

**O'HANLON, DEMERATH & CASTILLO**

ATTORNEYS & COUNSELORS AT LAW  
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May 20, 2019

Local Government Assistance & Economic Analysis  
Texas Comptroller of Public Accounts  
P.O. Box 13528  
Austin, Texas 78711-3528

RE: Amendment002 to the Iraan-Sheffield Independent School District from RE  
Maplewood LLC.

To the Local Government Assistance & Economic Analysis Division:

Enclosed is Amendment002 to the Iraan-Sheffield Independent School District from RE  
Maplewood LLC. The following changes have been made:

1. Updated Question 1 under Section 1. Added Amendment 2 to the date application received by district.
2. Section 1. Number 1 – Updated Authorized Company Representative
3. Section 2: Applicant Information (Continued) – Updated Company consultant
4. Section 9: Projected Timeline – updated Question 2 through question 6 and Question 8
  - a) Question 2: Amendment001 Shows February 2019 as the Commencement. Amendment002 updates the Commencement of Construction to October 1, 2019
  - b) Question 3: Beginning of QTP for Amendment001 is January 2019. Amendment002 shows QTP beginning on June 11, 2018.
  - c) Question 4: Shows Limitation Start Date of January 2020 for amendment001. Amendment002 has Limitation Start Date of January 1, 2021.
  - d) Question 5: Amendment001 shows new employees being hired in Q4 2019. Amendment002 has new employees November 1, 2020.
  - e) Question 6: Amendment001 shows commencement of commercial operations at Q4 2019. Amendment002 shows commencement as December 1, 2020.
  - f) Question 8: Amendment001 has Q4-2019 as when new buildings will be placed in service. Amendment002 states December 1, 2020 as when new buildings will be placed in service.
5. Tab 4: Increased the capacity of project from 100 MW to 222 MW. Added the 799,300 photovoltaic panels and 91 central inverters to the description. Updated the dates for Construction to October of 2019, new employees in November of 2020 and facility being completed in December of 2020.
6. Tab 7: Increased the capacity of project from 100 MW to 222 MW. Added the 799,300 photovoltaic panels and 91 central inverters to the description. Updated the dates for Construction to October of 2019, new employees in November of 2020 and facility being completed in December of 2020.

May 20, 2019

7. Tab 8: Increased the capacity of project from 100 MW to 222 MW. Added the 799,300 photovoltaic panels and 91 central inverters to the description. Updated the dates for Construction to October of 2019, new employees in November of 2020 and facility being completed in December of 2020.
8. Tab 11 Maps
  - a) Added Tunas Creek Reinvestment Zone Two Map
  - b) Added Re Maplewood LLC National View Map
  - c) Added Project Boundary Maps showing both Reinvestment Zones
  - d) Added Project Boundary Map
  - e) Added Iraan-Sheffield ISD Boundary Map with both Reinvestment zones within the Iraan-Sheffield Boundary Map.
  - f) Pecos County Map showing the boundary of Iraan-Sheffield ISD and both reinvestment zones within the ISD Boundary Map.
  - g) Map of Pecos county with Reinvestment zones highlighted with the map
9. Tab 12: Updated Industry Standard for Jobs requirement to One Job per 115 MW.
10. Updated Tab 14 – Schedules A1 – D
  - a) Schedule A1: Updated Investment from \$140,000,000 to \$ 200,000,000
  - b) Updated New investment to \$200,000,000 from \$140,000,000
  - c) Updated Investment from \$140,000,000 to \$200,000,000
  - d) Changed date of Hires from 2019 to 2021.
  - e) No changes
11. Tab 16 – Added tunas creek reinvestment Zone 2
12. New Signature Page

A copy of the amended application will be submitted to the Pecos County Appraisal District.

Please do not hesitate to call with any questions.

Sincerely,

William Eggleston  
Assistant to Kevin O’Hanlon

Cc: Pecos County Appraisal District

KE Andrews  
1900 Dalrock Road  
Rowlett, Texas 75088

May 23, 2019

Superintendent Michael Meek  
cc. Texas Comptroller of Public Accounts  
Iraan-Sheffield ISD  
100 S. Farr Street  
Iraan, Texas 79744

**Re: Amendment for Texas Property Tax Code Section 313 Value Limitation Agreement #1233**

Mr. Meek:

Please find attached Amendment II for Section 313 Value Limitation Agreement #1233. On behalf of our client, RE Maplewood LLC and in accordance with the guidelines and principles outlined in Section 313 of the Texas Property Tax Code, it is our request that Iraan-Sheffield ISD consider the approval of this amendment.

Please find the following sections updated:

- Tab 1: Section 2 (Authorized Company Representative & Authorized Company Consultant) Updated; Section 9 Timeline (Construction Start, Qualifying Time Period, First Year of Limitation, Begin Hiring New Employees, Commencement of Commercial Operations, Buildings Placed in Service)
- Tab 4: Project Timeline Description ; MW capacity
- Tab 7: Project Timeline Description ; MW capacity
- Tab 8: Project Timeline Description ; MW capacity
- Tab 11: Maps updated to reflect location of project in two reinvestment zones
- Tab 12: Addition of industry standard within job waiver request
- Tab 14: Increase in total investment; value limitation beginning in 2021 instead of 2020
- Tab 16: Legal notice for creation of reinvestment zone included

If you have any questions, please feel free to contact me at 469-298-1594 or [mike@keatax.com](mailto:mike@keatax.com). We look forward to working with you, and appreciate your consideration of this request.

Sincerely,



Mike Fry  
Director—Energy Services



# Tab 1

*Pages 1-3; 5 of the application*

# Application for Appraised Value Limitation on Qualified Property (Tax Code, Chapter 313, Subchapter B or C)

Economic Development  
and Analysis  
**Form 50-296-A**

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

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

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

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

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

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

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

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

## SECTION 1: School District Information

### 1. Authorized School District Representative

Original: 12/11/2017      Amendment 2: 05/13/2019

Date Application Received by District

Michael

Meek

First Name

Last Name

Superintendent

Title

Iraan-Sheffield Independent School District

School District Name

100 S. Farr Street

Street Address

P.O. Box 486

Mailing Address

Iraan

Texas

79744-0486

City

State

ZIP

432-639-2512 Ext 223

(432) 639-2501

Phone Number

Fax Number

michael.meek@isisd.net

Mobile Number (optional)

Email Address

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



Application for Appraised Value Limitation on Qualified Property

**SECTION 1: School District Information (continued)**

**3. Authorized School District Consultant (If Applicable)**

Bob	Popinski
First Name	Last Name
Associate	
Title	
Moak, Casey & Associates	
Firm Name	
512-485-7878	512-485-7888
Phone Number	Fax Number
	bpopinski@moakcasey.com
Mobile Number (optional)	Email Address

4. On what date did the district determine this application complete? .....
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)**

Jeffrey	Kalikow	
First Name	Last Name	
Associate General Counsel	RE Maplewood LLC	
Title	Organization	
3000 Oak Road, Suite 300		
Street Address		
3000 Oak Road, Suite 300		
Mailing Address		
Walnut Creek	California	94597
City	State	ZIP
415-675-1500	415-675-1501	
Phone Number	Fax Number	
Mobile Number (optional)	Business Email Address	

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

Daniel	Uminski	
First Name	Last Name	
Manager	RE Maplewood LLC	
Title	Organization	
3000 Oak Road, Suite 300		
Street Address		
3000 Oak Road, Suite 300		
Mailing Address		
Walnut Creek	California	94597
City	State	ZIP
412-298-1042	415-675-1501	
Phone Number	Fax Number	
Mobile Number (optional)	Business Email Address	
	daniel.uminiski@recurrentenergy.com	

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)

Form fields for Authorized Company Consultant: Mike Fry, Director--Energy Services, KE Andrews, 469-298-1594, 469-331-1357, mfry@keatax.com

SECTION 3: Fees and Payments

- 1. Has an application fee been paid to the school district? [X] 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 [X] 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 [X] No [ ] N/A

SECTION 4: Business Applicant Information

- 1. What is the legal name of the applicant under which this application is made? RE Maplewood LLC
2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) 32060912451
3. List the NAICS code 221114
4. Is the applicant a party to any other pending or active Chapter 313 agreements? [ ] Yes [X] 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 Company
2. Is applicant a combined group, or comprised of members of a combined group, as defined by Tax Code §171.0001(7)? [X] 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? [X] Yes [ ] No
4. Are all applicant members of the combined group current on all tax payments due to the State of Texas? [X] 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)

Empty text box for explanation of tax payment status.

