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Sara Hardner Leon
Colby R. Nichols
Andrew Tatgenhorst
Darrick W. Eugene
Annabel Canchola
Kevin W. Cole



Jay Youngblood
Tyler, Texas
John J. Janssen, Ph.D.
Corpus Christi, Texas

William C. Bednar, Of Counsel
Richard Powell, Of Counsel

September 1, 2016

Via Hand Delivery
Mr. Will Counihan
Local Government Assistance & Economic Analysis
Texas Comptroller of Public Accounts
111 E. 17th Street
Austin, Texas 78774

RECEIVED
SEP 01 2016
**Data Analysis &
Transparency Division**

Re: Application for Chapter 313 Value Limitation Agreement to the
McCamey Independent School District from Morada del Sol, LLC

Dear Local Government Assistance and Economic Analysis Division:

The McCamey Independent School District Board of Trustees met at a duly posted meeting on August 30, 2016 and accepted an Application for Appraised Value Limitation on Qualified Property from Morada del Sol, LLC. The application was determined to be complete on September 1, 2016. The school district respectfully requests that your office prepare an economic impact report on this application.

No construction has begun at the project site and the Applicant indicates that alternative sites out of state remain under consideration for this project by Morada del Sol, LLC. The school district has determined that the wage information included in the application represents the most recent wage data available at the time of the application, and that the wages the Applicant has committed to pay meet the required statutory minimum. The Applicant has requested a waiver of the job creation requirement pursuant to 313.025(f-1) of the Tax Code, and represents that the new jobs to be created on this project would meet or exceed industry standards for similar solar generation projects.

Included herein is an electronic and hard copy of the completed application. A copy of the redacted application will be submitted, by copy of this letter, to the Upton County Appraisal District. The McCamey Independent School District's Board of Trustees looks forward to working with your office through the process of evaluating this Application.

Respectfully submitted,

A handwritten signature in blue ink that reads "Sara H. Leon".

Sara H. Leon

Encl.

1001 ESE Loop 323, Ste. 450
Tyler, Texas 75701
t: 903-526-6618
f: 903-526-5766

115 Wild Basin Rd., Ste. 106
Austin, Texas 78746
t: 512-494-1177
f: 512-494-1188
800-494-1971

www.powell-leon.com

802 N. Carancahua St., Ste. 655
Corpus Christi, Texas 78401
t: 361-452-2804
f: 361-452-2743

cc: Ms. Sheri Stephens
Chief Appraiser
Upton County Appraisal District
P.O. Box 1110
McCamey, Texas 79752

Via Electronic Mail: allen.brisch@firstsolar.com
Mr. Allen Brisch
Director, Project Development
(without Enclosures)

Via Electronic Mail: dcummings@cwlp.net
Mr. Dale Cummings
Cummings Westlake, LLC
(without Enclosures)

Mr. Ronnie Golson
Superintendent of Schools
McCamey Independent School District
Drawer 1069
McCamey, Texas 79752

TAB 1

Pages 1 through 9 of application.



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

August 30, 2016

Date Application Received by District

Ronnie

First Name

Superintendent

Title

McCamey Independent School District

School District Name

100 E. 11th Street

Street Address

100 E. 11th Street

Mailing Address

McCamey

City

432-652-3666

Phone Number

Mobile Number (optional)

Golson

Last Name

Texas

State

432-652-4219

Fax Number

rgolson@mcisd.esc18.net

Email Address

79752

ZIP

2. Does the district authorize the consultant to provide and obtain information related to this application? Yes No

SECTION 1: School District Information (continued)

3. Authorized School District Consultant (If Applicable)

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

4. On what date did the district determine this application complete? September 1, 2016
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)

Allen	Brisch	
First Name	Last Name	
Director, Project Development	Morada del Sol, LLC	
Title	Organization	
11757 Katy Freeway, Suite 400		
Street Address		
11757 Katy Freeway, Suite 400		
Mailing Address		
Houston	Texas	77079
City	State	ZIP
281-509-6253	281-920-0956	
Phone Number	Fax Number	
	Allen.Brisch@firstsolar.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)

Dale _____ Cummings
 First Name Last Name
 Founding Partner
 Title
 Cummings Westlake, LLC
 Firm Name
 713-266-4456 713-266-2333
 Phone Number Fax Number
 dcummings@cwlp.net
 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? _____ Morada del Sol, LLC

2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) _____ 32056188546

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:

<input checked="" type="checkbox"/> Land has no existing improvements *	<input type="checkbox"/> Land has existing improvements (<i>complete Section 13</i>)
<input type="checkbox"/> Expansion of existing operation on the land (<i>complete Section 13</i>)	<input type="checkbox"/> 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.

* There are no solar energy related improvements on the land

Application for Appraised Value Limitation on Qualified Property

SECTION 9: Projected Timeline

1. Application approval by school board January 2017
 2. Commencement of construction January 2018
 3. Beginning of qualifying time period February 1, 2017
 4. First year of limitation 2019
 5. Begin hiring new employees Third quarter 2018
 6. Commencement of commercial operations Fourth quarter 2018
 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? Fourth quarter 2018

SECTION 10: The Property

1. Identify county or counties in which the proposed project will be located Upton
2. Identify Central Appraisal District (CAD) that will be responsible for appraising the property Upton
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, .3532, 100%</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, .6129, 100%</u> <small>(Name, tax rate and percent of project)</small>	Water District: <u>Upton County, .004, 100%</u> <small>(Name, tax rate and percent of project)</small>
Other (describe): <u>ESD #2, .06, 100%</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? 20,000,000.00
 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? _____

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 2016
(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? 2
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 1,306.75
 - b. 110% of the average weekly wage for manufacturing jobs in the county is 0.00
 - c. 110% of the average weekly wage for manufacturing jobs in the region is 1,108.08
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? 57,620.20
10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? 57,620.20
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 → Ronnie Golson
Print Name (Authorized School District Representative)

Superintendent

Title

sign here → 
Signature (Authorized School District Representative)

Date

8-30-16

2. Authorized Company Representative (Applicant) Signature and Notarization

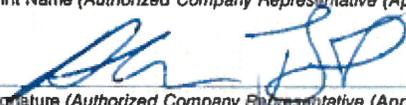
I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best 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 → Allen Brisch
Print Name (Authorized Company Representative (Applicant))

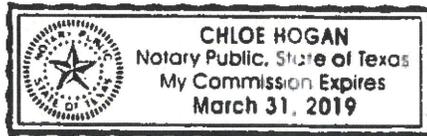
Director, Project Development

Title

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

Date

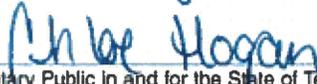
8/26/2016



(Notary Seal)

GIVEN under my hand and seal of office this, the

26th day of August, 2016


Notary Public in and for the State of Texas

My Commission expires: 03-31-2019

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>

TAB 2

Proof of Payment of Application Fee

Tax credit application proof of payment.

*(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).

See attached.

Texas Franchise Tax Extension Affiliate List

■ Tcode 13298 Franchise

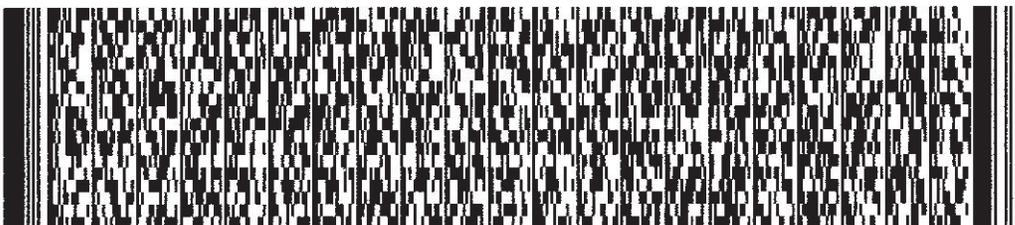
■ Reporting entity taxpayer number <div style="display: flex; justify-content: space-between;"> 3 2 0 4 2 1 3 0 7 6 8 2 0 1 6 </div>	■ Report year 2 0 1 6	Reporting entity taxpayer name <div style="text-align: center; border: 1px solid black; padding: 5px;">FIRST SOLAR, INC</div>
---	--------------------------	--

LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER <small>(If none, enter FEI number)</small>	BLACKEN CIRCLE IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. FIRST SOLAR ELECTRIC, LLC	1 2 0 1 0 5 3 4 6 1 3	■ ○
2. FIRST SOLAR DEVELOPMENT, LLC	3 2 0 4 3 9 1 6 8 4 3	■ ○
3. FS AUSTIN POWER, LLC	3 2 0 3 8 3 1 1 6 3 8	■ ○
4. BARILLA SOLAR, LLC	3 2 0 5 1 5 3 8 6 0 4	■ ○
5. WESTERN TIERRA HOLDINGS LLC	3 2 0 3 6 5 7 2 0 7 4	■ ○
6. MORADA DEL SOL, LLC	3 2 0 5 6 1 8 8 5 4 6	■ ○
7. TORO SOLAR, LLC	3 2 0 5 8 8 0 3 4 9 8	■ ○
8. FIRST SOLAR ELECTRIC (CALIFORNIA) INC	2 6 0 4 3 7 2 3 0	■ ○
9. VORPAL INC	2 6 2 7 5 1 0 8 9	■ ●
10. MINERA TELORO SA DE CV	9 8 0 6 3 5 9 3 7	■ ●
11. RAYTRACKER INC	2 6 3 2 3 5 4 7 1	■ ●
12. TETRASUN INC.	2 6 4 6 5 5 0 5 7	■ ●
13. FIRST SOLAR ASSET MANAGEMENT LLC	3 8 3 9 3 0 3 0 7	■ ○
14. MARYLAND SOLAR HOLDINGS, INC.	3 7 1 7 6 0 3 2 4	■ ●
15. FIRST SOLAR 8POINT3 ASSET MANAGEMENT, L	6 1 1 7 6 1 4 6 0	■ ●
16. FSI BROKERAGE, LLC	3 5 2 5 2 9 4 3 0	■ ●
17. EAST PECOS SOLAR, LLC	3 2 0 5 5 3 1 9 2 5 8	■ ○
18. EAST PECOS SOLAR 2, LLC	3 2 0 5 9 7 7 5 9 4 3	■ ○
19.		■ ○
20.		■ ○
21.		■ ○

Note: To file an extension request for a reporting entity and its affiliates, Form 05-164 (Texas Franchise Tax Extension Request) must be submitted with this affiliate list. The filing of this list by itself does not constitute a properly filed Extension Request.

Do not file this form when requesting a second extension.

Texas Comptroller Official Use Only



VE/DE	○	FM	○
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TAB 4

Detailed Description of the Project

Provide 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.

Morada del Sol, LLC (“Morada”) is requesting an appraised value limitation from McCamey Independent School District (ISD) for the Morada del Sol Solar Project (the “Project”). Morada del Sol LLC proposes to develop a utility-scale, grid-connected solar photovoltaic energy (PV) plant in McCamey Independent School District. The proposed Project will be constructed within a Reinvestment Zone that was created by Upton County on August 8, 2016. Maps showing the location of the Project are attached in Tab 11.

The Project will be constructed on approximately 800 acres, which is part of a larger, long-term lease agreement with a local landowner. The Project will be located entirely within McCamey Independent School District. The proposed Project will include, but is not limited to, the following:

- Planned up to 140 MW-AC in size;
- First Solar PV modules;
- DC-to-AC inverters;
- Medium and high-voltage electric cabling;
- Tracker racking system (mounting structures);
- Project substation which will include a high-voltage transformer, switchgear, transmission equipment, telecommunications and SCADA control equipment, among other things;
- High-voltage transmission line connecting the project to the grid (gen tie);
- Operations and maintenance (O&M) building including telecommunications and computing equipment, and spare parts, among other things;
- Meteorological equipment to measure solar irradiance and other weather conditions; and
- Associated equipment to safely operate, maintain, and deliver electricity to the grid.

Morada del Sol requests a value limitation for all real property and tangible personal property installed for the Project, including but not limited to: solar modules/panels, racking and mounting structures, inverters, combiner boxes, meteorological equipment, foundations, roadways, buildings and offices, storage containers, paving, fencing, collection system, electrical substations, generation transmission tie line and associated towers, and interconnection facilities.

Construction of the Project is anticipated to begin in January 2018 with project completion by December 2018.

TAB 5

Documentation to assist in determining if limitation is a determining factor.

First Solar Development, LLC (“First Solar”), the parent of Morada del Sol, LLC, is a national solar developer with project opportunities across the United States, including California, Arizona, Georgia and elsewhere. The ability to enter into a value limitation agreement with McCamey ISD is a determining factor for constructing the project in Upton County, Texas, as opposed to building and investing in another county, state or region.

First Solar is actively developing and constructing other projects throughout the US and internationally through its affiliates. The applicant requires this value limitation agreement in order to move forward with constructing this project in Texas. Specifically, without the available property tax incentives, the economics of the project become unappealing to investors and the likelihood of constructing the project becomes unlikely. The property tax liabilities of a project without tax incentives in Texas, including a value limitation agreement with McCamey ISD, lower the return to investors and financiers to an unacceptable level at current contracted power rates under a power purchase agreement. As such, the applicant would not be able to finance and build its project without the property tax incentives. We want to avoid a situation where the applicant would be forced to have its development capital and prospective investment funds spent in other states where the rate of return is higher on a project basis.

However, the proposed site in Upton County is a desirable business location and can provide electricity at a price that is competitive with other projects in Upton County and elsewhere in Texas, assuming that the expected tax incentives, including a value limitation agreement, are obtained. Electric utilities and other wholesale electricity buyers are focused on providing low-cost energy to their customers, and contracting for the sale of solar electricity is highly competitive. Receiving a value limitation agreement from McCamey ISD is vital to ensuring the economics justify building the project and placing it into commercial operation in Upton County.

About First Solar

Through its affiliates, First Solar is the leading global provider of comprehensive photovoltaic (PV) solar energy solutions. With vertically integrated capabilities improving every aspect of the solar value chain, the company delivers power plant solutions that maximize value and mitigate risk for customers worldwide.

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)

Taxing Entity	% of Project	2015 Tax Rate
Upton County	100%	.3532
McCamey ISD	100%	1.338
McCamey Hospital District	100%	.6129
Emergency Services Dist. #2	100%	.0600
Upton County Water District	100%	.0040



Upton County Appraisal District

P.O. Box 1110

McCamey, Texas 79752

Phone (432) 652-3221

Fax (432) 652-3372

Web site uptoncad.org

2015 TAX RATES

UPTON COUNTY	(M&O .3271 I&S .0261)	.3532
UPTON COUNTY WATER DIST		.0040
MCCAMEY CITY		.2665
MCCAMEY ISD	(M&O 1.040 I&S .2980)	1.338
MCCAMEY HOSPITAL DIST	(M&O .4380 I&S .1749)	.6129
MCCAMEY EMERGENCY DIST		.0600
TOTAL IN MCCAMEY CITY	\$2.6346	
TOTAL OUT MCCAMEY CTY	\$2.3681	

UPTON COUNTY		ABOVE
UPTON CO WATER DIST		ABOVE
RANKIN CITY		.2901
RANKIN HOSPITAL DIST	(M&O .1333 I&S .0613)	.1946
RANKIN ISD	(M&O 1.0363 I&S .0900)	1.1263
RANKIN EMERGENCY DIST		.0140
TOTAL IN RANKIN CITY	\$1.9822	
TOTAL OUT RANKIN CITY	\$1.6921	

NO DISCOUNTS OFFERED

	HOMESTEAD EXEMPTION	OVER-AGE EXEMPTION
UPTON COUNTY	20% (5000 Min)	60,000
UPTON COUNTY WATER	20% (5000 Min)	60,000
MCCAMEY CITY	1% (5000 Min)	10,000
MCCAMEY HOSPITAL	20% (5000 Min)	60,000
MCCAMEY ISD	20% (5000 Min)	10,000 frozen
	(25,000 Reg)	6,000
MCCAMEY EMERGENCY DIST	1% (5000 Min)	3,000
RANKIN CITY	-0-	10,000
RANKIN HOSPITAL	20% (5000 Min)	60,000
RANKIN ISD	(25,000 Reg)	10,000 frozen &
		50,000
RANKIN EMERGENCY DIST	1% (5000 Min)	3,000

Handwritten signature

TAB 7

Description of Qualified Investment

The Project will be constructed on approximately 800 acres, which is part of a larger, long-term lease agreement with a local landowner. The Project will be located entirely within McCamey Independent School District. The proposed Project will include, but is not limited to, the following:

- Planned up to 140 MW-AC in size;
- First Solar PV modules;
- DC-to-AC inverters;
- Medium and high-voltage electric cabling;
- Tracker racking system (mounting structures);
- Project substation which will include a high-voltage transformer, switchgear, transmission equipment, telecommunications and SCADA control equipment, among other things;
- High-voltage transmission line connecting the project to the grid (gen tie);
- Operations and maintenance (O&M) building including telecommunications and computing equipment, and spare parts, among other things;
- Meteorological equipment to measure solar irradiance and other weather conditions; and
- Associated equipment to safely operate, maintain, and deliver electricity to the grid.

