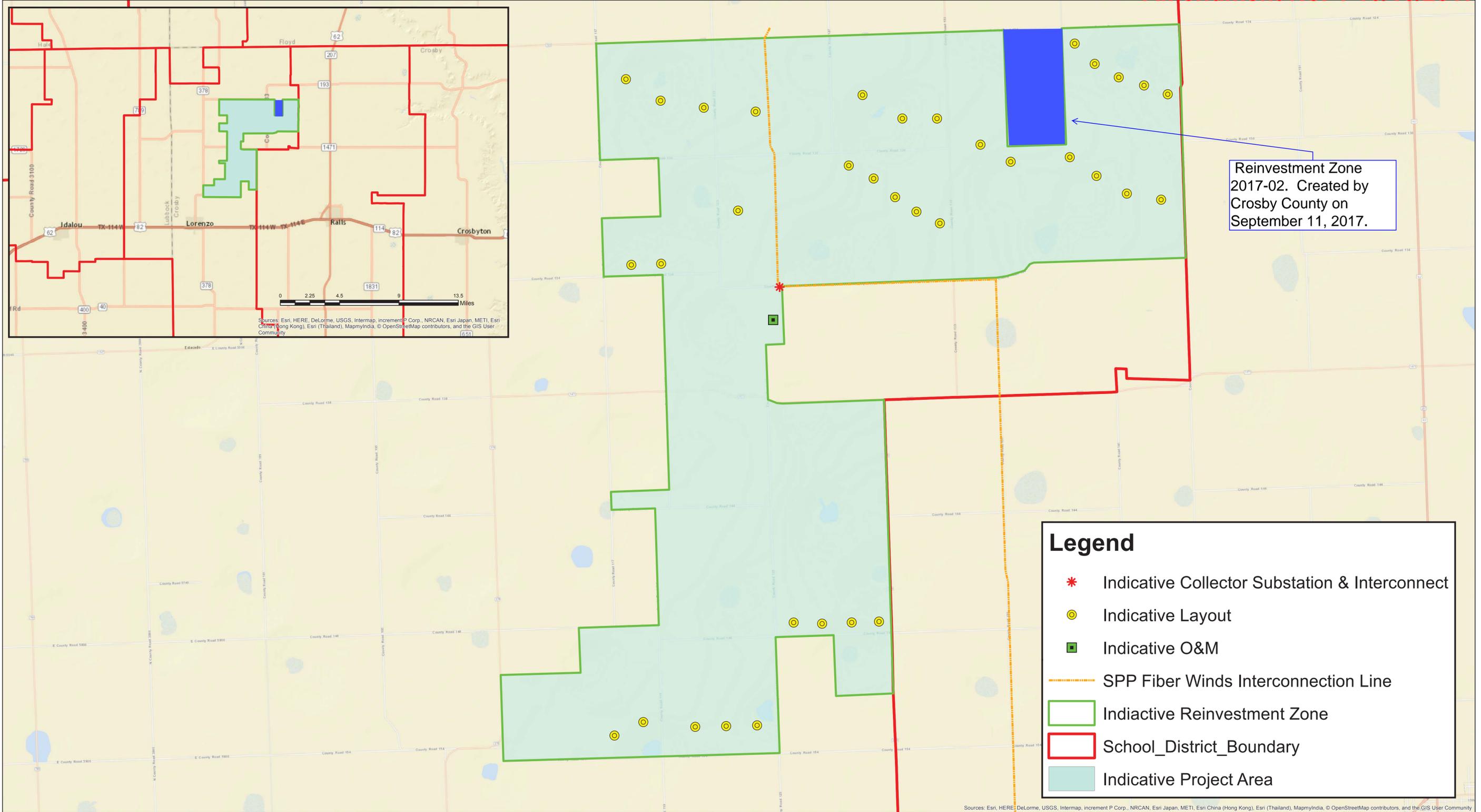
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Drawn By:w

Checked by:w

Date:w



Reinvestment Zone 2017-02. Created by Crosby County on September 11, 2017.

**Legend**

- \* Indicative Collector Substation & Interconnect
- Indicative Layout
- Indicative O&M
- - - SPP Fiber Winds Interconnection Line
- Indicative Reinvestment Zone
- School\_District\_Boundary
- Indicative Project Area

**Fiber Winds Holding, LLC  
Qualified Investment**

**Lorenzo ISD 313 Abatement Application**

Note: Location of Qualified Investment and Qualified Property may change but will remain within the project and ISD boundary.