SECTION 9: Projected Timeline

- 1. Application approval by school board ... December 2017
2. Commencement of construction ... October 1, 2019
3. Beginning of qualifying time period ... June 11, 2018
4. First year of limitation ... January 1, 2021
5. Begin hiring new employees ... November 1, 2020
6. Commencement of commercial operations ... December 1, 2020
7. Do you propose to construct a new building or to erect or affix a new improvement after your application review start date ... Yes No
8. When do you anticipate the new buildings or improvements will be placed in service? ... December 1, 2020

SECTION 10: The Property

- 1. Identify county or counties in which the proposed project will be located ... Pecos County
2. Identify Central Appraisal District (CAD) that will be responsible for appraising the property ... Pecos County Appraisal District
3. Will this CAD be acting on behalf of another CAD to appraise this property? ... Yes No
4. List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:
County: Pecos County, 100% .7990
Hospital District: Iraan General, 100% .3730
Other (describe): Midland College, 100% .0350
City: N/A
Water District: Middle Pecos Groundwater, 100% .0249
Other (describe): N/A
5. Is the project located entirely within the ISD listed in Section 1? ... Yes No
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

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



## Tab 4

### *Detailed Description of the Project*

RE Maplewood LLC is developing a solar photovoltaic facility designed to use solar power to generate electricity. The anticipated generation capacity of the project is 222 MW-AC and will feature approximately 799,300 photovoltaic panels and 91 central inverters.

Construction is anticipated to commence in October of 2019. During this timeframe, equipment and machinery will be purchased. New employees will be hired in November 2020. The facility is set to be complete in December 2020, when it will be fully operational, and facilities will be placed in service.

RE Maplewood LLC requests that this application includes but it not limited to the following components of this project:

- Solar Modules & Panels
- Inverter Boxes
- Meteorological Equipment
- Operation & Maintenance Building
- Electrical Substations
- Associated Towers
- Racking & Mounting Structures
- Combiner Boxes
- Foundations
- Roadways, Paving, & Fencing
- Generation Transmission Tie Line
- Interconnection Facilities

The project will be located entirely within Pecos County and the Iraan-Sheffield Independent School District. Currently, the project design is not finalized at this time thus the exact location of the improvements cannot be specified. The land used for the project is privately owned under long term leases and is currently shrub land not actively used for profitable ventures.



## Tab 7

### *Description of Qualified Investment*

RE Maplewood LLC is developing a solar photovoltaic facility designed to use solar power to generate electricity. The anticipated generation capacity of the project is 222 MW-AC and will feature approximately 799,300 photovoltaic panels and 91 central inverters.

Construction is anticipated to commence in October of 2019. During this timeframe, equipment and machinery will be purchased. New employees will be hired in November 2020. The facility is set to be complete in December 2020, when it will be fully operational, and facilities will be placed in service.

RE Maplewood LLC requests that this application includes but it not limited to the following components of this project:

- Solar Modules & Panels
- Inverter Boxes
- Meteorological Equipment
- Operation & Maintenance Building
- Electrical Substations
- Associated Towers
- Racking & Mounting Structures
- Combiner Boxes
- Foundations
- Roadways, Paving, & Fencing
- Generation Transmission Tie Line
- Interconnection Facilities



## Tab 8

### *Description of Qualified Property*

RE Maplewood LLC is developing a solar photovoltaic facility designed to use solar power to generate electricity. The anticipated generation capacity of the project is 222 MW-AC and will feature approximately 799,300 photovoltaic panels and 91 central inverters.

Construction is anticipated to commence in October of 2019. During this timeframe, equipment and machinery will be purchased. New employees will be hired in November 2020. The facility is set to be complete in December 2020, when it will be fully operational, and facilities will be placed in service.

RE Maplewood LLC requests that this application includes but it not limited to the following components of this project:

- Solar Modules & Panels
- Inverter Boxes
- Meteorological Equipment
- Operation & Maintenance Building
- Electrical Substations
- Associated Towers
- Racking & Mounting Structures
- Combiner Boxes
- Foundations
- Roadways, Paving, & Fencing
- Generation Transmission Tie Line
- Interconnection Facilities



## Tab 11

### *Maps*

\*\* Please Note: RE Maplewood LLC is located within two reinvestment zones, Tunas Creek and Tunas Creek Two. Additionally, a portion of these zones will overlap. The maps on page 10, 12, and 15 identify this area.

# RE Maplewood LLC

National View

1233\_rain-shield-amendment002  
May 20, 2019

**Legend**  
RE Maplewood LLC

Project Location  
(yellow pin)

RE Maplewood LLC

Google Earth

US Dept of State Geographer  
© 2018 Google  
Image Landsat / Copernicus  
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

800 mi



# Project Boundary

within Tunas Creek & Tunas Creek II RZ

1233\_iraan-sheffield-amendment002  
May 20, 2019

- Legend**
- Project Boundary
  - Tunas Creek Two RZ
  - Tunas Creek RZ

Tunas Creek RZ  
(red outline)

Area to be shared  
by both RZ

Project Boundary  
(yellow outline)

Tunas Creek Two RZ  
(blue outline)

Co-Op Rd

1901

11



# Project Boundary

1233\_iraan-sheffield-amendment002  
May 20, 2019

**Legend**  
Project Boundary

Co-Op Rd

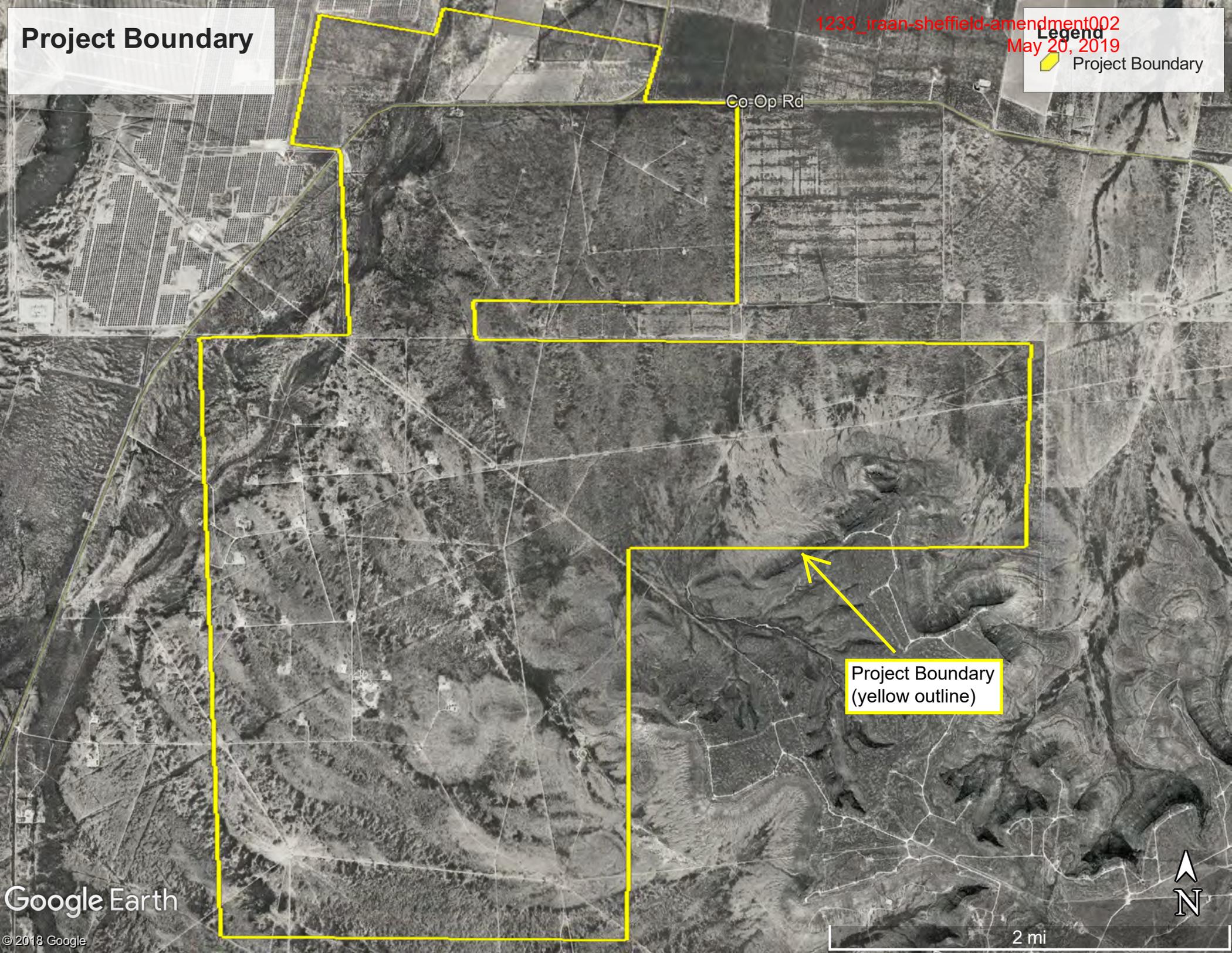
Project Boundary  
(yellow outline)

