

**Application for Appraised Value Limitation on Qualified
Property**

Red-tailed Hawk Solar Project

Submitted to:

Wharton Independent School District



Submitted by:

AP Solar Holdings, LLC



May 28, 2019

Revision 0

Tab 1
Application for Appraised Value Limitation on Qualified Property
Pages 1 - 7

Application for Appraised Value Limitation on Qualified Property

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

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

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

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

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

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

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

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

Please visit the Comptroller's website to find out more about the program at comptroller.texas.gov/economy/local/ch313/. There are links to the Chapter 313 statute, rules, guidelines and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

SECTION 1: School District Information

1. Authorized School District Representative

Date Application Received by District _____

First Name _____

Last Name _____

Title _____

School District Name _____

Street Address _____

Mailing Address _____

City _____

State _____

ZIP _____

Phone Number _____

Fax Number _____

Mobile Number (optional) _____

Email Address _____

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

SECTION 1: School District Information *(continued)*

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

First Name Last Name

Title

Firm Name

Phone Number Fax Number

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)*

First Name Last Name

Title Organization

Street Address

Mailing Address

City State ZIP

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.

First Name Last Name

Title Organization

Street Address

Mailing Address

City State ZIP

Phone Number Fax Number

Mobile Number *(optional)* Business Email Address

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

SECTION 2: Applicant Information (continued)

4. Authorized Company Consultant (If Applicable)

First Name

Last Name

Title

Firm Name

Phone Number

Fax Number

Business Email Address

SECTION 3: Fees and Payments

1. Has an application fee been paid to the school district? Yes No

The total fee shall be paid at time of the application is submitted to the school district. Any fees not accompanying the original application shall be considered supplemental payments.

1a. If yes, attach in **Tab 2** proof of application fee paid to the school district.

For the purpose of questions 2 and 3, "payments to the school district" include any and all payments or transfers of things of value made to the school district or to any person or persons in any form if such payment or transfer of thing of value being provided is in recognition of, anticipation of, or consideration for the agreement for limitation on appraised value.

2. Will any "payments to the school district" that you may make in order to receive a property tax value limitation agreement result in payments that are not in compliance with Tax Code §313.027(i)? Yes No N/A

3. If "payments to the school district" will only be determined by a formula or methodology without a specific amount being specified, could such method result in "payments to the school district" that are not in compliance with Tax Code §313.027(i)? Yes No N/A

SECTION 4: Business Applicant Information

1. What is the legal name of the applicant under which this application is made? _____

2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) _____

3. List the NAICS code _____

4. Is the applicant a party to any other pending or active Chapter 313 agreements? Yes No

4a. If yes, please list application number, name of school district and year of agreement

SECTION 5: Applicant Business Structure

1. Identify Business Organization of Applicant (*corporation, limited liability corporation, etc*) _____

2. Is applicant a combined group, or comprised of members of a combined group, as defined by Tax Code §171.0001(7)? Yes No

2a. If yes, attach in **Tab 3** a copy of Texas Comptroller Franchise Tax Form No. 05-165, No. 05-166, or any other documentation from the Franchise Tax Division to demonstrate the applicant's combined group membership and contact information.

3. Is the applicant current on all tax payments due to the State of Texas? Yes No

4. Are all applicant members of the combined group current on all tax payments due to the State of Texas? Yes No N/A

5. If the answer to question 3 or 4 is no, please explain and/or disclose any history of default, delinquencies and/or any material litigation, including litigation involving the State of Texas. (If necessary, attach explanation in **Tab 3**)

SECTION 6: Eligibility Under Tax Code Chapter 313.024

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

SECTION 7: Project Description

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

<input type="checkbox"/> Land has no existing improvements	<input type="checkbox"/> Land has existing improvements (<i>complete Section 13</i>)
<input type="checkbox"/> Expansion of existing operation on the land (<i>complete Section 13</i>)	<input type="checkbox"/> Relocation within Texas

SECTION 8: Limitation as Determining Factor

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

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

SECTION 9: Projected Timeline

- 1. Application approval by school board
2. Commencement of construction
3. Beginning of qualifying time period
4. First year of limitation
5. Begin hiring new employees
6. Commencement of commercial operations
7. Do you propose to construct a new building or to erect or affix a new improvement after your application review start date (date your application is finally determined to be complete)?
8. When do you anticipate the new buildings or improvements will be placed in service?

SECTION 10: The Property

- 1. Identify county or counties in which the proposed project will be located
2. Identify Central Appraisal District (CAD) that will be responsible for appraising the property
3. Will this CAD be acting on behalf of another CAD to appraise this property?
4. List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:
5. Is the project located entirely within the ISD listed in Section 1?
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)?

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.

- 1. At the time of application, what is the estimated minimum qualified investment required for this school district?
2. What is the amount of appraised value limitation for which you are applying?
3. Does the qualified investment meet the requirements of Tax Code §313.021(1)?
4. Attach a description of the qualified investment [See §313.021(1).] The description must include:
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?

SECTION 12: Qualified Property

1. Attach a detailed description of the qualified property. [See §313.021(2)] (If qualified investment describes qualified property exactly, you may skip items a, b and c below.) The description must include:
 - 1a. a specific and detailed description of the qualified property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (Tab 8);
 - 1b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your qualified property (Tab 8); and
 - 1c. a map of the qualified property showing location of new buildings or new improvements with vicinity map (Tab 11).
2. Is the land upon which the new buildings or new improvements will be built part of the qualified property described by §313.021(2)(A)? Yes No
 - 2a. If yes, attach complete documentation including:
 - a. legal description of the land (Tab 9);
 - b. each existing appraisal parcel number of the land on which the new improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property (Tab 9);
 - c. owner (Tab 9);
 - d. the current taxable value of the land. Attach estimate if land is part of larger parcel (Tab 9); and
 - e. a detailed map showing the location of the land with vicinity map (Tab 11).
3. Is the land on which you propose new construction or new improvements currently located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303? Yes No
 - 3a. If yes, attach the applicable supporting documentation:
 - a. evidence that the area qualifies as a enterprise zone as defined by the Governor's Office (Tab 16);
 - b. legal description of reinvestment zone (Tab 16);
 - c. order, resolution or ordinance establishing the reinvestment zone (Tab 16);
 - d. guidelines and criteria for creating the zone (Tab 16); and
 - e. a map of the reinvestment zone or enterprise zone boundaries with vicinity map (Tab 11)
 - 3b. If no, submit detailed description of proposed reinvestment zone or enterprise zone with a map indicating the boundaries of the zone on which you propose new construction or new improvements to the Comptroller's office within 30 days of the application date. What is the anticipated date on which you will submit final proof of a reinvestment zone or enterprise zone? _____

SECTION 13: Information on Property Not Eligible to Become Qualified Property

1. In Tab 10, attach a specific and detailed description of all **existing property**. This includes buildings and improvements existing as of the application review start date (the date the application is determined to be complete by the Comptroller). The description must provide sufficient detail to locate all existing property on the land that will be subject to the agreement and distinguish existing property from future proposed property.
2. In Tab 10, attach a specific and detailed description of all **proposed new property that will not become new improvements** as defined by TAC 9.1051. This includes proposed property that: functionally replaces existing or demolished/removed property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property; or is otherwise ineligible to become qualified property. The description must provide sufficient detail to distinguish existing property (question 1) and all proposed new property that cannot become qualified property from proposed qualified property that will be subject to the agreement (as described in Section 12 of this application).
3. For the property not eligible to become qualified property listed in response to questions 1 and 2 of this section, provide the following supporting information in Tab 10:
 - a. maps and/or detailed site plan;
 - b. surveys;
 - c. appraisal district values and parcel numbers;
 - d. inventory lists;
 - e. existing and proposed property lists;
 - f. model and serial numbers of existing property; or
 - g. other information of sufficient detail and description.
4. Total estimated market value of existing property (that property described in response to question 1): _____ \$
5. In Tab 10, include an appraisal value by the CAD of all the buildings and improvements existing as of a date within 15 days of the date the application is received by the school district.
6. Total estimated market value of proposed property not eligible to become qualified property (that property described in response to question 2): _____ \$

Note: Investment for the property listed in question 2 may count towards qualified investment in Column C of Schedules A-1 and A-2, if it meets the requirements of 313.021(1). Such property cannot become qualified property on Schedule B.

