September 11, 2020

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

Re: Amendments to Chapter 313 Application 1507, FGE Goodnight II

Dear Ms. Flowers:

Please find attached amendments prepared for Application 1507, FGE Goodnight II. The amendments are as follows:

1. Page 1: Updated email for the Superintendent.
2. Section 14 – Q4: Updated wage data from TCW, 1st quarter wages for 2020. Updates also made to question 4(a), 4(b) and 4(c) and Tab 13.
3. Added NA to 4(b) Average Weekly Jobs for Manufacturing – No numbers are available.
4. Section 14 – Q5 & Schedule C: Updated Manufacturing Average Wages by Council of Government Region Wages per latest release.
5. Tab 4, 2nd paragraph, 3rd sentence: Updated wording per recommended change.
6. Tab 7 third paragraph: Updated wording per recommended change.
7. Tab 8: Updated wording per recommended change.
8. Section 13 and Tab 10 and 11d: Updated with the listing and maps for existing improvements not to be considered qualifying property.
9. Tab 16: Updated reinvestment zone resolution

Please let us know if you need any additional information.

Regards,

Thanks,

Daron Fredrickson
Partner, Merit Advisors LLC

**114 W. Main, P.O. Box 330, Gainesville, TX 76241-330**
**Phone (940) 665-6452, Fax (940) 612-3921**

# 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, as indicated on page 9 of this application, separating each section of the documents in addition to an electronic copy. 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, and has determined that all assertions of confidentiality are appropriate, the Comptroller will publish all submitted non-confidential 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

July 23, 2020
Date Application Received by District

Brock
First Name

Cartwright
Last Name

Superintendent
Title

Claude ISD
School District Name

500 W 5th St.
Street Address

P.O. Box 209
Mailing Address

Claude
City

Texas
State

79019
ZIP

806-226-7331, Ext 1302
Phone Number

806-226-2244
Fax Number

N/A
Mobile Number (optional)

brock.cartwright@claudeisd.net
Email Address

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

## SECTION 12: Texas Tax Code 313.021(2) Qualified Property *(continued)*

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 within the project boundary**. 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 within the project boundary 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 within the project boundary 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 within the project boundary (that property described in response to question 1): ..... $ 0.00

   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): ..... $ 512,240.00

**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 number of new qualifying jobs you are committing to create? ..... 5
2. What is the number of new non-qualifying jobs you are estimating you will create? (See TAC 9.1051(14)) ..... 0
3. 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) and TAC 9.1051(b)(1)? ..... ☑ Yes ☐ No

   3a. If yes, attach evidence of industry standard 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.

4. 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). **Note**: If a more recent quarter of information becomes available before the application is deemed complete, updated wage information will be required.

   a. Non-qualified job wages
   - average weekly wage for all jobs (all industries) in the county is ..... 830

   b. Qualifying job wage minimum option §313.021(5)(A)
   -110% of the average weekly wage for manufacturing jobs in the county is ..... NA

   c. Qualifying job wage minimum option §313.021(5)(B)
   -110% of the average weekly wage for manufacturing jobs in the region is ..... 982

5. 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)
6. What is the minimum required annual wage for each qualifying job based on the qualified property? ..... 51,039
7. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? ..... 51,039
8. Will the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? ..... ☑ Yes ☐ No
9. 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

   9a. If yes, attach in **Tab 12** supporting documentation from the TWC, pursuant to §313.021(3)(F).

10. 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

    10a. 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, and C 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 4**

Detailed Description ofhe Project

*Provide 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.*

FGE Goodnight II, LLC (Goodnight II) is requesting an appraised value limitation from Claude Independent School District (ISD) for the Goodnight II Wind Project (the "Project"), a proposed wind powered electric generating facility in Armstrong County. The proposed Claude ISD Project (this application) will be constructed utilizing approximately 68 wind turbines within Armstrong County Reinvestment Zone 7 that was established by Armstrong County on September 11, 2017. A map showing the location of the project is included in TAB 11.

The proposed Projectis anticipated to have acapacity ofapproximately 250 MW, located in Claude ISD. The exact number and location of wind turbines and size of each turbine will varydependingupon ongoing wind andsiting analysis, turbine manufacturer's availability, prices, and the megawatt generating capacity ofthe Project when completed. The turbines and facilities will be installed all within the Reinvestment Zone and 100% in the project boundaries of Claude ISD.

