

UNDERWOOD

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July 17, 2017

John Villarreal
Stephanie Jones
Michelle Luera
Economic Development and Analysis Division
Texas Comptroller of Public Accounts
111 E. 17th St.
Austin, TX 78774

Via Email and Federal Express

Re: 313 Application – Coyote Wind, LLC

Dear John, Stephanie and Michelle:

Enclosed please find an application for appraised value limitation on qualified property submitted to Snyder ISD by Coyote Wind, LLC on July 13, 2017, along with the schedules in Excel format. A CD containing these documents is also enclosed.

The Snyder ISD Board elected to accept the application on July 13, 2017. The application was determined to be complete on July 17, 2017. We ask that the Comptroller's Office prepare the economic impact report for this development.

A copy of the application will also be submitted to the Scurry County Appraisal District in accordance with 34 Tex. Admin. Code §9.1054. Please feel free to contact me if you have any questions or concerns.

Sincerely,



Audie Sciumbato

Encl.

M8CIMKJM0D2NDR

cc: Chief Appraiser, Scurry County Appraisal District
Charlie Smith, Director of Development
David Sewell

via US Mail
via email csmith@lincolnclean.com
via email dsewell@sbaustinlaw.com

Tab Item 1

Pages 1 through 11 of Application

(see enclosed)

Application for Appraised Value Limitation on Qualified Property

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

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 comptroller.texas.gov/economy/local/ch313/. 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

July 13, 2017

Date Application Received by District

Eddie

First Name

Bland

Last Name

Superintendent

Title

Snyder Independent School District

School District Name

2901 37th Street

Street Address

2901 37th Street

Mailing Address

Snyder

City

(325) 574-8900

Phone Number

Texas

State

(325) 573-9025

Fax Number

79549

ZIP

ebland@snyderisd.net

Email Address

Mobile Number (optional)

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)*

| | |
|---------------------------------|------------------------|
| Fred | Stormer |
| First Name | Last Name |
| Attorney | |
| Title | |
| Underwood Law Firm, P.C. | |
| Firm Name | |
| (806) 379-0306 | (806) 379-0316 |
| Phone Number | Fax Number |
| | fred.stormer@uwlaw.com |
| Mobile Number <i>(optional)</i> | Email Address |

4. On what date did the district determine this application complete? July 17, 2017
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)*

| | |
|---------------------------------|-------------------------|
| Philip | Moore |
| First Name | Last Name |
| Vice President - Development | Lincoln Clean Energy |
| Title | Organization |
| 401 N. Michigan Ave., Suite 501 | |
| Street Address | |
| 401 N. Michigan Ave., Suite 501 | |
| Mailing Address | |
| Chicago | IL 60611 |
| City | State ZIP |
| 512-767-7461 | 312-527-0538 |
| Phone Number | Fax Number |
| | pmoore@lincolnclean.com |
| Mobile Number <i>(optional)</i> | 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.

| | |
|---------------------------------|---------------------------|
| Charlie | Smith |
| First Name | Last Name |
| Director of Development | Lincoln Clean Energy, LLC |
| Title | Organization |
| 401 N. Michigan Ave., Suite 501 | |
| Street Address | |
| 401 N. Michigan Ave., Suite 501 | |
| Mailing Address | |
| Chicago | Illinois 60611 |
| City | State ZIP |
| 312-422-1604 | 312-527-0538 |
| Phone Number | Fax Number |
| | csmith@lincolnclean.com |
| Mobile Number <i>(optional)</i> | 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)

| | |
|--|----------------|
| David | Sewell |
| First Name | Last Name |
| Attorney | |
| Title | |
| Stahl, Bernal, Davies, Sewell & Chavarria, LLP | |
| Firm Name | |
| (512) 346-5558 | (512) 346-2712 |
| Phone Number | Fax Number |
| dsewell@sbaustinlaw.com | |
| Business Email Address | |

SECTION 3: Fees and Payments

1. Has an application fee been paid to the school district? ☒ Yes ☐ No
- The total fee shall be paid at time of the application is submitted to the school district. Any fees not accompanying the original application shall be considered supplemental payments.
- 1a. If yes, attach in **Tab 2** proof of application fee paid to the school district.
- For the purpose of questions 2 and 3, "payments to the school district" include any and all payments or transfers of things of value made to the school district or to any person or persons in any form if such payment or transfer of thing of value being provided is in recognition of, anticipation of, or consideration for the agreement for limitation on appraised value.
2. Will any "payments to the school district" that you may make in order to receive a property tax value limitation agreement result in payments that are not in compliance with Tax Code §313.027(i)? ☐ Yes ☒ No ☐ N/A
3. If "payments to the school district" will only be determined by a formula or methodology without a specific amount being specified, could such method result in "payments to the school district" that are not in compliance with Tax Code §313.027(i)? ☐ Yes ☒ No ☐ N/A

SECTION 4: Business Applicant Information

1. What is the legal name of the applicant under which this application is made? Coyote Wind, LLC
2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) 32060816728
3. List the NAICS code 221115
4. Is the applicant a party to any other pending or active Chapter 313 agreements? ☐ Yes ☒ No
- 4a. If yes, please list application number, name of school district and year of agreement

SECTION 5: Applicant Business Structure

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

SECTION 6: Eligibility Under Tax Code Chapter 313.024

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

SECTION 7: Project Description

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

☐ Land has no existing improvements

☒ Land has existing improvements (*complete Section 13*)

☐ Expansion of existing operation on the land (*complete Section 13*)

☐ Relocation within Texas

SECTION 8: Limitation as Determining Factor

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

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

SECTION 9: Projected Timeline

1. Application approval by school board 9/14/2017
2. Commencement of construction Q1 2018
3. Beginning of qualifying time period 9/14/2017
4. First year of limitation 2019
5. Begin hiring new employees Q4 2018
6. Commencement of commercial operations Q4 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? Q4 2018

SECTION 10: The Property

1. Identify county or counties in which the proposed project will be located Scurry
2. Identify Central Appraisal District (CAD) that will be responsible for appraising the property Scurry County CAD
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: Scurry County, 0.38, 100% City:
(Name, tax rate and percent of project) (Name, tax rate and percent of project)
 Hospital District: Cogdell Hospital, 0.294713, 100% Water District:
(Name, tax rate and percent of project) (Name, tax rate and percent of project)
 Other (describe): Western Texas College, 0.33, 100% Other (describe):
(Name, tax rate and percent of project) (Name, tax rate and percent of project)
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 comptroller.texas.gov/economy/local/ch313/.

1. At the time of application, what is the estimated minimum qualified investment required for this school district? 30,000,000.00
2. What is the amount of appraised value limitation for which you are applying? 30,000,000.00
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.

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 2017
(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? 6
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 985.25
- b. 110% of the average weekly wage for manufacturing jobs in the county is 1,523.23
- c. 110% of the average weekly wage for manufacturing jobs in the region is 872.76
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? 45,383.52
10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? 46,000.00
11. Will the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? ☒ Yes ☐ No
12. Do you intend to satisfy the minimum qualifying job requirement through a determination of cumulative economic benefits to the state as provided by §313.021(3)(F)? ☐ Yes ☒ No
- 12a. If yes, attach in **Tab 12** supporting documentation from the TWC, pursuant to §313.021(3)(F).
13. Do you intend to rely on the project being part of a single unified project, as allowed in §313.024(d-2), in meeting the qualifying job requirements? ☐ Yes ☒ No
- 13a. If yes, attach in **Tab 6** supporting documentation including a list of qualifying jobs in the other school district(s).

SECTION 15: Economic Impact

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

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 Item 2

Proof of Payment of Application Fee

(see enclosed)

2347

LCE, LLC
401 N MICHIGAN AVE STE 501
CHICAGO, IL 60611
(312) 437-4700

citibank
CITIBANK, N.A. BR. #414
EZ CHECKING
NEW YORK, NY
1-8/210

Jul 10, 2017

75,000.00

PAY TO THE ORDER OF Snyder ISD

Seventy-Five Thousand and 00/100 Dollars

\$

DOLLARS

Snyder ISD
2901 37th Street
Snyder, TX 79549



[Signature]
AUTHORIZED SIGNATURE

MEMO c/o Randy Burks, Deputy Superintendent

⑈00002347⑈ ⑆021000089⑆ 4997517228⑈

| LCE, LLC | | | | | | 2347 |
|----------------|-------------|---------|----------------|----------|-----------|------|
| Snyder ISD | | 7/10/17 | | | | |
| Invoice Number | Description | Date | Invoice Amount | Discount | Payment | |
| 07102017 | | 7/10/17 | 75,000.00 | | 75,000.00 | |

\$75,000.00

| LCE, LLC | | | | | | 2347 |
|----------------|-------------|---------|----------------|----------|-----------|------|
| Snyder ISD | | 7/10/17 | | | | |
| Invoice Number | Description | Date | Invoice Amount | Discount | Payment | |
| 07102017 | | 7/10/17 | 75,000.00 | | 75,000.00 | |

\$75,000.00

Tab Item 3

Documentation of Combined Group Membership under Texas Tax Code 171.0001(7)

Documentation from Texas Comptroller's Franchise Tax Division to demonstrate combined group membership:

1. Coyote Wind, LLC is a Delaware Limited Liability Company formed on May 31, 2016.
2. Coyote Wind, LLC is registered in the State of Texas as a foreign limited liability company, File Number 0802482996, in the Office of the Secretary of State. Taxpayer number 32060816728.
3. Coyote Wind, LLC has one member with 100% ownership, Lincoln Clean Energy, LLC, which is registered in the State of Texas as a foreign limited liability company, File Number 0802369618, in the Office of the Secretary of State. Taxpayer number 32059303761.
4. Contact information for Coyote Wind, LLC is as follows:

Contact: Philip Moore

Phone: (512) 767-7461

Email: pmoore@lincolnclean.com

5. In addition, we have attached Form 05-166 (Texas Franchise Tax Affiliate Schedule) for Lincoln Clean Energy, LLC. Lincoln Clean Energy, LLC's affiliates are: Coyote Wind, LLC, Dermott Wind, LLC, Willow Springs Windfarm, LLC, Lockett Windfarm, LLC, Sandsage Solar, LLC, Stanorah Solar, LLC, Shawnee Energy Center, LLC, Rockwood Energy Center, LLC, TX Nazareth Solar, LLC, Lincoln Clean Energy Development, LLC, St. Lawrence Solar, LLC, Sage Draw Wind, LLC, Tahoka Wind, LLC, Wayside Wind, LLC, and Staked Plains Energy, LLC.

Texas Franchise Tax Extension Affiliate List

RESET FORM PRINT FORM

Tcode 13298 Franchise

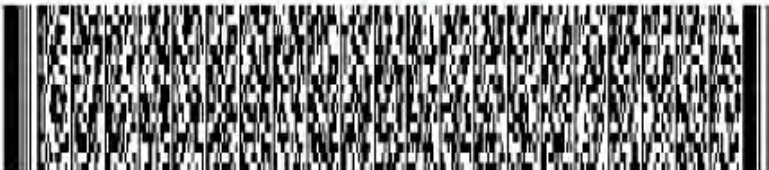
FILING REQUIREMENTS

| Reporting entity taxpayer number | | | | | | | | | | Report year | | | | Reporting entity taxpayer name | | | | | | | | | |
|----------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--------------------------------|--|--|--|--|--|--|--|--|--|
| 3 2 0 5 9 3 0 3 7 6 1 | | | | | | | | | | 2 0 1 6 | | | | Lincoln Clean Energy, LLC | | | | | | | | | |
| LEGAL NAME OF AFFILIATE | | | | | | | | | | AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number) | | | | | | | | | | BLACKEN CIRCLE IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS | | | |
| 1. ANTELOPE FLATS WIND, LLC | | | | | | | | | | 3 2 0 6 1 8 4 2 0 9 5 | | | | | | | | | | <input type="radio"/> | | | |
| 2. COYOTE WIND, LLC | | | | | | | | | | 3 2 0 6 0 8 1 6 7 2 8 | | | | | | | | | | <input type="radio"/> | | | |
| 3. DERMOTT WIND, LLC | | | | | | | | | | 3 2 0 5 6 7 6 8 1 1 5 | | | | | | | | | | <input type="radio"/> | | | |
| 4. LOCKETT WINDFARM, LLC | | | | | | | | | | 3 2 0 5 7 0 2 5 9 8 6 | | | | | | | | | | <input type="radio"/> | | | |
| 5. ROCKWOOD ENERGY CENTER, LLC | | | | | | | | | | 3 2 0 5 4 4 9 4 9 2 0 | | | | | | | | | | <input type="radio"/> | | | |
| 6. SHAWNEE ENERGY CENTER, LL | | | | | | | | | | 3 2 0 5 5 3 9 4 7 5 6 | | | | | | | | | | <input type="radio"/> | | | |
| 7. SAGE DRAW WIND, LLC | | | | | | | | | | 3 2 0 6 1 8 8 3 3 3 9 | | | | | | | | | | <input type="radio"/> | | | |
| 8. SANDSAGE SOLAR, LLC | | | | | | | | | | 3 2 0 5 6 7 5 1 3 9 2 | | | | | | | | | | <input type="radio"/> | | | |
| 9. ST. LAWRENCE SOLAR, LLC | | | | | | | | | | 3 2 0 5 9 7 7 5 9 0 1 | | | | | | | | | | <input type="radio"/> | | | |
| 10. STANORAH SOLAR, LLC | | | | | | | | | | 3 2 0 5 6 6 8 6 5 4 9 | | | | | | | | | | <input type="radio"/> | | | |
| 11. TAHOKA WIND, LLC | | | | | | | | | | 3 2 0 6 1 8 6 2 3 8 2 | | | | | | | | | | <input type="radio"/> | | | |
| 12. TX NAZARETH SOLAR, LLC | | | | | | | | | | 3 2 0 5 3 6 3 2 8 5 0 | | | | | | | | | | <input type="radio"/> | | | |
| 13. WAYSIDE WIND, LLC | | | | | | | | | | 3 2 0 5 9 3 4 2 6 8 6 | | | | | | | | | | <input type="radio"/> | | | |
| 14. WILLOW SPRINGS WINDFARM, LLC | | | | | | | | | | 3 2 0 5 6 6 9 8 2 6 2 | | | | | | | | | | <input type="radio"/> | | | |
| 15. STAKED PLAINS ENERGY, LLC | | | | | | | | | | 3 2 0 5 9 7 5 9 4 5 9 | | | | | | | | | | <input type="radio"/> | | | |
| 16. | | | | | | | | | | | | | | | | | | | | <input type="radio"/> | | | |
| 17. | | | | | | | | | | | | | | | | | | | | <input type="radio"/> | | | |
| 18. | | | | | | | | | | | | | | | | | | | | <input type="radio"/> | | | |
| 19. | | | | | | | | | | | | | | | | | | | | <input type="radio"/> | | | |
| 20. | | | | | | | | | | | | | | | | | | | | <input type="radio"/> | | | |
| 21. | | | | | | | | | | | | | | | | | | | | <input type="radio"/> | | | |

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 ☐



Tab Item 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.