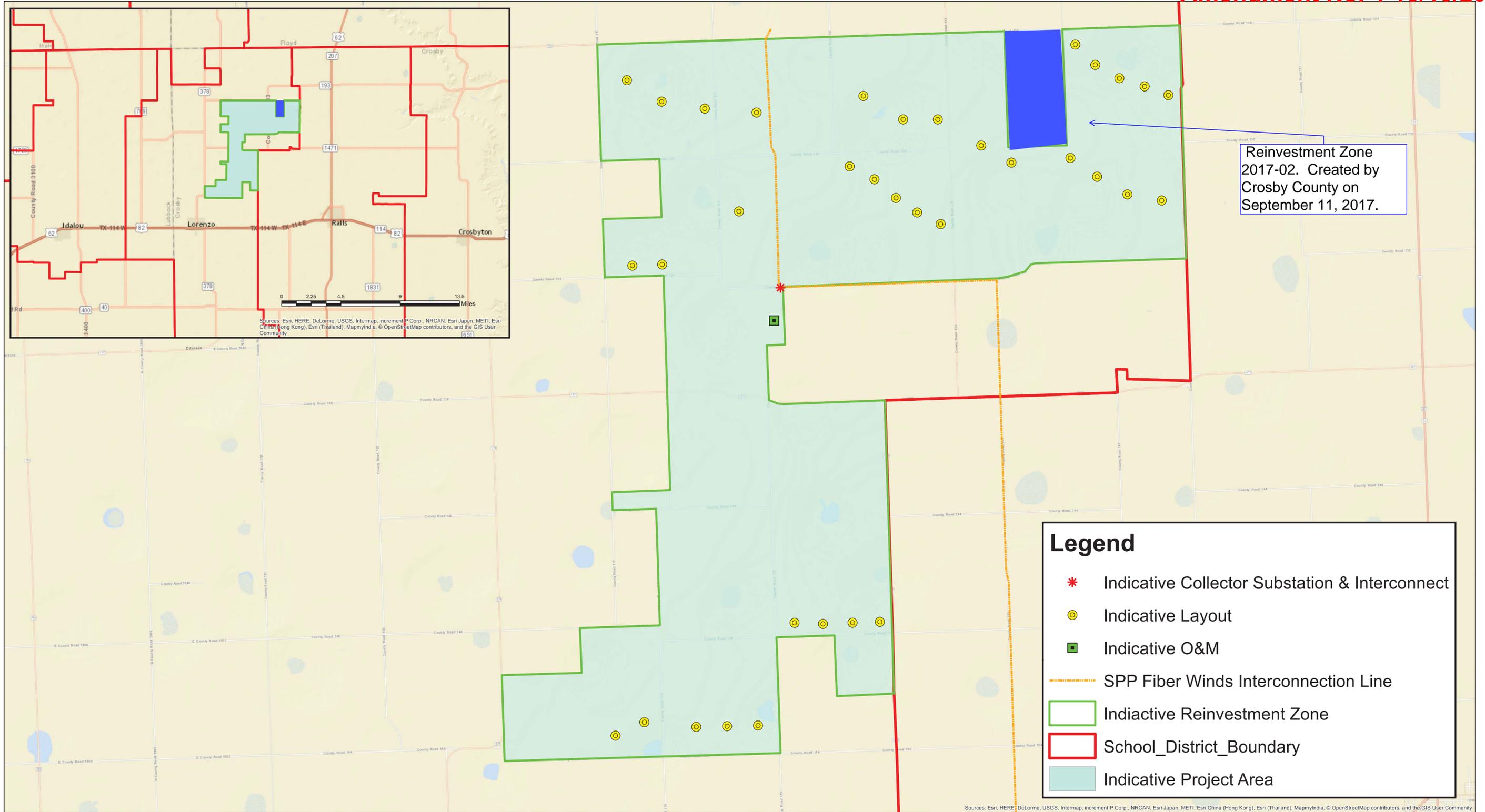


Sheet No.

1



**Fiber Winds Holding, LLC**



**Fiber Winds Holding, LLC  
Qualified Property**

**Lorenzo ISD 313 Abatement Application**

Note: Location of Qualified Investment and Qualified Property may change but will remain within the project and ISD boundary.



Sheet No.

1

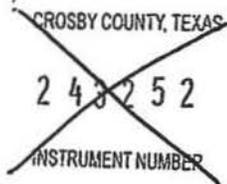


**Fiber Winds Holding, LLC**

**LEGAL DESCRIPTION                      OF**  
**REINVESTMENT ZONE 2017-02**

Reinvestment Zone 2017-02 is comprised of the following parcel located in Crosby County, Texas. In the event of discrepancy between the following legal description and the attached map, the map shall control; provided however, Reinvestment Zone 2017-02 shall in no way be deemed to include any portion of any municipality.

The E/2 of Section 5, Block C, E.L.&R.R. RR Co. Survey, Abstract 340, Crosby County, Texas.