The Applicant requests a value limitation for all facilities and equipment installed for the Project, including, windturbines, towers, foundations, roadways, buildings and offices, meteorological towers, collection system, communication system, electric substation, electric switch-yard, electric transformers, transmission line and associated towers, and interconnection facilities.

**NOTE:*The map in TAB 11 shows the potential locations within which all facilities will be located within Claude ISD boundaries; however, the final number of turbines and the location of each of these facilities depend upon ongoing negotiations with power purchasers and other factors.

**TAB 7**

*Description of Qualified Investment*

FGE Goodnight I, LLC plans to construct a 255 MW wind farm, utilizing approximately 69 turbines in Armstrong County.

This application covers all qualified property within Claude ISD necessary for the commercial operations of the proposed wind farm described in Tab 4. Two hundred and fifty five megawatts (255MW) will be located in Claude ISD. Turbine placement will be within the boundaries of the established Reinvestment Zone 7.

This application covers all qualified property in the Reinvestment Zone and project boundary within Claude ISD necessary for commercial operations of the proposed wind farm.

Qualified Investment and qualified property includes turbines, towers,foundations, transformers, pad mounts, buildings and offices,underground collection systems, electric substation, transmission lines, electrical interconnections, met towers, roads,and control systems necessary for commercial generation of electricity.

**NOTE:* The map in TAB 11 shows the potential locations of the wind turbines, a collector substation within Claude ISD boundaries; however, the final number of turbines is dependent upon ongoing negotiations with power purchasers and other factors.

**TAB 8**

*Description of Qualified Property*

This application covers all qualified property in the Reinvestment Zone and project boundary within Claude ISD necessary for commercial operations of the proposed wind farm.

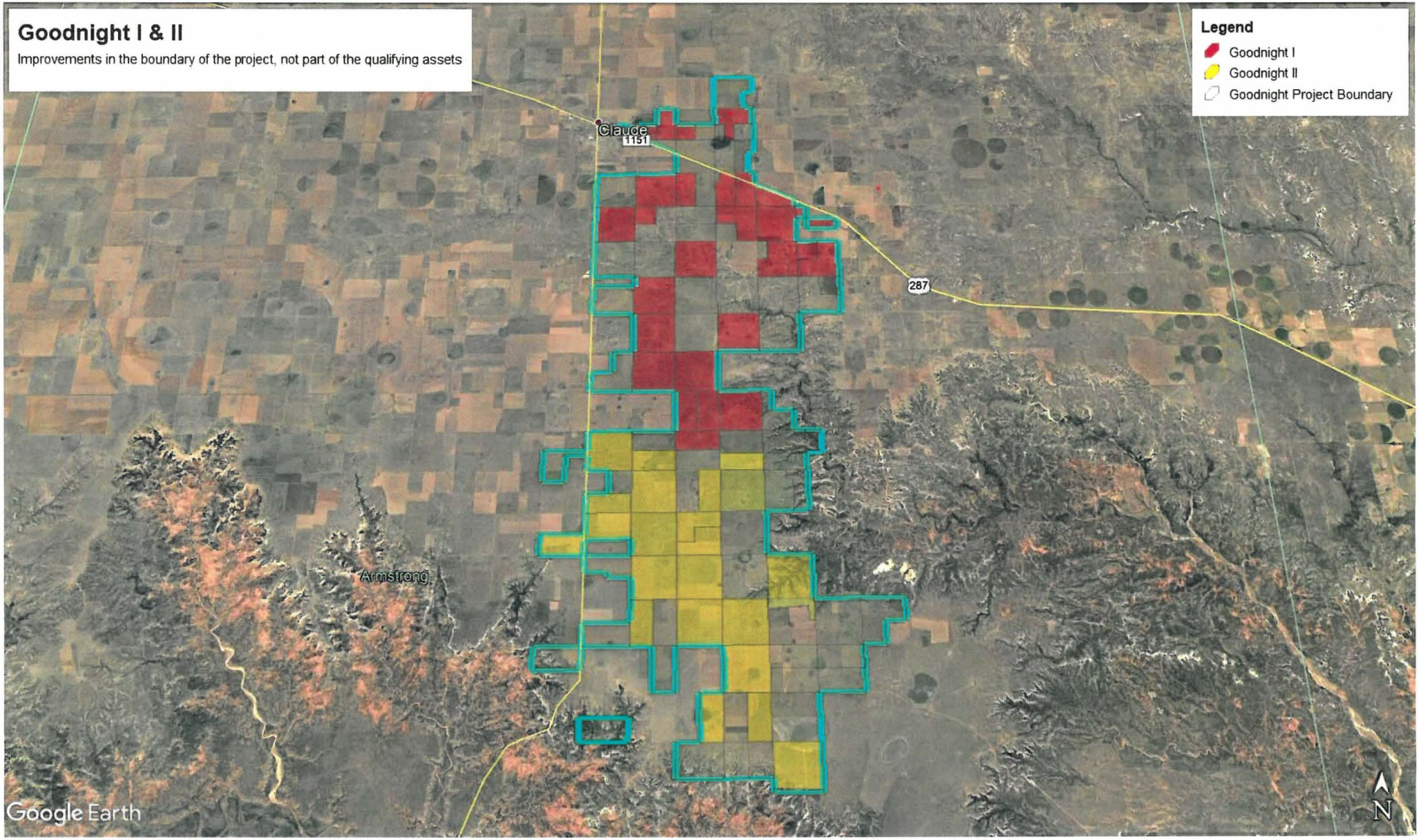
Qualified Investment and qualified property includes turbines, towers, foundations, transformers, pad mounts, buildings and offices, underground collection systems, electric substation, transmission lines, electrical interconnections, met towers, roads, and control systems necessary for commercial generation of electricity.

