



WALSH GALLEGOS
TREVIÑO RUSSO & KYLE P.C.

February 5, 2019

VIA HAND DELIVERY

Ginger Flowers
Research Analyst
Economic Development & Local Government
Data Analysis & Transparency Division
Texas Comptroller of Public Accounts
111 East 17th Street
Austin, TX 78774

RE: Application #1326
Cranell Wind Farm LLC's Application for Appraised Value
Limitation on Qualified Property to the Woodsboro Independent School District

Dear Ms. Flowers:

Enclosed please find documentation for Amendment #1 of the above referenced Application together with an electronic copy of same in response to your email of January 22, 2019.

Please let Oscar G. Treviño or myself know if you have any questions or need anything additional.

Sincerely,


Morgan Beam

Enclosures

cc: ***Via Electronic Mail: janice_sykora@wisd.net***
Ms. Janice Sykora
Superintendent
Woodsboro ISD
408 S Kasten St.
Woodsboro, Texas 78393
(w/o Enclosures)

Via Electronic Mail: paul.bowman@eon.com

Mr. Paul Bowman
Executive Vice President
EC&R Development, LLC
701 Brazos St., Suite 1400
Austin, TX 78701
(w/Enclosures)

Via Electronic Mail: richard.saunders@eon.com

Mr. Richard Saunders
Director
EC&R Development, LLC
701 Brazos St., Suite 1400
Austin, TX 78701
(w/Enclosures)

Via CMRRR 9414 7266 9904 2102 2054 70

Chief Appraiser
Refugio County Tax Appraisal District
420 N. Alamo St.
Refugio, TX 78377
(w/Enclosures)

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)?
2. What is the last complete calendar quarter before application review start date:
 First Quarter Second Quarter Third Quarter Fourth Quarter of _____
(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)?

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?
5. What is the number of new non-qualifying jobs you are estimating you will create?
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
 - b. 110% of the average weekly wage for manufacturing jobs in the county is
 - c. 110% of the average weekly wage for manufacturing jobs in the region is
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?
10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property?
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**.

Schedule A1: Total Investment for Economic Impact (through the Qualifying Time Period)
WISD Chapter 313 Application #1326 - Amendment #1

Applicant Name **Cranell Wind, LLC**
ISD Name **Woodsboro ISD**

Form 50-296A
 Revised Feb 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 <u>not</u> 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	Years preceding the first complete tax year of the qualifying time period (assuming no deferrals of qualifying time period)	2018-2019	2018			\$ -	[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									
Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period		2019-2020	2019	\$ 250,750,000.00	\$ -	\$ -	\$ -	\$ 250,750,000.00	
Complete tax years of qualifying time period	QTP1	2020-2021	2020	\$ -	\$ -	\$ -	\$ -	\$ -	
	QTP2	2021-2022	2021	\$ -	\$ -	\$ -	\$ -	\$ -	
Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]				\$ 250,750,000.00		\$ -	\$ -	\$ 250,750,000.00	
				Enter amounts from TOTAL row above in Schedule A2					
Total Qualified Investment (sum of green cells)				\$ 250,750,000.00					

For All Columns: List amount invested each year, not cumulative totals.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application. Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property—described in SECTION 13, question #5 of the application.

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

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

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

Schedule A2: Total Investment for Economic Impact (including Qualified Property and other investments)
WISD Chapter 313 Application #1326 - Amendment #1

Applicant Name **Cranell Wind, LLC**
 ISD Name **Woodsboro ISD**

Form 50-296A
 Revised Feb 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 not become Qualified Property [SEE NOTE]	Other investment made during this year that will become Qualified Property [SEE NOTE]	Total Investment (A+B+C+D)
Total Investment from Schedule A1*	--	TOTALS FROM SCHEDULE A1		\$ 250,750,000.00				\$ 250,750,000.00
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	\$ 250,750,000.00				\$ 250,750,000.00
Value limitation period***	1	2020-2021	2020					
	2	2021-2022	2021					
	3	2022-2023	2022					
	4	2023-2024	2023					
	5	2024-2025	2024					
	6	2025-2026	2025					
	7	2026-2027	2026					
	8	2027-2028	2027					
	9	2028-2029	2028					
	10	2029-2030	2029					
Total Investment made through limitation				\$ 250,750,000.00				\$ 250,750,000.00
Continue to maintain viable presence	11	2030-2031	2030					
	12	2031-2032	2031					
	13	2032-2033	2032					
	14	2033-2034	2033					
	15	2034-2035	2034					
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2035-2036	2035					
	17	2036-2037	2036					
	18	2037-2038	2037					
	19	2038-2039	2038					
	20	2039-2040	2039					
	21	2040-2041	2040					
	22	2041-2042	2041					
	23	2042-2043	2042					
	24	2043-2044	2043					
	25	2044-2045	2044					

* All investments made through the qualifying time period are captured and totaled on Schedule A1 [blue box] and incorporated into this schedule in the **first row**.

** Only investment made during deferrals of the start of the limitation (after the end of qualifying time period but before the start of the Value Limitation Period) should be included in the "year prior to start of value limitation period" row(s). If the limitation starts at the end of the qualifying time period or the qualifying time period overlaps the limitation, no investment should be included on this line.

*** If your qualifying time period will overlap your value limitation period, do not also include investment made during the qualifying time period in years 1 and/or 2 of the value limitation period, depending on the overlap. Only include investments/years that were **not** captured on Schedule A1.

For All Columns: List amount invested each year, not cumulative totals. Only include investments in the remaining rows of Schedule A2 that were not captured on Schedule A1.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.

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.