Morada del Sol requests a value limitation for all real property and tangible personal property installed for the Project, including but not limited to: solar modules/panels, racking and mounting structures, inverters, combiner boxes, meteorological equipment, foundations, roadways, buildings and offices, storage containers, paving, fencing, collection system, electrical substations, generation transmission tie line and associated towers, and interconnection facilities.

Construction of the Project is anticipated to begin in January 2018 with project completion by December 2018.

NOTE - The maps in TAB 11 shows the proposed project area with the preliminary panel and inverter locations shown with dark green shading and/or black rectangles. The exact placement of these panels and inverters is subject to ongoing planning, soil studies, and engineering and will be finally determined before construction begins.

TAB 8

Description of Qualified Property

The Project will be constructed on approximately 800 acres, which is part of a larger, long-term lease agreement with a local landowner. The Project will be located entirely within McCamey Independent School District. The proposed Project will include, but is not limited to, the following:

- Planned up to 140 MW-AC in size;
- First Solar PV modules;
- DC-to-AC inverters;
- Medium and high-voltage electric cabling;
- Tracker racking system (mounting structures);
- Project substation which will include a high-voltage transformer, switchgear, transmission equipment, telecommunications and SCADA control equipment, among other things;
- High-voltage transmission line connecting the project to the grid (gen tie);
- Operations and maintenance (O&M) building including telecommunications and computing equipment, and spare parts, among other things;
- Meteorological equipment to measure solar irradiance and other weather conditions; and
- Associated equipment to safely operate, maintain, and deliver electricity to the grid.

Morada del Sol requests a value limitation for all real property and tangible personal property installed for the Project, including but not limited to: solar modules/panels, racking and mounting structures, inverters, combiner boxes, meteorological equipment, foundations, roadways, buildings and offices, storage containers, paving, fencing, collection system, electrical substations, generation transmission tie line and associated towers, and interconnection facilities.

Construction of the Project is anticipated to begin in January 2018 with project completion by December 2018.

TAB 9

Description of Land

See Attached

MORADA DEL SOL, LLC REINVESTMENT ZONE

Section	Block	County	Survey	Abstract Label	Abstract Number
All of Sec. 39	35	Upton	H&TC RR Co.	A-0261	461261
All of Sec. 47	35	Upton	H&TC RR Co.	A-0264	461264
All of Sec. 49	35	Upton	H&TC RR Co.	A-0265	461265
All of Sec. 53	35	Upton	H&TC RR Co.	A-0267	461267
All of Sec. 38	35	Upton	H&TC RR Co.	A-1303	4611303
NE/4 of Sec. 24	35	Upton	H&TC RR Co.	A-1004	4611004
SE/2SW/2 of Sec. 24	35	Upton	H&TC RR Co.	A-1569	4611569
N2NW4, N2NE4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
S2NW4, S2NE4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
SE4NE4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
SW4NE4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
NW4SE4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
NE4SE4 of Sec 35	35	Upton	H&TC RR Co.	A-0259	461259
N2SE4, N2SW4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
NE4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
N2, SE4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
S2SE4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
SW4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
NW4SW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
Sec. 34	35	Upton	H&TC RR Co.	A-1098	4611098
SW4SW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
S2SE4 S2SW4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
All of Sec. 38	35	Upton	H&TC RR Co.	A-1303	4611303
W/2W/2 of Sec. 37 (South of HW 385)	35	Upton	H&TC RR Co.	A-0260	461260
CNR of NW4 of HWY 385, TR A1 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
PTNW4 W HWY 385, TR A-2, of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A3 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A4 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
SW of HWY 385, #875-B of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
SW of HWY 385, #875-B of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A7, PTSW4 E HWY 385 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A8 PTSW4 E HWY 385 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A9, PW SW4 W HWY 385 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A10, PT SW CNR of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A11, SW CNR of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
W of HWY 385 of Sec. 51	35	Upton	H&TC RR Co.	A-0266	461266
All of Sec. 52	35	Upton	H&TC RR Co.	A-1097	4611097
PT SE4SW4NE4, E of HWY 385 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT N2NW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT SW4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
S PT of SW4SW4SE4NE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT SE4SE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT NW4 & SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT NE4NE4NW4NW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT NE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
E PT NE4NE4NE4SE4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT E2NW4SE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT N2SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019

MORADA DEL SOL, LLC REINVESTMENT ZONE

Section	Block	County	Survey	Abstract Label	Abstract Number
PT SE4SW4SE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
UCAD TR D of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
UCAD TR A, B, W/2 E, H, I of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
NW4NE4 of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
PT SE4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
30 AC, E2 UCAD, TR K, 50 % Und. Int of Sec. 63 and TRE, NW4 UCAD TR K 8.33% Und. Int of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
E2 & SW4 UCAD TR K of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
UCAD TR F, 50% Und Int. of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
W2 & NE4 UCAD TR J of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
S2S2NE4 UCAD TR N & SE4NW4SE4 UCAD TR J of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
S of HWY 385 of Sec. 62	35	Upton	H&TC RR Co.	A-1145	4611145
Sec. 61 (PICKETT) (EX)	35	Upton	H&TC RR Co.	A-0271	461271
Sec. 61	35	Upton	H&TC RR Co.	A-0271	461271
Sec. 61	35	Upton	H&TC RR Co.	A-0271	461271
Sec. 54	35	Upton	H&TC RR Co.	A-1144	4611144
Sec. 54	35	Upton	H&TC RR Co.	A-1144	4611144
Sec. 40	35	Upton	H&TC RR Co.	A-1142	4611142
All of Sec. 48	35	Upton	H&TC RR Co.	A-1143	4611143
Sec. 23	35	Upton	H&TC RR Co.	A-0547	461547

TAB 10

Description of all property not eligible to become qualified property (if applicable)

None, not applicable. There is no solar energy-related property owned by the Applicant on the land. All of the existing property in the reinvestment zone consists of land, residences, and ranch operations improvements such as barns.