Coyote Wind, LLC (“Coyote Wind”) is requesting a Chapter 313 Appraised Value Limitation Agreement from Snyder ISD for a proposed renewable energy project using wind turbines (the “Project”) to be constructed in Snyder ISD in northwestern Scurry County. The installed capacity of the proposed project is expected to be approximately 242 megawatts (MW). While turbine type and size have yet to be finalized, the current plan is to utilize 3.6 MW turbines. The Project is anticipated to cover over 30,000 acres of privately-owned land, all currently used as farmland or pasture, and such uses can continue as the Project is designed to be compatible with such activities. Construction of the Project is expected to commence in March 2018, and is anticipated to be complete in the fourth quarter of 2018. In addition to the wind turbines, the Project will also include an operations and maintenance building, a series of new access roads to the turbines, underground electrical collection cables, meteorological towers, a substation, and an overhead transmission line connecting to a substation at the Point of Interconnection to the new ERCOT transmission line. None of this property is covered under an existing appraisal district account number.

Approximately 200 construction workers are anticipated at peak of construction activity, and approximately 6 permanent, full-time workers are anticipated for the plant management and operations and maintenance functions for the entire project.

Tab Item 5

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

The Applicant for this Project has entered into a number of contracts related to the project, including long-term lease option agreements with area landowners and service agreements and scopes with various consultants (environmental, airspace, etc.) to assess the suitability of the site, and a request for studies leading to an interconnection agreement with the transmission provider. None of these contracts obligate Applicant to construct the Project.

In order for the project to qualify for the federal income tax Production Tax Credit (PTC), the Applicant was required to complete a minimum amount of PTC qualification work before the statutorily imposed deadline of December 31, 2016. This work consisted of earth-moving to prepare seven holes for turbine foundations (though foundations were not installed) and installation of 2,000 linear feet of road connecting the seven foundation holes. These were not deemed taxable improvements by the Scurry County Central Appraisal District and no tax bill was delivered.

The Applicant is a national wind developer with the ability to locate projects of this type in other states within the United States and other regions within Texas with favorable wind characteristics. The Applicant is actively assessing and developing other projects outside of Texas that are competing for limited investment funds. This appraised value limitation is critical to the ability of the Project to move forward as currently sited.

Without the available tax incentives, the economics of the Project become far less attractive and the likelihood of selling the electricity at a competitive price will significantly decrease. The Applicant for this project is competing against other developers who have been offered or are in the process of applying for Value Limitation Agreements with other school districts. Obtaining the limitation is critical to the economic and competitive viability of this Project. Without the limitation approval, the Applicant would likely terminate the Project, including the aforementioned contracts, leases, and limited improvements, in order to reallocate resources in areas with more favorable economics.

Tab Item 6

100% of the Project is anticipated to be located within Scurry County, Western Texas College District, the Scurry County Hospital District, and Snyder ISD.

Tab Item 7

Description of Qualified Investment

Coyote Wind, LLC plans to construct a 242 MW wind farm in Scurry County consisting of 68 turbines.

The Applicant is requesting an appraised value limitation on all of the property constructed or placed upon the real property within Snyder ISD. The qualified investment in Snyder ISD is expected to include approximately sixty-eight (68) Vestas 3.6MW wind turbine generators, including 105m towers, nacelles, rotors with 136m rotor diameter, and reinforced concrete foundations, pads, underground and overhead electric collection cables, access roads, met towers, spare parts and control systems as necessary for the commercial generation of electricity. While the turbine locations have not yet been finalized, they are expected to be sited in a series of rows running approximately east to west in the northwestern part of Scurry County. The map in Tab 11 shows the preliminary turbine locations. The exact placement of these turbines is subject to ongoing planning, soil and geotechnical studies, and engineering and will be determined before construction commences.

In addition to the wind turbines, the Project will also include an operations and maintenance building that will likely be located in the approximate center of the Project. (It is also shown on the map in Tab 11.) The Project will also require a series of new access roads to the turbines, underground electrical collection cables, permanent meteorological towers, a substation, and an overhead transmission line connecting the project substation to the Point of Interconnection.

The 2,000 ft. of road constructed on the project in late 2016 to assist with Production Tax Credit qualification will not be part of the qualified investment or qualified property.

Tab Item 8

Description of Qualified Property

See Tab Item 7. The Qualified Property Description is the same as the Qualified Investment.

Tab Item 9

Description of Land

BEING APPROXIMATELY 71,834 ACRES OF LAND AND BEING ALL OF AND ANY PORTIONS OF SECTIONS: 381, A-2415, 382, A-1727, A-2724, 383, A-2683, A-2680, A-2674, A-2090, 384, A-1762, 385, A-2628, A-2390, A-2207, A-2520, A-2454, 387, A-1953, A-2960, 388, A-1676, 389, A-2080, A-2829, A-1952, 390, A-1855, A-3002, 392, A-2672, A-1512, 393, A-1936, 394, A-2673, A-1765, A-2682, A-2904, 395, A-2803, A-1910, A-2316, 396, A-2868, A-1822, 436, A-626, 437, A-2123, A-2585, A-2180, A-3024, A-3018, 438, A-1694, 439, A-2089, A-2703, A-2704, 440, A-1532, 441, A-1911, 442, A-548, 443, A-1964, A-2269, A-1919, A-2268, 444, A-518, 445, A-2841, A-2857, 446, A-1710, A-2888, 447, A-2426, 448, A-1693, A-2668, 449, A-2067, 450, A-1531, 451, A-2423, A-2634, 452, A-1808, 453, A-2929, A-2083, A-2424, 489, A-2144, 490, A-2840, A-1945, A-2773, A-2653, 491, A-2082, A-2095, A-2834, 492, A-1809, 493, A-2505, A-2549, A-2146, A-2907, A-2908, 494, A-2713, A-1800, 495, A-2545, 496, A-1799, 497, A-2051, 498, A-1937, 499, A-2031, A-2113, A-1981, A-2202, 500, A-1781, 501, A-2052, 502, A-2492, 503, A-2291, 504, A-2130, 505, A-2124, 506, A-2835, A-1563, 507, A-2716, A-2706, A-2442, 508, A-2441, 509, A-2566, A-2883, A-2791, 510, A-2395, 541, A-2465, 542, A-1642, 543, A-2396, 544, A-1640, 545, A-2565, 546, A-1807, 547, A-2163, A-2967, 548, A-2134, 549, A-2129, 550, A-2292, 551, A-2053, 552, A-1938, 563, A-2054, 564, A-2241, 565, A-2677, A-2783, A-2654, A-2290, 566, A-1798, 567, A-2325, A-2769, A-2324, A-2402, 568, A-2383, A-2879, 569, A-404, 570, A-1641, 573, A-406, 574, A-1643, 607, A-415, 608, A-2387, 609, A-416, 610, A-1804, 611, A-417, 612, A-2022, 613, A-418, 614, A-2271, 652, A-2273, 653, A-683, 654, A-1802, 655, A-692, 656, A-1803, BLOCK 97, H & TC RR. COMPANY SURVEY, SECTION 29, A-513, JK SMITH SURVEY, SECTION 1, A-2659, IA WALKER SURVEY, SECTIONS 24, A-479, 25, A-48 JP SMITH SURVEY, SECTIONS 225, A-123, 227, A-124, 228, A-560, 229, A-125, 230, A-1677, 231, A-346, 232, A-1678, 233, A-347, 234, A-1679, 235, A-348, 236, A-545, 237, A-349, 238, A-1499, 260, A-2373, 261, A-360, 262, A-2034, 263, A-361, 264, A-2867, 164, A-1782, 265, A-362, 266, A-2036, A-2033, 267, A-363, 268, A-1488, A-1783, 269, A-364, 270, A-2102, BLOCK 2, H&TC RR COMPANY SURVEY, SECTION 1, A-2845, A-2542 J.A. KUYKENDALL SURVEY AND SECTION 2, A-2846, M.A. FULLER SURVEY LYING IN AND BEING SITUATED OUT OF SCURRY COUNTY, TEXAS.

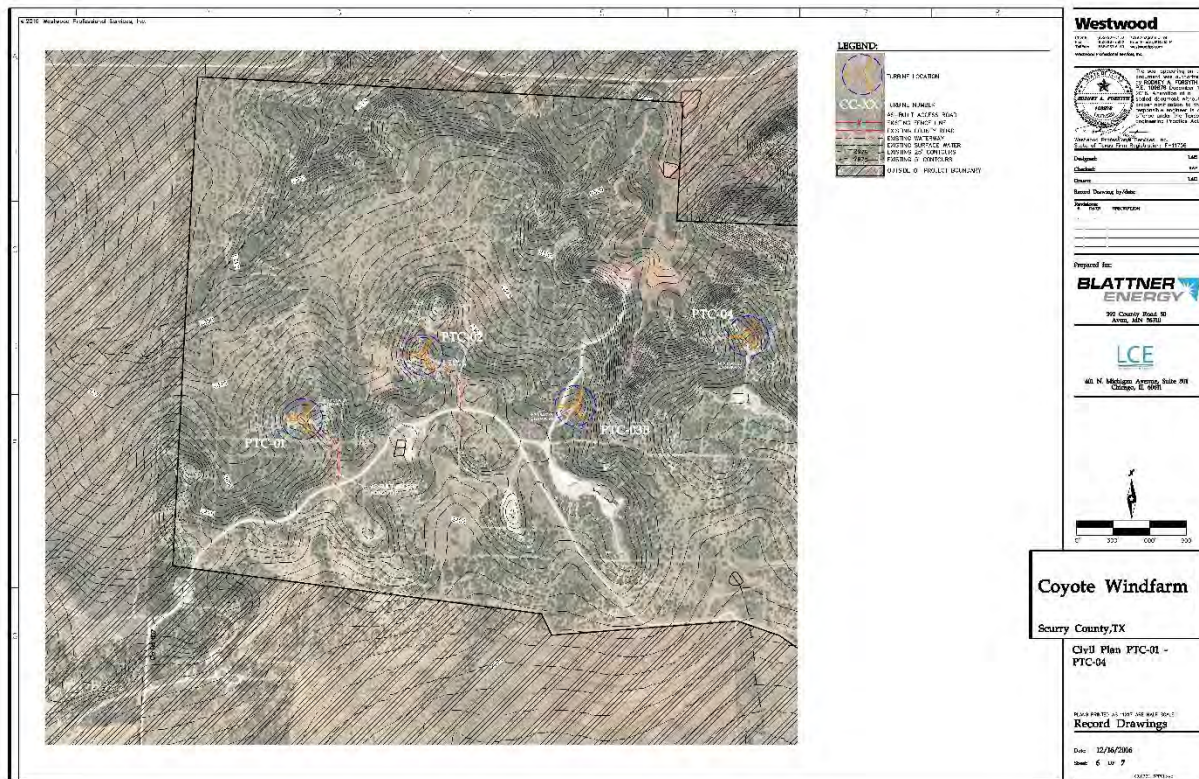
Tab Item 10

Description of all property not eligible to become qualified property

Two-thousand and sixteen feet (2000 ft.) of road was constructed on-site in late 2016 to assist with PTC qualification as noted in Tab Item 5. The installation cost of this road was \$71,000.00. This will not become qualified property and will be excluded from the limitation.

These were not deemed taxable improvements by the Scurry County Central Appraisal District and no tax bill was delivered.