Google Earth

© 2018 Google



2 mi



# Reinvestment Zones

within Iraan-Sheffield ISD

1233\_iraan-sheffield-amendment002

May 20, 2019

**Legend**

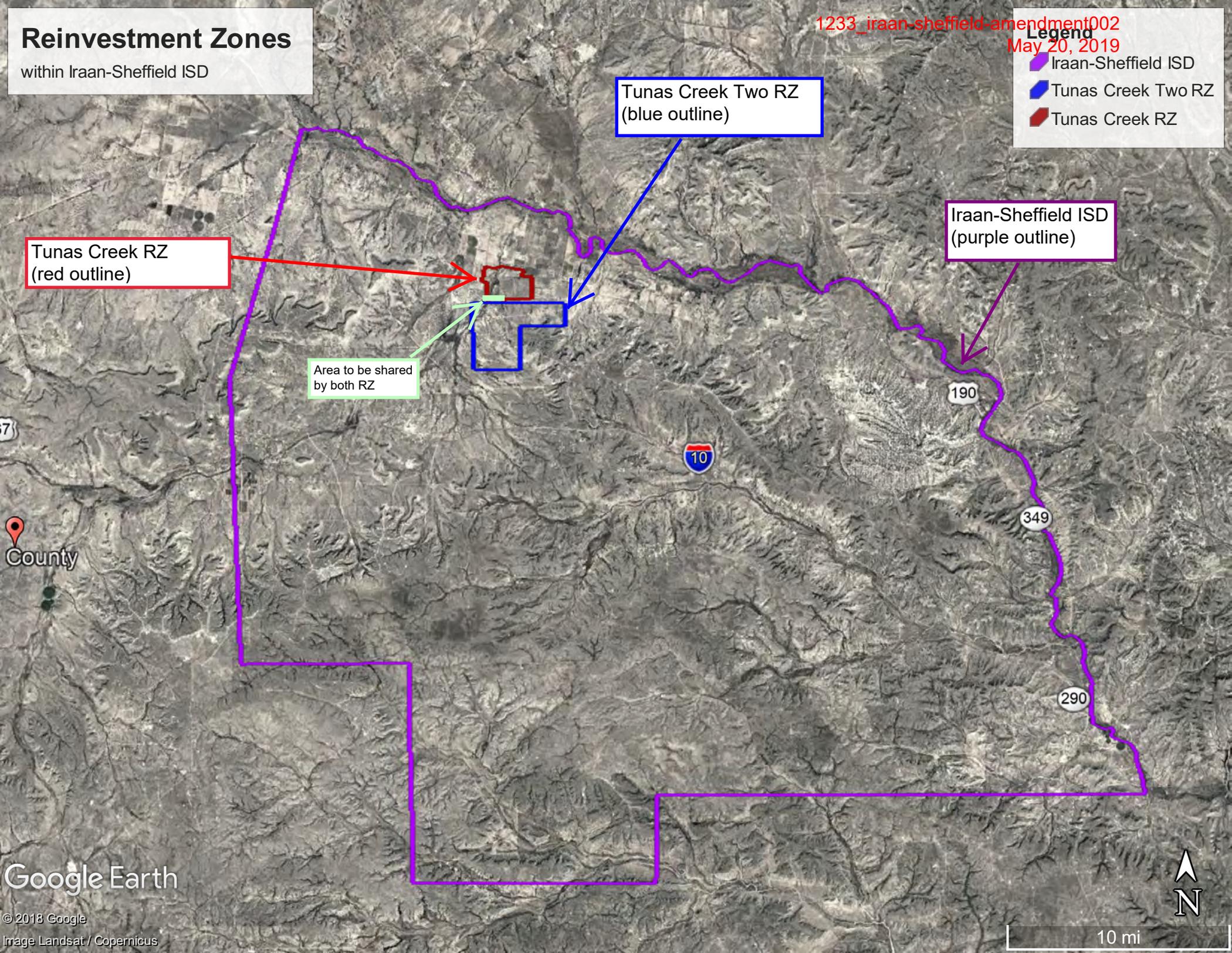
- Iraan-Sheffield ISD
- Tunas Creek Two RZ
- Tunas Creek RZ

Tunas Creek RZ  
(red outline)

Tunas Creek Two RZ  
(blue outline)

Iraan-Sheffield ISD  
(purple outline)

Area to be shared  
by both RZ



Google Earth

© 2018 Google  
Image Landsat / Copernicus

10 mi



# Reinvestment Zones

within Pecos County & ISD

1233\_iraan-sheffield-amendment002

May 20, 2019

**Legend**

- Iraan-Sheffield ISD
- Pecos County
- Tunas Creek Two RZ
- Tunas Creek RZ

Tunas Creek RZ  
(red area)

Tunas Creek Two RZ  
(blue area)