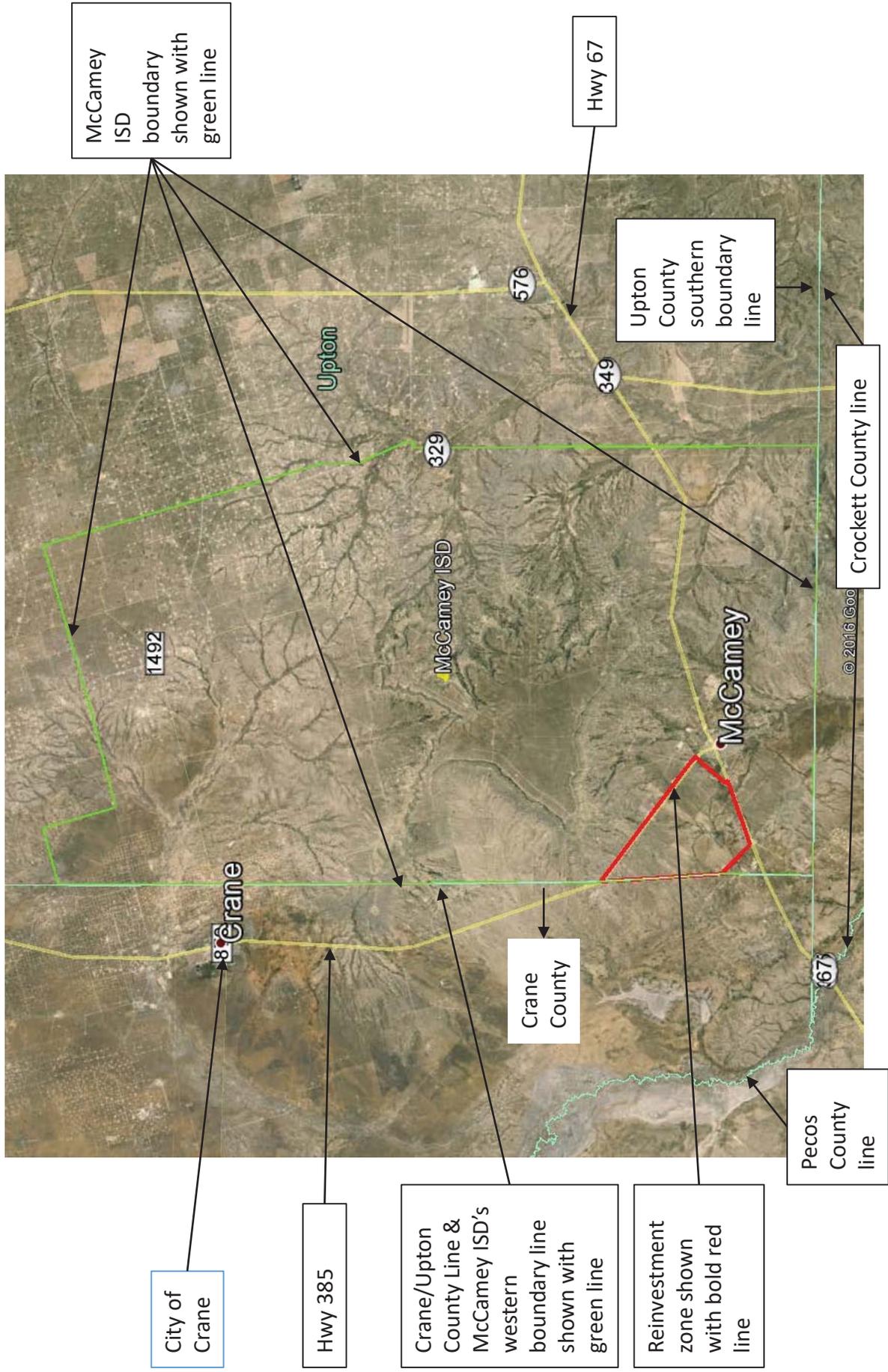
Morada del Sol, LLC will lease the land where the Project improvements will be located.

TAB 11

Maps that clearly show:

- a) Project vicinity
- b) Qualified investment including location of new building or new improvements
- c) Qualified property including location of new building 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

Morada del Sol, LLC Vicinity Map



TAB 12

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

See attached.

CUMMINGS WESTLAKE LLC

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

August 30, 2016

Mr. Ronnie Golson, Superintendent
McCamey Independent School District
100 E. 11th Street
McCamey, TX 79752

Re: Chapter 313 Job Waiver Request

Dear Mr. Golson,

Morada del Sol, LLC requests that the McCamey Independent School District's Board of Trustees waive the job requirement provision as allowed by Section 313.025(f-1) of the tax code. This waiver would be based on the school district's board findings that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application.

Morada del Sol, LLC requests that the McCamey Independent School District make such a finding and waive the job creation requirement for 10 permanent jobs. In line with industry standards for job requirements, Morada del Sol, LLC has committed to create 2 total jobs for the project, which will be in McCamey ISD.

Solar projects create a large number of full and part-time, but temporary jobs during the construction phase of the project, but require a relatively small number of highly skilled technicians to operate and maintain the project after commercial operation commences.

The number of jobs specified in this application is in line with the industry standards for a solar farm of this scope and size. This is evidenced by previously filed limitation agreement applications by solar developers who also requested a waiver of the job requirements. In addition, there is publicly available educational material and other documentation that also suggest that Morada del Sol has the appropriate number of jobs for this project.

Sincerely,



D. Dale Cummings

TAB 13

Calculation of three possible wage requirements with TWC documentation

- Upton County average weekly wage for all jobs (all industries)
- Upton County average weekly wage for all jobs (manufacturing) – there are no TWC data for manufacturing jobs
- See attached Council of Governments Regional Wage Calculation and Documentation

**MORADA DEL SOL, LLC
TAB 13 TO CHAPTER 313 APPLICATION**

**MCCAMEY ISD - UPTON COUNTY
CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES**

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
SECOND	2015	\$ 1,216.00	\$ 63,232.00
THIRD	2015	\$ 1,231.00	\$ 64,012.00
FOURTH	2015	\$ 1,325.00	\$ 68,900.00
FIRST	2016	\$ 1,455.00	\$ 75,660.00
	AVERAGE	\$ 1,306.75	\$ 65,381.33

**MCCAMEY ISD - UPTON COUNTY
CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS**

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
SECOND	2015	<i>Not applicable</i>	<i>Not applicable</i>
THIRD	2015	<i>Not applicable</i>	<i>Not applicable</i>
FOURTH	2015	<i>Not applicable</i>	<i>Not applicable</i>
FIRST	2016	<i>Not applicable</i>	<i>Not applicable</i>
	AVERAGE	<i>Not applicable</i>	<i>Not applicable</i>
	X	110%	110%
		<i>Not applicable</i>	<i>Not applicable</i>

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

REGION	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
Permian Basin	2015	\$ 1,007.35	\$ 52,382.00
	X	110%	110%
		\$ 1,108.08	\$ 57,620.20

* SEE ATTACHED 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
2015	2nd Qtr	Upton County	Private	00	0	10	Total, All Industries	\$1,216
2015	3rd Qtr	Upton County	Private	00	0	10	Total, All Industries	\$1,231
2015	4th Qtr	Upton County	Private	00	0	10	Total, All Industries	\$1,325
2016	1st Qtr	Upton County	Private	00	0	10	Total, All Industries	\$1,455

**2015 Manufacturing Average Wages by Council of Government Region
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
Texas	\$24.41	\$50,778
1. Panhandle Regional Planning Commission	\$20.64	\$42,941
2. South Plains Association of Governments	\$17.50	\$36,408
3. NORTEX Regional Planning Commission	\$23.28	\$48,413
4. North Central Texas Council of Governments	\$25.03	\$52,068
5. Ark-Tex Council of Governments	\$18.46	\$38,398
6. East Texas Council of Governments	\$19.84	\$41,270
7. West Central Texas Council of Governments	\$19.84	\$41,257
8. Rio Grande Council of Governments	\$18.32	\$38,109
9. Permian Basin Regional Planning Commission	\$25.18	\$52,382
10. Concho Valley Council of Governments	\$18.80	\$39,106
11. Heart of Texas Council of Governments	\$21.41	\$44,526
12. Capital Area Council of Governments	\$29.98	\$62,363
13. Brazos Valley Council of Governments	\$18.78	\$39,057
14. Deep East Texas Council of Governments	\$17.30	\$35,993
15. South East Texas Regional Planning Commission	\$30.41	\$63,247
16. Houston-Galveston Area Council	\$26.44	\$54,985
17. Golden Crescent Regional Planning Commission	\$23.73	\$49,361
18. Alamo Area Council of Governments	\$19.96	\$41,516
19. South Texas Development Council	\$15.87	\$33,016
20. Coastal Bend Council of Governments	\$25.97	\$54,008
21. Lower Rio Grande Valley Development Council	\$16.17	\$33,634
22. Texoma Council of Governments	\$19.04	\$39,595
23. Central Texas Council of Governments	\$18.04	\$37,533
24. Middle Rio Grande Development Council	\$22.24	\$46,263

Source: Texas Occupational Employment and Wages

Data published: July 2016

Data published annually, next update will be July 31, 2017

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.

$$\boxed{\$52,382 \times 110\% = \$57,620.20}$$

TAB 14

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

See attached Schedules A1, A2, B, C and D

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

Date **8/30/2016**
 Applicant Name **Morada del Sol, LLC**
 ISD Name **McCamey ISD**

Form 50-296A
 Revised May 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 <u>not</u> 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				Not eligible to become Qualified Property				
Investment made after filing complete application with district, but before final board approval of application	--	Year preceding the first complete tax year of the qualifying time period (assuming no deferrals of qualifying time period)	2016					
Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period				\$ -	\$ -	\$ -	\$ -	\$ -
Complete tax years of qualifying time period	QTP1	2017-2018	2017	\$ -	\$ -	\$ -	\$ -	\$ -
	QTP2	2018-2019	2018	\$ 204,800,000	\$ 200,000	\$ -	\$ -	\$ 205,000,000
Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]				\$ 204,800,000	\$ 200,000	\$ -	\$ -	\$ 205,000,000
				Enter amounts from TOTAL row above in Schedule A2				
Total Qualified Investment (sum of green cells)				\$ 205,000,000				

