

# O'HANLON, DEMERATH & CASTILLO

ATTORNEYS AND COUNSELORS AT LAW

808 WEST AVENUE  
AUSTIN, TEXAS 78701  
TELEPHONE: (512) 494-9949  
FACSIMILE: (512) 494-9919

May 1, 2020

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

RE: Amendment 2 to the Pawnee Independent School District from Helena Wind, LLC

To the Local Government Assistance & Economic Analysis Division:

Enclosed. Please find Amendment 2 to the Pawnee Independent School District from Helena Wind, LLC. The following changes have been made:

1. Tab 11
  - Updated Vicinity Map
  - Updated Reinvestment Zone Map
  - Updated Qualified Property Map
2. Added Reinvestment Zone order from the Pawnee Independent School District
3. New Signature Page

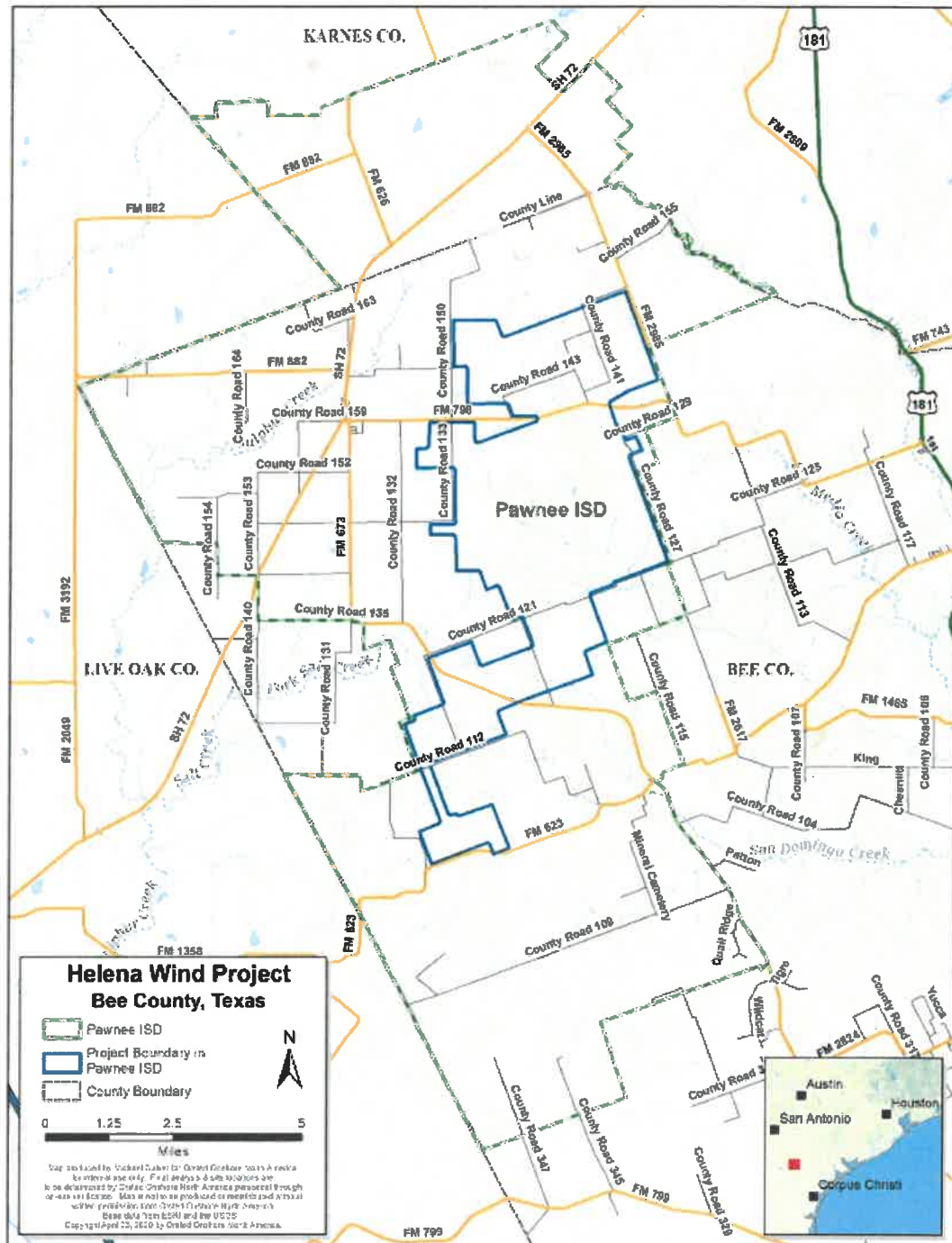
A copy of the application will be submitted to the Bee County Appraisal District.