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

Applicant Name

Cranell Wind, LLC

WISD Chapter 313 Application #1326 - Amendment #1

Form 50-296A

ISD Name

Woodsboro ISD

Revised Feb 2014

	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
	0	2018-2019	2018	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	0	2019-2020	2019	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Value Limitation Period	1	2020-2021	2020	\$ -	\$ -	\$ 250,750,000	\$ 250,750,000	\$ 250,750,000.00	\$ 25,000,000.00
	2	2021-2022	2021	\$ -	\$ -	\$ 231,943,750	\$ 231,943,750	\$ 231,943,750.00	\$ 25,000,000.00
	3	2022-2023	2022	\$ -	\$ -	\$ 214,547,969	\$ 214,547,969	\$ 214,547,969.00	\$ 25,000,000.00
	4	2023-2024	2023	\$ -	\$ -	\$ 198,456,871	\$ 198,456,871	\$ 198,456,871.00	\$ 25,000,000.00
	5	2024-2025	2024	\$ -	\$ -	\$ 183,572,606	\$ 183,572,606	\$ 183,572,606.00	\$ 25,000,000.00
	6	2025-2026	2025	\$ -	\$ -	\$ 169,804,660	\$ 169,804,660	\$ 169,804,660.00	\$ 25,000,000.00
	7	2026-2027	2026	\$ -	\$ -	\$ 157,069,311	\$ 157,069,311	\$ 157,069,311.00	\$ 25,000,000.00
	8	2027-2028	2027	\$ -	\$ -	\$ 145,289,112	\$ 145,289,112	\$ 145,289,112.00	\$ 25,000,000.00
	9	2028-2029	2028	\$ -	\$ -	\$ 134,392,429	\$ 134,392,429	\$ 134,392,429.00	\$ 25,000,000.00
	10	2029-2030	2029	\$ -	\$ -	\$ 124,312,997	\$ 124,312,997	\$ 124,312,997.00	\$ 25,000,000.00
Continue to maintain viable presence	11	2030-2031	2030	\$ -	\$ -	\$ 114,989,522	\$ 114,989,522	\$ 114,989,522.00	\$ 114,989,522.00
	12	2031-2032	2031	\$ -	\$ -	\$ 106,365,308	\$ 106,365,308	\$ 106,365,308.00	\$ 106,365,308.00
	13	2032-2033	2032	\$ -	\$ -	\$ 98,387,910	\$ 98,387,910	\$ 98,387,910.00	\$ 98,387,910.00
	14	2033-2034	2033	\$ -	\$ -	\$ 91,008,817	\$ 91,008,817	\$ 91,008,817.00	\$ 91,008,817.00
	15	2034-2035	2034	\$ -	\$ -	\$ 84,183,155	\$ 84,183,155	\$ 84,183,155.00	\$ 84,183,155.00
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2035-2036	2035	\$ -	\$ -	\$ 77,869,419	\$ 77,869,419	\$ 77,869,419.00	\$ 77,869,419.00
	17	2036-2037	2036	\$ -	\$ -	\$ 72,029,212	\$ 72,029,212	\$ 72,029,212.00	\$ 72,029,212.00
	18	2037-2038	2037	\$ -	\$ -	\$ 66,627,021	\$ 66,627,021	\$ 66,627,021.00	\$ 66,627,021.00
	19	2038-2039	2038	\$ -	\$ -	\$ 61,629,995	\$ 61,629,995	\$ 61,629,995.00	\$ 61,629,995.00
	20	2039-2040	2039	\$ -	\$ -	\$ 57,007,745	\$ 57,007,745	\$ 57,007,745.00	\$ 57,007,745.00
	21	2040-2041	2040	\$ -	\$ -	\$ 52,732,164	\$ 52,732,164	\$ 52,732,164.00	\$ 52,732,164.00
	22	2041-2042	2041	\$ -	\$ -	\$ 50,150,000	\$ 50,150,000	\$ 50,150,000.00	\$ 50,150,000.00
	23	2042-2043	2042	\$ -	\$ -	\$ 50,150,000	\$ 50,150,000	\$ 50,150,000.00	\$ 50,150,000.00
	24	2043-2044	2043	\$ -	\$ -	\$ 50,150,000	\$ 50,150,000	\$ 50,150,000.00	\$ 50,150,000.00
	25	2044-2045	2044	\$ -	\$ -	\$ 50,150,000	\$ 50,150,000	\$ 50,150,000.00	\$ 50,150,000.00

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

WISD Chapter 313 Application #1326 - Amendment #1

Form 50-296A

Applicant Name **Cranell Wind, LLC**
ISD Name **Woodsboro ISD**

Revised Feb 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	2018-2019	2018					
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2019-2020	2019	250 FTE	\$ 44,733.00			
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2020-2021	2020			N/A	5	\$ 66,303.60
	2	2021-2022	2021			N/A	5	\$ 66,303.60
	3	2022-2023	2022			N/A	5	\$ 66,303.60
	4	2023-2024	2023			N/A	5	\$ 66,303.60
	5	2024-2025	2024			N/A	5	\$ 66,303.60
	6	2025-2026	2025			N/A	5	\$ 66,303.60
	7	2026-2027	2026			N/A	5	\$ 66,303.60
	8	2027-2028	2027			N/A	5	\$ 66,303.60
	9	2028-2029	2028			N/A	5	\$ 66,303.60
	10	2029-2044	2029			N/A	5	\$ 66,303.60
Years Following Value Limitation Period	11 through 26	2030-2045	2030-2045			N/A	5	\$ 66,303.60

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)

WISD Chapter 313 Application #1326 - Amendment #1

Applicant Name **Cranell Wind, LLC**
ISD Name **Woodsboro ISD**

Form 50-296A
Revised Feb 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:					
	City:					
	Other:					
Tax Code Chapter 312	County:Refugio	2020	2029	\$ 1,448,112.00	65% Abatement	\$ 506,839.00
	City:					
	Other:					
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:						
TOTAL				\$ 1,448,112.00		\$ 506,839.00

Additional information on incentives for this project:

2018-0-16

**IN THE COMMISSIONERS COURT
OF
REFUGIO COUNTY, TEXAS**

**ORDER CREATING REFUGIO COUNTY
REINVESTMENT Cranell Wind Farm**

WHEREAS, on the 21th day of December, 2018, came on for consideration the Designation of a Reinvestment Zone pursuant to Chapter 312 of the Texas Tax Code, and

WHEREAS, attached to this Order are the following descriptive documents:

1. A description of the project and property to be contained within the Refugio County Reinvestment Zone known as Cranell Wind Farm, said description being incorporated herein by reference as Exhibits A and B.
2. A Map of the location within the County of Refugio where said Reinvestment Zone is located, incorporated herein by reference as Exhibit C.