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, refurbish, renovate, modify or upgrade existing property; or is affixed 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)

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	Column B	Column C	Column D	Column E	Total Investment (A+B+C+D)	
			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 permanent nonremovable components of buildings that will become Qualified Property	Other investment made during this year that will not become Qualified Property [SEE NOTE]	Other investment made during this year that will become Qualified Property [SEE NOTE]	Total Investment (A+B+C+D)		
Total Investment from Schedule A1*			\$ 204,800,000	\$ 200,000	\$ -	\$ -	\$ -	\$ 205,000,000	
Enter amounts from TOTAL row in Schedule A1 in the row below									
0	2016-2017	2016	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
0	2017-2018	2017	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
0	2018-2019	2018	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
1	2019-2020	2019	\$ -	\$ -	\$ 31,000	\$ -	\$ -	\$ 31,000	
2	2020-2021	2020	\$ -	\$ -	\$ 70,000	\$ -	\$ -	\$ 70,000	
3	2021-2022	2021	\$ -	\$ -	\$ 60,000	\$ -	\$ -	\$ 60,000	
4	2022-2023	2022	\$ -	\$ -	\$ 69,000	\$ -	\$ -	\$ 69,000	
5	2023-2024	2023	\$ -	\$ -	\$ 75,000	\$ -	\$ -	\$ 75,000	
6	2024-2025	2024	\$ -	\$ -	\$ 266,000	\$ -	\$ -	\$ 266,000	
7	2025-2026	2025	\$ -	\$ -	\$ 271,000	\$ -	\$ -	\$ 271,000	
8	2026-2027	2026	\$ -	\$ -	\$ 278,000	\$ -	\$ -	\$ 278,000	
9	2027-2028	2027	\$ -	\$ -	\$ 289,000	\$ -	\$ -	\$ 289,000	
10	2028-2029	2028	\$ -	\$ -	\$ 282,000	\$ -	\$ -	\$ 282,000	
Total Investment made through limitation			\$ 204,800,000	\$ 200,000	\$ 1,691,000	\$ -	\$ -	\$ 206,691,000	
11	2029-2030	2029			\$ 298,000			\$ 298,000	
12	2030-2031	2030			\$ 311,000			\$ 311,000	
13	2031-2032	2031			\$ 300,000			\$ 300,000	
14	2032-2033	2032			\$ 326,000			\$ 326,000	
15	2033-2034	2033			\$ 330,000			\$ 330,000	
16	2034-2035	2034			\$ 329,000			\$ 329,000	
17	2035-2036	2035			\$ 333,000			\$ 333,000	
18	2036-2037	2036			\$ 336,000			\$ 336,000	
19	2037-2038	2037			\$ 350,000			\$ 350,000	
20	2038-2039	2038			\$ 363,000			\$ 363,000	
21	2039-2040	2039			\$ 380,000			\$ 380,000	
22	2040-2041	2040			\$ 381,000			\$ 381,000	
23	2041-2042	2041			\$ 391,000			\$ 391,000	
24	2042-2043	2042			\$ 409,000			\$ 409,000	
25	2043-2044	2043			\$ 420,000			\$ 420,000	
Additional years for 25 year economic impact as required by 313.026(c)(1)									

* All investments made through the qualifying time period are captured and totaled on Schedule A1 [blue box] and incorporated into this schedule in the first row.
 ** Only investment made during deferrals of the start of the limitation (after the end of qualifying time period but before the start of the Value Limitation Period) should be included in the "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 line.
 *** 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: 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 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, refurbish, renovate, modify or upgrade existing property; or is affixed 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.

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

	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 I&S after all reductions	Final taxable value for M&O after all reductions
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>		2016-2017	2016	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		2017-2018	2017	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		2018-2019	2018	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Value Limitation Period	1	2019-2020	2019	\$ -	\$ 200,000	\$ 198,656,000	\$ 198,856,000	\$ 198,856,000	\$ 25,000,000
	2	2020-2021	2020	\$ -	\$ 197,000	\$ 182,763,520	\$ 182,960,520	\$ 182,960,520	\$ 25,000,000
	3	2021-2022	2021	\$ -	\$ 194,045	\$ 166,871,040	\$ 167,065,085	\$ 167,065,085	\$ 25,000,000
	4	2022-2023	2022	\$ -	\$ 191,134	\$ 148,992,000	\$ 149,183,134	\$ 149,183,134	\$ 25,000,000
	5	2023-2024	2023	\$ -	\$ 188,267	\$ 131,112,960	\$ 131,301,227	\$ 131,301,227	\$ 25,000,000
	6	2024-2025	2024	\$ -	\$ 185,443	\$ 113,233,920	\$ 113,419,363	\$ 113,419,363	\$ 25,000,000
	7	2025-2026	2025	\$ -	\$ 182,662	\$ 93,368,320	\$ 93,550,982	\$ 93,550,982	\$ 25,000,000
	8	2026-2027	2026	\$ -	\$ 179,922	\$ 75,489,280	\$ 75,669,202	\$ 75,669,202	\$ 25,000,000
	9	2027-2028	2027	\$ -	\$ 177,223	\$ 63,569,920	\$ 63,747,143	\$ 63,747,143	\$ 25,000,000
	10	2028-2029	2028	\$ -	\$ 174,565	\$ 57,610,240	\$ 57,784,805	\$ 57,784,805	\$ 25,000,000
	11	2029-2030	2029	\$ -	\$ 171,946	\$ 41,717,760	\$ 41,889,706	\$ 41,889,706	\$ 41,889,706
	12	2030-2031	2030	\$ -	\$ 169,367	\$ 39,731,200	\$ 39,900,567	\$ 39,900,567	\$ 39,900,567
	13	2031-2032	2031	\$ -	\$ 166,826	\$ 39,731,200	\$ 39,898,026	\$ 39,898,026	\$ 39,898,026
	14	2032-2033	2032	\$ -	\$ 164,324	\$ 39,731,200	\$ 39,895,524	\$ 39,895,524	\$ 39,895,524
	15	2033-2034	2033	\$ -	\$ 161,859	\$ 39,731,200	\$ 39,893,059	\$ 39,893,059	\$ 39,893,059
	16	2034-2035	2034	\$ -	\$ 159,431	\$ 39,731,200	\$ 39,890,631	\$ 39,890,631	\$ 39,890,631
	17	2035-2036	2035	\$ -	\$ 157,040	\$ 39,731,200	\$ 39,888,240	\$ 39,888,240	\$ 39,888,240
	18	2036-2037	2036	\$ -	\$ 154,684	\$ 39,731,200	\$ 39,885,884	\$ 39,885,884	\$ 39,885,884
	19	2037-2038	2037	\$ -	\$ 152,364	\$ 39,731,200	\$ 39,883,564	\$ 39,883,564	\$ 39,883,564
	20	2038-2039	2038	\$ -	\$ 150,078	\$ 39,731,200	\$ 39,881,278	\$ 39,881,278	\$ 39,881,278
	21	2039-2040	2039	\$ -	\$ 147,827	\$ 39,731,200	\$ 39,879,027	\$ 39,879,027	\$ 39,879,027
	22	2040-2041	2040	\$ -	\$ 145,610	\$ 39,731,200	\$ 39,876,810	\$ 39,876,810	\$ 39,876,810
	23	2041-2042	2041	\$ -	\$ 143,426	\$ 39,731,200	\$ 39,874,626	\$ 39,874,626	\$ 39,874,626
	24	2042-2043	2042	\$ -	\$ 141,274	\$ 39,731,200	\$ 39,872,474	\$ 39,872,474	\$ 39,872,474
	25	2043-2044	2043	\$ -	\$ 139,155	\$ 39,731,200	\$ 39,870,355	\$ 39,870,355	\$ 39,870,355

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.