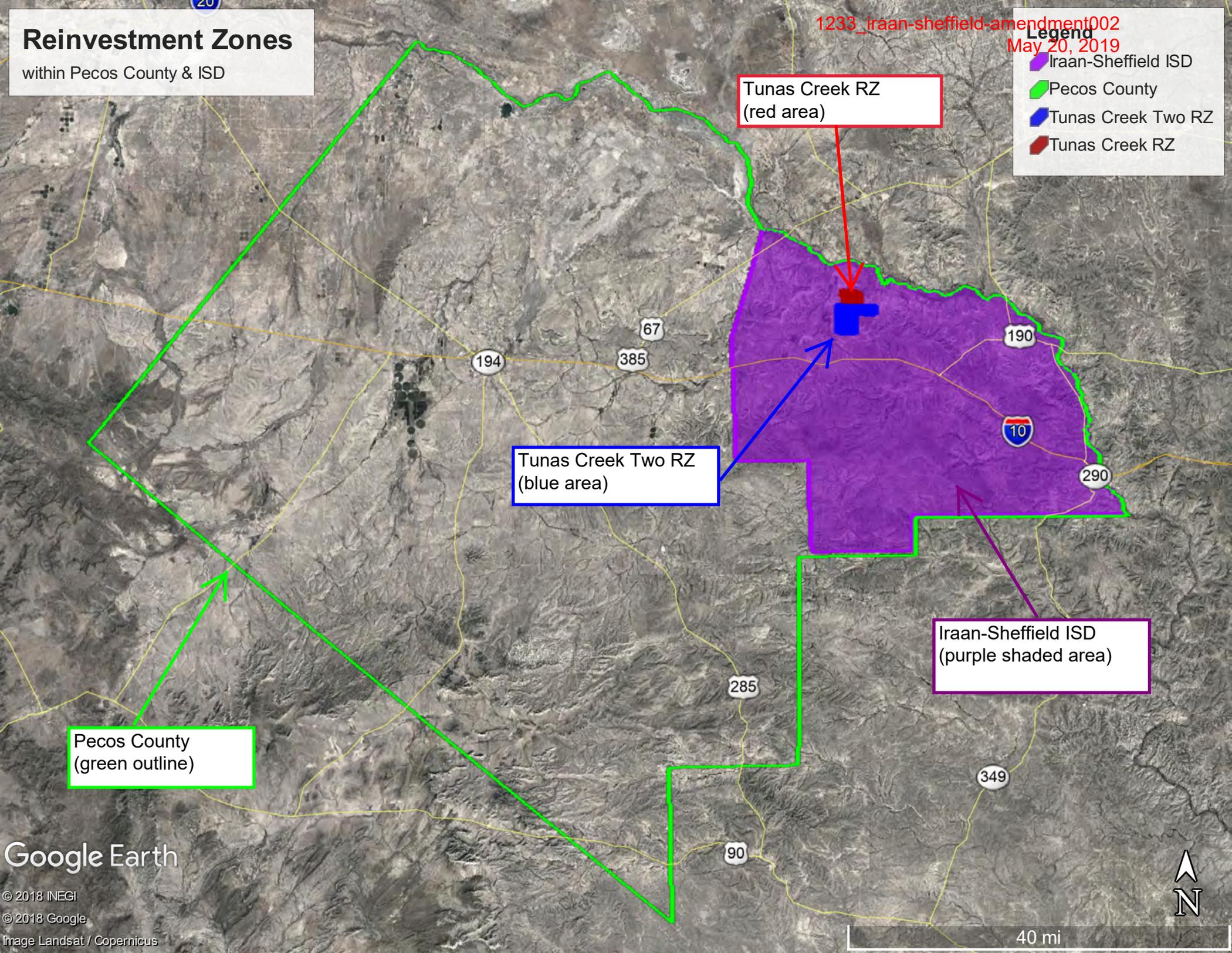
Pecos County  
(green outline)

Iraan-Sheffield ISD  
(purple shaded area)

Google Earth

© 2018 INEGI  
© 2018 Google  
Image Landsat / Copernicus

40 mi



# Reinvestment Zones

within Pecos County

1233\_iraan-sheffield-amendment002

May 20, 2019

- Legend**
-  Pecos County
  -  Tunas Creek Two RZ
  -  Tunas Creek RZ

Tunas Creek Two RZ  
(blue outline)

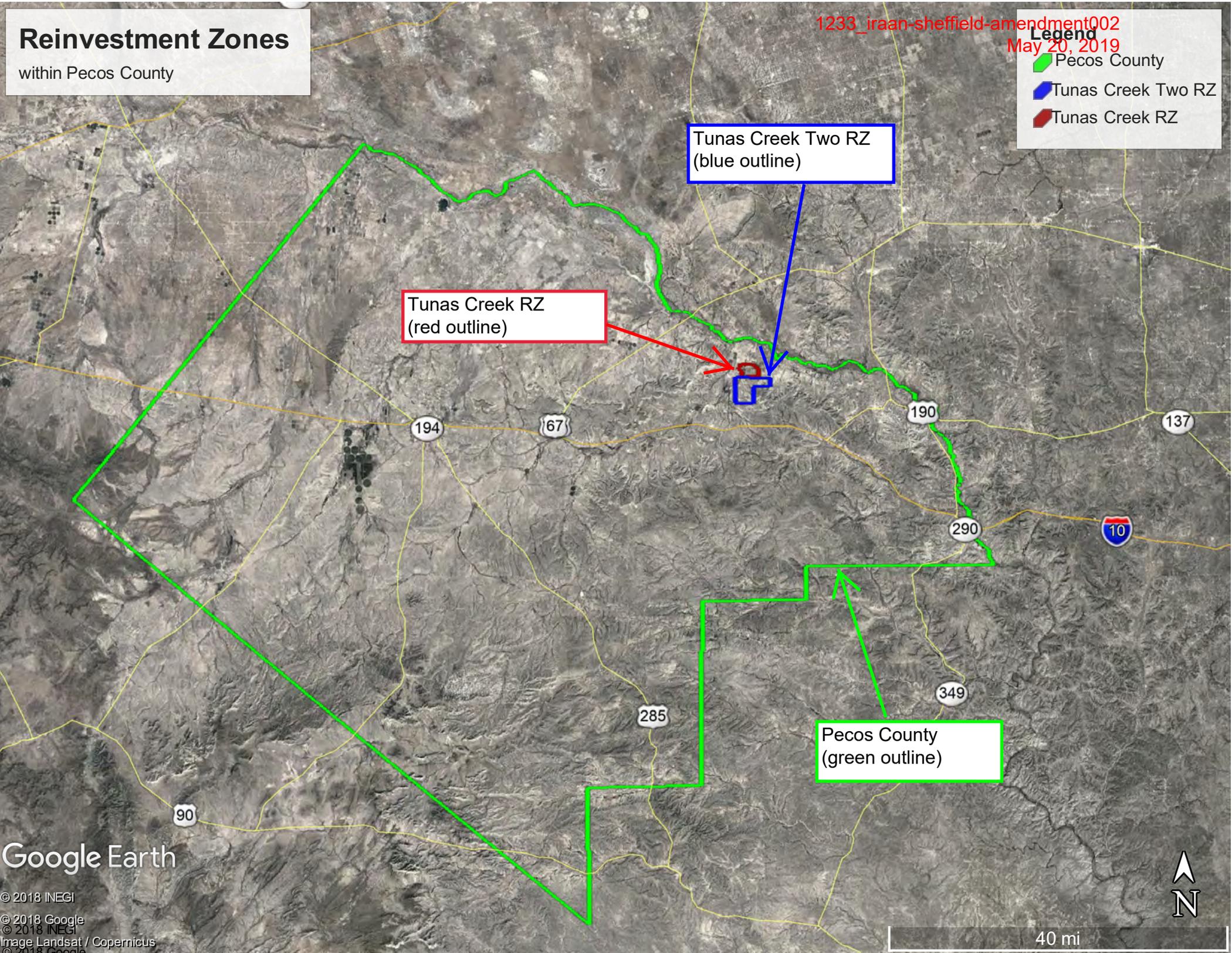
Tunas Creek RZ  
(red outline)

Pecos County  
(green outline)