The Maps and Legal Description attached to this Order are intended to more fully and accurately describe the geographic region included within the Reinvestment Zone to be known as Refugio County Reinvestment Zone-Cranell Wind Farm. The project description, attached hereto as Exhibit A (application) and the Legal Description attached hereto as Exhibit B, are true and correct documents which reflect the actual territory intended for inclusion in the Reinvestment Zone created by this Order. A map of the project is attached hereto as Exhibit C.

WHEREAS, prior to the creation of the Refugio County Reinvestment Zone-Cranell Wind Farm, the Commissioners court made a determination that the application filed by Cranell Wind Farm, LLC, meets the applicable guidelines and criteria adopted by the Commissioners Court, and that a tax abatement agreement between the County and Cranell Wind Farm, LLC, would be in compliance with the established guidelines and criteria for tax abatement, and

WHEREAS, the Commissioners Court did conduct a public hearing, after due notice as required by law, prior to the creation of a reinvestment zone, as required by Chapter 312 of the Texas Tax Code. After receiving public comment, the Commissioners Court hereby determines that the designation of an area as a reinvestment zone would contribute to the retention or expansion of primary employment in Refugio County, Texas, and would contribute to the economic development of the County,

THEREFORE, PREMISES CONSIDERED, the Commissioners Court of Refugio County, Texas does hereby create the Refugio County Reinvestment Cranell Wind Farm, as described more fully in the attachments to this Order, which are incorporated herein by reference and are to be filed in the minutes of the Commissioners Court with this Order.

It is further ORDERED by the Commissioners Court that the County Judge is hereby authorized to execute, on behalf of Refugio County, Texas, such documents as may be necessary to facilitate and implement this Order.

Dated: Adopted on 12/27/18.

Alan Branch
County Judge, Refugio County, Texas

Ann Lopez
Commissioner, Precinct 1

[Signature]
Commissioner, Precinct 2

Dan Branch
Commissioner, Precinct 3

Rodriguez
Commissioner, Precinct 4

Ala Ramirez
County Clerk, Refugio County, Texas

Attest:



EXHIBIT A

Project Description/Application

APPLICATION FOR TAX ABATEMENT REFUGIO
COUNTY, TEXAS

L Applicant Name: Cranell Wind Farm, LLC (Texas tax payer ID #32061995331)

- a. Applicant should be the individual or entity responsible for ad valorem tax payments on the proposed project.
- b. Applicant should identify any alter ego D/B/A or project location name.

2. Applicant Address/Phone#: 701 Brazos Street, Suite 1400, Austin TX, 78701
c/o Richard Saunders

Phone: 512-461-9747

E-Mail: Richard.saunders@eon.com

3. Description of Project:

- a. A general description of the nature of the proposed project, the market or social t-type of products or services to be produced by the project.
Renewable power generation project using 100 wind turbines with a total nameplate generation capacity of 220 MWs.
- b. A descriptive list of the improvements to be constructed, installed, or attached to the realty as result of the project, and the estimated taxable value of each descriptive line item.
The Project will consist of 100 Vestas V120 wind turbines and towers (or equivalent), foundations, collection lines, access roads, a single collection substation and overhead high-voltage transmission lines.
- c. A site map and property description of the proposed reinvestment zone, and the location within that zone of the proposed project.
Provided separately
- d. A time schedule for the project from inception to completion and projected first date of operation, including anticipated due date of first tax payment to county.

Commencement of construction	January 2019
Construction of access roads	January-March 2019
Foundation excavations/construction	March-June 2019
Collection line trenching	April-August 2019
Turbine equipment arrival on site	August-October 2019
Transmission system interconnection	October 2019
Turbine commissioning	October-December 2019
Full Commercial Operations	December 31, 2019
- e. Certification that no ad valorem taxes are current in arrears upon the proposed real

estate the project will occupy.

EON certifies that the project has had no ad valorem taxes.

- f. Identify any proprietary information Applicant claims will adversely affect their competitive position in the marketplace and a specific request to protect such matters.

Nothing in this application needs to be confidential.

- g. Include a non-refundable application fee of \$1,000.00.

- h. Acknowledgement that county legal fees will be reimbursed in compliance with item 3D of the county criteria and guidelines.

EON acknowledges, as per item 3D of the Refugio County Tax Abatement Guidelines and Criteria (effective 9/25/18) that EON will be responsible to pay reasonable consulting and attorney fees as may be incurred by Refugio County in the examination of the application as well as the preparation and negotiation of any tax abatement agreement (up to a limit of \$10,000).

4. Anticipated monetary value of project (minimum of \$10,000,000.00):
Project will have an estimated initial taxable value of \$242 million.
5. Anticipated number of jobs created (temporary/permanent):
Cranell Wind Farm, LLC agrees, during the Abatement Period to provide not fewer than six (6) new full-time jobs in connection with the operation of the Facilities either through direct employment by Owner or through employment by an Affiliate or Subsidiary of Owner, or by contractors or service providers engaged to provide goods or services in connection with the construction of the Improvements and thereafter in the course of operating the Facilities. Owner's obligation to create six (6) new full-time jobs relates to its Facilities as a whole and does not represent a commitment by Owner that all six (6) new full-time jobs will be filled by residents of the County.

Refugio County and Cranell Wind Farm agree that it is in the best interests for both parties that these positions be filled by local residents. The County and Cranell Wind Farm agree to work together to assist local residents in obtaining the required job skills. Such efforts might include considering relocation packages, retention bonuses or scholarships specific to County residents to be used to obtain the required wind technician skills.

