

POPP | HUTCHESON<sub>PLLC</sub>  
*The Property Tax Firm*

June 25, 2018

VIA EMAIL AND HAND DELIVERY

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

Re: Second Amendment to the Application for a Chapter 313 Value Limitation Agreement between the Damon Independent School District and Wagyu Solar, LLC (Application No. 1243)

Dear Local Government Assistance & Economic Analysis Division:

Enclosed please find an amended legal description for Tab 16, Description of Reinvestment Zone, of Application No. 1243 for Damon Independent School District and Wagyu Solar, LLC. The enclosed amended legal description corrects a clerical error in the description of the original application. Please note that the amended legal description does not include land beyond what was originally intended for the project described in Application No. 1243.

Please contact us with any questions related to this matter.

Sincerely,  
POPP HUTCHESON PLLC



Blas J. Ortiz  
Property Tax Incentives Manager

Enclosures

LEGAL DESCRIPTION:

Tract 1:

A **104.464** Ac. tract of land, being the sum of the following tracts of land situated in Brazoria County, Texas conveyed to George R. Burke: Called 74.03 Ac. in the J. M. Swisher Survey, Abstract No. 665; Called 25.97 Ac. in the T. K. Davis Survey, Abstract No. 184 (Volume 398, Page 284; Volume 630, Page 293; Volume 378, Page 114, Brazoria County, Deed Records); Called 2.5 Ac. in the H.T. & B. RR. Co. Survey, Abst No. 218; (Volume 314, Page 114, Brazoria County, Deed Records), said tracts totaling 102.5 Ac. but resurveyed to contain 104.464 Ac. and described by metes and bounds as follows:

BEGINNING at a large corner post in the West line of the H.T. & B. RR Co. Survey A-218, and being the recognized SW corner of the Milford C. Gless 624.0771 Ac. tract described in Volume 940, Page 849 BCDR, and being the NW corner of said 2.5 Ac. tract;

THENCE SE 00 Deg. 00 Min. 11 Sec., with West line of said H.T.&B. RR Co. Survey, 24.44 ft. to a ½ inch rod set in concrete, and being the SW corner of said 2.5 Ac. and the SW corner of said H.T. & B. RR Co. Survey, and being in the North line of the J.W. Swisher Survey A-665;

THENCE SW 89 Deg. 53 Min. 13 Sec., with the North line of said Swisher Survey, 122.53 ft. to a ½ inch iron rod set next to a corner post, and being the NW corner of the above mentioned 74.03 Ac. tract;

THENCE SE 00 Deg. 29 Min. 32 Sec., at approx. 798.1 ft. cross the North line of the T.K. Davis Survey A-184, and in all, 1115.55 ft. to a 1 inch iron pipe found marking the SW corner of the above mentioned 25.97 Ac. tract;

THENCE NE 89 Deg. 41 Min. 11 Sec., with fence line, at approx. 3599.5 ft. cross the East line of said Davis Survey, at 3882.18 ft. pass a corner post, and in all, 3912.60 ft. to a point in the approx. center of a County Road, and being in the East line of the said Swisher Survey and West line of the J.E.B. Austin Survey A-17;

THENCE NW 00 Deg. 14 Min. 46 Sec., with the Swisher-Austin line and along County Road, 1110.64 ft. to a ½ inch iron rod set in the South line of the above mentioned H.T. & B. R.R. Co. Survey A-218, and South line of the said 2.5 Ac. tract and being the NE corner of said 74.03 Ac. tract;

THENCE NE 89 Deg. 45 Min. 14 Sec., with the South line of said 2.5 Ac. and South line of said R.R. Co. Survey, 1487.08 ft. to a ½ inch iron rod set at the intersection of two fence lines at the SE corner of said RR Co. Survey, and being the SE corner of said 2.5 Ac. tract;

THENCE NE 00 Deg. 14 Min. 35 Sec., with the East line of said RR Co. Survey, 39.79 ft. to a corner post found marking the NE corner of said 2.5 Ac. tract, and being the SE corner of said Gless 624.0771 Ac. tract;

THENCE with the recognized South line of said Gless 624.0771 Ac. tract with fence line meanders as follows:

SW 89 Deg. 21 Min. 36 Sec. 1771.27 ft. to a corner post;

NW 46 Deg. 12 Min. 52 Sec. 20.13 ft. to a corner post at a cattle guard and Gless Road crossing;

SW 89 Deg. 51 Min. 15 Sec. 1512.99 ft. to a corner post on West side of a large irrigation canal;

SW 89 Deg. 10 Min. 54 Sec. 1983.58 ft. to the PLACE OF BEGINNING and containing 104.464 Ac. of land, SAVE AND EXCEPT those certain tracts of land being i) 3.20 acres files for record under Brazoria County Clerk's File No. 2006031751, and ii) 1.932 acres filed for record under Brazoria County Clerk's File No. 2009027541.