Sincerely,

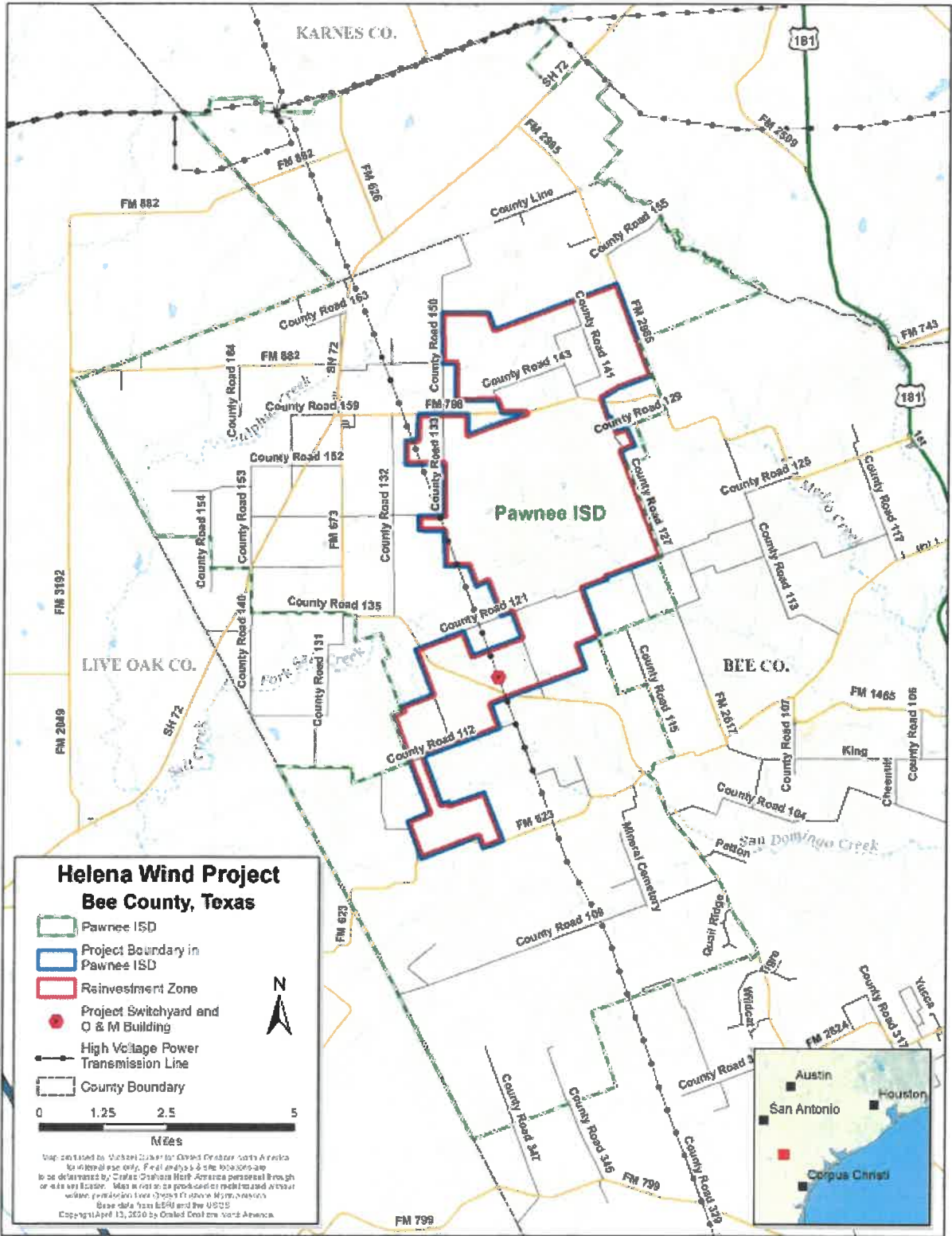


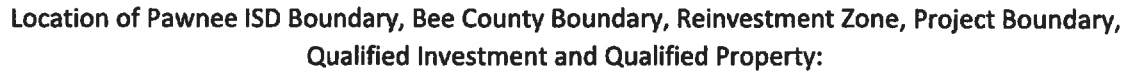
Kevin O'Hanlon  
School District Consultant

Cc: Bee County Appraisal District  
Helena Wind, LLC



Location of Bee County, Pawnee ISD, Bee County Reinvestment Zone, Project Boundary:







**PAWNEE INDEPENDENT SCHOOL DISTRICT**

**RESOLUTION CREATING HELENA REINVESTMENT ZONE No. 1**

**WHEREAS**, Section 312.0025 of the Texas Tax Code permits a school district to designate a reinvestment zone if that designation is reasonably likely to contribute to the expansion of primary employment in the reinvestment zone, or attract major investment in the reinvestment zone that would be a benefit to property in the reinvestment zone and to the school district and contribute to the economic development of the region of this state in which the school district is located; and,

**WHEREAS**, the Pawnee Independent School District (the “District”) desires to encourage the development of primary employment and to attract major investment in the District and contribute to the economic development of the region in which the school district is located; and,