6. Anticipated value of local payroll resulting from project:
\$983,840 for the guaranteed ten jobs.
7. Statement of the types of jobs and average salary, and whether jobs are more likely to be of county residents or non-resident positions.
Technician positions paying roughly \$19-38 per hour (most positions include overtime pay), one balance-of-plant technician position paying \$25-38 per hour and one site supervisor position paying \$104-128,000 per year.
8. Productive life of proposed project during and after abatement period:
The Project economics are based on a 30-year project life.
9. Anticipated impact upon the county tax base:
Increase in tax base of initially \$242 million.
10. Identify any infrastructure improvements to be requested from county, if any:
None contemplated currently
11. Description of the abatement requested, i.e. initial anticipated value, percentage of abatement for each year of the requested abatement period (not to exceed ten (10) years), and anticipated value of the project at the end of the abatement period.
EON is requesting a ten-year 100% ad valorem tax abatement. EON proposes paying \$2000/MW/yr in a Payment in Lieu of Taxes agreement during each of the ten years of abatement. The initial anticipated value of the project is \$242 million.

The PILOT payment of \$2000/MW/yr was derived from assuming the tax revenues expected by a 68.1% abatement on an initial investment of \$242 million, depreciating at 7.5% per year and a County tax rate of 0.79. The sum total of tax revenues in the ten-year time period is \$4,402,550. When this sum is divided by ten years and 220 MWs, the result is approximately \$2000.

12. Description of any anticipated "collateral development" resulting from the project, in terms of products or services that may be attracted to the county as result of the project.

Based on an initial phase being constructed, there is a high probability of a second phase, equal to or larger than the first phase.

13. A statement of any permits or other requirements that the Applicant will be required to obtain before commencement of the project, i.e. environmental, regulatory or financial.

Besides receiving full approval to build from EON's board of directors, the project still requires determinations of no hazard from the Federal Aviation Administration. These are anticipated in January 2019.

14. Provide an economic analysis to include:

- a. Estimated tax revenues annually for the term of the requested abatement that will flow to the county.

Since the proposed payment is in the form of a PILOT, the annual payment during each of the ten years of abatement would be \$440,000.

- b. A comparison between abatement and any requested PILOT (payment in lieu of taxes) over the term of the proposed abatement.

EON is proposing a 100% abatement with a PILOT payment of \$2000/MW/yr.

- c. A statement of the residual taxable value of the project at the end of the abatement period, and

- d. The remaining anticipated taxable life span of the proposed project at the end of the abatement period.

The Project is based on a 30-year project life, so the taxable life span will be 20 years. Although it is highly likely that this time period will be extended.

- e. An affirmative representation that the Applicant will maintain a viable presence within the reinvestment zone for a period of time, not less than twenty (20) years from the commencement of the reinvestment zone.

Project economics require the full thirty years too reach our investment hurdles.

- f. Acknowledgment of recapture, assignment and venue provisions of county Guidelines and Criteria for tax abatement.

Cranell Wind Farm, LLC acknowledges all provisions of the Refugio County Tax Abatement Guidelines and Criteria (effective 9/25/18)

- g. Signature of individual or entity officer with capacity to bind the Applicant in contractual matters.

Cranell Wind Farm, LLC



Paul Bowman
Executive Vice President

- h. Date of Application:

December 3, 2018

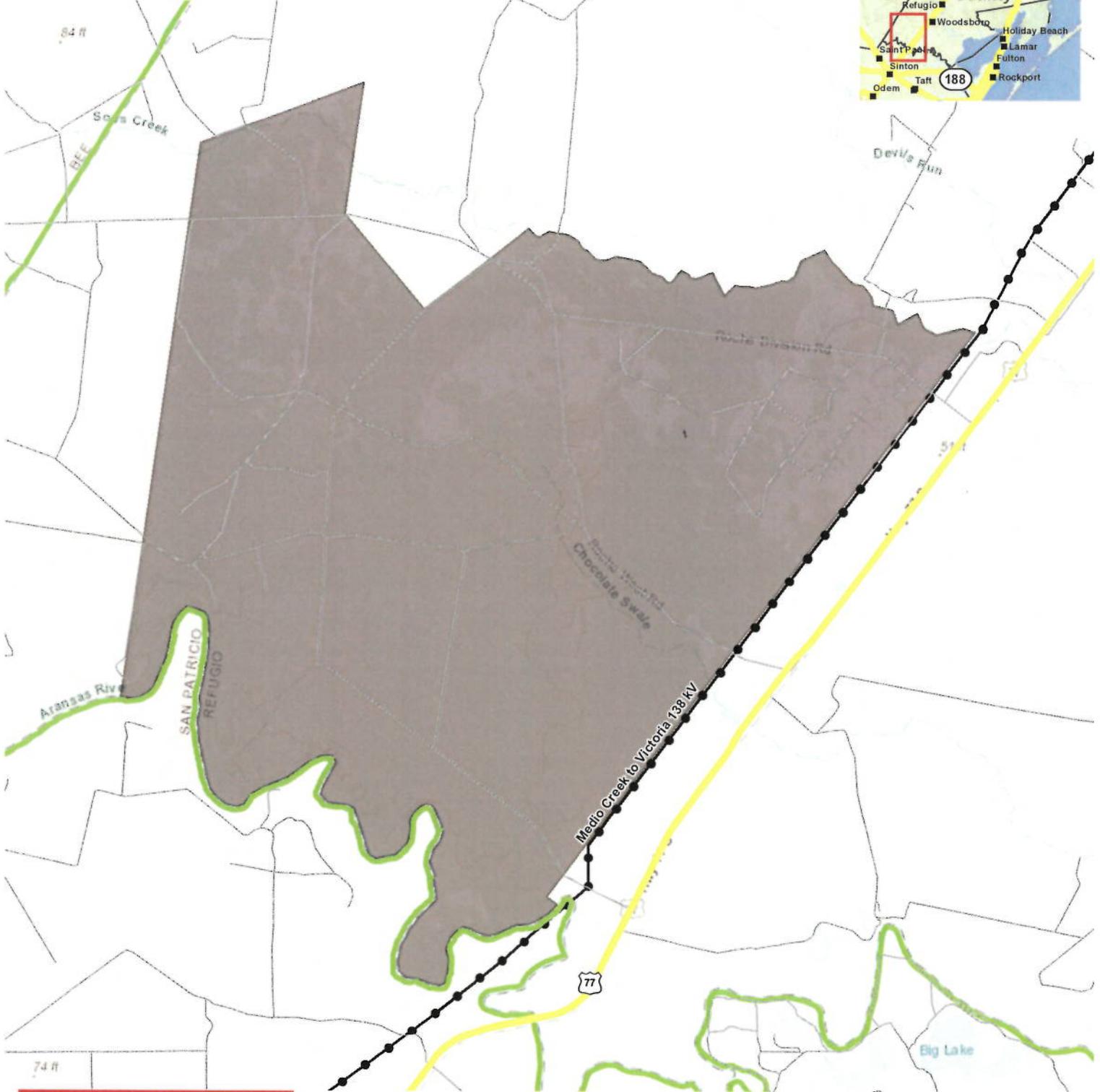
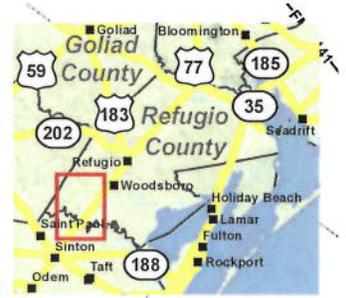
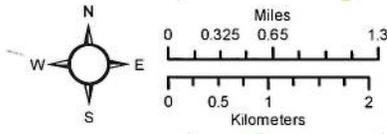
EXHIBIT B