Tract 5:

A 0.966 Ac. tract of land, situated in the J.M. Swisher Survey, Abstract 665, Brazoria County, Texas being a portion of that certain called 104.464 Ac. tract of land conveyed from Kathleen Burke and Burke Children Partnership No. one to Charles F. and James R. Gless in deed dated July 13, 1994, recorded in Brazoria County Clerk's File No. 94027354; said 0.966 Ac. tract being more particularly described by metes and bounds as follows:

For reference begin at a ½ inch iron rod called & found for the Northeast corner of said Swisher Survey, same being the Northeast corner of said 104.464 Ac. tract;

THENCE South 00 Deg. 14 Min. 46 Sec. East (Reference Bearing), with the East line of said Swisher Survey same being with the East line of said 104.464 Ac. tract, 30.55 ft. to a point in a fence at the end of County Road No. 456 (meas. 60 ft. wide)

THENCE North 89 Deg. 11 Min. 18 Sec. West, with said fence line, 28.80 ft. to a point in the West margin of said Road for the Northeast and BEGINNING corner hereof;

THENCE South 00 Deg. 14 Min. 46 Sec. East, with the West margin of said County Road No. 456, 123.13 ft. to a 5/8 inch iron rod capped # 2320, set for the Southeast corner hereof, same being the Northeast corner of a 1.60 Ac. tract of land surveyed by R.J. Kolacny, RPLS # 2320, on October 20, 2005;

THENCE South 86 Deg. 14 Min. 12 Sec. West, 234.37 ft. to a 5/8 inch iron rod capped # 2320, set for an interior corner of said 1.60 Ac. tract, same being the lower Southwest corner hereof;

THENCE North 03 Deg. 55 Min. 57 Sec. West, 47.85 ft. to a 5/8 inch iron rod capped # 2320, set for a corner of said 1.60 Ac. tract, same being an interior corner hereof;

THENCE North 88 Deg. 23 Min. 16 Sec. West, 114.53 ft. to a 5/8 inch iron capped #2320, set for the Northwest corner of said 1.60 Ac. tract, same being the upper Southwest corner hereof;

THENCE North 88 Deg. 23 Min. 16 Sec. West, 114.53 ft. to a 5/8 inch iron rod capped # 2320, set for the Northwest corner of said 1.60 Ac. tract, same being the upper Southwest corner hereof;

THENCE North 00 Deg. 11 Min. 18 Sec. East, along a fence line and its extension, 352.19 ft. to the PLACE OF BEGINNING and containing 0.966 Ac. of land.

Tract 6:

Field Notes of a **320.1883** acre tract of land being the Easterly portion of the Davis and Brown Survey Abstract 572, Brazoria County, Texas and being all of that certain called 321.04 acre tract of land conveyed to Kathleen Burke, et al, as described by instrument recorded in Volume 838, Page 230, Official Records, Brazoria County, Texas, situated in the Davis and Brown Survey, Abstract 572, Brazoria County, Texas, and being more particularly described by metes and bounds as follows: with all bearings herein being based upon the deed call of the West line of the said 321.04 acre tract as being North;

BEGINNING at a ¾ inch iron pipe set at a broken off corner post found marking, the Northwest corner of the H.T.&B.R.R. Company Survey, Abstract 218, the Northwest corner of that certain called 624.0771 acre tract of land conveyed to Charles Franklin Gless and James Robert Gless as described by instrument recorded in Volume 970, Page 824, Deed Records, Brazoria County, Texas (D.R.B.C.T.), the Northeast corner of the Davis & Brown Survey, Abstract 572, and the Northeast corner of the said 321.04 acre tract and the herein described tract;

THENCE South 00 degrees 05 minutes 17 seconds East (called South 00 degrees 01 minute 00 seconds East), along the common line of said Abstract 218 and Abstract 572, a distance of 1,273.69 feet (called 1,273.00 feel) to a ½ inch iron rod in concrete, found marking an angle point of the East line of the herein described tract;

THENCE South 00 degrees 00 minutes 11 seconds East (called South 00 degrees 07 minutes 00 seconds West), along the said common line of Abstract 218 and Abstract 572, passing at a distance of 3,832.62 feel, a 14 inch corner post found marking the Northwest corner of that certain called 2.5 acre tract of land conveyed to George R. Burk as described by instrument recorded in Volume 314, Page 114, D.R.B.C.T., continue said bearing a total distance of 3,856.87 feet (called 3,858.40 feet), to a ½ inch iron rod in concrete found, in the North line of that certain called 104.64 acre tract of land conveyed to George R. Burke, Jr., as described in instrument recorded in Volume 838, Page 230, Official Records, Brazoria County, Texas (O.R.B.C.T.), in the North line of the J. M. Swisher Survey, Abstract 665, marking the Southwest corner of the said Abstract 218, the Southeast corner of the said Abstract 572, and the Southeast corner of said 321.04 acre tract and the herein described tract;