**RESOLUTION OF THE COMMISSIONERS COURT  
OF CROSBY COUNTY, TEXAS DESIGNATING  
REINVESTMENT ZONE 2017-02**

**A RESOLUTION DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE  
FOR A COMMERCIAL/INDUSTRIAL TAX ABATEMENT IN CROSBY COUNTY,  
TEXAS, ESTABLISHING THE BOUNDARIES THEREOF, AND PROVIDING FOR AN  
EFFECTIVE DATE**

*WHEREAS*, the Commissioners Court of Crosby County, Texas (the “County Commissioners Court”) 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 § 312.001, *et seq.*), and the Crosby County Guidelines and Criteria for Granting Tax Abatements (the “Guidelines”);

*WHEREAS*, on this date, a hearing before the County Commissioners Court was held, such date being at least seven (7) days after the date of publication of the notice of such public hearing in the local newspaper of general circulation in Crosby County (the “County”) and the delivery of written notice to the respective presiding officers of each taxing entity that includes within its boundaries real property that is to be included in the proposed reinvestment zone;

*WHEREAS*, the County Commissioners Court at such public hearing invited any interested person to appear and speak for or against 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.

*BE IT RESOLVED BY THE 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 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 adoption of Reinvestment Zone 2017-02 has been properly called, held and conducted and that notice of such hearing has 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;

- (b) That the boundaries of Reinvestment Zone 2017-02 should be the area described in the legal description and corresponding map attached hereto as Exhibit "A," which is incorporated herein by reference for all purposes;
- (c) That creation of Reinvestment Zone 2017-02 will result in benefits to the County and to land included in the reinvestment zone and that the improvements sought are feasible and practical; and
- (d) Reinvestment Zone 2017-02 meets the criteria set forth in Chapter 312 of the Texas Tax Code for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, and the Guidelines, in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract investment in the zone that would be a benefit to the property and that would contribute to the economic development of the County, and that the entire tract of land is located entirely within an unincorporated area of the County.

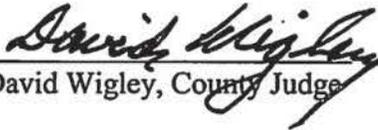
SECTION 3. That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, and the Guidelines, the County Commissioners Court hereby creates Reinvestment Zone 2017-02; a reinvestment zone for commercial-industrial tax abatement encompassing only the area described on and as shown on the map in Exhibit A, and such reinvestment zone is hereby designated and shall hereafter be referred to as Reinvestment Zone 2017-02.

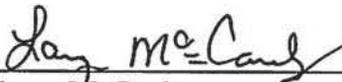
SECTION 4. That Reinvestment Zone 2017-02 shall take effect on the date of this Resolution and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of designation, and may be renewed for an additional five (5) year period thereafter.

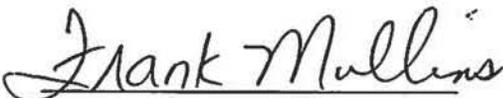
SECTION 5. That if any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

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 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 Meetings 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 the official newspaper of general circulation within the County, and 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 the 11th day of September, 2017.

  
David Wigley, County Judge

  
Larry McCauley  
Precinct 1 Commissioner

  
Frank Mullins  
Precinct 2 Commissioner

  
Donald Kirksey  
Precinct 3 Commissioner

  
James Caddell  
Precinct 4 Commissioner

Attest:  
  
Tammy Marshall, County Clerk

**EXHIBIT A**  
**LEGAL DESCRIPTION AND MAP OF**  
**REINVESTMENT ZONE 2017-02**

Reinvestment Zone 2017-02 is comprised of the following parcel located in Crosby County, Texas. In the event of discrepancy between the following legal description and the attached map, the map shall control; provided however, Reinvestment Zone 2017-02 shall in no way be deemed to include any portion of any municipality.