SECTION 14: Wage and Employment Information

1. What is the estimated number of permanent jobs (more than 1,600 hours a year), with the applicant or a contractor of the applicant, on the proposed qualified property during the last complete quarter before the application review start date (date your application is finally determined to be complete)?
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**.

Tab 2
Proof of Payment of Application Fee

Proof of payment of filing fee received by the
Comptroller of Public Accounts per TAC Rule
§9.1054 (b)(5)

*(Page Inserted by Office of Texas Comptroller of Public
Accounts)*

Tab 3

Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation (*if applicable*)

AP Solar Holdings, LLC and AP Solar 1, LLC were formed in 2018; Franchise Tax Forms 05-164 and 165 are provided for these entities. AP Solar 6, LLC, affiliated with the Red-tailed Hawk project, was formed in 2019 and will be reported in the next report year.

EXTENSION FILING INSTRUCTIONS

TEXAS FORM 05-164 & FORM 05-165

FOR THE YEAR ENDING
December 31, 2018

Prepared for	AP Solar Holdings, LLC 4309 Yoakum Blvd., Suite 500 Houston, TX 77006
Prepared by	Pivot CPAs 238 Ponte Vedra Park Dr, St 201 Ponte Vedra Beach, FL 32082
Amount due	No payment is required.
Make check payable to	Not applicable
Mail extension and check (if applicable) to	Texas Comptroller of Public Accts P.O. Box 149348 Austin, TX 78714-9348
Extension must be mailed on or before	May 15, 2019
Special Instructions	The extension should be signed and dated. This extends the filing date of the Texas return until November 15, 2019.

Texas Franchise Tax Extension Request

■ Tcode 13258 ANNUAL

■ Taxpayer number

■ Report year

Due date

32070351195

2019

05/15/2019

Taxpayer name AP SOLAR HOLDINGS, LLC				Secretary of State file number or Comptroller file number	
Mailing address 4309 YOAKUM BLVD., SUITE 500				0803288438	
City HOUSTON	State TX	Country USA	ZIP code plus 4 77006	Check box if the address has changed <input type="checkbox"/>	
Check box if this is a combined report <input checked="" type="checkbox"/>					

If this extension is for a combined group, you must also complete and submit Form 05-165.

Note to mandatory Electronic Fund Transfer (EFT) payers:
When requesting a second extension do not submit an Affiliate List Form 05-165.

1. Extension payment (Dollars and cents)

1. ■

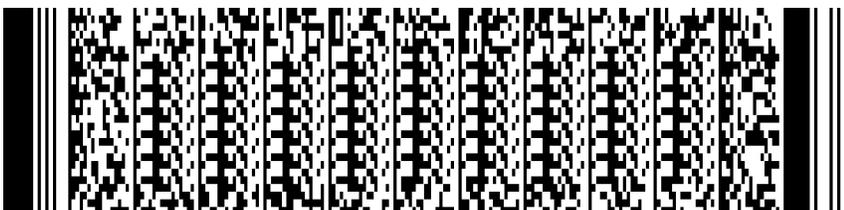
0.00

Print or type name JIM PEAVEY		Area code and phone number (904) 280 -2053	
I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief.		Mail original to: Texas Comptroller of Public Accounts P.O. Box 149348 Austin, TX 78714-9348	
sign here 	Date		

Instructions for each report year are online at www.comptroller.texas.gov/taxes/franchise/forms/. If you have any questions, call 1-800-252-1381.

Taxpayers who paid \$10,000 or more during the preceding fiscal year (Sept. 1 thru Aug. 31) are required to electronically pay their franchise tax.
For more information visit www.comptroller.texas.gov/taxes/franchise/filing-requirements.php.

Texas Comptroller Official Use Only



VE/DE				
PM Date				



Texas Franchise Tax Extension Affiliate List



■ Tcode 13298

■ Reporting entity taxpayer number

■ Report year

Reporting entity taxpayer name

32070351195

2019

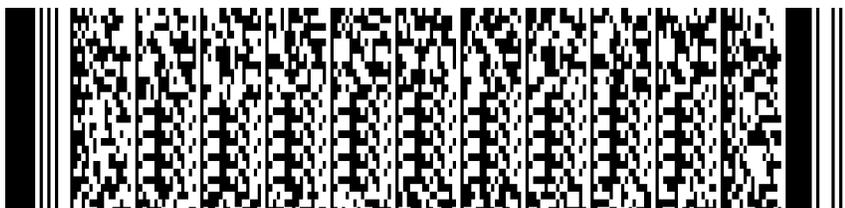
AP SOLAR HOLDINGS, LLC

LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. AP SOLAR 1, LLC	■ 32069483140	■ <input type="checkbox"/>
2.	■	■ <input type="checkbox"/>
3.	■	■ <input type="checkbox"/>
4.	■	■ <input type="checkbox"/>
5.	■	■ <input type="checkbox"/>
6.	■	■ <input type="checkbox"/>
7.	■	■ <input type="checkbox"/>
8.	■	■ <input type="checkbox"/>
9.	■	■ <input type="checkbox"/>
10.	■	■ <input type="checkbox"/>
11.	■	■ <input type="checkbox"/>
12.	■	■ <input type="checkbox"/>
13.	■	■ <input type="checkbox"/>
14.	■	■ <input type="checkbox"/>
15.	■	■ <input type="checkbox"/>
16.	■	■ <input type="checkbox"/>
17.	■	■ <input type="checkbox"/>
18.	■	■ <input type="checkbox"/>
19.	■	■ <input type="checkbox"/>
20.	■	■ <input type="checkbox"/>
21.	■	■ <input type="checkbox"/>

Note: To file an extension request for a reporting entity and its affiliates, Form 05-164 (Texas Franchise Tax Extension Request) must be submitted with this affiliate list. The filing of this list by itself does not constitute a properly filed Extension Request.

Do not file this form when requesting a second extension.

Texas Comptroller Official Use Only



VE/DE FM



Tab 4

Detailed Description of the Project

Project Definition

The Red-tailed Hawk Solar Project ("Project") is an approximately 300 MWac utility-scale solar (photovoltaic) field to be located on approximately 2,500 acres of the Pierce Ranch in Wharton County. AP Solar 6, LLC ("APS6") is the entity formed to own and operate the Project, and APS6 has entered into an exclusive development agreement with AP Solar Holdings, LLC to develop and construct the Project. Pending completion of development activities, including obtaining an interconnection agreement with the transmission service provider, construction is expected to begin on the Project in the 3rd quarter of 2020, and commercial operation is expected to commence in the 3rd quarter of 2021.

About AP Solar Holdings, LLC

AP Solar Holdings, LLC ("AP Solar") is a Texas-focused renewable energy company currently developing a number of solar generation projects within the Energy Reliability Council of Texas ("ERCOT") service territory. AP Solar has numerous potential solar sites already under option and lease, and these sites are located in areas of ERCOT with strong power demand fundamentals. The AP Solar development team has previously developed and financed over 3.3 gigawatts of solar, wind and thermal power generation projects in ERCOT. The team has an unparalleled understanding of the ERCOT electricity market, and it does not require a long-term power purchase agreement to be in place in order to move ahead developing and constructing its projects.

Tab 5

Limitation as Determining Factor

Section 8, Item 2: Agreements, Contracts or Letters of Intent

AP Solar has entered into the following agreements and contracts for the development of the Red-tailed Hawk Solar Project:

- Lease/Option Agreement (03/01/19) - currently in feasibility period
- Phase I Environmental Site Assessment (05/02/19)
- Desktop Environmental Review (04/23/19)
- Conceptual Design (04/03/19)
- Generation Interconnection Request - SS/FIS Applications (expected to be submitted by 06/15/19)
- Texas Tax Code, Chapter 312 Agreement (negotiation ongoing)

Section 8, Item 10: Are you submitting information to assist in the determination as to whether the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in Texas?

AP Solar is considering building multiple projects, several of which are planned in locations throughout Texas. Since this Project is still in the early stages of development, further investment could be, if necessary, redeployed to other counties for similar solar projects. Each AP Solar project individually competes for a finite pool of investment capital. State and local tax incentives contribute to the lowering of the cost of power and makes our investment more viable and marketable. AP Solar is continually comparing investment opportunities, rate of return, and market viability of each project based upon project financial metrics.

Due to the extremely competitive power market in ERCOT most, if not all, economic model assumptions are based on the Project securing both Chapter 312 local tax incentives and Chapter 313 appraised value limitation. The property tax liabilities of a project without tax incentives in Texas lowers the return to investors and financiers to an unacceptable level. Without the tax incentives in Texas, a project can become non-financeable. Therefore, these tax abatements are critical to the ability of the proposed Project to move forward.