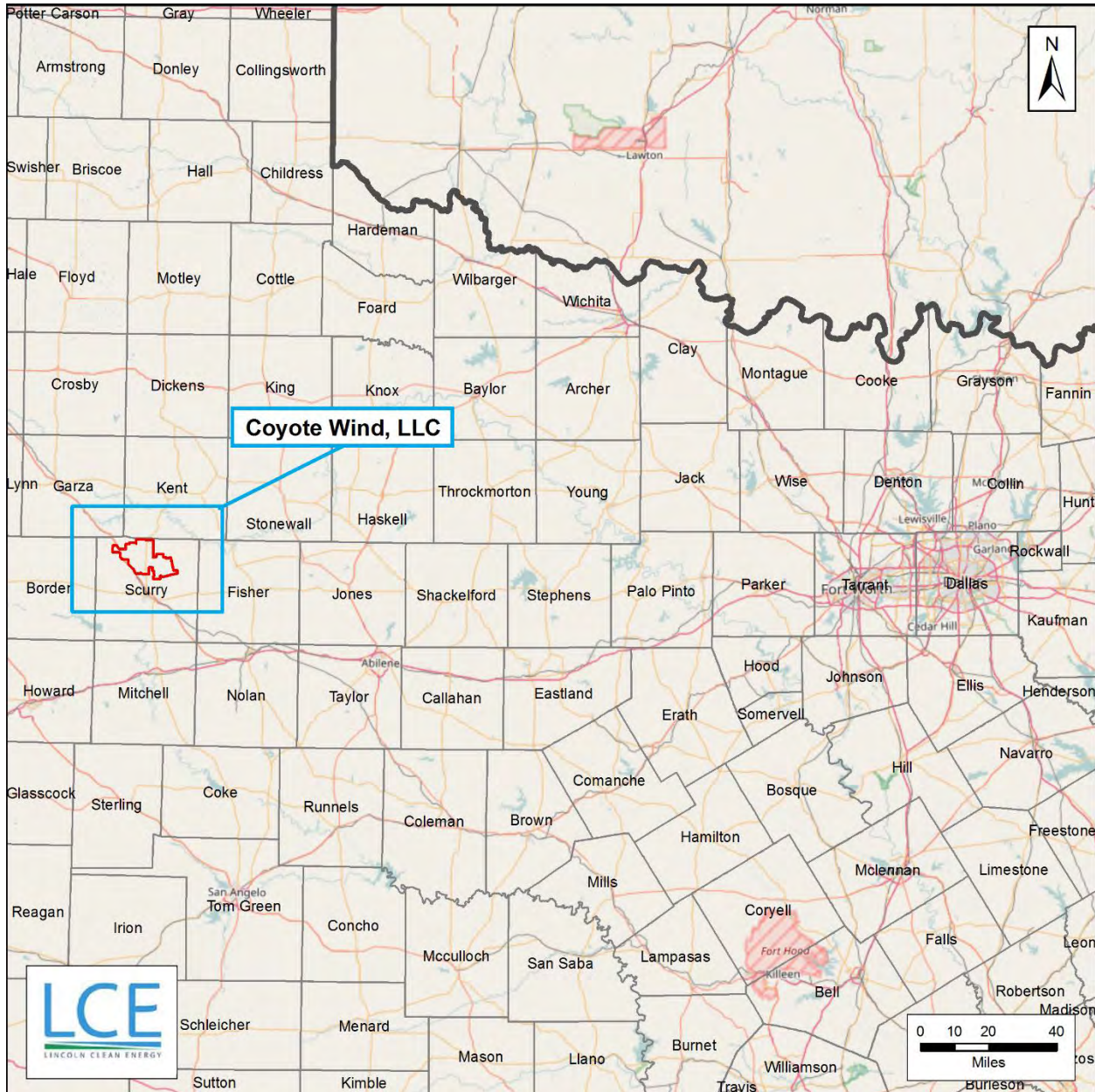
The construction occurred in Section 445, Block 97, H & TC Survey, part of the Marshall A. Fuller Survey No. 2, part of the J.A Kuykendall Survey No. 1, and Section 269, Block 2, H&TC Ry. Co. Survey as pictured below.



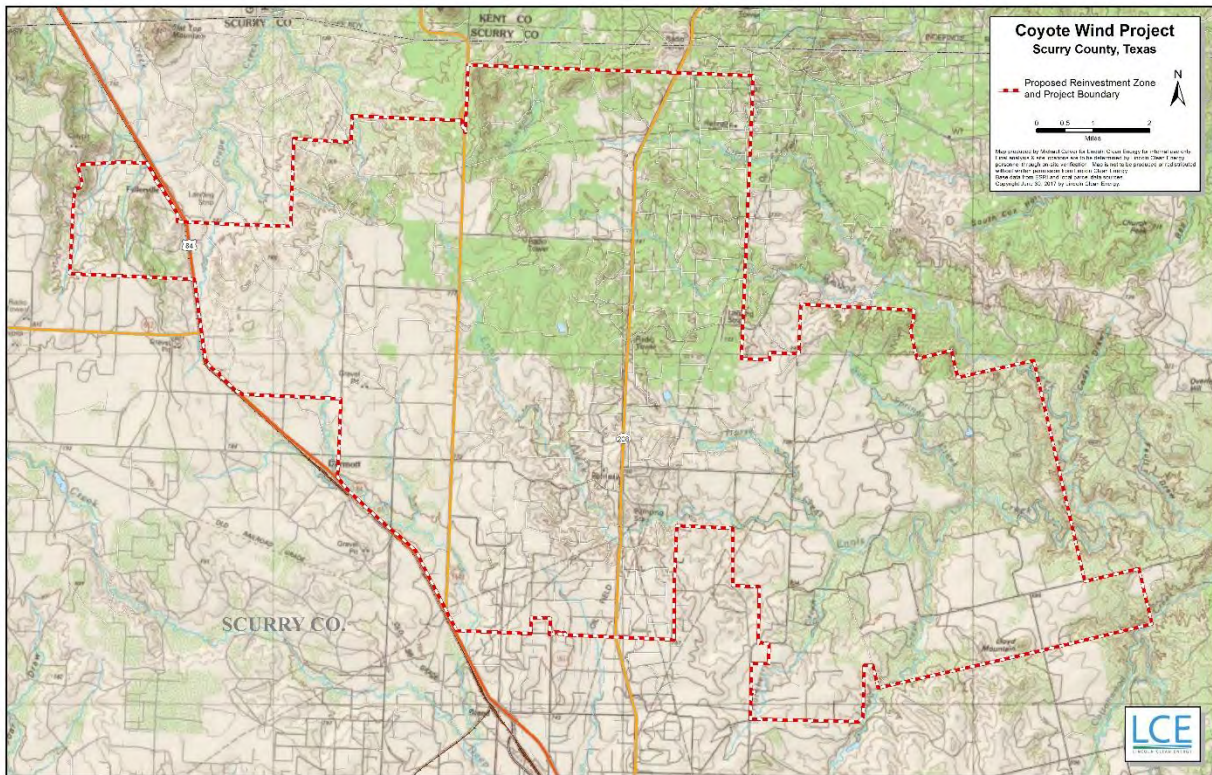
Tab Item 11

Maps

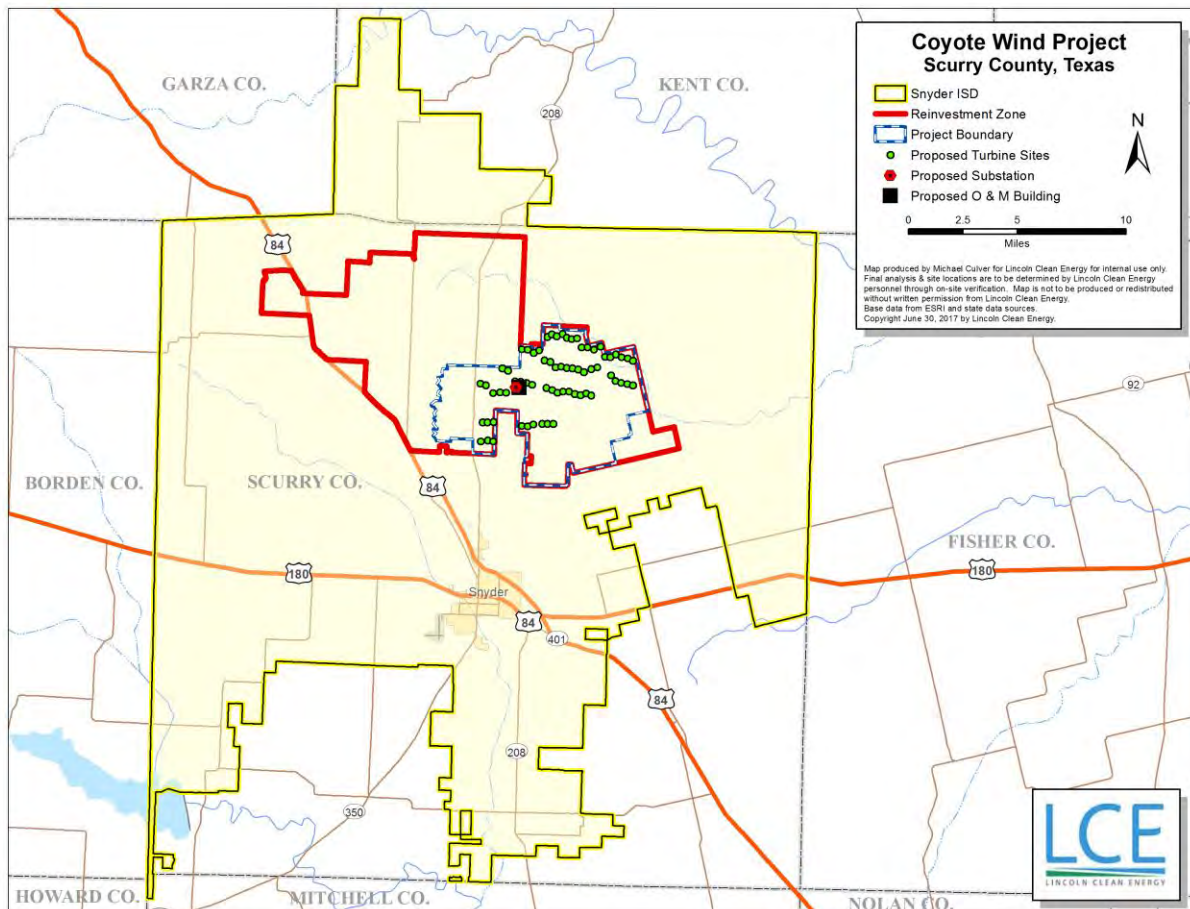
Project Vicinity:



Location of Project and Reinvestment Zone:



Location of Snyder ISD, Reinvestment Zone, Project Boundary, Qualified Investment and Qualified Property:



Tab Item 12

Request For Waiver of Job Creation Requirement

June 30, 2017

Superintendent Eddie Bland
Snyder ISD
2901 37th Street
Snyder, TX 79549

Re: Chapter 313 Job Waiver Request

Dear Superintendent Bland,

Please consider this letter to be Coyote Wind, LLC's formal request to waive the minimum new job creation requirement, as provided under Texas Tax Code 313.025(f-1).

The governing body of a school district may waive the new jobs creation requirement in Section 313.021(2)(A)(iv)(b) or 313.051(b) and approve an application if the governing body makes a finding 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 that is described in this application. Wind energy projects create a large number of full-time jobs during the construction phase, but these jobs are temporary by nature. Once the project is in operation, a small crew of full-time employees will maintain and operate the facility. Based upon our experience in the wind industry, we expect that six (6) employees would be needed to operate a 230 MW facility, and we can commit to creating six (6) full-time positions to fill those needs. All would be qualifying jobs as described in Section 313.021(3) of the Texas Tax Code.

The applicant requests that the Snyder ISD's Board of Trustees make such a finding and waive the job creation requirement. This waiver request is in line with industry standards for the job requirements for a wind energy facility of this size, as evidenced by limitation agreement applications that have been filed by other wind energy developers, and by documentation related to the development and operation of wind generation facilities.

The project stands to provide significant benefits to the community with respect to increased tax base and the ongoing royalty payments it will make to local landowners.

Kind Regards,

Charlie Smith
Development Director
Coyote Wind, LLC

Tab Item 13

Calculation of three possible wage requirements with TWC documentation

Average Weekly Wage for All Jobs (All Industries) in Scurry County

| YEAR | PERIOD | AREA | OWNERSHIP | IND-CODE | INDUSTRY | AVG. WEEKLY WAGES |
|-------------|---------------------|-------------|------------------|-----------------|-----------------------|----------------------------------|
| 2016 | 1 st Qtr | Scurry Co. | Private | 10 | Total, All Industries | \$1,011 |
| 2016 | 2 nd Qtr | Scurry Co. | Private | 10 | Total, All Industries | \$985 |
| 2016 | 3 rd Qtr | Scurry Co. | Private | 10 | Total, All Industries | \$970 |
| 2016 | 4 th Qtr | Scurry Co. | Private | 10 | Total, All Industries | \$975 |
| Average | | | | | | \$985.25 |

110% of \$985.25 = \$1,083.78

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 |
|------|---------|---------------|-----------|----------|-------|----------|-----------------------|------------------|
| 2016 | 1st Qtr | Scurry County | Private | 00 | 0 | 10 | Total, All Industries | \$1,011 |
| 2016 | 2nd Qtr | Scurry County | Private | 00 | 0 | 10 | Total, All Industries | \$985 |
| 2016 | 3rd Qtr | Scurry County | Private | 00 | 0 | 10 | Total, All Industries | \$970 |
| 2016 | 4th Qtr | Scurry County | Private | 00 | 0 | 10 | Total, All Industries | \$975 |

Average Weekly Wage for Manufacturing Jobs in Scurry County

| YEAR | PERIOD | AREA | OWNERSHIP | IND-CODE | INDUSTRY | AVG. WEEKLY WAGES |
|----------------|---------------------------|-------------------|------------------|-----------------|----------------------------------|----------------------------------|
| 2016 | 1st Qtr | Scurry Co. | Total All | 31-33 | Total, All Industries | \$1,305 |
| 2016 | 2nd Qtr | Scurry Co. | Total All | 31-33 | Total, All Industries | \$1,246 |
| 2016 | 3rd Qtr | Scurry Co. | Total All | 31-33 | Total, All Industries | \$1,414 |
| 2016 | 4th Qtr | Scurry Co. | Total All | 31-33 | Total, All Industries | \$1,574 |
| Average | | | | | | \$1,384.75 |

110% of \$1,384.75 = \$1,523.23

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 |
|------|---------|---------------|-----------|----------|-------|----------|---------------|------------------|
| 2016 | 1st Qtr | Scurry County | Private | 31 | 2 | 31-33 | Manufacturing | \$1,305 |
| 2016 | 2nd Qtr | Scurry County | Private | 31 | 2 | 31-33 | Manufacturing | \$1,246 |
| 2016 | 3rd Qtr | Scurry County | Private | 31 | 2 | 31-33 | Manufacturing | \$1,414 |
| 2016 | 4th Qtr | Scurry County | Private | 31 | 2 | 31-33 | Manufacturing | \$1,574 |

Average Weekly Wage for Manufacturing Jobs in the Region

West Central Texas COG Annual Wage: \$41,257

\$41,257/52 = \$793.41/week

110% of \$793.41 = \$872.76

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.