**TAB 10**

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

List of existing improvements not to be included in the qualified property.

Map of the location of the improvements.


Goodnight I & II
Improvements in the boundary of the project, not part of the qualifying assets
Legend
Goodnight I
Goodnight II
Goodnight Project Boundary
Claude
1151
287
Armstrong
Google Earth
N

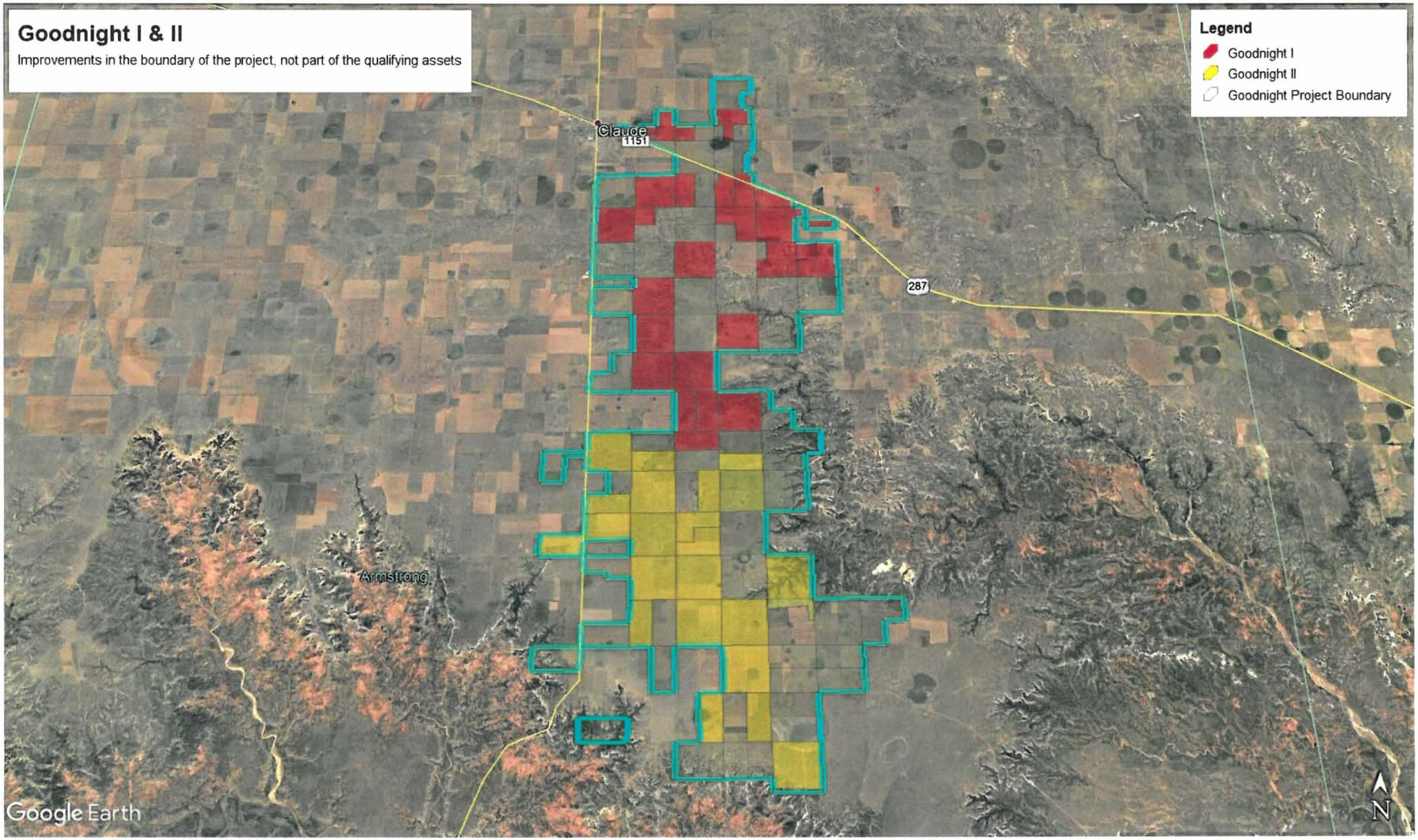
**Improvements in the FGE Goodnight II Boundaries - Not Part of the Project or Subject to Limitation**