Tab 6

Description of how Project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation of the Office of the Governor (*if applicable*)

Not Applicable

Tab 7

Description of Qualified Investment

AP Solar is requesting an appraise value limitation on all of the property constructed or placed upon the real property described and shown in Tab 11 as the "Site" with the Wharton Independent School District located in Wharton County. This includes but is not limited to the following the following improvements:

- PV modules;
- DC-to-AC inverter stations (inverters, medium-voltage transformers, associated electrical cabling and controls);
- Tracker racking system (mounting structures);
- Medium- and high-voltage electric cabling;
- Project substation (transformer, switchgear, transmission equipment, telecommunications, SCADA equipment);
- High-voltage transmission line connecting the project to the grid;
- Operations and Maintenance trailer; and
- Balance of plant and associated equipment (including DC cabling, communication and control cabling, conduit, combiner boxes and/or disconnect switches) to safely operate and maintain the facility and deliver electricity to the grid.

All of the improvements that make up the amount of the Qualified Investment will be new and will be made within the Project Investment Area depicted in Tab 11.

Tab 8
Description of Qualified Property

Included in Qualified Investment (Tab 7)

Tab 9
Description of Land

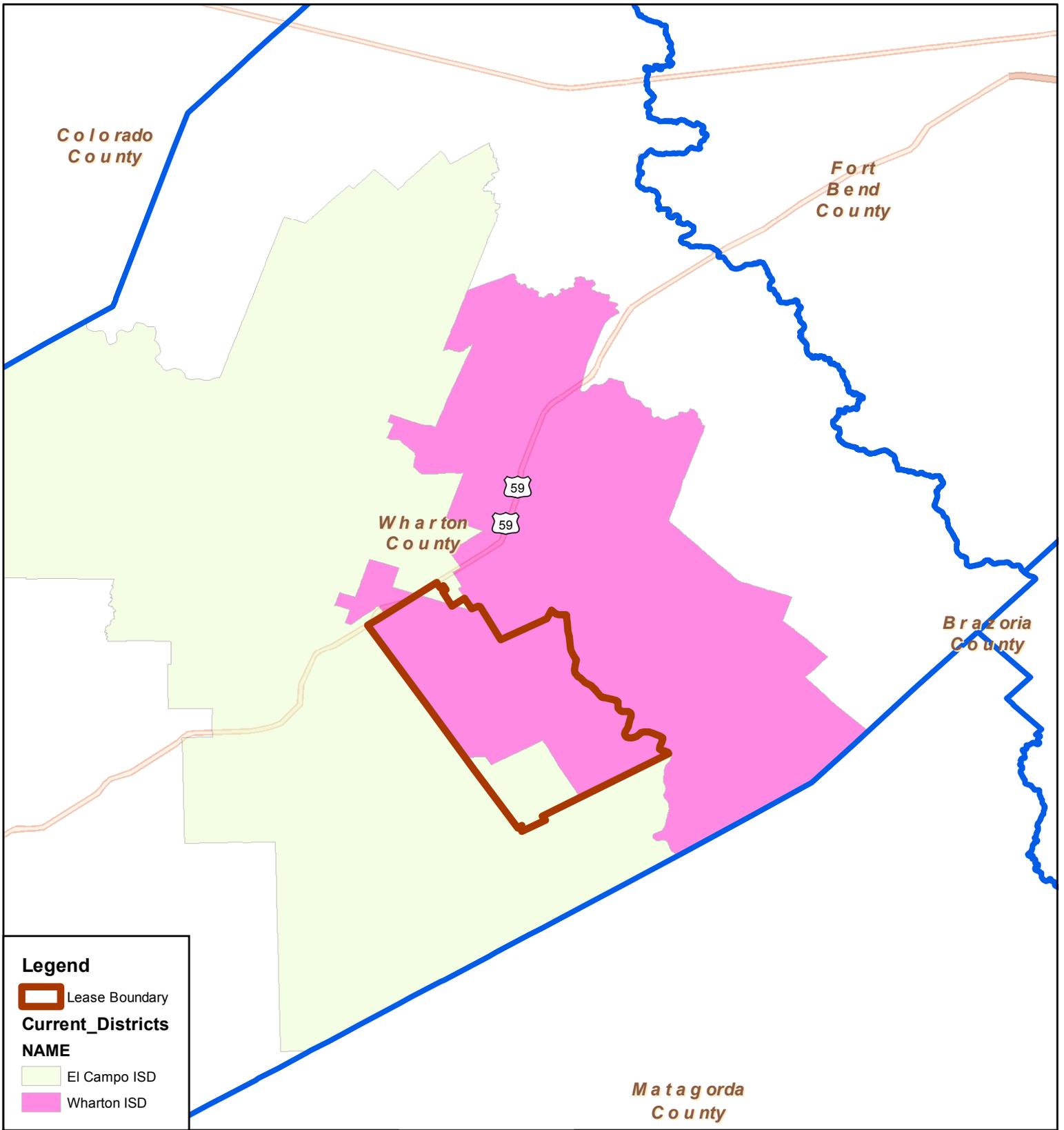
Not Applicable

Tab 10

Description of all property not eligible to become qualified property (*if applicable*)