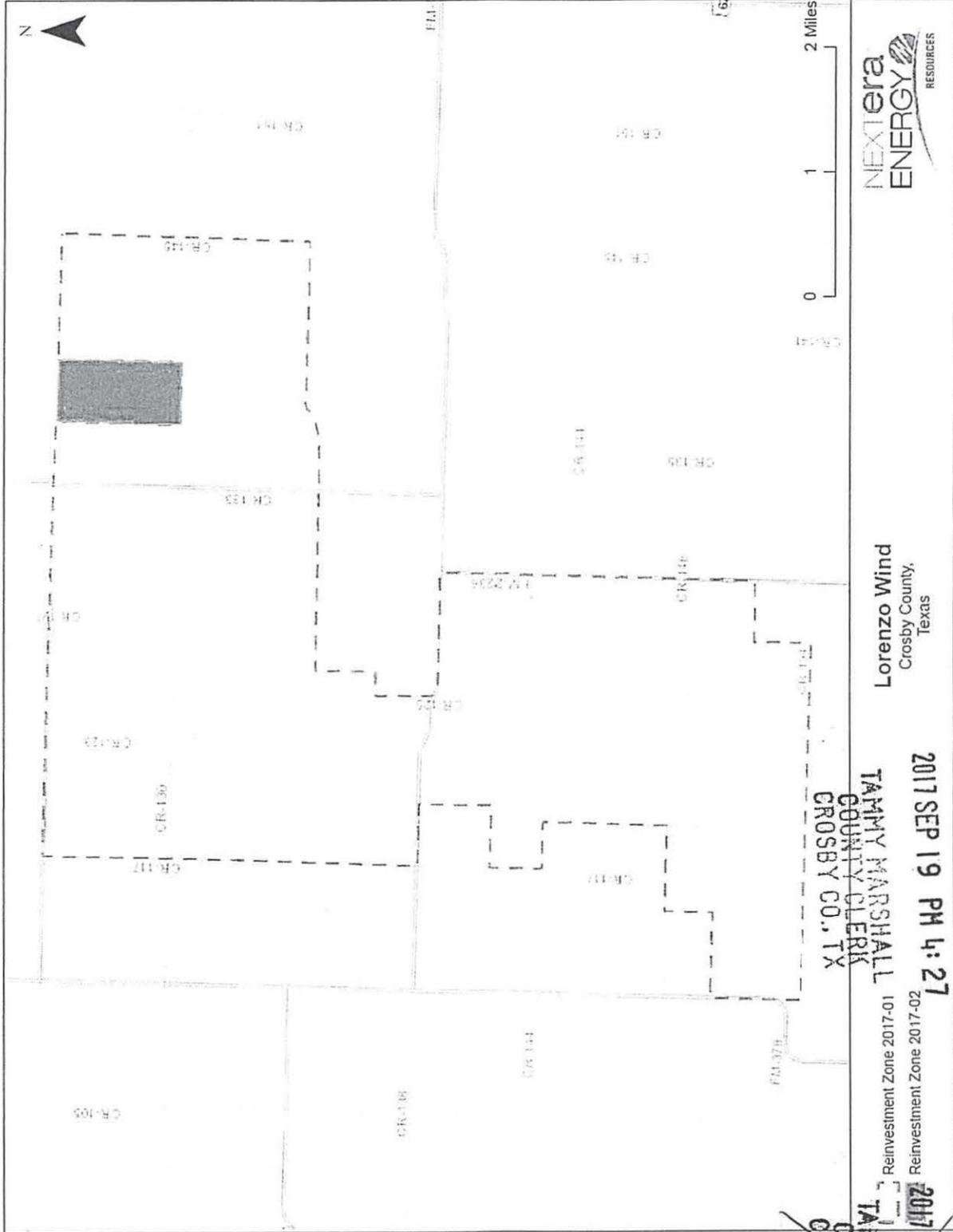
The E/2 of Section 5, Block C, E.L.&R.R. RR Co. Survey, Abstract 340, Crosby County, Texas.

**EXHIBIT A (CONTINUED)**

**MAP OF  
REINVESTMENT ZONE 2017-02**

**SEE ATTACHED MAP**





FILED

2017 SEP 19 PM 4: 27

TAMMY MARSHALL  
COUNTY CLERK  
CROSBY CO., TX

Reinvestment Zone 2017-01  
Reinvestment Zone 2017-02

FILED

2017 SEP 1 PM 4: 45

TAMMY MARSHALL  
COUNTY CLERK  
CROSBY CO., TX



Application for Appraised Value Limitation on Qualified Property

**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** ▶ Oran Hamilton Superintendent  
Print Name (Authorized School District Representative) Title

**sign here** ▶ Oran Hamilton 10/18/17  
Signature (Authorized School District Representative) Date

**2. Authorized Company Representative (Applicant) Signature and Notarization**

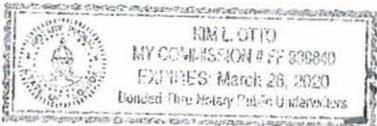
I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best 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** ▶ John DiDonato VP, Lorenzo Wind, LLC  
Print Name (Authorized Company Representative (Applicant)) Title

**sign here** ▶ [Signature] 10-10-17  
Signature (Authorized Company Representative (Applicant)) Date

GIVEN under my hand and seal of office this, the  
10 day of October, 2017  
Ken Lester  
 Notary Public in and for the State of ~~Texas~~ Florida  
 My Commission expires: 3-28-2020



(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.