Schedule C: Employment Information

	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Construction		Non-Qualifying Jobs		Qualifying Jobs	
				Column A FTE Number of Construction FTE's or man-hours (specify)	Column B Average annual wage rates for construction workers	Column C Number of non-qualifying jobs applicant estimates it will create (cumulative)	Column D Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column E 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	2016-2017	2016	0	\$ -	0	0		
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2017-2018	2017	0	\$ -	0	0		
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2018-2019	2018	400	\$ 39,400	0	2	\$ 57,620.20	
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2019-2020	2019	0	\$ -	0	2	\$ 57,620.20	
	2	2020-2021	2020	0	\$ -	0	2	\$ 57,620.20	
	3	2021-2022	2021	0	\$ -	0	2	\$ 57,620.20	
	4	2022-2023	2022	0	\$ -	0	2	\$ 57,620.20	
	5	2023-2024	2023	0	\$ -	0	2	\$ 57,620.20	
	6	2024-2025	2024	0	\$ -	0	2	\$ 57,620.20	
	7	2025-2026	2025	0	\$ -	0	2	\$ 57,620.20	
	8	2026-2027	2026	0	\$ -	0	2	\$ 57,620.20	
	9	2027-2028	2027	0	\$ -	0	2	\$ 57,620.20	
	10	2028-2029	2028	0	\$ -	0	2	\$ 57,620.20	
Years Following Value Limitation Period	11 through 25	2029-2044	2029-2043	0	\$ -	0	2	\$ 57,620.20	

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)
 If yes, answer the following two questions:

C1a. Will the applicant request a job waiver, as provided under 313.025(f-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: 8/30/2016
 Applicant Name: Morada del Sol, 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: Upton City: Not applicable Other: Not applicable	Not applicable Not applicable Not applicable	Not applicable Not applicable Not applicable	Not applicable Not applicable Not applicable	Not applicable Not applicable Not applicable	Not applicable Not applicable Not applicable
Tax Code Chapter 312	County: Upton (25 year estimated total) City: Not applicable Other: Hospital, ESD#2 (25 year estimated total)	2019 Not applicable 2019	10 years Not applicable 10 years	\$ 6,552,999 Not applicable \$ 12,484,465	\$ 3,890,709 Not applicable \$ 7,455,875	\$ 2,662,290 Not applicable \$ 5,028,590
Local Government Code Chapters 380/381	County: Upton City: Not applicable Other: Not applicable	Not applicable Not applicable Not applicable	Not applicable Not applicable Not applicable	Not applicable Not applicable Not applicable	Not applicable Not applicable Not applicable	Not applicable Not applicable Not applicable
Freeport Exemptions	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Non-Annexation Agreements	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Enterprise Zone/Project	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Economic Development Corporation	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Texas Enterprise Fund	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Employee Recruitment	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Skills Development Fund	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Training Facility Space and Equipment	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Infrastructure Incentives	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Permitting Assistance	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Other:	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Other:	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Other:	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
Other:	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
TOTAL				\$ 19,037,464	\$ 11,346,584	\$ 7,690,880

Additional information on incentives for this project: Morada de Sol, LLC has applied for Chapter 312 tax abatements from Upton County, McCamey Hospital District, and Upton County Emergency Services District #2 (ESD#2). Applicant has been verbally offered a ten-year county abatement at 90% for years 1-5 and 85% for years 6-10. Applicant has been offered a ten-year hospital district abatement at 100% for years 1-5 and 90% for years 6-10 for the M&O rate and a ten-year abatement at 90% for the hospital district I&S rate. Applicant has been offered a five-year 50% abatement for ESD#2. None of the taxing entities stated here have granted tax abatement at the time of this application. Tax abatement calculations above assume the verbally offered terms mentioned here.

TAB 15

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

None

TAB 16

Description of Reinvestment Zone 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 established the reinvestment zone*
- d) Guidelines and criteria for creating the zone*

16 a) Not applicable.

16 b) See attached.

16 c) See attached.

16 d) See attached Upton County Tax Abatement Guidelines and Criteria that were adopted on August 8, 2016.

MORADA DEL SOL, LLC REINVESTMENT ZONE

Section	Block	County	Survey	Abstract Label	Abstract Number
All of Sec. 39	35	Upton	H&TC RR Co.	A-0261	461261
All of Sec. 47	35	Upton	H&TC RR Co.	A-0264	461264
All of Sec. 49	35	Upton	H&TC RR Co.	A-0265	461265
All of Sec. 53	35	Upton	H&TC RR Co.	A-0267	461267
All of Sec. 38	35	Upton	H&TC RR Co.	A-1303	4611303
NE/4 of Sec. 24	35	Upton	H&TC RR Co.	A-1004	4611004
SE/2SW/2 of Sec. 24	35	Upton	H&TC RR Co.	A-1569	4611569
N2NW4, N2NE4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
S2NW4, S2NE4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
SE4NE4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
SW4NE4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
NW4SE4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
NE4SE4 of Sec 35	35	Upton	H&TC RR Co.	A-0259	461259
N2SE4, N2SW4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
NE4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
N2, SE4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
S2SE4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
SW4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
NW4SW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
Sec. 34	35	Upton	H&TC RR Co.	A-1098	4611098
SW4SW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
S2SE4 S2SW4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
All of Sec. 38	35	Upton	H&TC RR Co.	A-1303	4611303
W/2W/2 of Sec. 37 (South of HW 385)	35	Upton	H&TC RR Co.	A-0260	461260
CNR of NW4 of HWY 385, TR A1 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
PTNW4 W HWY 385, TR A-2, of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A3 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A4 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
SW of HWY 385, #875-B of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
SW of HWY 385, #875-B of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A7, PTSW4 E HWY 385 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A8 PTSW4 E HWY 385 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A9, PW SW4 W HWY 385 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A10, PT SW CNR of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A11, SW CNR of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
W of HWY 385 of Sec. 51	35	Upton	H&TC RR Co.	A-0266	461266
All of Sec. 52	35	Upton	H&TC RR Co.	A-1097	4611097
PT SE4SW4NE4, E of HWY 385 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT N2NW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT SW4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
S PT of SW4SW4SE4NE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT SE4SE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT NW4 & SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT NE4NE4NW4NW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT NE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
E PT NE4NE4NE4SE4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT E2NW4SE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT N2SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019

MORADA DEL SOL, LLC REINVESTMENT ZONE

Section	Block	County	Survey	Abstract Label	Abstract Number
PT SE4SW4SE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
UCAD TR D of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
UCAD TR A, B, W/2 E, H, I of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
NW4NE4 of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
PT SE4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
30 AC, E2 UCAD, TR K, 50 % Und. Int of Sec. 63 and TRE, NW4 UCAD TR K 8.33% Und. Int of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
E2 & SW4 UCAD TR K of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
UCAD TR F, 50% Und Int. of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
W2 & NE4 UCAD TR J of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
S2S2NE4 UCAD TR N & SE4NW4SE4 UCAD TR J of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
S of HWY 385 of Sec. 62	35	Upton	H&TC RR Co.	A-1145	4611145
Sec. 61 (PICKETT) (EX)	35	Upton	H&TC RR Co.	A-0271	461271
Sec. 61	35	Upton	H&TC RR Co.	A-0271	461271
Sec. 61	35	Upton	H&TC RR Co.	A-0271	461271
Sec. 54	35	Upton	H&TC RR Co.	A-1144	4611144
Sec. 54	35	Upton	H&TC RR Co.	A-1144	4611144
Sec. 40	35	Upton	H&TC RR Co.	A-1142	4611142
All of Sec. 48	35	Upton	H&TC RR Co.	A-1143	4611143
Sec. 23	35	Upton	H&TC RR Co.	A-0547	461547

**AN ORDER OF THE COMMISSIONERS COURT OF UPTON COUNTY, TEXAS, DESIGNATION
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 August 8, 2016 (hereinafter "the Guidelines"), the Commissioners Court of Upton County conducted a public hearing at 9:00 a.m. On August 8, 2016 regarding the destination 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 Morada del Sol 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:

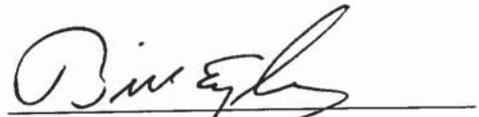
- a) That the Applicant has met his burden and demonstrated to this body that the designation of the Property as a reinvestment zone is reasonable likely to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property 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 said of the 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 office of the McCamey Independent School District, McCamey Hospital District, Upton County ESD#2, and Upton County Water District, said taxing utilities being the only other taxing units that include 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 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(25) years from the date of this order and may be renewed as provided by applicable law.