Not Applicable

Tab 11
Maps



Legend

 Lease Boundary

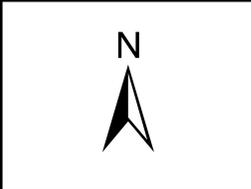
Current_Districts

NAME

 El Campo ISD

 Wharton ISD

Source: schoolsdata2-tea-texas.opendata.arcgis.com
 Datum: WGS 1984

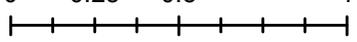


AP Solar 6, LLC
 Red-tailed Hawk Solar Project
 Vicinity Map

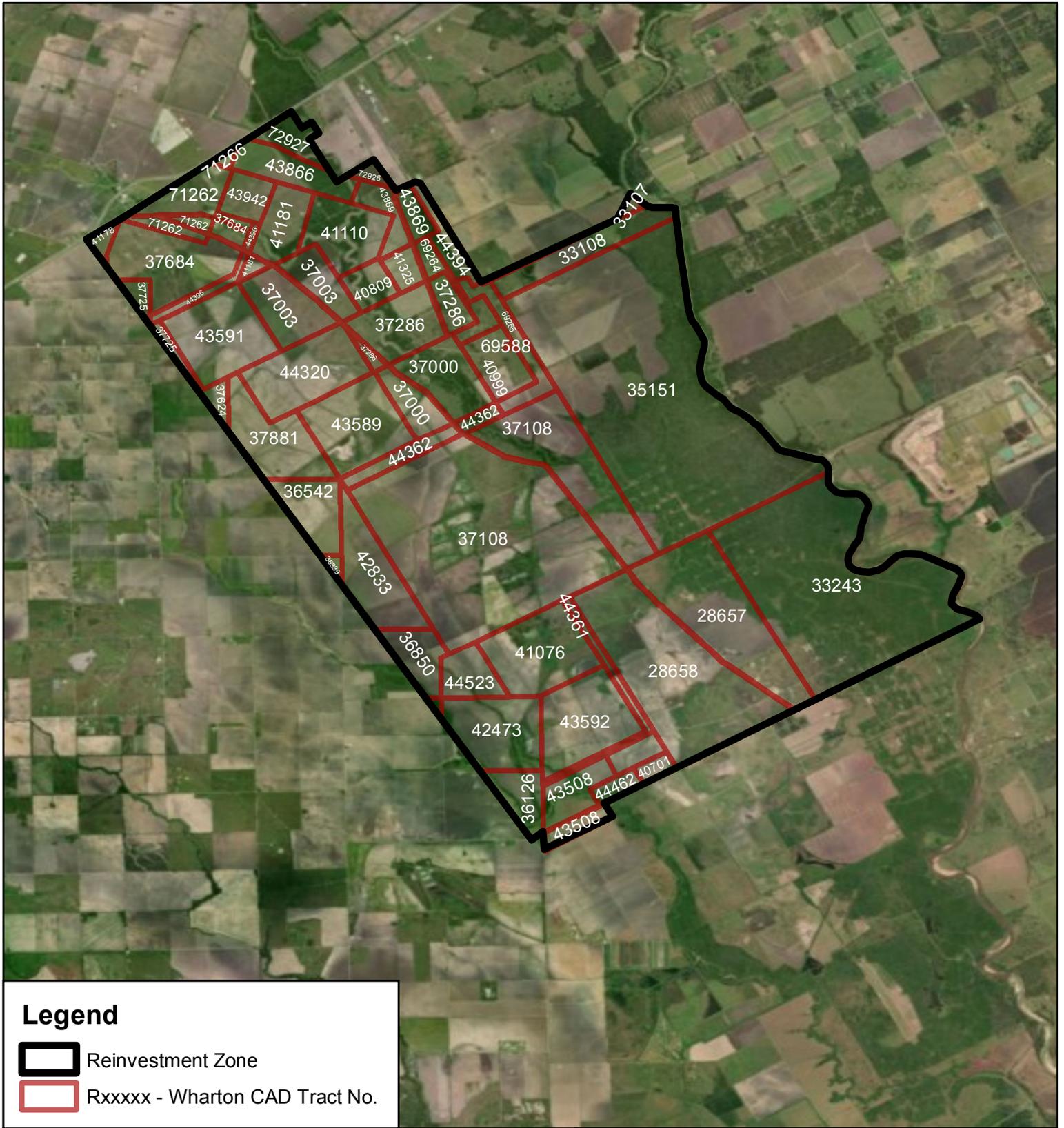


Location:
 Wharton County, Texas

0 0.25 0.5 1 Miles



Date: 5/28/2019 (Rev 0)



Legend

-  Reinvestment Zone
-  Rxxxxx - Wharton CAD Tract No.

Source: ESRI StreetMap North America
Datum: WGS 1984

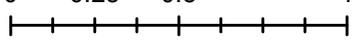


AP Solar 6, LLC
Red-tailed Hawk Solar Project
Reinvestment Zone



Location:
Wharton County, Texas

0 0.25 0.5 1 Miles



Date: 5/28/2019 (Rev 0)



Legend

-  Location of Qualified Investment including New Buildings and Improvements
-  Reinvestment Zone
-  O & M Trailer
-  Proposed Substation
-  Transmission Line
-  Tie Line Route

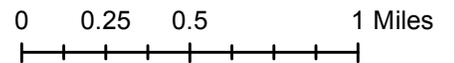
Source: ESRI StreetMap North America
Datum: WGS 1984



AP Solar 6, LLC
Red-tailed Hawk Solar Project
Location of Qualified Investment



Location:
Wharton County, Texas



Date: 5/28/2019 (Rev 0)

Tab 12
Request for Waiver of Job Creation Requirements

May 8, 2019

Mrs. Tina Herrington, Superintendent
Wharton Independent School District
2100 N Fulton
Wharton, TX 77488

**RE: Red-tailed Hawk Solar Project
Chapter 313 Application for Appraised Value Limitation
Job Creation Requirement Waiver Request**

Dear Mrs. Herrington:

AP Solar 6, LLC, a subsidiary of AP Solar Holdings, LLC, is submitting a Texas Tax Code, Chapter 313 application for appraised value limitation on qualified property with a request for a waiver of the jobs creation requirement. Pursuant to Section 313.025(f-1), the governing body of a school district may waive the new jobs creation requirement or approve an application if the governing body makes a finding that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility.

For this size of a utility scale solar project, it is expected that approximately 300 temporary construction jobs will be created over an estimated 1-year construction period. During commissioning and operations, highly skilled technicians with specific training and experience will provide maintenance of the project components and operate the facility. According to the experts at Radian Generation, the industry standard for employment is one permanent job per 75-100 MW. Therefore, it is anticipated that the project will employ 3 full time employees. Additionally, there may be asset managers or technicians who supervise, monitor and support the project from other locations.

Therefore, AP Solar is requesting that Wharton ISD Board of Trustees make a finding that the jobs creation requirement may be waived for this facility.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Elrod".

Christopher Elrod
Manager

Tab 13

Calculation of Three Possible Wage Requirements with TWC Documentation

Average Weekly Wage (All Jobs, All Industries)

County: Wharton

Ownership: Total, all

Industry: Total, all industries

Year	Qtr	Average Weekly Wages
2017	4	744
2018	1	743
2018	2	738
2018	3	764
	Average	747.25

Source: <https://texaslmi.com/LMIbyCategory/QCEW>

110% of Average Weekly Wage for Manufacturing Jobs

County: Wharton

Ownership: Private

Industry: Manufacturing

Year	Qtr	Average Weekly Wages
2017	4	869
2018	1	800
2018	2	851
2018	3	802
	Average	830.50
	110% of Average	913.55

Source: <https://texaslmi.com/LMIbyCategory/QCEW>

Minimum Required Annual Wage

$$\$830.5/\text{wk} * 110\% * 52 \text{ wk/yr} = \$47,504.60$$

110% of Average Weekly Wage for Manufacturing Jobs in Region

Region: Gulf Coast Area Council of Governments
Average Hourly Wages \$29
Average Weekly Wages (40 hr/wk) \$1,160
110% of Average Weekly Rate \$1,276

Source: 2017 Manufacturing Average Wages by Council of Government Region; Wages for All Occupations (<https://texaslmi.com/LMIbyCategory/Wages>)

110% of Average Weekly Wage for Utility Construction Jobs

County: Wharton
Ownership: Private
Industry: Construction: Utility Systems

Year	Qtr	Average Weekly Wages
2017	3	1,178
2017	4	1,155
2018	1	1,162
2018	2	1,238
	Average	1,183.25

Source: <https://tracer2.com/cgi/dataanalysis/AreaSelection.asp?tableName=Industry>

Average Annual Wage Rates for Construction Workers

$\$1,183.25 * 52 = \$61,529$

Year	Period	Area	Ownership	Industry	Le Estab	Average Employment	Average Weekly Wage
2017	04	Wharton	Total All	10 Total, All Industries	0 #####	15,843	744
2018	01	Wharton	Total All	10 Total, All Industries	0 #####	15,557	743
2018	02	Wharton	Total All	10 Total, All Industries	0 #####	15,897	738
2018	03	Wharton	Total All	10 Total, All Industries	0 #####	16,081	764

Year	Period	Area	Ownership	Industry	Industry	Lev	Establishr	Firm	Average	Average	Weekly Wage
2017	04	Wharton	Private	31-33	Manufacturing	2	45	44	1,557		869
2018	01	Wharton	Private	31-33	Manufacturing	2	44	43	1,521		800
2018	02	Wharton	Private	31-33	Manufacturing	2	43	42	1,540		851
2018	03	Wharton	Private	31-33	Manufacturing	2	44	42	1,545		802

Area	SOC Code	Occupation Title	NAICS Code	Industry Title	Rate Type	No. Of Employ	Mean Wage	Entry Wage	Experienced	10 Percentile Wage
Gulf Coast	00-0000	Total, All Occupations	31-33	Manufacturing	Hourly	225,860	29	13	37	11

Year	Period	Area	Ownersh	Industr	Industry	Leve	Establis	Firms	Average Employr	Average Weekly Wage
2017	01	Wharton	Private	2371	Utility System Construction	4	5	5	84	1,098
2017	02	Wharton	Private	2371	Utility System Construction	4	5	5	104	1,217
2017	03	Wharton	Private	2371	Utility System Construction	4	5	5	141	1,178
2017	04	Wharton	Private	2371	Utility System Construction	4	5	5	126	1,155
2018	01	Wharton	Private	2371	Utility System Construction	4	5	5	137	1,162
2018	02	Wharton	Private	2371	Utility System Construction	4	5	5	260	1,238

Tab 14
Schedules A1, A2, B, C and D

Provided in Excel version in separate document

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

Date: 5/28/2019
 Applicant Name: AP Solar 6, LLC - Red-tailed Hawk Solar
 ISD Name: Wharton ISD

PROPERTY INVESTMENT AMOUNTS							Column E
(Estimated investment in each year. Do not put cumulative totals.)							
Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	Column A New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property	Column B New investment made during this year in buildings or permanent nonremovable components of buildings that will become Qualified Property	Column C Other new investment made during this year that will not become Qualified Property (SEE NOTE)	Column D 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			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	--	2019					
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	2020	\$ 150,000,000.00				\$ 150,000,000.00
	QTP2	2021	\$ 150,000,000.00				\$ 150,000,000.00
Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]			\$ 300,000,000.00	\$ -	\$ -	\$ -	\$ 300,000,000.00

Total Qualified Investment (sum of green cells) \$ 300,000,000.00
 Enter amounts from TOTAL row above in Schedule A2