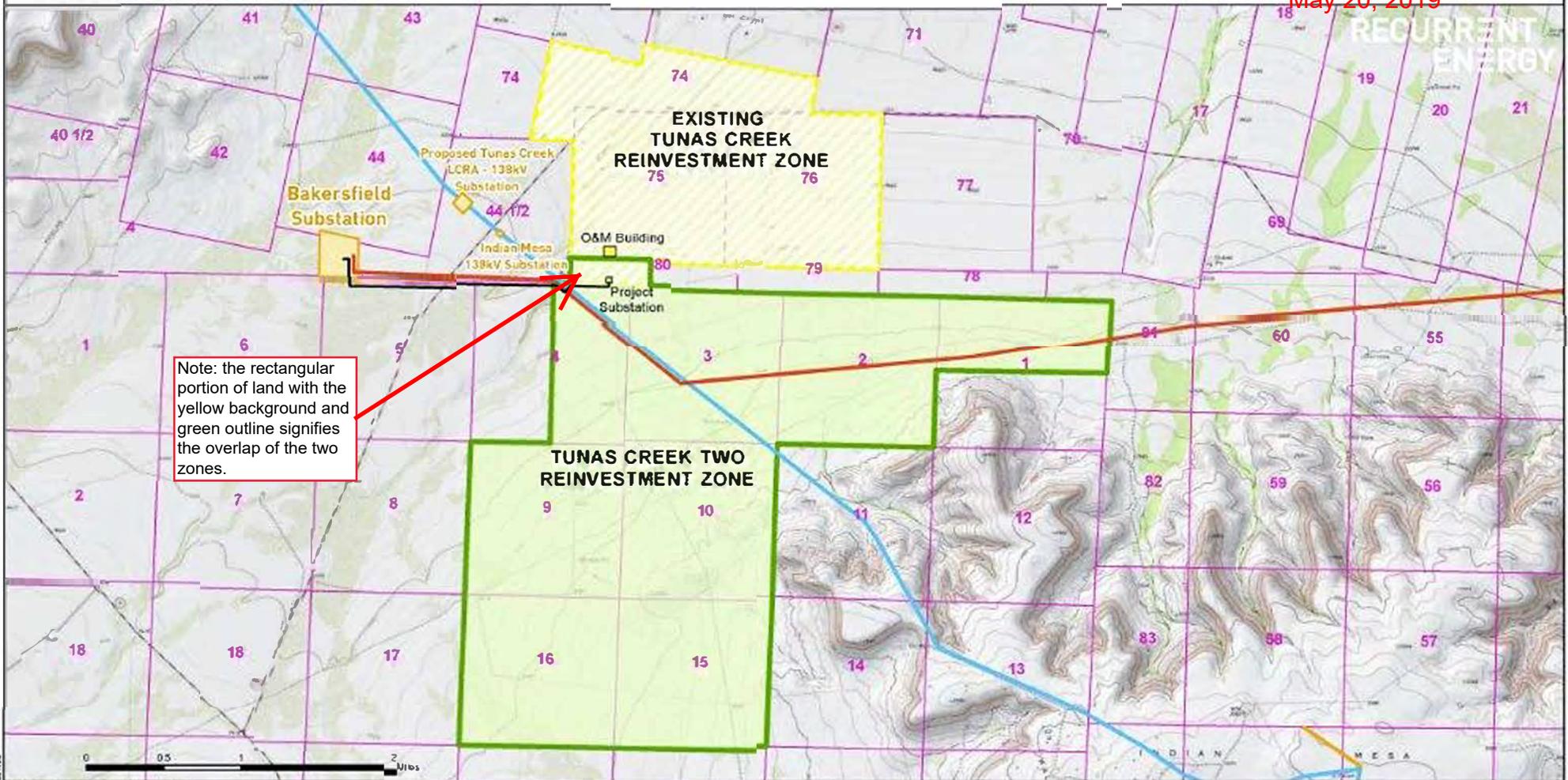
Google Earth

© 2018 INEGI  
© 2018 Google  
Image Landsat / Copernicus

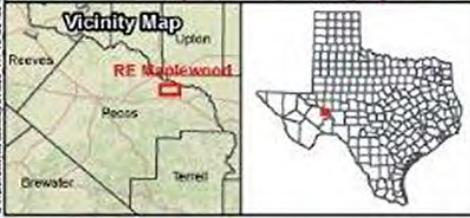
40 mi



# Tunas Creek Two Reinvestment Zone



Note: the rectangular portion of land with the yellow background and green outline signifies the overlap of the two zones.



**RE Maplewood LLC  
Pecos County, TX**

- Tunas Creek Two Reinvestment Zone
- Existing Tunas Creek Reinvestment Zone
- Section Boundary
- Proposed Improvement
- Transmission Substation
- Transmission Line (kV)
  - 345
  - 138





## Tab 12

*Request for Waiver of Job Requirements*

Please refer to the proceeding letter attached.



May 5, 2019

Iraan-Sheffield Independent School District  
P.O. Box 486  
100 S. Farr Street  
Iraan, Texas 79744

**RE: RE Maplewood LLC Chapter 313 Job Waiver Request**

Dear Superintendent Michael Meek:

RE Maplewood LLC is requesting that Iraan-Sheffield Independent School District's Board of Trustees waive the job requirement provision as allowed by Section 313.025 (f-1) of the Texas Tax Code. This waiver would be based on the school district's board findings that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility.

RE Maplewood LLC requests that Iraan-Sheffield ISD makes such finding and waive the job creation requirement for 10 permanent jobs. In line with the current industry standards for job requirements, RE Maplewood LLC has committed to create 2 qualifying jobs in Iraan-Sheffield ISD.

Solar projects create many jobs, both full and part time. Additionally, during the construction phase, solar projects create many temporary jobs; however, after construction is completed solar facilities only require a relatively small number of workers to operate and maintain the plant. The number of jobs (2) RE Maplewood LLC has committed to create is congruent with current industry standards for maintenance and operation of a facility of this capacity. This is evidenced by previously certified limitation agreement applications by solar developers who also requested and were granted a waiver of the job requirements based on the industry standard of 1 job per 115 MW.

The permanent employees of a solar facility maintain and service the photovoltaic panels and inverters, underground electrical connections, substations, as well as other infrastructure associated with the safe and reliable operation of the facilities. In addition to onsite employees, there may also be managers and/or technicians who provide support to the facility remotely.

The establishment of RE Maplewood will undoubtedly be beneficial to the economic development of Iraan-Sheffield ISD, Pecos County, and the advancement of renewable energy. Thank you for your consideration of this request. If you have any questions feel free to contact us.

Sincerely,

Mike Fry, Director—Energy Services

mike@keatax.com



# Tab 14

*Schedules A1-D*

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

Date: 5/2/2019  
Applicant Name: RE Maplewood LLC  
ISD Name: Iraan-Sheffield ISD

Form 50-296A  
Revised 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 new investment made during this year that will (a) 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)			Not eligible to become Qualified Property			[The only other investment made before filing complete application with district that may become Qualified Property is land.]		
Investment made after filing complete application with district but before final board approval of application		2018-2019	2018						
Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period								\$	
Complete tax years of qualifying time period	QTP1	2019-2020	2019	\$ 57,000,000.00	\$ 500,000.00			\$ 57,500,000.00	
	QTP2	2020-2021	2020	\$ 142,500,000.00				\$ 142,500,000.00	
Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]				\$ 199,500,000.00	\$ 500,000.00			\$ 199,999,999.99	
Total Qualified Investment (sum of green cells)				Enter amounts from TOTAL row above in Schedule A2					\$ 199,999,999.99

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 313.02(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property—described in SECTION 13, question #5 of the application.

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

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

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

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

Date 5/2/2019  
Applicant Name RE Maplewood LLC  
ISD Name Iraan-Sheffield ISD

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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 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			\$ 200,000,000.00			\$ 200,000,000.00
	0	2018-2019	2018					
	0	2019-2020	2019	\$ 57,000,000.00				\$ 57,000,000.00
	0	2020-2021	2020	\$ 142,500,000.00	\$ 500,000.00			\$ 143,000,000.00
Value limitation period***	1	2021-2022	2021					
	2	2022-2023	2022					
	3	2023-2024	2023					
	4	2024-2025	2024					
	5	2025-2026	2025					
	6	2026-2027	2026					
	7	2027-2028	2027					
	8	2028-2029	2028					
	9	2029-2030	2029					
	10	2030-2031	2030					
Total Investment made through limitation				\$ 199,500,000.00	\$ 500,000.00			\$ 200,000,000.00
Continue to maintain viable presence	11	2031-2032	2031					
	12	2032-2033	2032					
	13	2033-2034	2033					
	14	2034-2035	2034					
	15	2035-2036	2035					
Additional years for 25 year economic impact as require d by 313.026(c)(1)	16	2036-2037	2036					
	17	2037-2038	2037					
	18	2038-2039	2038					
	19	2039-2040	2039					
	20	2040-2041	2040					
	21	2041-2042	2041					
	22	2042-2043	2042					
	23	2043-2044	2043					
	24	2044-2045	2044					
	25	2045-2046	2045					

\* All investments made through the qualifying time period are captured and totaled on Schedule A1 [blue box] and incorporated into this schedule in the first row.  
 \*\* Only investment made during deferrals of the start of the limitation (after the end of qualifying time period but before the start of the Value Limitation Period) should be included in the "year prior to start of value limitation period" row(s). If the limitation starts at the end of the qualifying time period or the qualifying time period overlaps the limitation, no investments should be included on this line.  
 \*\*\* If your qualifying time period will overlap your value limitation period, do not also include investment made during the qualifying time period in years 1 and/or 2 of the value limitation period, depending on the overlap. Only include investments/years that were not captured on Schedule A1.  
 For All Columns List amount invested each year, not cumulative totals. Only include investments in the remaining rows of Schedule A2 that were not captured on Schedule A1.  
 Column A This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.  
 Column B The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.  
 Column C Dollar value of other investment that may affect economic impact and total value. Examples of other investment 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.