Property Description

All of that certain tract of land situated in Refugio County, Texas, previously described as 17,957.83 acres, but resurveyed as 18,253.9 acres of land, more or less, described by metes and bounds in the Survey Report by Phillip Young, dated December 29, 1955, recorded in Volume 111 Page 423, of the Deed Records of Refugio County, Texas.

EXHIBIT C

MAP



Cranell Project Area and Woodsboro ISD
Refugio County, Texas

- Woodsboro ISD
- Cranell Project Area and Reinvestment Zone
- Transmission Line

- Road Classification**
- Interstate Highway
 - US/State Highway
 - County Road/Highway
 - Local Road
 - Dirt/Unpaved Road

Date: December 03, 2018
Map Scale: 1:75,000
Projection: NAD 1983 UTM Zone 14N
Datum: North American 1983

e-on
Map produced by E.ON Climate & Renewables NA for internal use only. Final analysis & site locations to be determined by E.ON personnel through on-site verification. Map is not to be reproduced or redistributed without expressly written permission from E.ON C&R.



Refugio County State of Texas

Tax Abatement Guidelines and Criteria

The purpose of this document is to establish guidelines, and a uniform policy of tax abatement for owners or lessees of eligible facilities willing to execute tax abatement contracts designed to provide long term significant positive economic impact to the community by utilizing the area contractors and work force to the maximum extent feasible, and by developing, redeveloping, and improving property.

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

1. Must be reasonably expected to have an increase in positive net economic benefit to Refugio County of at least Ten Million Dollars (\$10,000,000.00) over the life of the abatement, computed to include (but not limited to) new sustaining payroll and /or capital improvement. The creation of new jobs (identify number and type) will also factor into the decision to grant an abatement; and
2. Must not be expected to solely or primarily have the effect of merely transferring employment from one area of Refugio County to another.

In addition to the criteria set forth above, the Refugio County Commissioners Court reserves the right to negotiate a tax abatement agreement in order to compete favorably with other communities.

Only projects that increase in the fair market value of the property directly resultant from the development, redevelopment, and improvement specified in the contract will be eligible for abatement and then only to the extent that such increase exceeds any reduction in the fair market value of the other property of the Applicant located within the jurisdiction creating the reinvestment zone.

All abatement contracts will be for a term no longer than allowed by law.

It is the goal of Refugio County to grant tax abatements on terms and conditions beneficial to the economic interests of the residents of Refugio County and to other taxing units having jurisdiction of the property. However, nothing herein shall limit the discretion of the Refugio County Commissioners Court to consider, adopt, modify or decline any tax abatement request.

This policy is effective as of 9/25, 2018 and shall at all times be kept current with regard to the needs of Refugio County and reflective of the official views of the County Commissioners Court and shall be reviewed every two years.

The adoption of these guidelines and criteria by the Refugio County Commissioners Court does not:

1. Limit the discretion of the governing body to decide whether or not to enter into a specific tax abatement agreement;
2. Limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for tax abatement;
3. Create or deny any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for tax abatement;

Section 1 Definitions

- A. "Abatement" means the full or partial exemption from ad valorem taxes of certain property in a reinvestment zone designated by Refugio County for economic development purposes.
- B. "Affected jurisdiction" means Refugio County and any municipality or school district, the majority of which is located in Refugio County that levies ad valorem taxes upon and provides services to property located within the proposed or existing reinvestment zone designated by Refugio County.
- C. "Agreement" means a contractual agreement for tax abatement between a Property Owner and/or Lessee and Refugio County.
- D. "Base year value" means the assessed value on the eligible property as of January 1 preceding the execution of the agreement, plus any agreed upon value of eligible property improvements made after January 1, but before the execution of the Agreement.
- E. "Economic Life" means the number of years a property is expected to be in service in a facility.
- F. "Eligible facilities" means new, expanded, or modernized buildings and structures, including fixed machinery and equipment, which is reasonably likely as a result of granting abatement to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development of Refugio County, but does not include facilities which are intended to be primarily to provide goods or services to residents for existing businesses located in Refugio County, such as, but not limited to, restaurants and retail sales establishments, eligible facilities may include, but shall not be limited to hotels and office buildings.
- G. "Expansion" means the addition of building structures, machinery, equipment, or payroll for purposes of increasing production capacity.

H. "Deferred maintenance" means improvements necessary for continued operation which do not improve productivity or alter the process technology."

I. "Facility" means property improvement completed or in process of construction which together comprise an interregional whole.

J. "Manufacturing Facility" means products, 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, including the generation of electrical energy.

K. "Modernization" means a complete or partial demolition of facilities and the complete or partial reconstruction or installation of a facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery, or equipment, or both.

L. "New facility" means property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.

M. "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 of Refugio County, resulting in the creation of new permanent jobs bringing in new wealth.

N. "Productive life" means the number of years a property improvement is expected to be in service in a facility.

Section 2

Abatement Authorized for Development Goals

A. Eligible facilities: Upon application, eligible facilities as defined herein shall be considered for tax abatement as hereinafter provided.