THENCE South 89 degrees 52 minutes 31 second West (called South 89 degrees 56 minutes 00 seconds West), along the common line of said Abstract 665 and Abstract 572, passing at a distance of 122.57 feet, an 8 inch steel corner post found marking, the Northwest corner of the said 104.464 acre tract and the Northeast corner of that certain called 100 acre tract of land conveyed to Ruth S. Martin, as described by instrument recorded in Volume 1221, Page 8, D.R.B.C.T., continue said bearing a total distance of 2,719.81 feet (called 2,720.95 feet), to a 1-1/2 inch iron pipe in concrete found marking, the Southeast corner of that certain 321,3627 acre tract of land (called 321.5 acres) conveyed to Carrie Lou Laughlin Taylor, as described by instrument recorded in Volume 1566, Page 942, D.R.B.C.T., and the Southwest corner of the said 321.04 acre tract and the herein described tract;

THENCE North along the common line of the said 321.04 acre tract and the said 321.3627 acre tract, passing a distance of 5026.52 feet an 8 inch steel corner post found marking the Southeast corner of that certain called 6.351 acre tract of land conveyed to Sam Winklemann Jr., as described by instrument recorded in Volume 147, Page 449, D.R.B.C.T., continue said bearing a total distance of 5127.03 feet (called 5134.80 feel) to a 1 inch iron pipe in concrete, found in the North line of the Davis & Brown Survey, Abstract 571, marking the Northeast corner of said 321.3627 acre tract, the Southeast corner of that certain called 80 acre tract of land conveyed to Kittie Nash Groce, as described by instrument recorded in Volume 549, Page 549 and Volume 549, Page 557, D.R.B.C.T., the Southwest corner of that certain called 160.2 acre tract of land conveyed to Kittie Nash Groce, as described by instrument recorded in Volume 387, Page 556, D.R.B.C.T., and the Northwest corner of the said 321.04 acre tract and the herein described tract;

THENCE North 89 degrees 48 minutes 02 seconds East (called North 89 degrees 53 minutes 00 seconds East), along the common line of the said Abstract 572 and Abstract 571, being the common line of the said 160.2 acre tract and the herein described tract, a distance of 2,717.65 feet (called 2,727.7 feet) to the POINT OF BEGINNING and containing 320.1883 acres of land.

Tract 7:

All of Section Seven (7), H.T.&B.R.R. Co. Survey, Abstract 218, Brazoria County, Texas LESS AND EXCEPT 2.5 acres, being a twenty (20) foot strip along the South line of said Section Seven (7) conveyed to George R. Burke by deed recorded in Volume 314, Page 114, Deed Records, Brazoria County, Texas; and being the same land described as Tract No. One in a deed, hereinafter referred to as "Said Groce Deed", from Baldwin Nash Young and Dorothy Long Cousins, Co-Independent Executors of the Estate of Kittie Nash Groce Deceased, to George C. Hardin, Jr., et al, dated May 26, 1963, recorded in Volume 851, Page 379, Deed Records, Brazoria County, Texas, in which deed said tract is called as containing 638.5 acres, more or less, which by a resurvey is found to contain **624.0771** acres;

622.4574 acres of land, being out of the H.T.&B.R.R. Company Survey No. 7, Abstract No. 218, in Brazoria County, Texas, and being described as follows:

BEGINNING at a cedar stake at the Northwest corner of the Thomas Spraggins Survey in the South line of the H.T.&B.R.R. Company Survey No. 2;

THENCE South  $0^{\circ} 32' 49''$  West with the fence along the West line of the Thomas Spraggins Survey 5148.00 feet to a fence corner in the North line of a 2.5 acre tract being a 20 foot strip along the South line of Section No. 7 conveyed to George R. Burke by deed recorded in Volume 314, Page 114, Deed Records, Brazoria County, Texas;

THENCE North  $89^{\circ} 52' 17''$  West with the fence line long the North line of the said 20 foot strip 1794.83 feet to a point for corner in said fence;

THENCE North  $30^{\circ} 21' 07''$  West with the fence line along the South line of this tract 16.78 feet to a fence corner;

THENCE North  $89^{\circ} 41' 03''$  West with the fence line along the South line of this tract 3495.59 feet to a fence corner, being the Southwest corner of this tract;

THENCE North  $0^{\circ} 45' 39''$  East with the fence line along the West line of this tract 5105.11 feet to a fence corner for the Northwest corner of this tract in the South line of the H.T.&B.R.R. Company Survey No. 3;

THENCE North  $89^{\circ} 56' 32''$  East with the South line of said Survey No. 3 and said Survey No. 2 5280.21 feet to the place of beginning, containing 622.4574 acres of land.