**Schedule B: Estimated Market And Tax<sup>2</sup> Value (of Qualified Property Only)**

1203\_Iraan-sheffield-amendment002

May 20, 2019

Form 50-296A

Revised May 2014

Date  
Applicant Name  
ISD Name

**5/2/2019**  
**RE Maplewood LLC**  
**Iraan-Sheffield ISD**

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property			Estimated Taxable Value		
				Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements"	Market Value less any exemptions (such as pollution control) and before limitation	Final taxable value for 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	2018-2019	2018						
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2019-2020	2019						
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2020-2021	2020			\$ 27,000,000.00	\$ 27,000,000.00	\$ 27,000,000.00	\$ 27,000,000.00
Value Limitation Period	1	2021-2022	2021	\$ -	\$ 500,000.00	\$ 199,500,000.00	\$ 200,000,000.00	\$ 200,000,000.00	\$ 30,000,000.00
	2	2022-2023	2022	\$ -	\$ 490,000.00	\$ 179,550,000.00	\$ 180,040,000.00	\$ 180,040,000.00	\$ 30,000,000.00
	3	2023-2024	2023	\$ -	\$ 480,000.00	\$ 159,600,000.00	\$ 160,080,000.00	\$ 160,080,000.00	\$ 30,000,000.00
	4	2024-2025	2024	\$ -	\$ 470,000.00	\$ 139,650,000.00	\$ 140,120,000.00	\$ 140,120,000.00	\$ 30,000,000.00
	5	2025-2026	2025	\$ -	\$ 460,000.00	\$ 119,700,000.00	\$ 120,160,000.00	\$ 120,160,000.00	\$ 30,000,000.00
	6	2026-2027	2026	\$ -	\$ 450,000.00	\$ 99,750,000.00	\$ 100,200,000.00	\$ 100,200,000.00	\$ 30,000,000.00
	7	2027-2028	2027	\$ -	\$ 440,000.00	\$ 79,800,000.00	\$ 80,240,000.00	\$ 80,240,000.00	\$ 30,000,000.00
	8	2028-2029	2028	\$ -	\$ 430,000.00	\$ 59,850,000.00	\$ 60,280,000.00	\$ 60,280,000.00	\$ 30,000,000.00
	9	2029-2030	2029	\$ -	\$ 420,000.00	\$ 39,900,000.00	\$ 40,320,000.00	\$ 40,320,000.00	\$ 30,000,000.00
	10	2030-2031	2030	\$ -	\$ 410,000.00	\$ 39,900,000.00	\$ 40,310,000.00	\$ 40,310,000.00	\$ 30,000,000.00
Continue to maintain viable presence	11	2031-2032	2031	\$ -	\$ 400,000.00	\$ 39,900,000.00	\$ 40,300,000.00	\$ 40,300,000.00	\$ 40,300,000.00
	12	2032-2033	2032	\$ -	\$ 390,000.00	\$ 39,900,000.00	\$ 40,290,000.00	\$ 40,290,000.00	\$ 40,290,000.00
	13	2033-2034	2033	\$ -	\$ 380,000.00	\$ 39,900,000.00	\$ 40,280,000.00	\$ 40,280,000.00	\$ 40,280,000.00
	14	2034-2035	2034	\$ -	\$ 370,000.00	\$ 39,900,000.00	\$ 40,270,000.00	\$ 40,270,000.00	\$ 40,270,000.00
	15	2035-2036	2035	\$ -	\$ 360,000.00	\$ 39,900,000.00	\$ 40,260,000.00	\$ 40,260,000.00	\$ 40,260,000.00
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2036-2037	2036	\$ -	\$ 350,000.00	\$ 39,900,000.00	\$ 40,250,000.00	\$ 40,250,000.00	\$ 40,250,000.00
	17	2037-2038	2037	\$ -	\$ 340,000.00	\$ 39,900,000.00	\$ 40,240,000.00	\$ 40,240,000.00	\$ 40,240,000.00
	18	2038-2039	2038	\$ -	\$ 330,000.00	\$ 39,900,000.00	\$ 40,230,000.00	\$ 40,230,000.00	\$ 40,230,000.00
	19	2039-2040	2039	\$ -	\$ 320,000.00	\$ 39,900,000.00	\$ 40,220,000.00	\$ 40,220,000.00	\$ 40,220,000.00
	20	2040-2041	2040	\$ -	\$ 310,000.00	\$ 39,900,000.00	\$ 40,210,000.00	\$ 40,210,000.00	\$ 40,210,000.00
	21	2041-2042	2041	\$ -	\$ 300,000.00	\$ 39,900,000.00	\$ 40,200,000.00	\$ 40,200,000.00	\$ 40,200,000.00
	22	2042-2043	2042	\$ -	\$ 290,000.00	\$ 39,900,000.00	\$ 40,190,000.00	\$ 40,190,000.00	\$ 40,190,000.00
	23	2043-2044	2043	\$ -	\$ 280,000.00	\$ 39,900,000.00	\$ 40,180,000.00	\$ 40,180,000.00	\$ 40,180,000.00
	24	2044-2045	2044	\$ -	\$ 270,000.00	\$ 39,900,000.00	\$ 40,170,000.00	\$ 40,170,000.00	\$ 40,170,000.00
	25	2045-2046	2045	\$ -	\$ 260,000.00	\$ 39,900,000.00	\$ 40,160,000.00	\$ 40,160,000.00	\$ 40,160,000.00

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 5/2/2019  
Applicant Name RE Maplewood LLC  
ISD Name Iraan-Sheffield ISD

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	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Construction		Non-Qualifying Jobs	Qualifying Jobs	
				Column A Number of Construction FTE's or man-hours (specify)	Column B Average annual wage rates for construction workers	Column C Number of non-qualifying jobs applicant estimates it will create (cumulative)	Column D Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column E Average annual wage of new qualifying jobs
Each year prior to start of Value Limitation Period	0	2018-2019	2018					
Each year prior to start of Value Limitation Period	0	2019-2020	2019	400 FTE	\$ 54,079.00			
Each year prior to start of Value Limitation Period	0	2020-2021	2020	400 FTE	\$ 54,079.00			
Value Limitation Period <i>The qualifying time period could overlap the value limitation period</i>	1	2021-2022	2021				2	\$ 59,486.90
	2	2022-2023	2022				2	\$ 59,486.90
	3	2023-2024	2023				2	\$ 59,486.90
	4	2024-2025	2024				2	\$ 59,486.90
	5	2025-2026	2025				2	\$ 59,486.90
	6	2026-2027	2026				2	\$ 59,486.90
	7	2027-2028	2027				2	\$ 59,486.90
	8	2028-2029	2028				2	\$ 59,486.90
	9	2029-2030	2029				2	\$ 59,486.90
	10	2030-2031	2030				2	\$ 59,486.90
Years Following Value Limitation Period	11 through 25	2031-2045	2031-2045				2	\$ 59,486.90

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

- C1. Are the cumulative number of qualifying jobs listed in Column D less than the number of qualifying jobs required by statute? (25 qualifying jobs in Subchapter B districts, 10 qualifying jobs in Subchapter C districts)  
If yes, answer the following two questions:
- C1a. Will the applicant request a job waiver, as provided under 313.025(f-1)?
- C1b. Will the applicant avail itself of the provision in 313.021(3)(F)?