B. Creation of New Values: Abatement may only be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between Refugio County and the property owner or applicant, including a Lessee, subject to such limitations as Refugio County may require.

C. New and existing facilities: Abatement may be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between Refugio County and the Property Owner or Lessee, subject to such limitations as Refugio County may require.

D. Eligible property: Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements 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 tax abatement: land, supplies, tools, furnishings, and other forms of movable personal property, housing, deferred maintenance, property to be rented or leased except as provided in Section 2 F, property which has a productive life of less than ten years, but does not include spare parts associated with eligible facilities; 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; or any other property for which abatement is not allowed by state law.

F. Owned / leased facilities: If a leased facility is permitted by state law to be granted abatement, the abatement agreement shall be applicable to the taxable value of the leased improvement, and where appropriate, shall be executed with both the Lessor and the Lessee.

G. Economic Qualifications: In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement:

1. Must be reasonably expected to have an increase in positive net benefit to Refugio County of at least Ten Million Dollars (\$10,000,000.00) over the life of the abatement, computed to include (but not limited to) new sustaining payroll and / or capital improvement. The creation of new jobs (identify number and type) will also factor into the decision to grant an abatement; and
2. Must not be expected to solely or primarily have the effect of merely transferring employment from one area of Refugio County to another.

H. Standards for Tax Abatement/Development Goals: The following factors, among other, shall be considered in determining whether to grant tax abatement:

1. Value of existing improvements, if any;
2. Type and value of proposed improvements;
3. Productive life of proposed improvements; Number of existing jobs to be retained by proposed improvements;
4. Number and type of new jobs to be created by proposed improvements;
5. Amount of local payroll to be created;
6. Whether the new jobs to be created will be filled by persons residing or projected to reside within affected taxing jurisdiction;
7. Amount which property tax base valuation will be increased during term of abatement and after abatement, which shall include a definitive commitment that

such valuation shall not, in any case, be less than Ten Million Dollars (\$10,000,000.00.)

8. The costs to be incurred by Refugio County to provide facilities directly resulting from the new improvements;
9. The amount of ad valorem taxes to be paid to Refugio County during the abatement period considering:
 - a. the existing values;
 - b. the percentage of new value abated;
 - c. the abatement period; and
 - d. the value after expiration of the abatement period.
10. The population growth of Refugio County that occurs directly as a result of new improvements;
11. The types and values of public improvements, if any, to be made by Applicant seeking abatement;
12. Whether the proposed improvements compete with existing businesses to the detriment of the local economy;
13. The impact on the business opportunities of existing businesses;
14. The attraction of other new businesses to the area;
15. The overall compatibility with the zoning ordinances and comprehensive plan for the area;
16. Whether the project obtains all necessary permits from the applicable environmental agencies.

Each eligible facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

Construction in Progress. If a qualifying facility has not been placed in service within one year after execution of the abatement Agreement, the applicant may apply for a one year extension of

the term of abatement, to be granted or denied in accordance with the Agreement. Said extension must be applied for prior to the expiration of the one year anniversary of execution of the abatement Agreement.

- I. Denial of Abatement: Neither a reinvestment zone nor abatement agreement shall be authorized if it is determined that:
 - 1. There would be substantial adverse effect on the provision of government services or tax base;
 - 2. The applicant has insufficient financial capacity;
 - 3. Planned or potential use of the property would constitute a hazard to public health, safety or morals;
 - 4. Violation of other codes or laws; or
 - 5. Any other reason deemed appropriate by Refugio County.

- J. Taxability: From the execution of the abatement to the end of the agreement period, taxes shall be payable as follows:
 - 1. The value of ineligible property as provided in Section 2 E shall be fully taxable; and
 - 2. The base year value of existing eligible property as determined each year shall be fully taxable.

The additional value of new eligible property shall be fully taxable at the end of the abatement period.

Section 3 Application

- A. Any present or potential owner of taxable property in Refugio County may request the creation of a reinvestment zone and tax abatement by filing a written application with the County Judge.

- B. The application shall consist of a written request for tax abatement, accompanied by:
 - 1. An analysis of the economic impact such an abatement will have on Refugio County, including:
 - a. Estimated tax revenues annually for the term of the requested abatement, taking into account any requested abatement.

- b. A comparison between an abatement of taxes and any requested “payment in lieu of taxes” (PILOT) in terms of benefit to the County over the proposed term of the abatement period.
 - c. A statement of the expected residual taxable value of the proposed project at the end of the abatement term requested, and the remaining taxable life expectancy of the proposed project.
 - 2. A general description of the proposed use and the general nature and extent of the modernization, expansion or new improvements to be undertaken.
 - 3. A descriptive list and approximate taxable value of the improvements which will be a part of the facility;
 - 4. A site map and property description, including a complete legal description of the property, and a map/property description of any requested reinvestment zone;
 - 5. A time schedule for undertaking and completing the planned improvements. In the case of modernization, 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. The application form may require such financial and other information as the County deems appropriate for evaluating the financial capacity and other factors of the applicant.
 - 6. Certification from the Refugio County Appraisal District verifying that no taxes are past due on applicant’s property located in the proposed reinvestment zone
 - 7. Disclosure of any environmental permits required or additional environmental impacts.
 - 8. A \$1,000.00 non-refundable application fee.
- C. In the case of modernization, 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. The County may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors pertaining to the Applicant, to be attached to the Application.
- D. All checks in payment of the administrative fee shall be made payable to Refugio County. In addition to the application fee, which shall be applied to any fee charged by legal or financial analysis of the application, the applicant shall also agree to pay reasonable consulting and attorney fees as may be incurred by Refugio County in the examination of the application as well as the preparation and negotiation of any tax abatement agreement. Such fee reimbursement shall not exceed \$10,000.00.