| Owner Name: | Parcel ID: | Property Location: | Value (Improvements Only): |
|---|---|---|---|
| Frederick J. Griffin | 625 | OSCAR RD. | 1,550 |
| Frederick J. Griffin | 2,805 | OSCAR RD | 1,200 |
| Harry R. Wood | 4,042 | 9605 QUEBEC RD, CLAUDE TX 79019 | 63,900 |
| Harry R. Wood | 6,547 | 9605 QUEBEC RD, CLAUDE TX 79019 | 2,380 |
| Janyth Ann Burton Hubbard | 684 | CR 18 | 1,340 |
| Jamie Layne Conrad | 7,178 | CR 19 | 14,950 |
| BRMM, LLC from Mary Bagwell | 351 | 4100 CO. RD. 19, CLAUDE TX 79019 | 110,270 |
| BRMM, LLC from Mary Bagwell | 352 | FM 2272 | 21,780 |
| Neil Conrad | 1,049 | HOTEL RD. | 4,270 |
| Bill D. Wood (originally Bill & Paula Wood) | 5,046 | CR 18 | 3,980 |
| Patrick C. Simek | 327 | FM 2272 | 5,280 |
| Patrick C. Simek | 623 | CR 18 | 91,700 |
| Patrick C. Simek | 624 | CR 18 | 2,050 |
| Patrick C. Simek | 1,791 | QUEBEC RD | 150 |
| Patrick C. Simek | 3,332 | FM 2272 | 1,130 |
| Andy Conrad (previously Harry R. Wood) | 5,043 | CR 18 | 800 |
| Nancy Gillispie Irrevocable Trust | 338 | CR 18 | 35,650 |
| John K & Rita J Ballard | 4,471 | OSCAR RD | 30,500 |
| Lisa Flanagan (Originally Lazy S Ranches) | 2,382 | 9109 OSCAR RD | 119,360 |
| | | | **512,240** |

**TAB 11**

*Maps that clearly show:*

a) *Project vicinity*
b) *Qualified investment including location of new building or new improvements*
c) *Qualified property including location of new building or new improvements*
d) *Map of Improvements in the boundary not included in limitation*
e) *Summary of owners of excluded improvements*
f) *Land location within vicinity map*
g) *Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size*


Goodnight I & II
Improvements in the boundary of the project, not part of the qualifying assets
Legend
Goodnight I
Goodnight II
Goodnight Project Boundary
Claude
1151
287
Armstrong
Google Earth
N