Tab Item 14

Schedules A1, A2, B, C, and D completed and signed Economic Impact

(See enclosed Excel sheets)

Date

30-Jun-17

Applicant Name

Coyote Wind, LLC

ISD Name

Snyder ISD

Form 50-296A

Revised May 2014

| PROPERTY INVESTMENT AMOUNTS | | | | | | | | |
|--|------|--|--------------------------------------|---|---|---|---|---|
| (Estimated Investment in each year. Do not put cumulative totals.) | | | | | | | | |
| | | | Tax Year | Column A | Column B | Column C | Column D | Column E |
| | Year | School Year | (Fill in actual tax year below) YYYY | 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 new investment made during this year that will not become Qualified Property [SEE NOTE] | Other new investment made during this year that may become Qualified Property [SEE NOTE] | Total Investment (Sum of Columns A+B+C+D) |
| Investment made before filing complete application with district | -- | Year preceding the first complete tax year of the qualifying time period (assuming no deferrals of qualifying time period) | 2017 | Not eligible to become Qualified Property | | | [The only other investment made before filing complete application with district that may become Qualified Property is land.] | 0 |
| Investment made after filing complete application with district, but before final board approval of application | | | | | | | \$0 | |
| Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period | | | | | | | \$0 | |
| Complete tax years of qualifying time period | QTP1 | | 2018 | \$241,930,000 | \$1,000,000 | | | \$242,930,000 |
| | QTP2 | | 2019 | | | | | \$0 |
| Total Investment through Qualifying Time Period [ENTER this row in Schedule A2] | | | | \$241,930,000 | \$1,000,000 | \$0 | \$0 | \$242,930,000 |
| | | | | Enter amounts from TOTAL row above in Schedule A2 | | | | |
| Total Qualified Investment (sum of green cells) | | | | \$242,930,000 | | | | |

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.

DateApplicant NameISD Name

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

Form 50-296ARevised May 2014

| PROPERTY INVESTMENT AMOUNTS | | | | | | | | |
|--|------|----------------------------|--|--|--|--|---|-------------------------------|
| (Estimated Investment in each year. Do not put cumulative totals.) | | | | | | | | |
| | | | | Column A | Column B | Column C | Column D | Column E |
| | Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year below) YYYY | 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 <u>not</u> 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* | -- | TOTALS FROM SCHEDULE A1 | | Enter amounts from TOTAL row in Schedule A1 in the row below | | | | |
| | | | | \$241,930,000 | \$1,000,000 | \$0 | \$0 | \$242,930,000 |
| Each year prior to start of value limitation period** <i>Insert as many rows as necessary</i> | 0 | 2017-2018 | 2017 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Each year prior to start of value limitation period** <i>Insert as many rows as necessary</i> | 0 | 2018-2019 | 2018 | \$241,930,000 | \$1,000,000 | \$0 | \$0 | \$242,930,000 |
| Value limitation period*** | 1 | 2019-2020 | 2019 | \$0 | \$0 | \$0 | \$0 | \$0 |
| | 2 | 2020-2021 | 2020 | \$0 | \$0 | \$0 | \$0 | \$0 |
| | 3 | 2021-2022 | 2021 | \$0 | \$0 | \$0 | \$0 | \$0 |
| | 4 | 2022-2023 | 2022 | \$0 | \$0 | \$0 | \$0 | \$0 |
| | 5 | 2023-2024 | 2023 | \$0 | \$0 | \$0 | \$0 | \$0 |
| | 6 | 2024-2025 | 2024 | \$0 | \$0 | \$2,000,000 | \$0 | \$2,000,000 |
| | 7 | 2025-2026 | 2025 | \$0 | \$0 | \$2,000,000 | \$0 | \$2,000,000 |
| | 8 | 2026-2027 | 2026 | \$0 | \$0 | \$2,000,000 | \$0 | \$2,000,000 |
| | 9 | 2027-2028 | 2027 | \$0 | \$0 | \$2,000,000 | \$0 | \$2,000,000 |
| | 10 | 2028-2029 | 2028 | \$0 | \$0 | \$2,000,000 | \$0 | \$2,000,000 |
| Total Investment made through limitation | | | | \$241,930,000 | \$1,000,000 | \$10,000,000 | \$0 | \$252,930,000 |
| Continue to maintain viable presence | 11 | 2029-2030 | 2029 | | | \$3,000,000 | | \$3,000,000 |
| | 12 | 2030-2031 | 2030 | | | \$3,000,000 | | \$3,000,000 |
| | 13 | 2031-2032 | 2031 | | | \$3,000,000 | | \$3,000,000 |
| | 14 | 2032-2033 | 2032 | | | \$3,000,000 | | \$3,000,000 |
| | 15 | 2033-2034 | 2033 | | | \$3,000,000 | | \$3,000,000 |
| Additional years for 25 year economic impact as required by 313.026(c)(1) | 16 | 2034-2035 | 2034 | | | \$3,000,000 | | \$3,000,000 |
| | 17 | 2035-2036 | 2035 | | | \$3,000,000 | | \$3,000,000 |
| | 18 | 2036-2037 | 2036 | | | \$3,000,000 | | \$3,000,000 |
| | 19 | 2037-2038 | 2037 | | | \$3,000,000 | | \$3,000,000 |
| | 20 | 2038-2039 | 2038 | | | \$3,000,000 | | \$3,000,000 |
| | 21 | 2039-2040 | 2039 | | | \$3,000,000 | | \$3,000,000 |
| | 22 | 2040-2041 | 2040 | | | \$3,000,000 | | \$3,000,000 |
| | 23 | 2041-2042 | 2041 | | | \$3,000,000 | | \$3,000,000 |
| | 24 | 2042-2043 | 2042 | | | \$3,000,000 | | \$3,000,000 |
| | 25 | 2043-2044 | 2043 | | | \$3,000,000 | | \$3,000,000 |

* 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

*** 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 investmtns 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.

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

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)

Date

Applicant Name

ISD Name

Form 50-296A

Revised May 2014

| | | | | Qualified Property | | | Estimated Taxable Value | | |
|--|------|----------------------------|--|--------------------------------|---|--|--|--|--|
| | Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year) YYYY | 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> | 0 | 2017-2018 | 2017 | \$0 | - | - | - | - | - |
| Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i> | 0 | 2018-2019 | 2018 | \$0 | - | - | - | - | - |
| Value Limitation Period | 1 | 2019-2020 | 2019 | \$0 | \$980,000 | \$237,091,400 | \$238,071,400 | \$238,071,400 | \$30,000,000 |
| | 2 | 2020-2021 | 2020 | \$0 | \$921,200 | \$222,865,916 | \$223,787,116 | \$223,787,116 | \$30,000,000 |
| | 3 | 2021-2022 | 2021 | \$0 | \$865,928 | \$209,493,961 | \$210,359,889 | \$210,359,889 | \$30,000,000 |
| | 4 | 2022-2023 | 2022 | \$0 | \$813,972 | \$196,924,323 | \$197,738,296 | \$197,738,296 | \$30,000,000 |
| | 5 | 2023-2024 | 2023 | \$0 | \$765,134 | \$185,108,864 | \$185,873,998 | \$185,873,998 | \$30,000,000 |
| | 6 | 2024-2025 | 2024 | \$0 | \$719,226 | \$174,002,332 | \$174,721,558 | \$174,721,558 | \$30,000,000 |
| | 7 | 2025-2026 | 2025 | \$0 | \$676,072 | \$163,562,192 | \$164,238,265 | \$164,238,265 | \$30,000,000 |
| | 8 | 2026-2027 | 2026 | \$0 | \$635,508 | \$153,748,461 | \$154,383,969 | \$154,383,969 | \$30,000,000 |
| | 9 | 2027-2028 | 2027 | \$0 | \$597,378 | \$144,523,553 | \$145,120,931 | \$145,120,931 | \$30,000,000 |
| | 10 | 2028-2029 | 2028 | \$0 | \$561,535 | \$135,852,140 | \$136,413,675 | \$136,413,675 | \$30,000,000 |
| Continue to maintain viable presence | 11 | 2029-2030 | 2029 | \$0 | \$527,843 | \$127,701,011 | \$128,228,854 | \$128,228,854 | \$128,228,854 |
| | 12 | 2030-2031 | 2030 | \$0 | \$496,172 | \$120,038,951 | \$120,535,123 | \$120,535,123 | \$120,535,123 |
| | 13 | 2031-2032 | 2031 | \$0 | \$466,402 | \$112,836,614 | \$113,303,016 | \$113,303,016 | \$113,303,016 |
| | 14 | 2032-2033 | 2032 | \$0 | \$438,418 | \$106,066,417 | \$106,504,835 | \$106,504,835 | \$106,504,835 |
| | 15 | 2033-2034 | 2033 | \$0 | \$412,113 | \$99,702,432 | \$100,114,545 | \$100,114,545 | \$100,114,545 |
| Additional years for 25 year economic impact as required by 313.026(c)(1) | 16 | 2034-2035 | 2034 | \$0 | \$387,386 | \$93,720,286 | \$94,107,672 | \$94,107,672 | \$94,107,672 |
| | 17 | 2035-2036 | 2035 | \$0 | \$364,143 | \$88,097,069 | \$88,461,212 | \$88,461,212 | \$88,461,212 |
| | 18 | 2036-2037 | 2036 | \$0 | \$342,294 | \$82,811,245 | \$83,153,539 | \$83,153,539 | \$83,153,539 |
| | 19 | 2037-2038 | 2037 | \$0 | \$321,757 | \$77,842,570 | \$78,164,327 | \$78,164,327 | \$78,164,327 |
| | 20 | 2038-2039 | 2038 | \$0 | \$302,451 | \$73,172,016 | \$73,474,467 | \$73,474,467 | \$73,474,467 |
| | 21 | 2039-2040 | 2039 | \$0 | \$284,304 | \$68,781,695 | \$69,065,999 | \$69,065,999 | \$69,065,999 |
| | 22 | 2040-2041 | 2040 | \$0 | \$267,246 | \$64,654,793 | \$64,922,039 | \$64,922,039 | \$64,922,039 |
| | 23 | 2041-2042 | 2041 | \$0 | \$251,211 | \$60,775,506 | \$61,026,717 | \$61,026,717 | \$61,026,717 |
| | 24 | 2042-2043 | 2042 | \$0 | \$236,138 | \$57,128,975 | \$57,365,114 | \$57,365,114 | \$57,365,114 |
| | 25 | 2043-2044 | 2043 | \$0 | \$221,970 | \$53,701,237 | \$53,923,207 | \$53,923,207 | \$53,923,207 |

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

Date

Applicant Name

ISD Name

Form 50-296A

Revised May 2014

| | | | | Construction | | Non-Qualifying Jobs | Qualifying Jobs | |
|---|---------------------|----------------------------|---------------------------------------|---|--|---|--|---|
| | | | | Column A | Column B | Column C | Column D | Column E |
| | Year | School Year (YYYY-YYYY) | Tax Year (Actual tax year) YYYY | Number of Construction FTE's or man-hours (specify) | Average annual wage rates for construction workers | Number of non-qualifying jobs applicant estimates it will create (cumulative) | Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative) | Average annual wage of new qualifying jobs |
| Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i> | 0 | 2017-2018 | 2017 | N/A | N/A | 0 | 0 | N/A |
| Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i> | 0 | 2018-2019 | 2018 | 200 FTEs | \$40,000 | 0 | 0 | N/A |
| Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i> | 1 | 2019-2020 | 2019 | N/A | N/A | 0 | 6 | \$46,000 |
| | 2 | 2020-2021 | 2020 | N/A | N/A | 0 | 6 | \$46,000 |
| | 3 | 2021-2022 | 2021 | N/A | N/A | 0 | 6 | \$46,000 |
| | 4 | 2022-2023 | 2022 | N/A | N/A | 0 | 6 | \$46,000 |
| | 5 | 2023-2024 | 2023 | N/A | N/A | 0 | 6 | \$46,000 |
| | 6 | 2024-2025 | 2024 | N/A | N/A | 0 | 6 | \$46,000 |
| | 7 | 2025-2026 | 2025 | N/A | N/A | 0 | 6 | \$46,000 |
| | 8 | 2026-2027 | 2026 | N/A | N/A | 0 | 6 | \$46,000 |
| | 9 | 2027-2028 | 2027 | N/A | N/A | 0 | 6 | \$46,000 |
| | 10 | 2028-2029 | 2028 | N/A | N/A | 0 | 6 | \$46,000 |
| Years Following Value Limitation Period | 11 through 25 | 2029-2044 | 2029-2043 | N/A | N/A | 0 | 6 | \$46,000 |

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 ☒ Yes ☐ No
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

Applicant Name

ISD Name

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: | N/A | N/A | N/A | N/A | N/A |
| | City: | N/A | N/A | N/A | N/A | N/A |
| | Other: | N/A | N/A | N/A | N/A | N/A |
| Tax Code Chapter 312 | County: | 2019 | 10 Years | \$690,000 | \$446,000 | \$244,000 |
| | City: | N/A | N/A | N/A | N/A | N/A |
| | Other: | 2019 | 10 Years | \$695,000 | \$340,500 | \$354,500 |
| | Other: | 2019 | 10 Years | \$598,000 | \$351,000 | \$247,000 |
| Local Government Code Chapters 380/381 | County: | N/A | N/A | N/A | N/A | N/A |
| | City: | N/A | N/A | N/A | N/A | N/A |
| | Other: | N/A | N/A | N/A | N/A | N/A |
| Freeport Exemptions | N/A | N/A | N/A | N/A | N/A | N/A |
| Non-Annexation Agreements | N/A | N/A | N/A | N/A | N/A | N/A |
| Enterprise Zone/Project | N/A | N/A | N/A | N/A | N/A | N/A |
| Economic Development Corporation | N/A | N/A | N/A | | N/A | |
| Texas Enterprise Fund | N/A | N/A | N/A | | N/A | |
| Employee Recruitment | N/A | N/A | N/A | | N/A | |
| Skills Development Fund | N/A | N/A | N/A | | N/A | |
| Training Facility Space and Equipment | N/A | N/A | N/A | | N/A | |
| Infrastructure Incentives | N/A | N/A | N/A | | N/A | |
| Permitting Assistance | N/A | N/A | N/A | | N/A | |
| Other: | N/A | N/A | N/A | | N/A | |
| Other: | N/A | N/A | N/A | | N/A | |
| Other: | N/A | N/A | N/A | | N/A | |
| Other: | N/A | N/A | N/A | | N/A | |
| TOTAL | | | | \$1,983,000 | \$1,137,500 | \$845,500 |

Additional information on incentives for this project:

| |
|--|
| |
|--|

Tab Item 15

Economic Impact Analysis

Not applicable.

