

UNDERWOOD

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October 28, 2019

Tabita Collazo, Research Analystist
Economic Development and Analysis Division
Texas Comptroller of Public Accounts
111 E. 17th St.
Austin, TX 78774

Via Email and Federal Express

Re: App No. 1373 – Wellman-Union ISD-Algodon Solar Energy, LLC

Dear Tabita:

Enclosed please find supplemental application pages, specifically, Terry County's Resolution Designating the Terry-Algodon Solar Reinvestment Zone dated August 26, 2019. This document is submitted as Application Supplement No. 3.

A CD containing this Supplement is also enclosed. Please let me know if you require any additional information.

Sincerely,



Fred A. Stormer

Encl.
0D1DQ4

cc: Adam Glatz, Ernst & Young, LP

via email: adam.h.glatz@ey.com

**RESOLUTION OF THE COMMISSIONERS COURT
OF TERRY COUNTY, TEXAS DESIGNATING
TERRY-ALGODON SOLAR REINVESTMENT ZONE**

A RESOLUTION DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR A COMMERCIAL/INDUSTRIAL TAX ABATEMENT IN TERRY COUNTY, TEXAS, ESTABLISHING THE BOUNDARIES THEREOF, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Commissioners Court of Terry County, Texas (the “**County Commissioners Court**”) desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone as authorized by the Property Redevelopment and Tax Abatement Act, as amended (Texas Tax Code § 312.001, *et seq.*), and the Terry County Tax Abatement Guidelines and Criteria (the “**Guidelines**”);

WHEREAS, on July 22, 2019, a hearing was held before the County Commissioners Court, such date being at least seven (7) days after the date of publication of the notice of such public hearing in the local newspaper of general circulation in Terry County, Texas (the “**County**”) and the delivery of written notice to the respective presiding officers of each taxing entity that includes within its boundaries real property that is to be included in the proposed reinvestment zone;

WHEREAS, the County Commissioners Court at such public hearing invited any interested person to appear and speak for or against the creation of the reinvestment zone and whether all or part of the territory described should be included in the proposed reinvestment zone; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone and opponents, if any, of the reinvestment zone appeared to contest the creation of the reinvestment zone.

BE IT RESOLVED BY THE COUNTY COMMISSIONERS COURT:

SECTION 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

SECTION 2. That the County Commissioners Court, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on adoption of the Terry-Algodon Solar Reinvestment Zone has been properly called, held and conducted and that notice of such hearing has been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside

the proposed reinvestment zone;

- (b) That the boundaries of the Terry-Algodon Solar Reinvestment Zone should be the area described in the legal description and corresponding map attached hereto as Exhibit "A," which is incorporated herein by reference for all purposes;
- (c) That creation of the Terry-Algodon Solar Reinvestment Zone will result in benefits to the County and to land included in the reinvestment zone and that the improvements sought are feasible and practical; and
- (d) The Terry-Algodon Solar Reinvestment Zone meets the criteria set forth in Chapter 312 of the Texas Tax Code for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, and the Guidelines, in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract investment in the zone that would be a benefit to the property and that would contribute to the economic development of the County, and that the entire tract of land is located entirely within an unincorporated area of the County.

SECTION 3. That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, and the Guidelines, the County Commissioners Court hereby creates the Terry-Algodon Solar Reinvestment Zone; a reinvestment zone for commercial-industrial tax abatement encompassing only the area described in and as shown on the map in Exhibit A, and such reinvestment zone is hereby designated and shall hereafter be referred to as the Terry-Algodon Solar Reinvestment Zone.

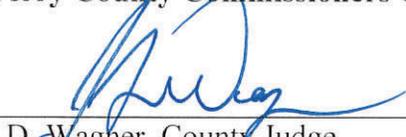
SECTION 4. That the Terry-Algodon Solar Reinvestment Zone shall take effect on the date of this Resolution and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of designation and may be renewed for an additional five (5) year period thereafter.

SECTION 5. That if any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

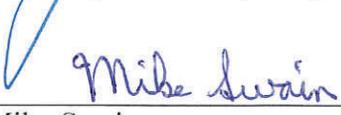
SECTION 6. That it is hereby found, determined and declared that a sufficient notice of the date, hour, place and subject, of the meeting of the County Commissioners Court at which this Resolution was adopted was posted at a place convenient and readily accessible at all times as required by the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, and that a public hearing was held prior to the designation of such reinvestment zone and that proper notice of the hearing was published in the official newspaper of general circulation within the County, and furthermore, such notice was in fact delivered to the presiding officer of any affected taxing entity as prescribed by the Property Redevelopment and Tax Abatement Act.

PASSED, APPROVED AND ADOPTED on this the 26th day of August, 2019.

Terry County Commissioners Court



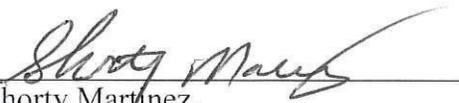
J.D. Wagner, County Judge



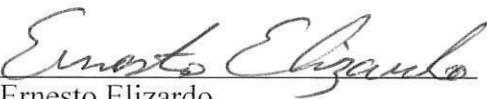
Mike Swain,
Precinct 1 Commissioner



Kirby Keese,
Precinct 2 Commissioner



Shorty Martinez,
Precinct 3 Commissioner



Ernesto Elizardo,
Precinct 4 Commissioner

Attest:



Kim Carter, County Clerk



EXHIBIT A
LEGAL DESCRIPTION AND MAP OF
TERRY-ALGODON SOLAR REINVESTMENT ZONE

The Terry-Algodon Solar Reinvestment Zone is comprised of the following parcels located in Terry County, Texas. In the event of discrepancy between the following legal description and the attached map, the map will control; provided however, the Terry-Algodon Solar Reinvestment Zone shall in no way be deemed to include any portion of any municipality.

Legal Description:

Section 1, Block C-36, Abstract 1437 of the P S L Survey
 Section 1, Block C-36, Abstract 1537 of the P S L Survey
 Section 1, Block C-36, Abstract 707 of the P S L Survey
 Section 5, Block C-36, Abstract 1539 of the P S L Survey
 Section 5, Block C-36, Abstract 1538 of the P S L Survey
 Section 2, Block C-36, Abstract 1678 of the P S L Survey
 Section 4, Block C-36, Abstract 763 of the P S L Survey
 Section 6, Block C-37, Abstract 1542 of the P S L Survey
 Section 6, Block C-37, Abstract 1366 of the P S L Survey
 Section 6, Block C-37, Abstract 1809 of the P S L Survey
 Section 6, Block C-37, Abstract 704 of the P S L Survey
 Section 7, Block C-37, Abstract 706 of the P S L Survey
 Section 18, Block C-37, Abstract 583 of the P S L Survey
 Section 17, Block C-37, Abstract 612 of the P S L Survey
 Section 16, Block C-37, Abstract 609 of the P S L Survey
 Section 8, Block C-37, Abstract 749 of the P S L Survey
 Section 9, Block C-37, Abstract 752 of the P S L Survey
 Section 5, Block C-37, Abstract 751 of the P S L Survey
 Section 4, Block C-37, Abstract 750 of the P S L Survey

EXHIBIT A (CONTINUED)
MAP OF
TERRY-ALGODON SOLAR REINVESTMENT ZONE

SEE ATTACHED MAP



Reinvestment Zone Map
Algodon Solar Project | Terry County, Texas

Rev. 01
April 19, 2019