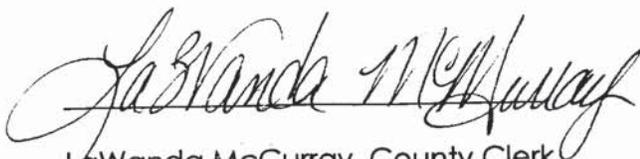
PASSED AND APPROVED on this the 8th day of August, 2016



Bill Eyer, 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 order duly adopted by the County of Upton, at a regular meeting duly convened on August 8, 2016.



LaWanda McCurray, County Clerk

8/8/2016

Date

MORADA DEL SOL, LLC REINVESTMENT ZONE

Section	Block	County	Survey	Abstract Label	Abstract Number
All of Sec. 39	35	Upton	H&TC RR Co.	A-0261	461261
All of Sec. 47	35	Upton	H&TC RR Co.	A-0264	461264
All of Sec. 49	35	Upton	H&TC RR Co.	A-0265	461265
All of Sec. 53	35	Upton	H&TC RR Co.	A-0267	461267
All of Sec. 38	35	Upton	H&TC RR Co.	A-1303	4611303
NE/4 of Sec. 24	35	Upton	H&TC RR Co.	A-1004	4611004
SE/2SW/2 of Sec. 24	35	Upton	H&TC RR Co.	A-1569	4611569
N2NW4, N2NE4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
S2NW4, S2NE4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
SE4NE4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
SW4NE4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
NW4SE4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
NE4SE4 of Sec 35	35	Upton	H&TC RR Co.	A-0259	461259
N2SE4, N2SW4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
NE4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
N2, SE4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
S2SE4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
SW4NW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
NW4SW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
Sec. 34	35	Upton	H&TC RR Co.	A-1098	4611098
SW4SW4 of Sec. 35	35	Upton	H&TC RR Co.	A-0259	461259
S2SE4 S2SW4 of Sec. 36	35	Upton	H&TC RR Co.	A-1099	4611099
All of Sec. 38	35	Upton	H&TC RR Co.	A-1303	4611303
W/2W/2 of Sec. 37 (South of HW 385)	35	Upton	H&TC RR Co.	A-0260	461260
CNR of NW4 of HWY 385, TR A1 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
PTNW4 W HWY 385, TR A-2, of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A3 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A4 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
SW of HWY 385, #875-B of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
SW of HWY 385, #875-B of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A7, PTSW4 E HWY 385 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A8 PTSW4 E HWY 385 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A9, PW SW4 W HWY 385 of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A10, PT SW CNR of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
TR A11, SW CNR of Sec. 50	35	Upton	H&TC RR Co.	A-1018	4611018
W of HWY 385 of Sec. 51	35	Upton	H&TC RR Co.	A-0266	461266
All of Sec. 52	35	Upton	H&TC RR Co.	A-1097	4611097
PT SE4SW4NE4, E of HWY 385 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT N2NW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT SW4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
S PT of SW4SW4SE4NE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT SE4SE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT NW4 & SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT NE4NE4NW4NW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT NE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
E PT NE4NE4NE4SE4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT E2NW4SE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
PT N2SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019

MORADA DEL SOL, LLC REINVESTMENT ZONE

SECTION	Block	County	Survey	Abstract Label	Abstract Number
PT SE4SW4SE4SW4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
UCAD TR D of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
UCAD TR A, B, W/2 E, H, I of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
NW4NE4 of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
PT SE4 of Sec. 64	35	Upton	H&TC RR Co.	A-1019	4611019
30 AC, E2 UCAD, TR K, 50 % Und. Int of Sec. 63 and TRE, NW4 UCAD TR K 8.33% Und. Int of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
E2 & SW4 UCAD TR K of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
UCAD TR F, 50% Und Int. of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
W2 & NE4 UCAD TR J of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
S2S2NE4 UCAD TR N & SE4NW4SE4 UCAD TR J of Sec. 63	35	Upton	H&TC RR Co.	A-0272	461272
S of HWY 385 of Sec. 62	35	Upton	H&TC RR Co.	A-1145	4611145
Sec. 61 (PICKETT) (EX)	35	Upton	H&TC RR Co.	A-0271	461271
Sec. 61	35	Upton	H&TC RR Co.	A-0271	461271
Sec. 61	35	Upton	H&TC RR Co.	A-0271	461271
Sec. 54	35	Upton	H&TC RR Co.	A-1144	4611144
Sec. 54	35	Upton	H&TC RR Co.	A-1144	4611144
Sec. 40	35	Upton	H&TC RR Co.	A-1142	4611142
All of Sec. 48	35	Upton	H&TC RR Co.	A-1143	4611143
Sec. 23	35	Upton	H&TC RR Co.	A-0547	461547

Attachment 4

(a) A statement of the additional value to the Real Property or Facility as a result of the proposed improvements

As noted in the application, the additional value to the Real Property as a result of the proposed improvements is up to \$205,000,000.

Guidelines & Criteria for Granting Tax Abatements in Reinvestment Zones
Upton County, Texas

Preamble

Pursuant to Chapter 312 of the Texas Tax Code, Upton County may consider an application for tax abatement, designate a reinvestment zone and enter into a tax abatement agreement as provided for in these Guidelines and Criteria.

I. Abatement Application Procedure

(a) Who may apply. Any present or potential owner or lessee of taxable property in Upton County may submit an application for tax abatement conforming to the requirements outlined herein.

Abatement may only be granted for the following property constructed or otherwise put in place after the effective date of the tax abatement agreement: new, expanded or modernized buildings and structures, fixed machinery and equipment; site improvements; related fixed improvements; other tangible items necessary to the operation and administration of the project or facility; and all other real and tangible personal property permitted by Chapter 312 of the Texas Tax Code.

(c) Application provisions. The application shall consist of a completed Upton County Tax Abatement Application Form, which shall contain the following:

- (1) information showing how the project meets the requirements of the criteria outlined in Section II below;
- (2) a map and description of the property;
- (3) a time schedule for completing the planned improvements;
- (4) the estimated taxable value or range of values of the project or facility; and
- (5) basic financial information about the principles sufficient to enable evaluation of the applicant's financial capacity;
- (6) and a \$1000.00 application fee.

(d) Procedure for Application Consideration. The procedure for consideration by the County of a Tax Abatement Application is as follows.

- (1) An applicant may request the Guidelines and Criteria for a Tax Abatement from the County Judge's Secretary.
- (2) After an applicant builds an Application based on the Tax Abatement Guidelines and Criteria, applicant provides a copy to each member to the Upton County Commissioners Court and the County Judge's Secretary.
- (3) After receipt of an application, the Commissioners Court determines within forty-five (45) days how to proceed with the application. The Commissioners Court shall choose either to deny the application, consider the application, or consider the application on an expedited basis.

(A) Denial of application. If the Commissioners Court chooses to deny the application, it shall make a finding by majority vote at a regularly scheduled meeting that the application does not meet the requirements of the criteria provided below in Section II,

(B) Consideration of application. If the County determines that the application should be further considered, the County Judge shall schedule a hearing to obtain public input on the application. At least seven (7) days prior to the hearing, the County must send written notice to the presiding officers of all taxing units with jurisdiction over the property for which an abatement is sought and must publish notice of the hearing time, place and subject in the local newspaper. At the hearing, the Commissioners Court evaluates the application against the criteria in Section II and decides whether to designate the property for which the abatement is sought as a reinvestment zone. If the reinvestment zone is not designated, the application fails, although it may be amended and resubmitted. If the reinvestment zone is designated, the Commissioners Court shall pass an order to that effect and may then arrange to consider for approval the tax abatement agreement between the applicant and the county at its next regularly scheduled meeting. At least seven days prior to entering into a tax abatement agreement, the County must give written notice of its intent to do so to the presiding officers of all taxing units with jurisdiction over the property for which an abatement is sought, along with a copy of the proposed tax abatement agreement. At the regularly scheduled meeting, the Commissioners Court may finally vote by simple majority to enter into the tax abatement agreement or to decline. An approved tax abatement agreement may be executed in the same manner as other contracts made by the county.