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)

PROPERTY INVESTMENT AMOUNTS

Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	(Estimated investment in each year. Do not put cumulative totals.)				Column E Total Investment (A+B+C+D)
			Column A New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property	Column B New investment made during this year in buildings or permanent nonremovable components of buildings that will become Qualified Property	Column C Other investment made during this year that will not become Qualified Property (SEE NOTE)	Column D Other investment made during this year that will become Qualified Property (NOTE)	
Total Investment from Schedule A1*			\$ 300,000,000.00	\$ -	\$ -	\$ 300,000,000.00	
0	2019-2020	2019				\$ -	
1	2020-2021	2020	\$ 150,000,000.00			\$ 150,000,000.00	
2	2021-2022	2021	\$ 150,000,000.00			\$ 150,000,000.00	
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			\$ 300,000,000.00	\$ -	\$ -	\$ 300,000,000.00	
11	2031-2032	2031					
12	2032-2033	2032					
13	2033-2034	2033					
14	2034-2035	2034					
15	2035-2036	2035					
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					
Each year prior to start of value limitation period** <i>(insert as many rows as necessary)</i>							
Value limitation period***							
Additional years for 25 year economic impact as required by 313.026(c)(1)							

* 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.
 Column B: Only tangible personal property that is specifically described in the application can become qualified property.
 Column C: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.
 Column D: 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 E: 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.

Date

Applicant Name
ISD Name

5/28/2019
AP Solar 6, LLC - Red-tailed Hawk Solar
Wharton ISD

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

Form 50-296A
Revised May 2014

Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year)	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	
Pre-Year	0	2019-2020	2019	N/A	N/A	\$ -	\$ -	\$ -	\$ -
Qualifying Investment Period	0	2020-2021	2020	N/A	N/A	\$ -	\$ -	\$ -	\$ -
	0	2021-2022	2021	N/A	N/A	\$ 150,000,000	\$ 150,000,000	\$ 150,000,000	\$ 150,000,000
	1	2022-2023	2022	N/A	N/A	\$ 300,000,000	\$ 300,000,000	\$ 300,000,000	\$ 300,000,000
	2	2023-2024	2023	N/A	N/A	\$ 285,000,000	\$ 285,000,000	\$ 285,000,000	\$ 30,000,000
	3	2024-2025	2024	N/A	N/A	\$ 255,000,000	\$ 255,000,000	\$ 255,000,000	\$ 30,000,000
Value Limitation Period	4	2025-2026	2025	N/A	N/A	\$ 225,000,000	\$ 225,000,000	\$ 225,000,000	\$ 30,000,000
	5	2026-2027	2026	N/A	N/A	\$ 195,000,000	\$ 195,000,000	\$ 195,000,000	\$ 30,000,000
	6	2027-2028	2027	N/A	N/A	\$ 165,000,000	\$ 165,000,000	\$ 165,000,000	\$ 30,000,000
	7	2028-2029	2028	N/A	N/A	\$ 135,000,000	\$ 135,000,000	\$ 135,000,000	\$ 30,000,000
	8	2029-2030	2029	N/A	N/A	\$ 105,000,000	\$ 105,000,000	\$ 105,000,000	\$ 30,000,000
	9	2030-2031	2030	N/A	N/A	\$ 75,000,000	\$ 75,000,000	\$ 75,000,000	\$ 30,000,000
	10	2031-2032	2031	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 30,000,000
	11	2032-2033	2032	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	12	2033-2034	2033	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	13	2034-2035	2034	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
Continue to maintain viable presence	14	2035-2036	2035	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	15	2036-2037	2036	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	16	2037-2038	2037	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	17	2038-2039	2038	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	18	2039-2040	2039	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	19	2040-2041	2040	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	20	2041-2042	2041	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	21	2042-2043	2042	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	22	2043-2044	2043	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	23	2044-2045	2044	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
Additional years for 25 year economic impact as required by 313.026(c)(1)	24	2045-2046	2045	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000
	25	2046-2047	2046	N/A	N/A	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000	\$ 60,000,000

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.
Only include market value for eligible property on this schedule.

Schedule C: Employment Information

Date: #####
 Applicant Name: AP Solar 6, LLC - Red-tailed Hawk Solar
 ISD Name: Wharton ISD

	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Construction		Non-Qualifying Jobs		Qualifying Jobs	
				Column A Number of Construction FTEs 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 <i>Insert as many rows as necessary</i>	0	2019-2020	2019	0	N/A	0	0		
Qualified Investment Period	1	2020-2021	2020	300	\$61,529	N/A	0		
	2	2021-2022	2021	0	N/A	0	1	47,504.60	
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2022-2023	2022	N/A	N/A	0	1	47,504.60	
	2	2023-2024	2023	N/A	N/A	0	1	47,504.60	
	3	2024-2025	2024	N/A	N/A	0	1	47,504.60	
	4	2025-2026	2025	N/A	N/A	0	1	47,504.60	
	5	2026-2027	2026	N/A	N/A	0	1	47,504.60	
	6	2027-2028	2027	N/A	N/A	0	1	47,504.60	
	7	2028-2029	2028	N/A	N/A	0	1	47,504.60	
	8	2029-2030	2029	N/A	N/A	0	1	47,504.60	
	9	2030-2031	2030	N/A	N/A	0	1	47,504.60	
	10	2031-2032	2031	N/A	N/A	0	1	47,504.60	
Years Following Value Limitation Period	11 through 25	2032-2047	2032-2047	N/A	N/A	0	1	47,504.60	

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
 qualifying jobs in Subchapter B districts, 10 qualifying jobs in Subchapter C districts)
 If yes, answer the following two questions:
- C1a.** Will the applicant request a job waiver, as provided under 313.025(f-1)? Yes No
- C1b.** Will the applicant avail itself of the provision in 313.021(3)(F)? Yes No

Schedule D: Other Incentives (Estimated)

Date 5/28/2019
Applicant Name AP Solar 6, LLC - Red-tailed Hawk Solar
ISD Name Wharton ISD

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:					
	County: Wharton County	2022	10 years	\$ 709,867	50.0%	\$ 354,934
	FM & LR	2022	10 years	\$ 86,386	50.0%	\$ 43,193
Tax Code Chapter 312	Hospital	2022	10 years	\$ 372,960	50.0%	\$ 186,480
Local Government Code Chapters 380/381	County: City: Other:					
Freepport 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				\$ 1,169,213.00	50%	\$ 584,606.50

Additional information on incentives for this project:

Tab 15

Economic Impact Analysis, other payments made in the state or other economic information *(if applicable)*

Not Applicable

Tab 16

Description of Reinvestment or Enterprise Zone

- a) Evidence that area qualifies as an enterprise zone as defined by the Governor's Office - Not applicable
- b) Legal description of the Reinvestment Zone

Property ID	School District	Wharton CAD Legal Description	
R028657	WHARTON ISD	A20010 ABST.10	TRACT 10,11 PT.
R033107	WHARTON ISD	A20049 ABST.49	TRACT 3
R033108	WHARTON ISD	A20049 ABST.49	TRACT 4
R033243	WHARTON ISD	A20051 ABST.51	TRACT 1
R035151	WHARTON ISD	A20065 ABST.65	TRACT 2
R036542	WHARTON ISD	A20138 ABST.138	TRACT 1
R036839	WHARTON ISD	A20147 ABST.147	TRACT 1
R037000	WHARTON ISD	A20157 ABST.157	TRACT 1
R037003	WHARTON ISD	A20158 ABST.158	TRACT 1
R037108	WHARTON ISD	A20181 ABST.181	TRACT 1
R037286	WHARTON ISD	A20194 ABST.194	TRACT 1
R037624	WHARTON ISD	A20218 ABST.218	TRACT 1
R037684	WHARTON ISD	A20221 ABST.221	TRACT 1
R037725	WHARTON ISD	A20224 ABST.224	TRACT 1
R037725	WHARTON ISD	A20224 ABST.224	TRACT 1
R037881	WHARTON ISD	A20230 ABST.230	TRACT 1
R040809	WHARTON ISD	A20412 ABST.412	TRACT 1
R040999	WHARTON ISD	A20418 ABST.418	TRACT 1 PT.
R041110	WHARTON ISD	A20447 ABST.447	TRACT 1
R041178	WHARTON ISD	A20453 ABST.453	TRACT 12
R041181	WHARTON ISD	A20454 ABST.454	TRACT 1
R041325	WHARTON ISD	A20468 ABST.468	TRACT 4 PT. (NORTH)
R042833	WHARTON ISD	A20558 ABST.558	TRACT 1
R043589	WHARTON ISD	A20640 ABST.640	TRACT 1
R043591	WHARTON ISD	A20641 ABST.641	TRACT 1
R043866	WHARTON ISD	A20678 ABST.678	TRACT 2,4
R043869	WHARTON ISD	A20679 ABST.679	TRACT 1
R043869	WHARTON ISD	A20679 ABST.679	TRACT 1
R043942	WHARTON ISD	A20693 ABST.693	TRACT 1
R044320	WHARTON ISD	A20856 ABST.856	TRACT 1