Tab Item 16

Description of Reinvestment Zone

(see enclosed)

GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENTS IN REINVESTMENT ZONES

SCURRY COUNTY, TEXAS

I. PURPOSE

The Development Corporation of Snyder, Inc., City of Snyder, Scurry County, and Western Texas College, hereinafter referred to as "DCOS", "City", "County", and "WTC" respectively are committed to the promotion of quality development in all parts of the City/community and to improving the quality of life for its citizens. In order to help meet these goals, DCOS will consider recommending tax phase-in, which includes the designation of reinvestment zones, application for tax abatements and entering into tax abatement agreements, to stimulate growth and development. It is the intent of DCOS, the City, the County, and WTC that such incentives will be provided in accord with the procedures and criteria outlined in this document. However, nothing in these Guidelines and Criteria shall imply or suggest to be construed to imply or suggest that tax entities are under any obligation to provide any incentives to any applicant. All such applicants for tax phase-in incentives shall be considered on an individual basis for both the qualification for abatement and the amount of any abatement.

II. DEFINITIONS

The attached Glossary is a list of words with their definitions that are found in this document, and the Glossary is incorporated herein by reference.

III. GUIDELINES AND CRITERIA

In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement as a minimum must meet the following:

- (a) Be an Authorized Facility. A facility may be eligible for abatement if it is a(n):

Aquaculture/Agriculture Facility,
Distribution Center Facility,
Manufacturing Facility,
Office Building,
Regional Entertainment/Tourism Facility,
Research Facility,
Regional Service Facility,
Historic Building in designated area,
Wind Energy Facility, or
Other Basic Industry.

(b) The project must add at least \$150,000 to the tax roll of eligible property except in regards to the historic downtown area where there are no minimums.

In consideration of the request for designation as a reinvestment zone and to receive tax abatement, the following factors will also be considered:

(1) Jobs. The projected new jobs created including the number of jobs, the retention of existing jobs, the type of jobs, the average payroll, the total payroll and the number of local persons hired.

(2) Fiscal Impact. The amount of real and personal property value that will be added to the tax roll for both eligible and ineligible property, the amount of direct sales tax that will be generated, the infrastructure improvements by the City/County that will be required by the facility, the infrastructure improvements made by the facility, and the compatibility of the project with the City's/County's master plan for development.

(3) Community Impact.

The pollution, if any, as well as other negative environmental impacts affecting the health and safety of the community that will be created by the project:

The revitalization of a depressed area;

The business opportunities of existing local vendors;

The alternative development possibilities for proposed site;

The impact on other taxing entities; and/or

Whether the improvement is expected to solely or primarily have the effect of transferring employment from one part of Scurry County to another.

IV. ABATEMENT AUTHORIZED

(a) Authorized Date. A facility shall be eligible for tax abatement if it has applied for such abatement prior to the commencement of construction; provided, that such facility meets the criteria granting tax abatement in reinvestment zones created in Scurry County pursuant to these Guidelines and Criteria for a period not to exceed ten years.

b) Creation of New Value. Abatement may only be granted for the additional value of eligible property improvements made subsequent to the filing of an application for tax abatement and specified in the abatement agreement between the County and/or City and/or WTC and the property owner or lessee (and lessor if required pursuant to IV(E)), subject to such limitations as the Guidelines and Criteria may require.

(c) New and Existing Facilities. Abatement may be granted for new facilities and improvements to existing facilities for purposes of modernization or expansion. If the modernization project includes facility replacement, the abated value shall be the value of the new unit(s) less the value of the old unit(s).

(d) Eligible Property. Abatement may be extended to the value of the following: new, expanded or modernized buildings and structures, fixed machinery and equipment, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility, and all other real and tangible personal property permitted by Chapter 312 of the Texas Tax Code.

(e) Ineligible Property. The following types of property shall be fully taxable and ineligible for abatement:

- land,
- animals,
- inventories,
- supplies,
- tools,
- furnishings and other forms of movable personal property,
- vehicles,
- vessels,
- aircraft,
- housing or residential property,
- hotels/motels,
- fauna,
- flora,
- retail facilities, except when housed in an historic structure, within the designated downtown district,
- Deferred Maintenance investments,
- property to be rented or leased except as provided in Part IV(f),
- any improvements including those to produce, store or distribute natural gas or fluids that are not integral to the operation of the facility,
- property owned or used by the State of Texas or its political subdivisions or by any organization owned, operated or directed by a political subdivision of the State of Texas.

(f) Owned/Leased Facilities. If a leased facility is granted an abatement, the agreement shall be executed with the lessor and lessee.

(g) Value and Term of Abatement. Abatement shall be granted effective with the January 1 valuation date immediately following the date of execution of the agreement. The value of new eligible properties shall be abated according to the approved agreement between applicant and the governing body. The governing body, in its sole discretion, shall determine the amount of any abatement. The table in the attached Exhibit "A", incorporated herein by reference, shall be the maximum abatement available, the actual amount of abatement granted is in the sole discretion of the Scurry County Commissioner's Court, but shall not exceed said maximum.

The abatement may be extended through an initial agreement and a subsequent agreement as may be required to comply with state law regarding the term of the reinvestment zone.

(h) Construction in Progress. If a qualifying facility has not been placed in service as of January 1 following execution of the abatement agreement, the taxpayer may apply for a one year extension of the term of abatement. Said extension must be applied for prior to the end of the calendar year in which the abatement agreement is executed.

(i) Taxability. From the execution of the abatement contract to the end of the agreement period, taxes shall be payable as follows:

- (1) The value of ineligible property as provided in Part IV(e) shall be fully taxable.
- (2) The base year value of existing eligible property as determined each year shall be fully taxable.
- (3) The additional value of new eligible property shall be taxable in the manner described in Part IV(g).

V. APPLICATION FOR TAX ABATEMENT

(a) Any present or potential owner or lessee of taxable property in Scurry County may request the creation of a reinvestment zone and tax abatement by filing written request either with the DCOS or applicable taxing entity.

(b) The application shall consist of a completed application form accompanied by:

- (1) a general description of the proposed use and the general nature and extent of the modernization, expansion or new improvements to be undertaken;
- (2) a descriptive list of the improvements which will be a part of the facility;
- (3) a map and property description or a site plan;
- (4) a time schedule for undertaking and completing the planned improvements;
- (5) In the case of modernizing existing facilities, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application; and,
- (6) The application form may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors of the applicant.

(c) Upon receipt of a completed application, the jurisdiction receiving such application shall notify in writing the presiding officer of the legislative body of each affected jurisdiction. Before acting upon the application, the jurisdiction receiving such application shall through public hearings

afford the applicant and the designated representative of any affected jurisdiction the opportunity to show cause why the abatement should or should not be granted. Notice of the public hearing shall be clearly identified on an agenda of the legislative body of the jurisdiction receiving such application to be posted at least seven (7) days prior to the hearing.

(d) The jurisdiction receiving the application shall approve or disapprove the application for tax abatement within forty-five (45) days after receipt of the application. The presiding officer of the legislative body of the jurisdiction receiving such application shall notify the applicant of the approval or disapproval promptly thereafter.

(e) A request for a reinvestment zone for the purpose of abatement shall not be granted if the jurisdiction receiving the application finds that the request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed modernization expansion or new facility.

(f) Variance. Requests for variance from the provisions of Subsections (a) through (e) of Part V. may be made in written form to the presiding officer of the jurisdiction receiving the application. Such request shall include a complete description of the circumstances explaining why the applicant should be granted a variance. Approval of a request for variance requires a three-fourths (3/4) vote of the governing body of the affected jurisdiction as provided in State Statutes.

VI. PUBLIC HEARING

(a) Should any affected jurisdiction be able to show cause in the public hearing why the granting of abatement will have a substantial adverse effect on its bonds, tax revenue, service incapacity or the provision of service, that showing shall be reason for the jurisdiction receiving the application to deny the granting of ad valorem tax abatement

(b) Neither a reinvestment zone nor an abatement agreement shall be authorized if it is determined that:

- (1) There would be a substantial adverse affect on the provision of a government service or tax base of an affected jurisdiction.
- (2) The applicant has insufficient financial capacity.
- (3) Planned or potential use of the property would constitute a hazard to public safety, health or morals.
- (4) Planned or potential use of the property violates other governmental codes or laws.

VII. AGREEMENT

(a) After approval of the tax abatement application, each affected jurisdiction shall formally pass a resolution and execute an agreement with the owner and/or lessee of the facility which shall include:

- (1) Estimated value to be abated and the base year value.
- (2) Percent of value to be abated each year as provided in Part IV(g) of these Guidelines and Criteria.
- (3) The commencement date and the termination date of abatement.
- (4) The proposed use of the facility, nature of construction, time schedule for undertaking and completing the planned improvements, map, property description and improvements list as provided in Part V of these Guidelines and Criteria.
- (5) Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes recapture, administration and assignment as provided herein and other provisions that may be required for uniformity or by state law.
- (6) Amount of investment and/or average number of jobs involved for the period of abatement.
- (7) Said contract shall meet all of the requirements of Texas Tax Code Sec 312. et seq

(b) Such agreement shall be executed within thirty (30) days after the later of the date applicant has forwarded all necessary information to the jurisdiction receiving the application or the date of the approval of the application.

(c) Each affected jurisdiction shall make its own determination of abatement which shall not bind any other affected jurisdiction.

VIII. RECAPTURE

(a) In the event that the facility is completed and begins producing product or service, but subsequently discontinues producing product or service for any reason excepting fire, explosion or other casualty or accident or natural disaster for a period of more than one (1) year during the abatement period, then the agreement shall terminate and so shall the abatement of taxes for the calendar year during which the agreement is terminated. The taxes otherwise abated for that calendar year shall be paid to each affected jurisdiction within the County within sixty (60) days from the date of termination.

(b) Should the jurisdiction establishing a reinvestment zone and signing a tax abatement agreement determine that a company or individual is in default according to the terms and conditions of its agreement, the jurisdiction shall notify the company or individual in writing at the address stated

in the agreement, and if such is not cured within sixty (60) days from the date of such notice ("Cure Period"), then the agreement shall be terminated. Further, it will be a default under a tax abatement granted pursuant to these Guidelines and Criteria if the owner of the eligible property subject to the abatement is delinquent in paying any undisputed taxes to any taxing authority in Scurry County, Texas.

(c) In the event that the company or individual:

- (1) allows its ad valorem taxes owed the County or an affected jurisdiction to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or
- (2) violates any of the terms and conditions of the abatement agreement and fails to cure same during the Cure Period;

the agreement shall be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within sixty (60) days of the termination.

IX. ADMINISTRATION

(a) The Chief Appraiser of the Scurry County Appraisal District shall annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year the company or individual receiving abatement shall furnish the assessor with such information as may be necessary for abatement, including the number of new or retained employees associated with the facility. Once value has been established, the Chief Appraiser shall notify the affected jurisdictions which levy taxes on the amount of the assessment.

(b) The agreement shall stipulate that employees and/or designated representatives of the jurisdiction establishing the reinvestment zone and entering into a tax abatement agreement will have access to the reinvestment zone during the term of the abatement to inspect the facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the facility. All County inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

(c) Upon completion of construction the jurisdiction establishing the reinvestment zone and entering into a tax abatement agreement shall annually evaluate each facility and report possible violations of the contract and/or agreement to each affected jurisdiction.

(d) All proprietary information acquired by any affected jurisdiction for purposes of monitoring compliance with the terms and conditions of an abatement agreement shall be considered confidential.

X. ASSIGNMENT

(a) Abatement may be transferred and assigned by the holder to a new owner or lessee of the same facility upon the approval by resolution of each affected jurisdiction, subject to the financial capacity of the assignee and provided that all conditions and obligations in the abatement agreement are guaranteed by the execution of a new contractual agreement with each affected jurisdiction.