(C) Expedited consideration of application. If the County determines that the application should receive expedited consideration, the County Judge shall schedule an opportunity to obtain public input on the application at the Commissioners Court next meeting. At least seven (7) days prior to the meeting, the County must send written notice to the presiding officers of all taxing units with jurisdiction over the property for which an abatement is sought and must publish notice of the hearing time, place and subject in the local newspaper. Also at this time, the County must give written notice of its intent to enter into a tax abatement agreement to the presiding officers of all taxing units with jurisdiction over the property for which an abatement is sought, along with a copy of the proposed tax abatement agreement. During the regularly scheduled meeting, the Commissioners Court evaluates the application against the criteria in Section II and decides whether to designate the property for which the abatement is sought as a reinvestment zone. If the reinvestment zone is not designated, the application fails, although it may be amended and resubmitted. If the reinvestment zone is designated, the Commissioners Court shall pass an order to that effect and may then immediately consider for approval the tax abatement agreement between the applicant and the county. After consideration, the Commissioners Court may finally vote by simple majority to enter into the tax abatement agreement, or to decline. An approved tax abatement agreement may be executed in the same manner as other contracts made by the county.

(e) Confidentiality. As required by Section 312.003 of the Texas Tax Code, information that is provided to Upton County in connection with an application or request for tax abatement under this chapter and that describes the specific processes or business activities to be conducted or the equipment or other property to be located on the property for which tax abatement is sought is confidential and not subject to public disclosure until the tax abatement agreement is executed.

II. Criteria for Designating a Reinvestment Zone

(a) Minimum requirement. To be designated a reinvestment zone, County Commissioners must find by majority vote that:

(1) the property for which the abatement is sought will be reasonably likely as a result of the designation 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 the county, or meet one or more of the other requirements provided in Section 312.202 of the Texas Tax Code; and

(2) that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the county after expiration of the tax abatement agreement.

(b) Criteria. In determining whether to designate a reinvestment zone and whether to enter into a tax abatement agreement, the Commissioners Court shall consider the following factors, among others determined appropriate by the Court:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number and type of new jobs, if any, to be created by proposed improvements;
- (6) costs to be incurred by Upton County, if any, to provide facilities or services directly resulting from the new improvements;
- (7) types and values of public improvements, if any, to be made by applicant seeking abatement;
- (8) the amount of ad valorem property taxes to be paid to Upton County after expiration of the abatement agreement;
- (9) the impact on the business opportunities of existing businesses and the attraction of new businesses to the area, if any; and
- (10) the overall compatibility with the zoning ordinances and comprehensive plan, if any, for the area.

III. Format for Tax Abatement Agreement

(a) Required provisions. If the Upton County Commissioners Court designates a reinvestment zone, it may consider and execute a tax abatement agreement with the owner of the designated property and lessee, as appropriate, as outlined above. Any tax abatement agreement shall include at least the following:

- (1) the kind, number and location of all proposed improvements of the property;
- (2) provisions allowing for reasonable access to the property for initial and intermittent inspection purposes by County employees or designated representatives to ensure improvements are made in compliance with the agreement;
- (3) provisions limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the area during the period of abatement;
- (4) provisions for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided in the agreement;
- (5) each term agreed to by the recipient of the abatement;
- (6) a requirement that the abatement recipient certify its compliance with the agreement annually to the County; and
- (7) provisions allowing the County to cancel or modify the agreement if the recipient is out of compliance with the agreement.

(b) Optional provisions. The tax abatement agreement may also contain any or all of the following items, in addition to any others deemed appropriate by the contracting parties;

- (1) the estimated taxable value or range of values for which taxes are to be abated;
- (2) percent of value to be abated or payment in-lieu-of tax amount each year;
- (3) the commencement and termination dates of the abatement;
- (4) proposed use of the property;
- (5) nature of construction, time schedule, map, and property description;
- (6) contractual obligations in the event of default or violation of terms or conditions;
- (7) size of investment and number of temporary and permanent jobs involved, if any;
- (8) provisions for dispute resolution.

(c) Duration and portion of abatement. A tax abatement granted by Upton County may be up to, but shall not exceed, ten (10) years in duration and up to but not exceeding 100% in portion of ad valorem property taxes abated.

(d) Time limit. Such agreement shall be executed within 30 days after passage of the resolution approving the agreement, unless the County and the applicant mutually agree otherwise.

IV. Administration of Tax Abatement Agreement

(a) Inspections. County employees or their designated representatives shall have reasonable access to the property for initial and intermittent inspection purposes in order to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement.

(b) Cure provisions. Should Upton County determine that the company or individual

receiving the abatement is in default of the tax abatement agreement, it shall notify the company or individual of such default in writing at the address specified in the agreement, and if such is not cured within sixty (60) days of notice, the agreement may be terminated by the County.

(c) Modification and termination. At any time before the expiration of a tax abatement agreement, an agreement may be modified by the parties to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. The modification must be made by the same procedure by which the original agreement was made. An agreement may also be terminated by the mutual consent of the parties in the same way the agreement was made, or by other means as agreed by the parties according to the provisions of the agreement.

V. Assignment

An abatement granted by Upton County may be transferred and assigned by the holder to a new owner or lessee of the same property upon the approval by resolution of Upton County subject to the financial capacity of the assignee and provided that all conditions and obligations in the tax abatement agreement are guaranteed by the execution of a new contractual agreement with Upton County. Approval shall not be unreasonably withheld by Upton County.

VI. Sunset and Amendment of Guidelines and Criteria

VII. Variance

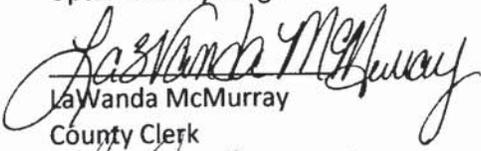
The Commissioner's Court shall have the authority to grant a variance from the terms and conditions of these Guidelines and Criteria.

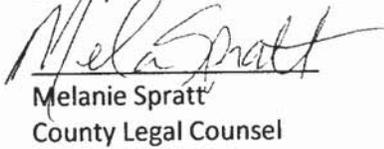
These Guidelines and Criteria are effective upon the date of their adoption and will remain in force for two years, unless amended by three-fourths vote of the Upton County Commissioners Court.

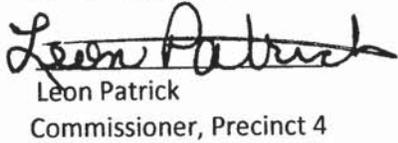
Passed and approved at a regular meeting of the Upton County Commissioners' Court, at which a quorum was present on the 8th day of August, 2016.

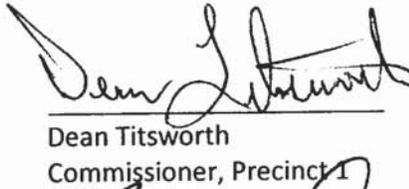

Bill Eyer

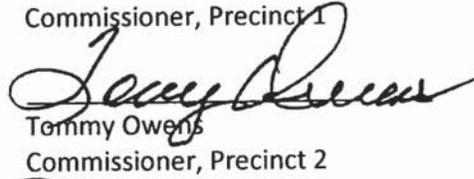
Upton County Judge

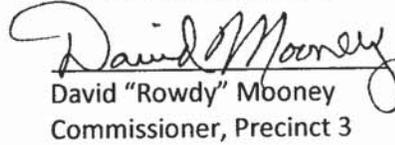

LaWanda McMurray
County Clerk


Melanie Spratt
County Legal Counsel


Leon Patrick
Commissioner, Precinct 4


Dean Titsworth
Commissioner, Precinct 1


Tommy Owens
Commissioner, Precinct 2


David "Rowdy" Mooney
Commissioner, Precinct 3

TAB 17

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

See attached

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 → Ronnie Golson
Print Name (Authorized School District Representative)

Superintendent

Title

sign here → 
Signature (Authorized School District Representative)

Date

8-30-16

2. Authorized Company Representative (Applicant) Signature and Notarization

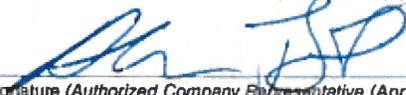
I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best 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 → Allen Brisch
Print Name (Authorized Company Representative (Applicant))

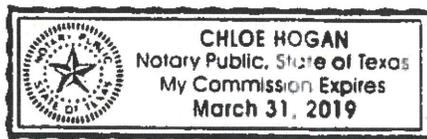
Director, Project Development

Title

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

Date

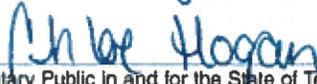
8/26/2016



(Notary Seal)

GIVEN under my hand and seal of office this, the

26th day of August, 2016


Notary Public in and for the State of Texas

My Commission expires: 03-31-2019

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.