**WHEREAS**, a public hearing is required by Chapter 312 of the Texas Tax Code prior to approval of a reinvestment zone; and,

**WHEREAS**, the District published notice of a public hearing regarding the possible designation of the area described in the attached **Exhibit A** as a reinvestment zone for the purposes of Chapter 313 of the Texas Tax Code; and,

**WHEREAS**, the District wishes to create a reinvestment zone within the boundaries of the school district in Bee County, Texas as shown on the map attached as **Exhibit B**; and,

**WHEREAS**, the District has given written notice of the proposed action and the Public Hearing to all political subdivisions and taxing authorities having jurisdiction over the property proposed to be designated as the reinvestment zone, described in the attached **Exhibits A & B**; and,

**WHEREAS**, all interested members of the public were given an opportunity to make comments at the public hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE PAWNEE INDEPENDENT SCHOOL DISTRICT:**

**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 Board of Trustees of the Pawnee Independent School District, 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 the adoption of *HELENA REINVESTMENT ZONE NO. 1* has been called, held and conducted, and that notices of such hearing have been published and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment zone; and,
- (b) That the boundaries of *HELENA REINVESTMENT ZONE NO. 1* be and, by the adoption of this Resolution, are declared and certified to be the area as described in the description attached hereto as “**Exhibit A**”; and,
- (c) That the map attached hereto as “**Exhibit B**” is declared to be and, by the adoption of this Resolution, is certified to accurately depict and show the boundaries of *HELENA REINVESTMENT ZONE NO. 1* which is described in **Exhibit A**; and further certifies that the property described in **Exhibit A** is inside the boundaries shown on **Exhibit B**; and,
- (d) That creation of *HELENA REINVESTMENT ZONE NO. 1* with boundaries as described in **Exhibit A** and **Exhibit B** will result in benefits to the Pawnee Independent School District and to land included in the zone, and that the improvements sought are feasible and practical; and,
- (e) That the *HELENA REINVESTMENT ZONE NO. 1* described in **Exhibit A** and **Exhibit B** meets the criteria set forth in Texas Tax Code §312.0025 for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, in that it is reasonably likely that the designation will contribute to the retention or expansion of primary employment, and/or will attract investment in the zone that will be a benefit to the property, and would contribute to economic development within the Pawnee Independent School District.

**SECTION 3.** That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, the Pawnee Independent School District hereby creates a reinvestment zone under the provisions of Texas Tax Code §312.0025, encompassing the area described by the descriptions in **Exhibit A** and **Exhibit B**, and such reinvestment zone is hereby designated and shall hereafter be referred to as *HELENA REINVESTMENT ZONE NO. 1*.

**SECTION 4.** That the existence of the *HELENA REINVESTMENT ZONE NO. 1* shall first take effect upon, XXX XX<sup>th</sup>, 2020, the date of the adoption of this Resolution by the Board of Trustees and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of such adoption.

**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 Pawnee Independent School District Board of Trustees, at which this Resolution was adopted, was posted at a place convenient and readily accessible at all times, as required by the Texas Open Government 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 newspapers of general circulation in Bee County of the State of Texas, and furthermore, such notice was, in fact, delivered to the presiding officer of any effected taxing entity as prescribed by the Property Redevelopment and Tax Abatement Act.

PASSED, APPROVED AND ADOPTED on this XX day of XXXX, 2020.

**PAWNEE INDEPENDENT SCHOOL DISTRICT**

By: \_\_\_\_\_  
President  
Board of Trustees

ATTEST: \_\_\_\_\_  
Secretary  
Board of Trustees

**EXHIBIT A**

**LEGAL DESCRIPTION OF HELENA REINVESTMENT ZONE NO. 1**

**HELENA REINVESTMENT ZONE NO. 1**



**EXHIBIT B**

**SURVEY MAPS OF HELENA REINVESTMENT ZONE NO. 1**

Texas Comptroller of Public Accounts

Data Analysis and  
Transparency  
Form 50-296-A

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

Michelle Hartmann

Print Name (Authorized School District Representative)

Title

Superintendent

sign  
here

Michelle Hartmann

Signature (Authorized School District Representative)

Date

4/28/2020

**2. Authorized Company Representative (Applicant) Signature and Notarization**

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

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

print  
here

PAUL D MOORE

Print Name (Authorized Company Representative (Applicant))

Title

SENIOR VICE PRESIDENT

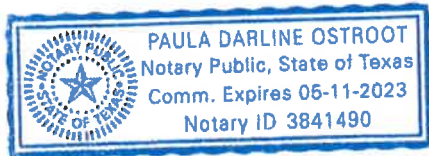
sign  
here

Paul D Moore

Signature (Authorized Company Representative (Applicant))

Date

4/27/2020



(Notary Seal)

GIVEN under my hand and seal of office this, the

27 day of April, 2020

Paula D Ostroot

My Commission expires:

5/11/2023

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.