(b) The contractual agreement with the new owner or lessee shall not exceed the termination date of the abatement agreement with the original owner and/or lessee.

(c) No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee are liable to any affected jurisdiction for outstanding taxes or other obligations.

(d) Approval shall not be unreasonably withheld.

XI. SUNSET PROVISION

(a) These Guidelines and Criteria are effective upon the date of the adoption and will remain in force for two (2) years, at which time all reinvestment zones and tax abatement contracts created pursuant hereto will be reviewed by each affected jurisdiction to determine whether the goals have been achieved. Based on that review, these Guidelines and Criteria may be modified, renewed or eliminated, providing that such actions shall not affect existing contracts.

(b) These Guidelines and Criteria do not amend any existing Industrial District Contracts or agreements with the owners of real property in areas deserving of specific attention as agreed by the affected jurisdiction.

(c) Prior to the date for review, as defined above, these Guidelines and Criteria may be modified by a two-thirds (2/3) vote of the affected taxing authorities, as provided for under the laws of the State of Texas.

XII. SEVERABILITY AND LIMITATIONS

(a) In the event that any section, clause, sentence, paragraph or any part of these Guidelines and Criteria shall for any reason, be adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair, or invalidate the remainder of these Guidelines and Criteria.

(b) Property that is in a reinvestment zone that is owned or leased by the following cannot benefit from a tax abatement:

- (1) a member of the governing body of a municipality or by a member of a planning board or commission of the municipality; or

- (2) a member of the commissioners court or a member of a planning board or commission of the County is excluded from property tax abatement.

(c) If these Guidelines and Criteria have omitted any mandatory requirements of the applicable tax abatement laws of the State of Texas, then such requirements are hereby incorporated as a part of this Guideline Statement.

GLOSSARY

- (a) "Abatement" means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by the County or a City for economic development purposes.
- (b) "Aquaculture/Agriculture Facility" means buildings, structures and major earth structure improvements, including fixed machinery and equipment, the primary purpose of which is of food and/or fiber products in commercially marketable quantities.
- (c) "Affected jurisdiction" means Scurry County and any municipality, or school district, the majority of which is located in Scurry County that levies ad valorem taxes upon and/or provides services to property located within the proposed or existing reinvestment zone designated by Scurry County or any municipality.
- (d) "Agreement" means a contractual agreement between a property owner and/or lessee and the affected jurisdiction for the purpose of tax abatement.
- (e) "Base year value" means the assessed value of eligible property on January 1 preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January 1 but before the filing of an application for tax abatement.
- (f) "Deferred maintenance" means improvements necessary for continued operations which do not improve productivity or alter the process technology.
- (g) "Distribution Center Facility" means building and structures, including machinery and equipment, used or to be primarily to receive, store, service or distribute goods or materials owned by the facility, from which a majority of revenues generated by activity at the facility are derived from outside of Scurry County.
- (h) "Expansion" means the addition of buildings, structures, machinery or equipment for purposes of increasing production capacity.

(i) "Facility" means property improvements completed or in the process of construction which together comprise an integral whole.

(j) "Manufacturing Facility" means buildings and structures, including machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

(k) "Modernization" means the upgrading and or replacement of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing or repairing.

(l) "New Facility" means improvements to real estate previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.

(m) "New Job(s)" means a newly created employment position on a full-time permanent basis. Two or more part-time permanent employees totaling an average of not less than 40 hours per week may be considered as one full-time permanent employee.

(n) "Office Building" means a new office building.

(o) "Other Basic Industry" means buildings and structures, including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which serve a market primarily outside the County and results in the creation of new permanent jobs and new wealth in the County.

(p) "Regional Entertainment/Tourism Facility" means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment and/or tourism related services, from which a majority of revenues generated by activity at the facility are derived from outside Scurry County.

(q) "Research Facility" means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

(r) "Regional Service Facility" means buildings and structures, including fixed machinery and equipment, used or to be used to provide a service from which a majority of revenues generated by activity at the facility are derived from outside Scurry County.

(s) "Wind Energy Facility" means buildings and structures, including but not limited to wind energy generating turbines, electric transmission lines, electric power substations, electrical gathering equipment, communications systems and roads, fixed machinery and equipment, used or to be used to provide electrical energy.

EXHIBIT A: SCHEDULE OF TAX ABATEMENT

| A. | | B. | | C. | | | | | | | | | |
|--|--------------|--|--------|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| AMOUNT OF VALUATION OF ELIGIBLE PROPERTY AS DETERMINED BY THE TAX APPRAISAL DISTRICT | | AVERAGE NUMBER OF ADDITIONAL EMPLOYEES DURING THE TWELVE CALENDAR MONTHS PRIOR TO THE TAX ASSESSMENT DATE OF JANUARY 1 | | PERCENT OF TAX ABATED EACH YEAR DURING 10 YEAR ABATEMENT PERIOD | | | | | | | | | |
| FROM | TO | FROM | TO | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| \$150,000 | \$1,000,000 | 5 | 25 | 100 | 75 | 50 | 25 | 0 | 0 | 0 | 0 | 0 | 0 |
| \$1,000,001 | \$2,500,000 | 26 | 45 | 100 | 100 | 75 | 50 | 25 | 0 | 0 | 0 | 0 | 0 |
| \$25,000,001 | \$4,000,000 | 46 | 60 | 100 | 100 | 100 | 75 | 50 | 25 | 0 | 0 | 0 | 0 |
| \$4,000,001 | \$5,000,000 | 61 | 75 | 100 | 100 | 100 | 100 | 75 | 50 | 25 | 0 | 0 | 0 |
| \$5,000,001 | \$10,000,000 | 76 | 85 | 100 | 100 | 100 | 100 | 100 | 75 | 50 | 25 | 0 | 0 |
| \$10,000,001 | Above | 86 | and up | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Special Downtown District | | | | | | | | | | | | | |
| \$5,000 | Above | 0 | and up | 100 | 100 | 100 | 100 | 100 | 75 | 50 | 25 | 0 | 0 |

During the first year after the improvements are completed, and for each subsequent year during the term of an abatement granted pursuant to these Guidelines and Criteria, the percent of tax abated shall be based on either (1) the valuation of eligible property, as listed in Column A above, or (2) the average number of additional employees, as listed in Column B above, whichever results in the greater percent abated as listed in Column C.

STATE OF TEXAS

§

§

COUNTY OF SCURRY

§

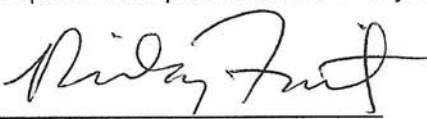
ORDER DESIGNATING REINVESTMENT ZONE

WHEREAS, Notice of a proposed Designation of a Reinvestment Zone was published in accordance with the Texas Tax Code and whereas Scurry County desires to create a Reinvestment Zone in Scurry County.

It is **Hereby Ordered** that the County designates the property located in Scurry County having the legal description attached to the Order as Exhibit "A" as Dermott Wind Reinvestment Zone No. 1 under the Scurry County Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones, having determined that the designation will contribute to the retention of expansion of primary employment and will attract major investment in the zone that will benefit the zone and will contribute to the economic development of the County; and

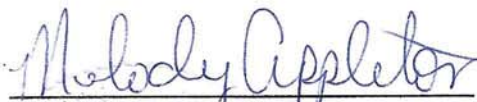
That the County declares eligible for property tax abatement all eligible property now or hereafter located in the Dermott Wind Reinvestment Zone No.1 as authorized by the Scurry County Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones and Chapter 312 of the Texas Tax Code.

Passed and approved at the regular meeting of the Scurry County Commissioners' Court, at which a quorum was present on the 1st day of **March, 2016**.

By: 

Name: Ricky Fritz, Scurry County Judge

Attest:


Melody Appleton, County Clerk



PUBLIC NOTICE

Notice is hereby given that the Scurry County Commissioner's Court will hold a Public Hearing on the 1st day of March, 2016, at 10:00 a.m. in the County Courtroom located on the 3rd floor of the Scurry County Courthouse to consider designating a reinvestment zone as that term is defined in Section 312.401 of the Texas Tax Code for the purpose of considering tax abatement for the following described property located in Scurry County, Texas:

Legal description of reinvestment zone

The legal description of the land in the Reinvestment Zone

DERMOTT WIND PROJECT – REINVESTMENT ZONE

LEGAL DESCRIPTION: BEING APPROXIMATELY 71,834 ACRES OF LAND AND BEING ALL OF AND ANY PORTIONS OF SECTIONS: 381, A-2415, 382, A-1727, A-2724, 383, A-2683, A-2680, A-2674, A-2090, 384, A-1762, 385, A-2628, A-2390, A-2207, A-2520, A-2454, 387, A-1953, A-2960, 388, A-1676, 389, A-2080, A-2829, A-1952, 390, A-1855, A-3002, 392, A-2672, A-1512, 393, A-1936, 394, A-2673, A-1765, A-2682, A-2904, 395, A-2803, A-1910, A-2316, 396, A-2868, A-1822, 436, A-626, 437, A-2123, A-2585, A-2180, A-3024, A-3018, 438, A-1694, 439, A-2089, A-2703, A-2704, 440, A-1532, 441, A-1911, 442, A-548, 443, A-1964, A-2269, A-1919, A-2268, 444, A-518, 445, A-2841, A-2857, 446, A-1710, A-2888, 447, A-2426, 448, A-1693, A-2668, 449, A-2067, 450, A-1531, 451, A-2423, A-2634, 452, A-1808, 453, A-2929, A-2083, A-2424, 489, A-2144, 490, A-2840, A-1945, A-2773, A-2653, 491, A-2082, A-2095, A-2834, 492, A-1809, 493, A-2505, A-2549, A-2146, A-2907, A-2908, 494, A-2713, A-1800, 495, A-2545, 496, A-1799, 497, A-2051, 498, A-1937, 499, A-2031, A-2113, A-1981, A-2202, 500, A-1781, 501, A-2052, 502, A-2492, 503, A-2291, 504, A-2130, 505, A-2124, 506, A-2835, A-1563, 507, A-2716, A-2706, A-2442, 508, A-2441, 509, A-2566, A-2883, A-2791, 510, A-2395, 541, A-2465, 542, A-1642, 543, A-2396, 544, A-1640, 545, A-2565, 546, A-1807, 547, A-2163, A-2967, 548, A-2134, 549, A-2129, 550, A-2292, 551, A-2053, 552, A-1938, 563, A-2054, 564, A-2241, 565, A-2677, A-2783, A-2654, A-2290, 566, A-1798, 567, A-2325, A-2769, A-2324, A-2402, 568, A-2383, A-2879, 569, A-404, 570, A-1641, 573, A-406, 574, A-1643, 607, A-415, 608, A-2387, 609, A-416, 610, A-1804, 611, A-417, 612, A-2022, 613, A-418, 614, A-2271, 652, A-2273, 653, A-683, 654, A-1802, 655, A-692, 656, A-1803, BLOCK 97, H & TC RR. COMPANY SURVEY, SECTION 29, A-513, JK SMITH SURVEY, SECTION 1, A-2659, IA WALKER SURVEY, SECTIONS 24, A-479, 25, A-48 JP SMITH SURVEY, SECTIONS 225, A-123, 227, A-124, 228, A-560, 229, A-125, 230, A-1677, 231, A-346, 232, A-1678, 233, A-347, 234, A-1679, 235, A-348, 236, A-545, 237, A-349, 238, A-1499, 260, A-2373, 261, A-360, 262, A-2034, 263, A-361, 264, A-2867, 164, A-1782, 265, A-362, 266, A-2036, A-2033, 267, A-363, 268, A-1488, A-1783, 269, A-364, 270, A-2102, BLOCK 2, H&TC RR COMPANY SURVEY, SECTION 1, A-2845, A-2542 J.A. KUYKENDALL SURVEY AND SECTION 2, A-2846, M.A. FULLER SURVEY LYING IN AND BEING SITUATED OUT OF SCURRY COUNTY, TEXAS: SAID 71834 ACRE TRACT BEING GENERALLY DESCRIBED AS FOLLOWS:

BEGINNING at a point at or near the intersection of the approximate east right of way line of F.M. Highway 1142 and the common line of Section 699 of said Block 97 and said Section 656 for the most northerly northwest corner hereof and having an approximate Latitude and Longitude of N 32.95887° and W 100.97363°;

THENCE South 87°33'53" East an approximate distance of 26756.30 feet along the north line of said Sections 656, 655, 654, 653 and 652 to a point at or near the common corner of Section 703, A-699, Section 704, A-2240, Section 651, A-685 all in said Block 97 and said Section 652 for the most northerly northeast corner hereof and having an approximate Latitude and Longitude of N 32.95744°, W 100.88641°;

THENCE South 02°40'48" West an approximate distance of 26521.18 feet along the east line of said Sections 652, 614, 563, 552 and 501 to a point at or near the common corner of said Sections 500, 499, 498 and 501 for a corner hereof and having an approximate Latitude and Longitude of N 32.88457°, W 100.88849°;

THENCE South 87°14'27" East an approximate distance of 2644.66 feet along the south line of said Section 500 to a point for a corner hereof and having an approximate Latitude and Longitude of N 32.88438°, W 100-87987°;

THENCE crossing said Section 500 the following 2 courses:

1. North 02°14'09" East an approximate distance of 684.98 feet to a point for a corner hereof and having an approximate Latitude and Longitude of N 32.88626°, W 100.87984°;
2. South 87°36'02" East an approximate distance of 2704.64 feet to a point in the common line of said Section 500 and said Section 445 for a corner hereof and having an approximate Latitude and Longitude of N 32.88612°, W 100.87103°;