**TAB 13**

*Calculation of three possible wage requirements with TWC documentation*

- Armstrong County average weekly wage for all jobs (all industries)
- Armstrong County average weekly wage for all jobs (manufacturing)
- See attached Council of Governments Regional Wage Calculation and Documentation

FGE Goodnight II, LLC
Tab 13 to Chapter 313 Application - Claude ISD
Documentation Attached

## Chapter 313 Wage Calculation - All Jobs - All Industries

| Quarter | Year | Avg Weekly Wage | Annualized | | |
|---|---|---|---|---|---|
| 2 | 2019 | $ 751 | $ 39,052 | | |
| 3 | 2019 | $ 756 | $ 39,312 | | |
| 4 | 2019 | $ 890 | $ 46,280 | | |
| 1 | 2020 | $ 921 | $ 47,892 | | |
| | | | | 110% | 110% |
| | Average | $ 830 | $ 43,134 | $ 912 | $ 47,447 |

## Chapter 313 Wage Calculation - Manufacturing Jobs

No Available Data

## Chapter 313 Wage Calculation - Regional Wage Rate

| Region | Year | Avg Weekly Wages | Annualized |
|---|---|---|---|
| Panhandle | 2019 | 892 | 46,399 |
| | | X 110% | |
| | | $ 982 | $ 51,039 |

**2019 Manufacturing Average Wages by Council of Government Region**
**Wages for All Occupations**

| COG | COG Number | Wages Hourly | Wages Annual |
|---|---|---|---|
| Panhandle Regional Planning Commission | 1 | $22.31 | $46,399 |
| South Plains Association of Governments | 2 | $18.97 | $39,448 |
| NORTEX Regional Planning Commission | 3 | $20.38 | $42,395 |
| North Central Texas Council of Governments | 4 | $32.92 | $68,476 |
| Ark-Tex Council of Governments | 5 | $20.09 | $41,780 |
| East Texas Council of Governments | 6 | $28.95 | $60,211 |
| West Central Texas Council of Governments | 7 | $21.83 | $45,406 |
| Rio Grande Council of Governments | 8 | $18.15 | $37,749 |
| Permian Basin Regional Planning Commission | 9 | $21.87 | $45,499 |
| Concho Valley Council of Governments | 10 | $26.74 | $55,625 |
| Heart of Texas Council of Governments | 11 | $22.41 | $46,614 |
| Capital Area Council of Governments | 12 | $29.37 | $61,091 |
| Brazos Valley Council of Governments | 13 | $17.60 | $36,613 |
| Deep East Texas Council of Governments | 14 | $21.06 | $43,796 |
| South East Texas Regional Planning Commission | 15 | $25.52 | $53,079 |
| Houston-Galveston Area Council | 16 | $28.85 | $60,015 |
| Golden Crescent Regional Planning Commission | 17 | $21.43 | $44,565 |
| Alamo Area Council of Governments | 18 | $26.64 | $55,401 |
| South Texas Development Council | 19 | $18.70 | $38,889 |
| Coastal Bend Council of Governments | 20 | $34.94 | $72,668 |
| Lower Rio Grande Valley Development Council | 21 | $20.05 | $41,698 |
| Texoma Council of Governments | 22 | $18.40 | $38,280 |
| Central Texas Council of Governments | 23 | $21.07 | $43,821 |
| Middle Rio Grande Development Council | 24 | $22.74 | $47,296 |
| **Texas** | | $27.25 | $56,673 |

Calculated by the Texas Workforce Commission Labor Market and Career Information Department.
Data published: August 2020.
Data published annually, next update will likely be July 31, 2021
Annual Wage Figure assumes a 40-hour work week.