R044362	WHARTON ISD	A20878 ABST.878	TRACT 1
R044394	WHARTON ISD	A20894 ABST.894	TRACT 1 PT. (NORTH)
R044396	WHARTON ISD	A20895 ABST.895	TRACT 1
R069264	WHARTON ISD	A20468 ABST.468	TRACT 4 PT. (SOUTH)
R069265	WHARTON ISD	A20894 ABST.894	TRACT 1 PT. (SOUTH)
R069588	WHARTON ISD	A20418 ABST.418	TRACT 1 PT.
R071262	WHARTON ISD	A20405 ABST.405	TRACT 1
R071266	WHARTON ISD	A20675 ABST.675	TRACT 3
R028658	EL CAMPO ISD	A20010 ABST.10	TRACT 10,11 PT.
R036126	EL CAMPO ISD	A20108 ABST.108	TRACT 1
R036850	EL CAMPO ISD	A20148 ABST.148	TRACT 1
R040701	EL CAMPO ISD	A20397 ABST.397	TRACT 1
R041076	EL CAMPO ISD	A20441 ABST.441	TRACT 1
R042473	EL CAMPO ISD	A20538 ABST.538	TRACT 1
R043508	EL CAMPO ISD	A20626 ABST.626	TRACT 7
R043508	EL CAMPO ISD	A20626 ABST.626	TRACT 7
R043592	EL CAMPO ISD	A20642 ABST.642	TRACT 1
R044361	EL CAMPO ISD	A20877 ABST.877	TRACT 1
R044462	EL CAMPO ISD	A20921 ABST.921	TRACT 1
R044523	EL CAMPO ISD	A20948 ABST.948	TRACT 1
R072926	EL CAMPO ISD	A20025 ABST.25	TRACT 17
R072927	EL CAMPO ISD	A20025 ABST.25	TRACT 20,21,22,24

NOTE: Some tracts are located outside of the Wharton ISD. No 313 agreement will be pursued from El Campo ISD.

- c) **Order, Resolution or Ordinance Establishing the Reinvestment Zone -**
Reinvestment Zone establishment is pending approval by Wharton County
- d) **Guidelines and Criteria for Creating the Zone - Attached**

**GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENTS
BY THE COUNTY OF WHARTON, TEXAS**

Section 1. Definitions

The following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The Commissioners Court shall have the power from time to time to provide such additional and/or modified definitions that they may find desirable and necessary. The words and phrases as herein set out shall be deemed and understood to mean:

- (A) *Abatement* shall mean the full or partial exemption from ad valorem taxes of certain real property and certain limited types of tangible personal property, as herein after provided, located in a reinvestment zone designated by the County of Wharton for economic development purposes.
- (B) *Affected jurisdiction* shall mean any governmental, educational, or special purpose entity that levies ad valorem taxes upon and provides services to property located within a proposed or existing reinvestment zone.
- (C) *Agreement* shall mean a contractual agreement (Tax Abatement Agreement) between a property owner and/or lessee and the County of Wharton.
- (D) *Base year value* shall mean the assessed value of eligible property on January 1 preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January 1, but before the execution of the Agreement.
- (E) *County* shall mean the County of Wharton, Texas.
- (F) *Commissioners Court* shall mean the governing body of the County of Wharton, Texas.
- (G) *Deferred maintenance* shall mean improvements necessary for continued operation, which do not improve productivity or alter the process technology.
- (H) *Distribution facility* shall mean a facility used primarily to receive, store, and distribute goods or materials principally to points outside the County.
- (I) *Economic life* shall mean the number of years a property improvement is expected to be in service. Provided, however, that in no circumstance shall the number of years exceed the depreciation allowance specified in the United States Internal Revenue Code.
- (J) *Eligible facilities* shall mean new, expanded, or modernized buildings and structures, including fixed machinery and equipment, which are 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, or that would contribute to economic development within the County. Eligible facilities may include, but shall not be limited to: retail sales establishments generating municipal sales taxes and providing goods and services to an intended wide distribution area, or that have the potential to stem the export of retail expenditures from the County, or have the potential to draw new retail expenditures into the

County; manufacturing facilities; office buildings; hotels/motels; distribution facilities; service facilities; tourism facilities; and other facilities not herein expressly deemed ineligible; which in the sole opinion of Commissioners Court will have a positive impact on the economic well-being of the County.

- (K) *Expansion* shall mean the addition of buildings, structures, fixed machinery, as that term is defined herein, equipment, or payroll for the purposes of increasing production, efficiency, services, or combination thereof.
- (L) *Facility* shall mean property improvements completed or in the process of construction which together comprise an integral whole.
- (M) *Fixed machinery* shall mean tangible machinery, equipment, or personal property, which is securely placed or fastened, and stationary within a building or structure, or permanently resides in the reinvestment zone.
- (N) *Hotel / motel* shall mean a commercial structure which provides overnight accommodations to travelers.
- (O) *Housing* shall mean facilities whose purpose is to accommodate shelter for one or more families in single or multiple units.
- (P) *Ineligible property* shall mean: land; supplies; inventory; tools; furnishings; other moveable personal property; rolling stock, railroad cars, trucks, aircraft, or other forms of transportation; housing; deferred maintenance; property to be rented or leased, except as provided in Section 2 (E).
- (Q) *Manufacturing facility* shall mean a facility with the primary purpose being the manufacture or whole or partial assembly of tangible goods or materials by physical or chemical change.
- (R) *Modernization* shall mean the complete or partial modification and/or replacement of existing facilities, which increases its productivity, efficiency, or ability to enhance trade volume.
- (S) *Office facility* shall mean a facility providing primarily office space which may be owner occupied and/or leased. Also included are corporate offices, which serve, as the principal office for a business enterprise, and from which orders for goods and billing for same may take place.
- (T) *On-Site Real Estate Improvements* - Generally, buildings, by may include any permanent structure or other development erected for use on-site in Wharton, Texas.
- (U) *On-Site Real Estate Fixtures and Equipment Improvements* - Personal Property and equipment which is attached to real property, and is legally treated as real property while it is so attached. Fixtures and equipment not specifically excepted from an accepted offer to purchase, pass with the real estate.
- (V) *Recipient* shall mean the company or individual being the beneficiary of a Tax Abatement Agreement.
- (W) *Reinvestment zone* shall mean any area of the County of Wharton, which Commissioners Court

has designated as such, a zone for the purpose of granting tax abatements. It is the intent of the County of Wharton to create reinvestment zones on a case-by-case basis, so long as the abatement contemplated conforms to the guidelines herein contained.

- (X) *Retail facility* shall mean a facility providing for the storage and sale of goods directly to the consumer.
- (Y) *Service facility* shall mean a facility whose primary purpose is to receive orders for, and/or provide services, and from which billing for same may take place.
- (Z) *Tourism facility* shall mean a facility which provides entertainment and/or tourism related services, and from which a majority of revenues generated are from outside the County of Wharton.