THENCE North 02°34'15" East an approximate distance of 4615.14 feet along the common line of said Section 500 and said Section 445 to a point at or near the common corner of Section 553, A-1935 of said Block 97, Section 554, A-1939 of said Block 97, said Section 445 and said Section 500 for a corner hereof and having an approximate Latitude and Longitude of N 32.89880°, W 100.87069°;

THENCE South 86°51'11" East an approximate distance of 4300.54 feet along the north line of said Section 445 to a point at or near the common corner of said Section 1 and said Section 445 for an angle point hereof and having an approximate Latitude and Longitude of N 32.89842°, W 100.85669°;

THENCE South 86°48'08" East an approximate distance of 6302.53 feet along the north line of said Section 1 to a point in the west line of Section 556, A-2098 of said Block 97 at or near the common corner of Section 555, A-2190 of said Block 97 and said Section 1 for a corner hereof and having an approximate Latitude and Longitude of N 32.89784°, W 100.83616°;

THENCE South 02°41'27" West an approximate distance of 905.64 feet along the common line of said Section 556 and said Section 1 to a point at or near the common corner of said Section 1 and said Section 2 for an angle point hereof and having an approximate Latitude and Longitude of N 32.89535°, W 100.83624°;

THENCE South 13°31'00" West an approximate distance of 1043.73 feet along the common line of Section 2, A-2644 of said M.A. Fuller Survey and said Section 2, A-2846, to a point at or near the common corner of said Section 2, said Section 270 and said Section 269 for a corner hereof and having an approximate Latitude and Longitude of N 32.89255°, W 100.83696°;

THENCE South 12°11'25" East an approximate distance of 2688.60 feet along the common line of said Section 270 and said Section 269 to a point for a corner hereof and having an approximate Latitude and Longitude of N 32.88536°, W 100.83492°;

THENCE North 76°53'19" East an approximate distance of 3319.53 feet along the south line of said Section 270, A-2372 and the north line of said Section 270, A-2102 to a point at or near the common corner of said Section 270, A-2569 and said Section 270, A-2102 for a corner hereof and having an approximate Latitude and Longitude of N 32.88763°, W 100.82444°;

THENCE South 13°03'38" East an approximate distance of 2611.45 feet along the common line of said Section 270, A-2569 and said Section 270, A-2102 to a point in the north line of said Section 263 for a corner hereof and having an approximate Latitude and Longitude of N 32.88067°, W 100.82234°;

THENCE North 76°54'56" East an approximate distance of 1980.83 feet along the common line of said Section 270 and said Section 263 to a point at or near the common corner of Section 271, A-365 of said Block 97, said Section 260, said Section 263 and said Section 270 for an angle point hereof and having an approximate Latitude and Longitude of N 32.88202°, W 100.81609°;

THENCE North 77°49'35" East an approximate distance of 5314.85 feet along the common line of said Section 271 and said Section 260 to a point at or near the common corner of said Section 271, Section 272, A-366 of said Block 2, Section 259, A-359 of said Block 2 and said Section

260 for a northeast corner hereof and having an approximate Latitude and Longitude of N 32.88542°, W 100.79925°;

THENCE South 12°44'49" East an approximate distance of 21223.60 feet along the east line of said Sections 260, 261, 238 and 227 to a point at or near the common corner of Section 226, A-2032 of said Block 2, said Section 225, said Section 227 and said Section 228 for a corner hereof and having an approximate Latitude and Longitude of N 32.82881°, W 100.78253°;

THENCE North 77°08'26" East an approximate distance of 5201.37 feet along the north line of said Section 225 to a point at or near the common corner of said Section 226, Section 223, A-122 of said Block 2, Section 224, A-2397 and said Section 225 for a corner hereof and having an approximate Latitude and Longitude of N 32.83229°, W 100.76611°;

THENCE South 13°01'32" East an approximate distance of 5312.67 feet along the east line of said Section 225 to a point at or near the common corner of said Section 224, Section 153, A-143 of said Block 2, Section 152, A-1650 of said Block 2 and said Section 225 for the southwest corner hereof and having an approximate Latitude and Longitude of N 32.81814°, W 100.76185°;

THENCE South 76°42'55" West an approximate distance of 10440.23 feet along the south line of Sections 225 and 228 to a point at or near the common corner of Section 151, A-142 of said Block 2, Section 150, A-1835 of said Block 2, said Section 229 and said Section 228 for an angle point hereof and having an approximate Latitude and Longitude of N 32.81094°, W 100.79474°;

THENCE South 77°17'46" West an approximate distance of 5277.08 feet along the south line of said Section 232 to a point at or near the common corner of said Section 150, Section 149, A-141 of said Block 2, said Section 232 and said Section 229 for an angle point hereof and having an approximate Latitude and Longitude of N 32.80744°, W 100.81141°;

THENCE South 77°32'12" West an approximate distance of 5313.85 feet along the south line of said Section 232 to a point at or near the common corner of said Section 149, Section 148, A-1773 of said Block 2, Section 233 and said Section 232 for an angle point hereof and having an approximate Latitude and Longitude of N 32.80398°, W 100.82821°

THENCE South 77°25'14" West an approximate distance of 5308.66 feet along the south line of said Section 233 to a point in the east line of Section 59, A-30, Block 3, H.&G.N. Railroad Company Survey at or near the common corner of Section 148, A-1773 of said Block 2 and said Section 233 for a corner hereof and having an approximate Latitude and Longitude of N 32.80048°, W 100.84499°;

THENCE along the east, north and west lines of Said Section 59 the following 3 courses:

1. North 13°04'57" West an approximate distance of 2155.22 feet along the west line of said Section 233 to a point at or near the common corner of said Section 29 and said Section 59 for a corner hereof;
2. North 89°00'30" West an approximate distance of 809.52 feet along the south line of said Section 29 to a point for the common corner of said Section 25 and said Section 29 for a corner hereof;
3. South 01°42'19" West an approximate distance of 4888.23 feet along the east line of said Section 25 to a point for a corner hereof and having an approximate Latitude and Longitude of N 32.79277°, W 100.84948°;

THENCE South 47°48'04" West an approximate distance of 571.76 feet crossing said Section 25 to a point in the south line of said Section 25 for a corner hereof and having an approximate Latitude and Longitude of N 32.79169°, W 100.85083°;

THENCE North 88°15'44" West an approximate distance of 10121.97 feet along the south line of said Section 25 and said Section 24 to a point in the east line of N Ennis Creek Road for the most southerly southwest corner hereof and having an approximate Latitude and Longitude of N 32.79191°, W 100.88377°;

THENCE North 01°34'52" East an approximate distance of 2436.78 feet along the east line of said N Ennis Creed Road to a point for a corner hereof and having an approximate Latitude and Longitude of N 32.79861°, W 100.88373°;

THENCE crossing said Section 24 the following 3 courses:

1. South 87°57'58" East an approximate distance of 310.69 feet to a point for an interior corner hereof;
2. North 01°45'49" East an approximate distance of 174.79 feet to a point for an interior corner hereof;
3. South 81°23'14" West an approximate distance of 316.56 feet to a point in the approximate east line of said N Ennis Creek Road for a corner hereof and having an approximate Latitude and Longitude of N 32.79893°, W 100.88373°;

THENCE North 01°31'33" East an approximate distance of 2638.62 feet along the approximate east line of said N Ennis Creek Road to a point in the south line of Section 26, A-481 of said J.P. Smith Survey for a corner hereof and having an approximate Latitude and Longitude of N 32.80618° W 100.88370°;

THENCE South 88°48'50" East an approximate distance of 1602.05 feet along the common line of said Section 26 and said Section 24 to a point at or near the common corner of said Section 26 and said Section 1 for a corner hereof and having an approximate Latitude and Longitude of N 32.80619°, W 100.87848°;

THENCE North 01°13'40" East an approximate distance of 1861.98 feet along the common line of said Section 26 and said Section 1 to a point in the approximate south line of said N Ennis Creek Road for a corner hereof and having an approximate Latitude and Longitude of N 32.81131°, W 100.87849°;

THENCE North 81°34'25" West an approximate distance of 683.72 feet crossing said N Ennis Creek Road to a point of curvature of a curve to the left for a corner hereof and having an approximate Latitude and Longitude of N 32.81154°, W 100.88070°;

THENCE along a curve turning to the left with an arc length of 279.82 feet, with a radius of 783.13 feet, with a chord bearing of South 84°18'18" West, with a chord length of 278.33 feet to a point in the common line of said Section 387 and said Section 26 for a corner hereof and having an approximate Latitude and Longitude of N 32.81138°, W 100.88180°;

THENCE North 87°20'05" West a distance of 92.59 feet along said common line to a point at or near the southeast corner of the west half of said Section 387 for a corner hereof and having an approximate Latitude and Longitude of N 32.81145°, W 100.88190°;

THENCE North 02°45'05" East a distance of 5306.57 feet along the east line of the west half of said Section 387 to point at or near the northeast corner of the west half of said Section 387 in the south line of said Section 390 for a corner hereof and having an approximate Latitude and Longitude of N 32.82603°, W 100.88146°;

THENCE North 87°27'10" West a distance of 2661.20 feet along the common line of said Section 387 and said Section 390 to a point at or near the common corner of said Section 387, Sections 386 and 391 of said Block 97 and said Section 390 for a corner hereof and having an approximate Latitude and Longitude of N 32.82619°, W 100.89012°;

THENCE North 02°48'43" East a distance of 5357.60 feet along the common line of said Section 387 and said Section 390 to a point at or near the common corner of said Sections 391, 442, 443 and 390 for a corner hereof and having an approximate Latitude and Longitude of N 32.84091°, W 100.88966°;

THENCE North 86°55'21" West a distance of 5344.56 feet along the common line of said Sections 391 and 442 to a 4 inch pipe post fence corner at or near the common corner of said Sections 392, 441, 442 and 391 for a corner hereof and having an approximate Latitude and Longitude of N 32.84137°, W 100.90706°;

THENCE South 02°45'12" West a distance of 10697.12 feet along the common lines of said Sections 392 and 391 and said Sections 385 and 386 to a point at or near the common corner of said Section 385 and 386 in the north line of said Section 26 for a corner hereof and having an approximate Latitude and Longitude of N 32.81197°, W 100.90793°;

THENCE North 87°18'42" West a distance of 5258.21 feet generally along the common line of said Sections 385 and 26 to a point for an angle point hereof;

THENCE North 87°05'41" West an approximate distance of 4849.40 feet along the north line F.M. Highway 1611 in the south part of said Section 384 to a point for a corner hereof and having an approximate Latitude and Longitude of N 32.81269°, W 100.94082°;

THENCE crossing said Section 384 the following 6 courses:

1. North 01°30'23" East an approximate distance of 215.92 feet to a point for an interior corner hereof;
2. North 88°53'20" West an approximate distance of 208.08 feet to a point for an interior corner hereof;
3. South 01°35'24" West an approximate distance of 210.48 feet to a point for an interior corner hereof;
4. North 87°16'42" West an approximate distance of 53.24 feet to a point for an interior corner hereof;
5. North 40°03'23" West an approximate distance of 53.84 feet to a point for an interior corner hereof;
6. North 87°12'28" West an approximate distance of 246.52 feet to a point in the common line of said Section 383 and said Section 384 for a corner hereof and having an approximate Latitude and Longitude of N 32.81283°, W 100.94259°;

THENCE North 02°54'27" East an approximate distance of 173.32 feet along said common line to a point for a corner hereof and having an approximate Latitude and Longitude of N 32.81331° W 100.94258°;

THENCE crossing said Section 383 the following 6 courses:

1. North 87°49'47" West an approximate distance of 502.46 feet to a point for a corner hereof;
2. South 02°54'30" West an approximate distance of 173.32 feet to a point for a corner hereof;
3. North 87°48'50" West an approximate distance of 82.61 feet to a point for a corner hereof;
4. South 54°15'03" West an approximate distance of 56.27 feet to a point for a corner hereof;
5. North 87°17'37" West an approximate distance of 59.09 feet to a point for a corner hereof;
6. South 02°54'33" West an approximate distance of 25.26 feet to a point in the approximate north line of County Road 278 for a corner hereof and having an approximate Latitude and Longitude of N 32.81270°, W 100.94484°;

THENCE North 87°17'51" West an approximate distance of 198.28 feet along the approximate north line of said County Road 278 to a point for a corner hereof and having an approximate Latitude and Longitude of N 32.81271°, W 100.94548°;

THENCE crossing said Section 383 the following 4 courses:

1. North 02°49'56" East an approximate distance of 1140.04 feet to a point for a corner hereof;
2. North 02°41'52" East an approximate distance of 366.35 feet to a point for a corner hereof;
3. North 87°29'54" West an approximate distance of 1773.89 feet to a point for a corner hereof;

4. South 03°00'14" West an approximate distance of 1494.44 feet to a point in the north line of said County Road 278 for a corner hereof and having an approximate Latitude and Longitude of N 32.81284°, W 100.95127°;

THENCE North 87°18'17" West an approximate distance of 6928.09 feet along the approximate north line of said County Road 278 to a point in the approximate east right of way line of U.S. Highway 84 for the southwest corner hereof and having an approximate Latitude and Longitude of N 32.81329°, W 100.97382°;

THENCE along the approximate east right of way line of U.S. Highway 84 the following 16 courses:

1. North 27°32'41" West an approximate distance of 1959.81 feet to a point for an angle point hereof;
2. North 27°14'42" West an approximate distance of 201.67 feet to a point for an angle point hereof;
3. North 26°46'45" West an approximate distance of 90.15 feet to a point for an angle point hereof;
4. North 27°00'24" West an approximate distance of 3159.34 feet to a point for an angle point hereof;
5. North 27°00'22" West an approximate distance of 302.95 feet to a point for an angle point hereof;
6. North 27°00'10" West an approximate distance of 459.07 feet to a point for an angle point hereof;
7. North 25°00'26" West an approximate distance of 40.51 feet to a point for an angle point hereof;
8. North 25°02'11" West an approximate distance of 1541.67 feet to a point of curvature of a curve to the left;
9. Along a curve turning to the left with an arc length of 903.72 feet, with a radius of 2661.80 feet, with a chord bearing of North 34°48'44" West, with a chord length of 899.39 feet,;
10. North 48°20'24" West an approximate distance of 612.77 feet to a point for an angle point hereof;
11. North 48°22'12" West an approximate distance of 29.24 feet to a point for an angle point hereof;
12. North 48°26'05" West an approximate distance of 1462.12 feet; to a point for an angle point hereof
13. North 55°09'54" West an approximate distance of 520.02 feet to a point for an angle point hereof;
14. North 47°55'54" West an approximate distance of 2445.24 feet to a point for an angle point hereof;
15. North 46°23'30" West an approximate distance of 3374.04 feet to a point for an angle point hereof;
16. North 37°39'00" West an approximate distance of 1383.96 feet to a point in the common line of said Section 436 and said Section 435 for a corner hereof and having an approximate Latitude and Longitude of N 32.85219°, W 101.01108°;

THENCE North 03°17'51" East an approximate distance of 2029.96 feet along said common line to a point in the approximate east line of County Road 2127 for an angle point hereof and having an approximate Latitude and Longitude of N 32.85776°, W 101.01086°;

THENCE along the approximate east line of said County Road 2127 the following 4 courses:

1. North 02°32'18" East an approximate distance of 1782.03 feet to a point for an angle point hereof;
2. North 02°31'34" East an approximate distance of 824.82 feet to a point for an angle point hereof;
3. North 02°31'31" East an approximate distance of 1588.38 feet to a point for an angle point hereof;
4. North 02°31'38" East an approximate distance of 1078.84 feet to a point for a corner hereof and having an approximate Latitude and Longitude of N 32.87226°, W 101.01051°;

THENCE North 55°53'56" West an approximate distance of 58.64 feet to a point in the approximate north line of County Road 2136 for a corner hereof and having an approximate Latitude and Longitude of N 32.87234°, W 101.01067°;

THENCE along the approximate north line of said County Road 2136 the following courses:

1. North 87°03'01" West an approximate distance of 5311.98 feet to a point for an angle point hereof;
2. North 86°21'31" West an approximate distance of 26.36 feet to a point for an angle point hereof;
3. North 87°21'07" West an approximate distance of 1229.89 feet to a point for an angle point hereof;
4. North 87°15'16" West an approximate distance of 1442.47 feet to a point for an angle point hereof;
5. North 87°11'12" West an approximate distance of 1165.08 feet to a point for an angle point hereof;
6. North 51°04'03" West an approximate distance of 360.39 feet to a point for an angle point hereof;
7. South 79°33'29" West an approximate distance of 157.66 feet to a point in the approximate east right of way line of said U.S. Highway 84 for a corner hereof and having an approximate Latitude and Longitude of N 32.87351°, W 101.04198°;

THENCE along the approximate east right of way line of said U.S. Highway 84 the following 18 courses:

1. North 47°20'38" West an approximate distance of 1351.22 feet to a point for an angle point hereof;
2. North 46°49'55" West an approximate distance of 433.95 feet to a point for an angle point hereof;
3. North 46°49'24" West an approximate distance of 568.71 feet to a point for an angle point hereof;
4. North 02°35'43" East an approximate distance of 113.80 feet to a point for an angle point hereof;
5. North 02°35'34" East an approximate distance of 65.22 feet to a point for an angle point hereof;
6. North 48°20'41" West an approximate distance of 299.38 feet; to a point for an angle point hereof;
7. South 68°47'19" West an approximate distance of 141.82 feet to a point for an angle point hereof;
8. North 46°48'19" West an approximate distance of 181.23 feet to a point for an angle point hereof;
9. North 49°14'35" West an approximate distance of 295.34 feet to a point for an angle point hereof;
10. North 41°38'52" West an approximate distance of 318.58 feet to a point for an angle point hereof;
11. North 33°36'36" West an approximate distance of 331.62 feet to a point for an angle point hereof;
12. North 25°24'13" West an approximate distance of 331.60 feet to a point for an angle point hereof;
13. North 17°21'25" West an approximate distance of 318.61 feet to a point for an angle point hereof;
14. North 09°46'04" West an approximate distance of 295.29 feet to a point for an angle point hereof;
15. North 07°49'59" West an approximate distance of 125.65 feet to a point for an angle point hereof;
16. North 07°50'13" West an approximate distance of 434.57 feet to a point for an angle point hereof;
17. North 07°49'46" West an approximate distance of 1018.02 feet to a point for an angle point hereof;

18. North 07°23'05" West an approximate distance of 5426.47 feet to a point in the common line of said Section 543 and said Section 510 for a corner hereof and having an approximate Latitude and Longitude of N 32.90237°, W 101.05593°;

THENCE North 87°13'02" West an approximate distance of 1842.48 feet to a point at or near the common corner of Section 511, A-2755 of said Block 97, said Section 542, said Section 543 and said Section 510 for an angle point hereof and having an approximate Latitude and Longitude of N 32.90249°, W 101.06193°;

THENCE North 87°02'31" West an approximate distance of 5335.09 feet along the south line of said Section 542 to a point at or near the common corner of said Section 511, Section 512, A-1944 of said Block 97, said Section 541 and said Section 542 for an angle point hereof and having an approximate Latitude and Longitude of N 32.90289°, W 101.07931°;

THENCE North 87°23'51" West an approximate distance of 4487.93 feet along the south line of said Section 541 to a point for the western most southwest corner hereof and having an approximate Latitude and Longitude of N 32.90315°, W 101.09393°;

THENCE crossing said Sections 541 and 574 the following 9 courses:

1. North 02°57'47" East an approximate distance of 6716.84 feet to a point for an angle point hereof;
2. North 08°23'57" East an approximate distance of 1286.86 feet to a point for an angle point hereof;
3. North 80°56'53" East an approximate distance of 434.34 feet to a point for an angle point hereof;
4. North 35°40'18" East an approximate distance of 247.73 feet to a point for an angle point hereof;
5. North 11°56'30" East an approximate distance of 286.31 feet to a point for an angle point hereof;
6. North 12°45'27" West an approximate distance of 865.06 feet to a point for an angle point hereof;
7. North 15°02'44" West an approximate distance of 562.72 feet to a point for an angle point hereof;
8. North 00°58'22" West an approximate distance of 300.38 feet to a point for an angle point hereof;
9. North 87°03'53" East an approximate distance of 4168.67 feet to a point at or near the common corner of Section 603, A-413 of said Block 97, Section 604, A-2360 of said Block 97, said Section 573 and said Section 574 for an angle point hereof and having an approximate Latitude and Longitude of N 32.93212°, W 101.07822°;

THENCE South 86°58'19" East an approximate distance of 2300.39 feet to a point in the approximate west right of way of said U.S. Highway 84 for a corner hereof and having an approximate Latitude and Longitude of N 32.93197°, W 101.07101°;

THENCE along the approximate west right of way line of said U.S. Highway 84 the following 13 courses:

1. South 30°10'25" East an approximate distance of 290.04 feet to a point for an angle point hereof;
2. South 47°23'01" West an approximate distance of 25.68 feet to a point for an angle point hereof;
3. South 30°06'49" East an approximate distance of 1357.61 feet to a point for an angle point hereof;
4. South 58°40'17" West an approximate distance of 90.80 feet to a point for an angle point hereof;
5. South 30°17'24" East an approximate distance of 220.64 feet to a point for an angle point hereof;
6. South 30°14'03" East an approximate distance of 553.50 feet to a point for an angle point hereof;
7. North 61°11'01" East an approximate distance of 95.23 feet to a point for an angle point hereof;

8. South 30°51'22" East an approximate distance of 1346.34 feet to a point for an angle point hereof;
9. North 67°46'48" East an approximate distance of 30.02 feet to a point for an angle point hereof;
10. South 31°08'15" East an approximate distance of 1386.96 feet to a point for an angle point hereof;
11. South 59°29'52" West an approximate distance of 23.08 feet to a point for an angle point hereof;
12. South 34°10'50" East an approximate distance of 355.38 feet to a point for an angle point hereof;
13. South 02°47'08" West an approximate distance of 712.33 feet to a point at or near the common corner of said Sections 572, 573, 542 and 543 for a corner hereof and having an approximate Latitude and Longitude of N 32.91715°, W 101.06151°;

THENCE South 86°44'37" East an approximate distance of 5306.19 feet along the common line of said Section 572 and said Section 543 to a point at or near the common corner of said Sections 572, 571, 544 and 543 for an angle point hereof;

THENCE South 87°52'39" East an approximate distance of 5317.55 feet along the common line of said Section 571 and said Section 544 to a point at or near the common corner of said Sections 571, 570, 545 and 544 for a corner hereof and having an approximate Latitude and Longitude of N 32.91649°, W 101.02690°;

THENCE North 02°41'08" East an approximate distance of 5288.48 feet along the common line of said Section 571 and said Section 570 to a point at or near the common corner of Section 606, A-2394 of said Block 97, said Sections 607, 570 and 571 for an angle point hereof;

THENCE South 85°51'23" East an approximate distance of 5387.76 feet along the common line of said Sections 606 and 607 to a point for a corner hereof and having an approximate Latitude and Longitude of N 32.93905°, W 101.02638°;

THENCE South 86°04'24" East an approximate distance of 5242.36 feet to a point in the common line of said Section 607 and said Section 608 for a corner hereof;

THENCE North 02°26'33" East an approximate distance of 2490.55 feet along said common line to a point for a common corner of Section 659, A-1459 of said Block 97, Section 658, A-2388 of said Block 97, said Section 607 and said Section 608 for a corner hereof and having an approximate Latitude and Longitude of N 32.94518°, W 101.00869°;

THENCE South 87°10'10" East an approximate distance of 5353.88 feet along the common line of said Section 658 and said Section 608 to a point at or near the common corner of said Section 658, Section 657, A-693 of said Block 97, said Section 609 and said Section 608 for an angle point hereof;

THENCE South 87°32'23" East an approximate distance of 4914.61 feet along the common line of said Section 657 and said Section 609 to a point in the approximate west line of F.M. Highway 1142 for a corner hereof;

THENCE along the approximate west line of said F.M. Highway 1142 the following courses:

1. South 09°25'32" East an approximate distance of 430.00 feet to a point for a point of curvature to the left;
2. Along a curve turning to the left with an arc length of 302.40 feet, with a radius of 1000.40 feet, with a chord bearing of South 18°05'07" East, with a chord length of 301.25 feet to a point for an angle point hereof;
3. South 26°45'32" East an approximate distance of 116.80 feet to a point for a point of curvature of a curve turning to the right;
4. Along a curve turning to the right with an arc length of 319.52 feet, with a radius of 671.80 feet, with a chord bearing of South 13°08'00" East, with a chord length of 316.52 feet to a point for a corner hereof;

THENCE South $89^{\circ}30'42''$ East an approximate distance of 90.92 feet crossing said F.M. Highway 1142 to a point in the approximate east line of said F.M. Highway 1142 for a point of curvature of a curve to the left and corner hereof;

THENCE along the approximate east line of said F.M. Highway 1142 along a curve turning to the left with an arc length of 249.17 feet, with a radius of 671.80 feet, with a chord bearing of North $08^{\circ}44'10''$ West, with a chord length of 247.75 feet to a point in the common line of said Section 610 and said Section 609 for a corner hereof;

THENCE North $02^{\circ}31'16''$ East an approximate distance of 860.77 feet along the common line of said Section 610 and said Section 609 to a point at or near the common corner of said Section 657, said Section 656, said Section 610 and said Section 609 for an angle point hereof;

THENCE North $02^{\circ}33'19''$ East an approximate distance of 1490.96 feet along the common line of said Section 657 and said Section 656 to a point in the approximate line of said F.M. Highway 1142 for a point of curvature of a curve to the left;

THENCE along the approximate line of said F.M. Highway 1142 the following 2 courses:

1. Along a curve turning to the left with an arc length of 301.34 feet, with a radius of 1000.40 feet, with a chord bearing of North $10^{\circ}31'13''$ East, with a chord length of 300.20 feet to a point for an angle point hereof;
2. North $01^{\circ}50'27''$ East an approximate distance of 3435.18 feet to the **POINT OF BEGINNING** and containing 71,834 acres of land, more or less.

Tab Item 17

Signature Pages

(see enclosed)

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**

Eddie Bland

Print Name (Authorized School District Representative)

Superintendent

Title

**sign
here**

Signature (Authorized School District Representative)

Date

7/13/17

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**

Philip Moore

Print Name (Authorized Company Representative (Applicant))

Vice President - Development

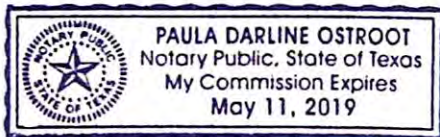
Title

**sign
here**

Signature (Authorized Company Representative (Applicant))

Date

7/10/2017



(Notary Seal)

GIVEN under my hand and seal of office this, the

10th day of July, 2017Paula D Ostroot
Notary Public in and for the State of Texas

My Commission expires: 5/11/19

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.