- E. Refugio County shall give notice as provided by the Property Tax Code, i.e. written notice, to the presiding officer of the governing body of each taxing unit in which the property to be subject of the agreement is located not later than the seventh day before the public hearing and publication in a newspaper of general circulation within such taxing jurisdiction not later than the seventh day before the public hearing. Before acting upon Application, Refugio County shall, through public hearing, afford the Applicant and the designated representative of any governing body referenced hereinabove opportunity to show cause why the abatement should or should not be granted.
- F. If a city within Refugio County designates a reinvestment zone within its corporate limits and enters into or proposes to enter into an abatement agreement with a present or potential owner of taxable property, such present or potential owner of taxable property may request tax abatement by Refugio County, but shall follow the same application process described in Section 3(A), *et seq*, hereof. No other notice or hearing shall be required except compliance with the Open Meetings Act, unless the Commissioners Court deems them necessary in a particular case.
- G. Variance. Although a variance is not favored, exceptional circumstances may support a request for variance from the provisions of Section II, in which case such request for a variance may be made in an application or other written form to the Commissioners' Court. Such request shall include all the items listed in Section 3(B) and may include a complete description of the circumstances which prompt the applicant to request a variance. The approval process for a variance request shall be identical to that for a standard application and may be supplemented by such additional requirements as may be deemed necessary by the Commissioners' Court. To the full extent permitted by applicable law, the Commissioners' Court shall have the authority to enter into an abatement agreement with terms and conditions that vary from the terms and conditions in these Guidelines, but only so long as the Commissioners' Court determines that such variances are in the best interests of Refugio County. Any terms or conditions contained in an abatement Agreement approved by the Commissioners' Court that vary from the terms and conditions in these Guidelines shall automatically be deemed to have been granted an approved variance by the Commissioners' Court, shall be binding and enforceable as agreed to in the abatement Agreement, and shall control in the event of any inconsistency or conflict with these Guidelines. A variance granted to any applicant shall not be deemed a variance for any subsequent applicant.
- H. Confidentiality Required. Information that is provided to the County in connection with an application or request for Tax Abatement and that describes the specific processes or business activities to be conducted or the equipment or other property to be located on the property for which Tax Abatement is sought may be deemed as confidential and not subject to public disclosure only if specifically identified by the Applicant, and segregated from the remaining portions of the Application. Once the Tax Abatement Agreement is executed, all attachments to the Abatement Agreement shall become public. All information in the custody of a taxing unit after the Agreement is executed is Public Record, and not confidential.

Section 4 Agreement

- A. After approval, the Commissioners Court of Refugio County shall formally pass a Resolution and execute an agreement with the owner of the facility and Lessee as required which shall:
1. Include a list of the kind, number, location of all proposed improvements to the property and if this is not defined at the time of the agreement, then to be supplemented after construction of the facilities;
 2. Provide access to and authorize inspection of the property by the taxing unit to ensure compliance with the agreement
 3. Limit the use of the property consistent with the taxing unit's developmental goals as stated in Section 2H of the Refugio County Tax Abatement Guidelines and Criteria;
 4. Provide for recapturing property tax revenues that are lost if the owner fails to make improvements as provided by the agreement;
 5. Include each term that was agreed upon with the property owner and require the owner of the facility to annually certify compliance with the terms of the agreement to each taxing unit; and
 6. Allow the taxing unit to cancel the agreement after notice of default and opportunity to cure if the property owner fails to comply with the terms of the agreement.
- B. The owner of the facility and Lessee shall also agree to the following:
1. A specified number of permanent full time jobs at facility shall be created, and the owner and Lessee shall make reasonable efforts to employ persons who are residents of Refugio County in such jobs provided, however, that there shall be no obligation to employ residents who are not:
 - a. equally or more qualified than nonresident applicants;
 - b. available for employment on terms and / or salaries comparable to those required by nonresident applicants; or
 - c. able to become qualified with 72 hours training provided by Owner.
 2. Each person employed in such job shall perform a portion, if not all, of their work in Refugio County.

3. Owner shall agree that it and its contractors, if any, will use reasonably commercial efforts to maximize its use of goods and services available through Refugio County businesses in the construction, operation, and maintenance of the improvements and the project; provided, however, that there shall be no requirement to use goods and services provided by Refugio County residents that are not:
 - a. of similar quality to those provided by nonresidents; or
 - b. made available on terms and conditions (including pricing) comparable to those offered by nonresidents. Comparable price shall be defined as less than or equal to 105% of the nonresident price for equivalent quality, conditions and terms.
 4. Owner or its construction contractor, if any, shall designate a coordinator of local services who will act as liaison between any individuals, businesses, and contractors residing or doing business in Refugio County who are interested in obtaining information about providing goods or services related to the construction of the project.
 5. Additionally, Owner or its construction contractor, if any, shall advertise in local newspapers in Refugio County for local contractors to perform work on the construction of the project.
 6. Owner shall agree to maintain a viable presence (as below defined) within the reinvestment zone for a period of time, as set by the Refugio County Commissioners Court, not to exceed twenty (20) years from the date that the abatement agreement first takes effect. For purposes hereof, "Maintain a Viable Presence" means (i) the operation of the Eligible Facilities, as the same may from time to time be expanded, upgraded, improved, modified, changed, remodeled, repaired, restored, reconstructed, reconfigured and/or reengineered, and (ii) the retention of not fewer than three (3) Qualifying Jobs as defined by Texas Tax Code Section 313.021(3)(E) to be located and performed, in part, within Refugio County.
 7. On May 1st of each year that the agreement shall be in effect, Owner shall certify to the County Judge of Refugio County, and to the governing body of each taxing unity, that Owner is in compliance with each applicable term set forth above.
- C. Such agreement shall normally be executed within sixty (60) days after the Applicant has forwarded all necessary information and documentation to the Commissioners Court.

Section 5

Recapture

- A. In the event that the company or individual:
 - 1. Allows its ad valorem taxes owed Refugio County 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 during the cure period;
 - 3. The agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within thirty (30) days of the termination.
- B. Should Refugio County determine that the company or individual is in default according to the terms and conditions of its agreement, Refugio County shall notify the company or individual in writing at the address stated in the agreement, and if such is not cured within thirty (30) days from the date of such notice (cure period) then the agreement may be terminated.
- C. In the event that the applicant's facility is completed and begins producing products or services, but subsequently discontinues producing a product or service for any reason for a period of one year during the abatement period, other than because of fire, explosion, or other casualty, accident, or natural disaster, then the agreement shall terminate and so shall the abatement of the taxes for the calendar year during which the applicant's facility no longer produces. The taxes otherwise abated for that calendar year shall be paid to the County within sixty (60) days from the date of termination.