Yes  No

Yes  No

Yes  No

Schedule D: Other Incentives (Estimated)

Date 5/2/2019  
 Applicant Name RE Maplewood LLC  
 ISD Name Iraan-Sheffield ISD

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State and Local Incentives for which the Applicant intends to apply (Estimated)						
Incentive Description	Taxing Entity (as applicable)	Beginning Year of Benefit	Duration of Benefit	Annual Tax Levy without Incentive	Annual Incentive	Annual Net Tax Levy
Tax Code Chapter 311	County					
	City					
	Other					
Tax Code Chapter 312	County: Pecos/Midland College	2020	10 Years	\$ 625,078.00	\$ 500,062.00	\$ 125,156.00
	City					
	Other: Middle Pecos GCD	2020	10 Years	\$ 18,665.00	\$ 5,660.00	\$ 13,005.00
	Other: Iraan General Hospital	2020	10 Years	\$ 297,222.00	\$ 237,778.00	\$ 59,444.00
Local Government Code Chapters 380/381	County					
	City					
	Other					
Freeport Exemptions						
Non-Annexation Agreements						
Enterprise Zone/Project						
Economic Development Corporation						
Texas Enterprise Fund						
Employee Recruitment						
Skills Development Fund						
Training Facility Space and Equipment						
Infrastructure Incentives						
Permitting Assistance						
Other:						
Other:						
Other:						
Other:						
<b>TOTAL</b>				<b>\$ 940,985.00</b>	<b>\$ 743,500.00</b>	<b>\$ 197,605.00</b>

Additional information on incentives for this project:



## Tab 16

### *Description of Reinvestment Zone*

*Please note: RE Maplewood LLC is to be located within two reinvestment zones, Tunas Creek and Tunas Creek Two. Tunas Creek has already been created, while Tunas Creek Two has not. The following documentation is a copy of the public notice for the creation of Tunas Creek Two. Upon creation of the Tunas Creek Two Reinvestment Zone, the ordinance establishing it will be submitted to the comptroller.*

## LEGAL NOTICE

To be published in the Odessa American on Monday, May 6, 2019.

PECOS COUNTY PROPERTY TAX REINVESTMENT ZONE MEETING NOTICE. PECOS COUNTY GIVES NOTICE THAT IT WILL HAVE A VOTING SESSION MEETING ON MONDAY MAY 13, 2019, IN THE COUNTY COURTROOM, PECOS COUNTY COURTHOUSE, 103 WEST CALLAGHAN, FORT STOCKTON, TEXAS 79735, AT 10:00 A.M. ("MEETING"). AT THIS MEETING, THE COUNTY WILL CONSIDER AND/OR TAKE APPROPRIATE ACTION ON AN ORDER CONCERNING ADOPTION AND DESIGNATION OF A REINVESTMENT ZONE PURSUANT TO THE COUNTY'S GUIDELINES AND CRITERIA UNDER THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT, CHAPTER 312 OF THE TEXAS TAX CODE. THE FOLLOWING DESCRIBED PROPERTY WOULD BE INCLUDED IN THE PROPOSED REINVESTMENT ZONE: Said Proposed Reinvestment Zone is approximately 4,638 acres across nine (9) parcels of land located in the eastern portion of Pecos County: PROPERTY ID: 12763 The West One half (W/2), being 48 acres, of Section 80, Block 194 GC&SF RR CO; THENCE PROPERTY ID: 6326, being 659.78 acre(s), of land out of the Section Three (3), Block Sixteen (16), University Lands Survey; THENCE PROPERTY ID: 6327, being 300.0 acre(s), of land out of the East half of Section Four (E/2 of 4), Block Sixteen (16), University Lands Survey; THENCE PROPERTY ID: 6324, being 330.0 acre(s), of land out of the North Half Section One (N/2 of 1), Block Sixteen (16), University Lands Survey; THENCE PROPERTY ID: 6325, being 659.78 acre(s), or land out of the Section Two (2), Block Sixteen (16), University Lands Survey; THENCE PROPERTY ID: 6332, being 659.78 acre(s), or land out of the Section Nine (9), Block Sixteen (16), University Lands Survey; THENCE PROPERTY ID: 6333, being 659.78 acre(s), or land out of the Section Ten (10), Block Sixteen (16), University Lands Survey; THENCE PROPERTY ID: 6338, being 659.78 acre(s), or land out of the Section Fifteen (15), Block Sixteen (16), University Lands Survey; THENCE PROPERTY ID: 6339, being 659.78 acre(s), or land out of the Section Sixteen (16), Block Sixteen (16), University Lands Survey.

#5-16

*D. Order, resolution or ordinance establishing the reinvestment zone Guidelines and criteria for creating the zone*

**PECOS COUNTY**

**GUIDELINES AND CRITERIA FOR TAX ABATEMENT**

**I. PURPOSE**

Pecos County, herein referred to as “the County,” is committed to the promotion of quality development in all parts of the County and to improving the quality of life for its citizens. In order to help meet these goals, the County will consider recommending tax abatement to stimulate growth and development. Any such incentive shall be provided in accordance with the procedures and criteria outlined in this document. However, nothing in these guidelines shall imply or suggest, or be construed to imply or suggest, that the County is under any obligation to provide any incentive to any applicant. All such applications for tax abatement shall be considered on an individual basis with regard to 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**

Improvements eligible for abatement include the following:

- Aquaculture/agriculture facility,
- Distribution center facility,
- Manufacturing facility,
- Office building,
- Regional entertainment/ tourism facility,
- Renewable power facility and fixtures,

Research facility,

Historic building in a designated area, or

Other basic industry.

Requests for abatement will be evaluated according to factors including, but not limited to, the following:

- (1) Jobs. Projected new jobs created, including the number and type of new jobs, the number and type of jobs retained, the average 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, any County financed infrastructure improvements that will be required by the facility, any infrastructure improvements proposed to be made by the facility, and the compatibility of the project with the County's master plan for development.
- (3) Community Impact. The pollution, if any, as well as other potential negative environmental impact on the health and safety of the community resulting from the proposed project; whether the project will revitalize a depressed area; potential business opportunities for local vendors; alternative development possibilities for the 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 Pecos 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 for granting tax abatement in reinvestment zones created by Pecos County pursuant to these Guidelines and Criteria. Property may be exempted from taxation under these guidelines for a period not to exceed the statutory limitations.
- (b) Creation of New Value. Abatement may only be granted for the additional value of or increase in value to eligible improvements made subsequent to the filing of an application for tax abatement and specified in the abatement agreement between the County and the property owner or lessee and lessor, subject to such limitations as the Tax Abatement Statute and these 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 replacement of a facility existing at the time of application, 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 buildings, structures, fixed machinery and equipment, site improvements, and office space and related fixed improvements necessary to the operation and administration of the facility.

(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 (except as provided below),

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,

any improvements including those involved in the production, storage or distribution of natural gas or fluids that are not integral to the operation of the facility, and

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. This provision shall not be interpreted to disallow abatement for property located in the Pecos County Industrial Park. Nor shall this provision be interpreted to disallow abatement where the eligible property to be abated may be located on or affixed to land owned by the State or a subdivision of the State, but is wholly owned by the party seeking the abatement.

Equipment constituting personal property located in the reinvestment zone shall remain eligible for abatement provided the equipment is awaiting installation to become a permanent part of a fixture located or to be constructed in the reinvestment zone that is or will be eligible for property tax abatement, including any replacement parts.

- (f) **Owned/Leased Facilities.** If leased property is granted abatement, the agreement shall be executed with the lessor and lessee. If the eligible property to be abated is located on or affixed to leased land, but is wholly owned by the party seeking the abatement, the agreement shall be executed only with the owner of the property to be abated.
- (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 the applicant and the governing body. The governing body, in its sole discretion, shall determine the amount of any abatement.

The abatement may be extended from the date of the initial agreement by modification provided the statutory requirements for modification are met.

- (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, meaning the value of the property for the year in which the abatement agreement is executed, shall be fully taxable.
  - (3) The additional value of eligible property shall be taxable as provided for by the applicable abatement agreement between the owner and the County.