Section 2. Criteria for Granting

- (A) *Eligibility.* Upon application, eligible facilities may be considered for tax abatement as hereinafter provided. Abatement may only be granted for new or added value of eligible property improvements, subject to such limitations as the County may from time to time require, or as may be specified in the agreement between the parties. Existing value is not abatable.
- (B) *Ineligible Property.* Ineligible property may not be granted abatement.
- (C) *Authorized Date.* Abatement may only be granted for the new or added value of eligible property improvement that is created subsequent to the approval of the tax abatement application.
- (D) *Eligible New and Existing Facilities.* Abatement may be granted for new facilities and improvements to existing facilities for purposes of modernization or expansion.
- (E) *Owned / Leased Facilities.* If a leased facility is granted abatement, the agreement shall be executed with the lessor and lessee.
- (F) *Economic Qualification.* In order to be eligible for designation as a Reinvestment Zone and receive tax abatement, the planned improvement must be expected to have an increased appraised ad valorem tax value of at least one hundred thousand dollars (\$100,000) upon completion of the anticipated improvements or expansion based upon the Wharton County Central Appraisal District assessment of the eligible property.
- (G) *Standards for Tax Abatement.* The following factors, among such other factors as determined necessary by the Commissioners Court, shall be considered in determining whether to grant tax abatement:
 - (1) Value of land and existing improvements, if any;
 - (2) Type and value of proposed improvements;
 - (3) Productive life of proposed improvements;
 - (4) Number of existing jobs to be retained by proposed improvements;
 - (5) Number and type of new jobs to be created;
 - (6) Number of new jobs to be filled by local residents, or by persons projected to reside in the County;
 - (7) Amount of local sales tax to be generated;
 - (8) The costs to be incurred by the County to provide facilities or services directly resulting from the new improvements;
 - (9) The amount of ad valorem taxes to be paid the 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 that occurs directly as a result of the improvements;
- (11) The values of public improvements, if any, to be made by applicant seeking abatement;
- (12) To what extent the proposed improvements compete with existing businesses to the detriment of the local economy;
- (13) The extent of business opportunities created by the proposed improvements for local businesses;
- (14) Impact on attracting other new businesses as a result of the improvements;
- (15) Impact the planned improvements may have on other taxing jurisdictions within the County;
- (16) Environmental compatibility, and amount, if any, of negative impact on quality of life perceptions; and
- (17) The ratio of real property value to personal property value being considered for abatement.

After a full evaluation and review utilizing some or all of the above factors, Commissioners Court may within the exercise of its full discretion either deny entirely the abatement, or may grant an abatement as deemed appropriate when the new value equals one million dollars (\$1,000,000) or greater, or as provided herein where the new value equals a minimum of one hundred thousand dollars (\$100,000), but is less than one million dollars (\$1,000,000).

- (H) *Denial of Abatement.* Neither a Reinvestment Zone nor an Agreement shall be authorized if it is determined that:
 - (1) There would be a substantial adverse effect on the provision of government service or tax base;
 - (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) Violation of other codes or laws; or
 - (5) Any other reason deemed appropriate by the Commissioners Court.
- (I) (1) ***Amount of Abatement for On-site Real Estate Improvements.*** The percentage of value to be abated, and the duration of the tax abatement shall be determined as follows:
 - (a) For planned improvements valued at one million dollars (\$1,000,000) or greater, the percentage and duration of the tax abatement shall be determined by the Commissioners Court in the exercise of its absolute discretion on a case by case basis, taking into consideration, some or all of the factors listed above in subsection (G).
 - (b) For planned improvements valued a minimum of one hundred thousand dollars (\$100,000), but less than one million dollars (\$1,000,000), the percentage and duration of the tax abatement shall be as set out in Section (C) below, and likewise taking into consideration some or all of the factors listed above in subsection (G):
 - (c) In those cases where it is mutually agreeable to the parties to the Agreement, the annual percentages as well as the number of years that taxes are abated may be modified, but only to the extent that the years do not exceed ten (10), and the total percentage of abatement for each value category is not exceeded. That is:

\$100,000	-	\$250,000	=	Max. 250%
\$250,001	-	\$500,000	=	Max. 300%
\$500,001	-	\$750,000	=	Max. 375%

\$750,001 - \$999,999 = Max. 425%

(d) Commissioners Court reserves the right to adjust the term and percentage of abatement to the appropriate category should the taxable value of proposed improvements, as determined by the Chief Appraiser of the Wharton County Central Appraisal District, vary from the original estimated value to the extent that the original category selected for the term and percentage of the abatement is no longer applicable.

(2) ***On Site Real Estate Fixtures and Equipment Improvements.*** The percentage of value to be abated, and the duration of the tax abatement shall be determined as follows:

(a) For planned improvements valued at one million dollars (\$1,000,000) or greater, the percentage and duration of the tax abatement shall be determined by the Commissioners Court in the exercise of its absolute discretion on a case by case basis, taking into consideration, some or all of the factors listed above in subsection (G).

(b) For planned improvements valued a minimum of one hundred thousand dollars (\$100,000), but less than one million dollars (\$1,000,000), the percentage and duration of the tax abatement shall be as set out in Section (C) below, and likewise taking into consideration some or all of the factors listed above in subsection (G):

(c) In those cases where it is mutually agreeable to the parties to the Agreement, the annual percentages as well as the number of years that taxes are abated, as shown in the table above, may be modified, but only to the extent that the years do not exceed ten (10), and the total percentage of abatement for each value category is not exceeded. That is:

\$100,000	-	\$250,000	=	Max. 250%
\$250,001	-	\$500,000	=	Max. 300%
\$500,001	-	\$750,000	=	Max. 375%
\$750,001	-	\$999,999	=	Max. 425%

(d) Commissioners Court reserves the right to adjust the term and percentage of abatement to the appropriate category should the taxable value of proposed improvements, as determined by the Chief Appraiser of the Wharton County Central Appraisal District, vary from the original estimated value to the extent that the original category selected for the term and percentage of the abatement is no longer applicable.

(J) ***Taxability.*** From the execution of the Agreement to the end of the Agreement period, taxes shall be payable as follows:

(1) The value of ineligible property as provided in Section 1(p) shall be fully taxable;

(2) The base year value of existing eligible property as determined each year shall be fully taxable; and

(3) 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 the County of Wharton may request the creation of a Reinvestment Zone and property tax abatement by filing a written application with the County Judge. An application for tax abatement must be filed prior to the commencement of any construction, alteration, or installation of any improvements for which tax abatement is being requested. The applicant shall at no time acquire any rights, privileges or authority, either monetary or otherwise, by reason of filing any application, or providing any documentation in conjunction with an application filed herein. The County of Wharton is under no obligation to provide any abatement to any applicant even if certain criteria are met. The County of Wharton reserves the right to reject any application.
- (B) As part of the application process the following shall be provided:
- (1) Completed application form, or letter of request if form not available;
 - (2) Vicinity map along with a legal description of the property; and
 - (3) Such financial and other information as deemed appropriate by the County for purposes of evaluating the application.

Section 4. Action by Commissioners Court on application

- The Commissioners Court shall, within a reasonable time after completion of the review of all documents submitted by the applicant, and such other investigation and inquiry as shall be deemed appropriate, and upon receipt of a report and recommendation from the County Judge, by resolution exercise its absolute discretion, and either administratively approve or disapprove the application for tax abatement. The County shall notify the applicant of its decision to administratively approve or disapprove the application.
- (B) Action by Commissioners Court to administratively approve the application does not constitute authorization to execute an Agreement (Contract) with the applicant. It does constitute authorization to begin the process of creating a Reinvestment Zone and drafting of a proposed Agreement.

Section 5. Creation of a Reinvestment Zone.

- (A) Prior to the adoption of an Ordinance designating a Reinvestment Zone the County shall, through public hearing afford the applicant, designated representatives of any affected jurisdiction, and the general public opportunity to show cause why the abatement should or should not be granted.
- (1) The presiding officers of affected jurisdictions shall in writing be notified of the public hearing no later than the seventh (7th) day prior to the date of the public hearing.
 - (2) A notice of public hearing for the creation of a Reinvestment Zone shall be published in a newspaper of general circulation within the taxing jurisdiction no later than the seventh (7th) day prior to the date of the public hearing.

Section 6. Tax Abatement Agreement

- (A) After approval of the application for tax abatement, and adoption of an Ordinance creating a Reinvestment Zone, the County will pass a resolution authorizing the execution of an Agreement.

- (1) No later than the seventh (7th) day prior to taking action to authorize execution of an Agreement, the County shall notify in writing the presiding officers of each of the other taxing jurisdictions within which the property is located of its intention to enter into an Agreement.
- (B) The Agreement shall include among other provisions the following:
- (1) The estimated value to be abated and the base year value;
 - (2) The percentage of value to be abated each year and the number of years abatement will be granted as provided in Section 2 (I);
 - (3) The commencement and termination date of abatement;
 - (4) The commencement and completion date of proposed improvements;
 - (5) Size of investment and average number of jobs to be created;
 - (6) Right of County employees and/or designated representatives during the term of the Agreement to access to the Reinvestment Zone for the purpose of determining if terms and conditions of the Agreement are being met. Such inspections shall be in accordance with the provisions of Section 7(D);
 - (7) The responsibility of the recipient of tax abatement to file appropriate documents with the Chief Appraiser of the Wharton County Central Appraisal District; and
 - (8) Contractual obligations related to default, violation of terms or conditions, delinquent taxes, recapture, administration, and assignment.
- (C) Such Agreement shall be executed by the applicant in duplicate originals within a reasonable time after the same has been approved by Commissioners Court.