Section 6

Administration

- A. The Chief Appraiser of the Refugio County Appraisal District will 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 Appraiser with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser will notify the Commissioners Court of Refugio County of the amount of the assessment.
- B. The Agreement shall stipulate that employees and/or designated representatives of Refugio County will have access to the applicant's facilities within 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 reasonable notice and will only be conducted in a manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the applicant, and in accordance with its safety standards.

- C. Upon completion of construction, the designated representative of Refugio County shall annually evaluate each facility receiving abatement to insure compliance with the agreement. A formal report shall be made to the Commissioners Court.
- D. Timely Filing. The County shall timely file, with the appropriate person, agency, department, or board of the State of Texas, all information required by the Tax Code.

Section 7
Assignment

- A. Abatement may be transferred and assigned by the holder to a new owner or lessee of the same facility only upon the approval by resolution of the Commissioners Court of Refugio County 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 Refugio County. No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations.
- B. An assignment shall not serve to extend the termination date of the abatement Agreement with the original Applicant, owner or lessee. An assignment may not alter venue provisions of the original agreement
- C. Approval of an assignment in conformity with this section shall not be unreasonably withheld.

Section 9
Venue

Any abatement agreement shall be conditioned upon venue for any disputes which may arise under the abatement agreement to be retained in courts of appropriate jurisdiction within Refugio County, Texas, or appeals to Texas courts of appellate jurisdiction, or the United States District Court for the Northern District of Texas, San Angelo Division, and United States courts of appellate jurisdiction.

Section 10
Sunset Provision

These guidelines and criteria are effective upon the date of their adoption and will remain in force for two years unless amended by three quarters vote of the Commissioners Court of Refugio County, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on the review, the guidelines and criteria will be modified, renewed, or eliminated.

ADOPTED 9/25th, 2018.

REFUGIO COUNTY COMMISSIONERS' COURT

Abner Blaschke
COUNTY JUDGE

Ann Spe
PRECINCT 1 COMMISSIONER

John S.
PRECINCT 2 COMMISSIONER

Amy Bauland
PRECINCT 3 COMMISSIONER

Rodney B.
PRECINCT 4 COMMISSIONER

ATTEST:

Alta Ramsey
COUNTY CLERK

APPLICATION FOR TAX ABATEMENT
REFUGIO COUNTY, TEXAS

1. Applicant Name: _____

- a. Applicant should be the individual or entity responsible for ad valorem tax payments on the proposed project.
- b. Applicant should identify any alter ego D/B/A or project location name.

2. Applicant Address/Phone #: _____

Phone: _____

E-Mail: _____

3. Description of Project:

- a. A general description of the nature of the proposed project, the market or social type of products or services to be produced by the project.
- b. A descriptive list of the improvements to be constructed, installed, or attached to the realty as result of the project, and the estimated taxable value of each descriptive line item.
- c. A site map and property description of the proposed reinvestment zone, and the location within that zone of the proposed project.
- d. A time schedule for the project from inception to completion and projected first date of operation, including anticipated due date of first tax payment to county.
- e. Certification that no ad valorem taxes are current in arrears upon the proposed real estate the project will occupy.
- f. Identify any proprietary information Applicant claims will adversely affect their competitive position in the marketplace and a specific request to protect such matters.
- g. Include a non-refundable application fee of \$1,000.00.

- h. Acknowledgement that county legal fees will be reimbursed in compliance with item 3D of the county criteria and guidelines.
4. Anticipated monetary value of project (minimum of \$10,000,000.00):
5. Anticipated number of jobs created (temporary/permanent):
6. Anticipated value of local payroll resulting from project:
7. Statement of the types of jobs and average salary, and whether jobs are more likely to be of county residents or non-resident positions.
8. Productive life of proposed project during and after abatement period:
9. Anticipated impact upon the county tax base:
10. Identify any infrastructure improvements to be requested from county, if any:
11. Description of the abatement requested, i.e. initial anticipated value, percentage of abatement for each year of the requested abatement period (not to exceed ten (10) years), and anticipated value of the project at the end of the abatement period.
12. Description of any anticipated “collateral development” resulting from the project, in terms of products or services that may be attracted to the county as result of the project.
13. A statement of any permits or other requirements that the Applicant will be required to obtain before commencement of the project, i.e. environmental, regulatory or financial.
14. Provide an economic analysis to include:
 - a. Estimated tax revenues annually for the term of the requested abatement that will flow to the county.
 - b. A comparison between abatement and any requested PILOT (payment in lieu of taxes) over the term of the proposed abatement.
 - c. A statement of the residual taxable value of the project at the end of the abatement period, and

- d. The remaining anticipated taxable life span of the proposed project at the end of the abatement period.
- e. An affirmative representation that the Applicant will maintain a viable presence within the reinvestment zone for a period of time, not less than twenty (20) years from the commencement of the reinvestment zone.
- f. Acknowledgment of recapture, assignment and venue provisions of county Guidelines and Criteria for tax abatement.
- g. Signature of individual or entity officer with capacity to bind the Applicant in contractual matters.
- h. Date of Application:

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 Janice Sykora
Print Name (Authorized School District Representative)

Superintendent
Title

sign here Janice Sykora
Signature (Authorized School District Representative)

1-29-2019
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.

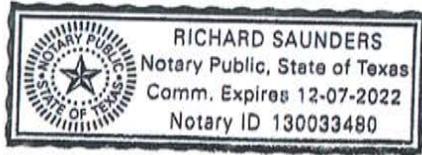
I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

print here Paul Bowman
Print Name (Authorized Company Representative (Applicant))

Executive Vice President
Title

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

1/22/19
Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

22ND day of JANUARY, 2019

[Signature]
Notary Public in and for the State of Texas

My Commission expires: 12/7/22

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.