V. APPLICATION FOR TAX ABATEMENT

- (a) Any present or potential owner of taxable property in Pecos County may request the creation of a reinvestment zone and tax abatement by filing a written request with the County.
- (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 that 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) for modernized facilities, a statement of the assessed value of the facility, separately stated for real and personal property, for the tax year immediately preceding the application; and,
  - (6) 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 County receiving such application shall notify in writing the presiding officer of the legislative body of each affected jurisdiction. Before acting upon the application, the County shall through public hearings as described below afford the applicant and the designated representative of any affected jurisdiction and any member of the public 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 County to be posted at least twenty (20) days prior to the hearing.
- (d) The County shall approve or deny the application for tax abatement within sixty (60) days after receipt of the application. The presiding officer of the County shall notify the applicant of the approval or disapproval promptly thereafter.
- (e) Statutory Requirements: Not later than the seventh (7th) day before the date of the hearing, notice of the hearing must be: (1) delivered in writing to the presiding officer of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone, and (2) published in a newspaper of general circulation in the County. At the hearing, the Commissioners Court

evaluates the application against the criteria described in these guidelines and decides by majority vote whether to designate the property for which the abatement is sought as a reinvestment zone. If the reinvestment zone is designated, the Commissioners Court shall pass an order to that effect. An order designating an area as a reinvestment zone is valid for five years from the date of designation. Once the area is designated as a reinvestment zone, the Commissioners Court may then arrange to consider for approval of the tax abatement agreement between the applicant and the county, which it may do at any regularly scheduled meeting, provided notice requirements are met. At least seven days prior to entering into a tax abatement agreement, the County must give written notice of its intent to do so to the presiding officer of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone, along with a copy of the proposed tax abatement agreement. At the regularly scheduled meeting, the Commissioners Court may finally vote by simple majority to enter into the tax abatement agreement, or to decline.

- (f) Expedited consideration of application. If the County determines that the application should receive expedited consideration, the Commissioners Court may combine the steps described in the preceding paragraph into a single, regularly scheduled meeting of the Commissioners Court, provided the County meets the procedural prerequisites for each step.
- (g) A request for a reinvestment zone for the purpose of abatement shall not be granted if the County finds that the request for the abatement was filed after commencement of construction, alteration, or installation of improvements related to a proposed modernization, expansion, or new facility.
- (h) Variance. Requests for variance from the provisions of Subsections (a) through (e) of Part IV may be made in written form to the County Commissioners Court. Such request shall include a complete description of the circumstances explaining why the applicant should be granted a variance. Approval of the request for variance requires a three-fourths (3/4) vote of the County Commissioners Court.

## VI. PUBLIC HEARING

- (a) If, after a public hearing, the County Commissioners Court weighs the relevant factors listed in these guidelines and determines that granting the abatement is not in the best interests of the County, the Court shall deny the abatement.
- (b) Neither a reinvestment zone nor an abatement agreement shall be authorized if it is determined that:
  - (1) There would be a substantial and unreasonable adverse affect on the provision of government services or the overall tax base of the County.

- (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 any other governmental codes or any applicable law.

#### VII. AGREEMENT

- (a) After approval of the tax abatement application, the County shall formally pass a resolution and execute an agreement with the owner of the facility and the lessee involved, if any, which shall include:
  - (1) Estimated value to be abated and the base year value.
  - (2) Percent of value to be abated each year.
  - (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.
  - (5) Contractual obligations in the event of default, including a provision for cancellation and recapture of delinquent taxes, provisions for administration and assignment as provided herein, and any other provision that may be required for uniformity or by state law.
  - (6) Performance criteria for continuation of the abatement.
  - (7) Amount of investment and average number of jobs involved for the period of abatement.
  - (8) A provision that the contract shall meet all of the requirements of Texas Tax Code Sec. 312, et. seq.
- (b) Such agreement shall be executed within sixty (60) days after approval of the agreement.
- (c) The County shall make its own determination of abatement which shall not bind any other affected taxing entity.

#### VIII. RECAPTURE

- (a) In the event that the facility is completed and begins producing product or service, but subsequently discontinues production of product or service for any reason other than 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 the County within sixty (60) days from the date of termination.
- (b) Should the County determine that the owner is in default of the agreement, the County shall notify the owner of the defect in writing at the address stated in the agreement, and if such defect is not cured within sixty (60) days from the date of such notice ("Cure Period"), then the agreement shall be terminated. Where cure of the proposed defect requires action undertaken over a period of time, the contract will not be considered to be in default if the performing party has undertaken efforts to cure the defect and is diligently pursuing those efforts.
- (c) In the event that the company or individual:
  - (1) allows its ad valorem taxes owed the County to become delinquent, and to remain delinquent for a period of thirty (30) days following notice of the delinquency without instituting proper legal procedures for their protest and/or contest; or
  - (2) violates in a way 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. A failure to abide by estimated timelines for construction will not be considered to be a material breach of this agreement, provided the owner makes a reasonable effort to meet the estimated timeline.

#### IX. ADMINISTRATION

- (a) The Chief Appraiser of the Pecos 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 the abatement shall furnish the designee of the County with such information as may be necessary to determine continued eligibility for abatement. Once the value has been established, the Chief Appraiser shall notify the County of the amount of assessment. Additionally, the County designee shall notify the County of the number of new or retained employees associated with the facility or generated by

the abatement agreement. Once value has been established, the Chief Appraiser shall notify the affected taxing jurisdictions of the amount of the assessment.

- (b) The agreement shall stipulate that employees and/or designated representatives of the County 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 prevent unreasonable interference with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the owner in accordance with its safety standards.
- (c) Upon completion of construction the County shall annually evaluate each facility and report possible violations of the contract and/or agreement to the County.
- (d) All proprietary information acquired by the County 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 owner to a new owner of the same property upon approval by resolution of the County Commissioners Court, subject to the financial capacity of the assignee and provided that the agreement is modified to substitute the assignee as a party to the agreement.
- (b) Any such modification shall not exceed the termination date of the abatement agreement with the original owner.
- (c) No assignment or transfer shall be approved if either the parties to the existing agreement or the proposed assignee is liable to the County for outstanding taxes or other obligations.
- (d) Approval shall not be unreasonably withheld. Upon a finding that the proposed assignee is capable of performing the obligations under the agreement, financially and otherwise, approval of the assignment will not be withheld.

#### XI. SUNSET PROVISION

- (a) These guidelines are effective upon the date of their adoption and will remain in force for two (2) years, at which time all reinvestment zones and tax abatement contracts created pursuant to its agreements will be reviewed by the County to determine whether the goals of these guidelines and the Tax Abatement Statute

have been achieved. Based on that review, these guidelines may be modified, renewed or eliminated. Such actions shall not affect existing contracts.

- (b) Prior to the date for review, as defined above, these Guidelines may be modified by a two-thirds (2/3) vote of the County Commissioners Court, as provided for by 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 is, for any reason, adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair, or invalidate the remainder of the guidelines.
- (b) Property that is in a reinvestment zone and that is owned or leased by a member of the County Commissioners Court is excluded from property tax abatement.
- (c) If this Guideline Statement has omitted any mandatory requirement of the applicable tax abatement laws of the State of Texas, then such requirement is hereby incorporated as a part of these guidelines.

XIII. These Guidelines and Criteria do not affect the County's right to enter into abatement agreements for property located within the City of Fort Stockton pursuant to the existing agreement between the County and the City, regardless of whether such abatement agreements meet the criteria announced by these Guidelines.



## Tab 17

*Signatures and Certification*

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

Michael Meek
Print Name (Authorized School District Representative)

Superintendent
Title

sign here

[Signature]
Signature (Authorized School District Representative)

5-13-2019
Date

2. Authorized Company Representative (Applicant) Signature and Notarization

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

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

print here

Jeffrey Kalikow
Print Name (Authorized Company Representative (Applicant))

Associate General Counsel
Title

sign here

[Signature]
Signature (Authorized Company Representative (Applicant))

May 3, 2019
Date

Please see California Notary Acknowledgment below.

GIVEN under my hand and seal of office this, the
day of

Notary Public in and for the State of Texas

My Commission expires:

(Notary Seal)

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

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On May 3, 2019, before me, Meaghan Slack, a Notary Public, personally appeared Jeffrey Kalikow who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]
Signature of Notary Public

For more information, visit our website: comptroller.texas.gov/economy/local/ch313/