Section 7. Administration

- (A) The Chief Appraiser of Wharton County Central Appraisal District will annually determine an assessment of the taxable assessed value of the recipient's property, taking into consideration the terms of the Abatement Agreement relating to such real and personal property found within the Reinvestment Zone which is subject to terms and provisions of the Agreement.
- (B) Each year, the recipient shall furnish the Chief Appraiser with such information as may be necessary for the abatement.
- (C) It shall be the exclusive duty and responsibility of the recipient to comply with all requirements of the Wharton Central Appraisal District in order to secure and continue to receive the benefit of any approved Agreement. Failure to do so shall not be deemed the fault of the County of Wharton or any of its officers and employees.
- (D) Employees and/or designated representatives of the County during the term of the Agreement shall have the right of access to the Reinvestment Zone, facilities contained therein, and records related to real and personal property investments and employment, in order to determine if the terms and conditions of the Agreement are being met. All inspections will be made only after the giving of

twenty-four (24) hours prior notice, and will only be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the recipient present, and in accordance with the recipient's safety standards.

- (E) The recipient shall prepare at the request of the County, and on a frequency as stipulated by the County, reports as to the progress and status of all contemplated improvements, and upon completion of the anticipated improvements a final report shall be provided to the County, providing as a minimum the following information:
 - (1) A description of the improvements provided for in the Agreement, and the improvements actually completed;
 - (2) The date of commencement of improvements, significant progress dates, and actual or anticipated completion date;
 - (3) Investments made, including purpose, size, and date; and
 - (4) A disclosure and description of any and all changes, restructuring, or modifications that were made in the contemplated improvements.
- (F) Any required reporting by the recipient be in a form approved by the County, or on a form/forms as provided by the County if the County so elects to provide.
- (G) Upon completion of anticipated improvements, a designated representative of the County shall annually evaluate each facility receiving abatement to insure compliance with the Agreement, and a formal report shall be made to the Commissioners Court regarding the findings of each evaluation.
- (H) The recipient shall certify annually as to compliance with the terms and conditions of the Agreement.
- (I) The County shall file reports required of the County by State Law. Such reports being filed with the appropriate agency.

Section 8. Assignment

- (A) The rights granted under an Agreement may be transferred and assigned by the holder to a new owner or lessee of the same facility, or proposed facility only upon the approval by resolution of the Commissioners Court, and the execution of an Assignment Agreement between the County and the new owner or lessee. Such assignment shall be at the sole discretion of the County, and subject to the following conditions:
 - (1) Financial capacity of the assignee;
 - (2) Contemplated facility use, and proposed and/or completed improvements being as stated in the Agreement; and
 - (3) No outstanding taxes or other debts are owed to any governmental entity by the parties to the Agreement or the proposed Assignment Agreement.
 - (4) Approval of an Assignment Agreement shall not be unreasonably withheld.

Section 9. Default and Recapture

- (A) *Cause.* The Agreement may be terminated by the Commissioners Court for the following causes, which shall be considered a default of the Agreement:
- (1) Recipient allows the ad valorem taxes owed the County to become delinquent and fails to timely and properly follow the requirements of law for their protest and/or cure; or
 - (2) Recipient violates any of the terms and conditions of the Agreement, and fails to cure during the cure period described in this Section.
- (B) *Procedure.* Should the County determine that the recipient is in probable default of the Agreement, the following shall occur:
- (1) A Notice of Probable Default shall be delivered in writing to the recipient of tax abatement. Such notice shall identify the probable cause/causes for default, and afford the recipient an opportunity to request a hearing before Commissioners Court, who shall finally decide if a default has occurred.
 - (2) If no request for hearing is made within ten (10) days of receipt of the Notice of Probable Default, the Commissioners Court may confirm the existence of default.
 - (3) If default is determined either by hearing, or failure of recipient to request a hearing, the County shall deliver in writing to the recipient of tax abatement a Notice of Default.
 - (4) The recipient shall, within thirty (30) days of receipt of the Notice of Default, cure the cause/causes for default. Failure to do so will be cause for the County to terminate the Agreement without further notice.
 - (5) The Agreement shall be terminated by an ordinance duly passed and adopted by Commissioners Court.
- (C) *Recapture.*
- (1) Should the Agreement be terminated, all taxes previously abated prior to the termination shall be due and payable to the County within thirty (30) days.
 - (2) Should the recipient discontinue operations of improvements as stated in the application for abatement, or the Agreement, for reasons excepting fire, explosion, or other disaster, for a period of one year during the abatement period, then the Agreement shall be terminated, and all taxes abated prior to the termination of the Agreement shall be due and payable to the County within thirty (30) days.

Section 10. Concurrent Abatements

During the term of the Agreement, the Recipient is eligible to apply for additional abatements on proposed improvements subsequent to the original Agreement. Such additional applications and considerations shall be in accordance with the provisions contained herein.

Section 11. Confidentiality

The County will make every effort within the laws of the State of Texas to maintain confidentiality of information related to an application for abatement, and the granting or rejection of abatement.

- (A) Information that is provided to the County in connection with an application for abatement, and that describes the specific processes, or business activities to be conducted, the equipment, or other property to be located on the property for which tax abatement is sought, is confidential, and not subject to public disclosure until the Agreement is executed. Any information remaining in the custody of the County after the Agreement is executed is no longer confidential.
- (B) The County may hold closed meetings to discuss or deliberate commercial or financial information it has received from a business prospect that the County seeks to have locate, stay, or expand in or near its jurisdiction.
- (C) The County may hold closed meetings to discuss or deliberate the offer of a financial or other incentive to a business prospect the County seeks to have locate, stay, or expand in or near its jurisdiction.
- (D) Upon execution of an Agreement, information about a financial or other incentive being offered to a business prospect is no longer confidential, and subject to public disclosure.
- (E) The following information is exempt from public disclosure:
 - (1) Trade secrets
 - (2) Commercial or financial information, for which it is demonstrated, based on specific factual evidence that disclosure would cause substantial competitive harm to the person or company from whom the information was obtained.

Section 12. Severability

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

Section 13. Sunset Provision

- (A) These Guidelines and Criteria are effective upon the date of their adoption by the Commissioners Court, and will remain in force for two (2) years, at which time all Reinvestment Zones and Agreements created pursuant to its provisions will be reviewed by the Commissioners Court to determine whether the goals of the abatement program have been achieved. Based upon that review, the Guidelines and Criteria may be modified, renewed, or eliminated.
- (B) Prior to the date for review these Guidelines and Criteria may be modified by a three-fourths (3/4) vote of the entire membership of the Commissioners Court.

Section 14. Discretion of the County

The adoption of these Guidelines and Criteria by the County does not:

- (A) Limit the discretion of the Commissioners Court to decide whether to enter into a specific Agreement which absolute right of discretion the Commissioners Court reserves unto itself, whether or not such discretion may be deemed arbitrary, or without basis in fact;
- (B) Limit the discretion of the Commissioners Court to delegate to its employees or assigns the authority to determine whether or not the Commissioners Court should consider a particular application or request for tax abatement; or
- (C) Create any property, contract, or other legal rights in any person or entity to have the Commissioners Court consider or grant a specific application or request for tax abatement.

Adopted on December 11, 2017 by the Wharton County Commissioners Court.

*309 East Milam Street
Wharton, TX 77488*

Tab 17

Signature and Certification Page

(signed and dated by the Authorized School District Representative and the Applicant)

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.

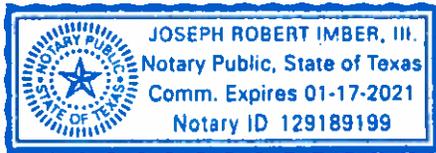
print here Tina Herrington Superintendent
Print Name (Authorized School District Representative) Title
sign here Tina Herrington 5/29/2019
Signature (Authorized School District Representative) Date

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 Christopher Elrod Manager
Print Name (Authorized Company Representative (Applicant)) Title
sign here [Signature] 05/28/19
Signature (Authorized Company Representative (Applicant)) Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

day of

[Signature]
Notary Public in and for the State of Texas
My Commission expires: 1-17-2021

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.