Note: Data is not supported by the Bureau of Labor Statistics (BLS).
Wage data is produced from Texas Occupational Employment Statistics (OES) data, and is not to be compared to BLS estimates.
Data intended only for use implementing Chapter 313, Texas Tax Code.

| Year | Period | Area | Ownership | Industry | Average Weekly Wage | Annualized |
|---|---|---|---|---|---|---|
| 2019 | 02 | Armstrong | Total All | Total, All Industries | $ 751 | $ 39,052 |
| 2019 | 03 | Armstrong | Total All | Total, All Industries | $ 756 | $ 39,312 |
| 2019 | 04 | Armstrong | Total All | Total, All Industries | $ 890 | $ 46,280 |
| 2020 | 01 | Armstrong | Total All | Total, All Industries | $ 921 | $ 47,892 |
| | | | | Average | $ 830 | $ 43,134 |

## Schedule C: Employment Information

**Date** 9/11/2020

**Applicant Name** FGE Goodnight II, LLC

**ISD Name** Claude ISD

**Form 50-296A**

*Revised February 2020*

| | | | | Construction | | Non-Qualifying Jobs | Qualifying Jobs | |
|---|---|---|---|---|---|---|---|---|
| | | | | **Column A** | **Column B** | **Column C** | **Column D** | **Column E** |
| | **Year** | **School Year** (YYYY-YYYY) | **Tax Year** (Actual tax year) YYYY | Number of Construction FTE's | **Average** annual wage rates for construction workers | Number of non-qualifying jobs applicant estimates it will create (cumulative) | Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative) | **A**nnual wage of new qualifying jobs |
| Each year prior to start of Value Limitation Period *Insert as many rows as necessary* | QTP 1 | 2021-2022 | 2021 | 300 | 52,500 | - | - | - |
| | QTP 2 | 2022-2023 | 2022 | 300 | 52,500 | - | - | - |
| Value Limitation Period *The qualifying time period could overlap the value limitation period.* | 1 | 2023-2024 | 2023 | N/A | N/A | - | 5 | 51,039.00 |
| | 2 | 2024-2025 | 2024 | N/A | N/A | - | 5 | 51,039.00 |
| | 3 | 2025-2026 | 2025 | N/A | N/A | - | 5 | 51,039.00 |
| | 4 | 2026-2027 | 2026 | N/A | N/A | - | 5 | 51,039.00 |
| | 5 | 2027-2028 | 2027 | N/A | N/A | - | 5 | 51,039.00 |
| | 6 | 2028-2029 | 2028 | N/A | N/A | - | 5 | 51,039.00 |
| | 7 | 2029-2030 | 2029 | N/A | N/A | - | 5 | 51,039.00 |
| | 8 | 2030-2031 | 2030 | N/A | N/A | - | 5 | 51,039.00 |
| | 9 | 2031-2032 | 2031 | N/A | N/A | - | 5 | 51,039.00 |
| | 10 | 2032-2033 | 2032 | N/A | N/A | - | 5 | 51,039.00 |
| Years Following Value Limitation Period | 11 through 25 | 2033-2048 | 2033 | N/A | N/A | - | 5 | 51,039.00 |

Notes: See TAC 9.1051 for definition of non-qualifying jobs.
Only include jobs on the project site in this school district.

# RESOLUTION OF THE COMMISSIONERS COURT OF ARMSTRONG COUNTY, TEXAS DESIGNATING FOR A SECOND TIME ARMSTRONG COUNTY REINVESTMENT ZONE 7

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

*Whereas*, the Commissioners Court of Armstrong County, Texas, desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone as authorized by the Property Redevelopment and Tax Abatement Act, as amended (Texas Property Tax Code §312.001, *et seq.*), and the Guidelines and Criteria of the Commissioners Court of Armstrong County for Granting a Tax Abatement in Reinvestment Zone created in Armstrong County, Texas (the "Guidelines"); and

*Whereas*, on September 11, 2017, a hearing before the Commissioners Court of Armstrong County, Texas, was held, such date being at least seven (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in Armstrong County and the delivery of written notice to the respective presiding officers of each taxing entity that includes within its boundaries real property that is to be included in the proposed reinvestment zone; and

Whereas, on August 24, 2020, a hearing before the Commissioners Court of Armstrong County, Texas, was held, such date being at least seven (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in Armstrong County and the delivery of written notice to the respective presiding officers of each taxing entity that includes within its boundaries real property that is to be included in the proposed reinvestment zone being the same zone so designated on September 11, 2017; and

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

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

*BE IT RESOLVED BY THE COMMISSIONERS COURT OF ARMSTRONG COUNTY, TEXAS:*

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 Commissioners Court of Armstrong County, Texas, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

a. That the public hearing on adoption of the reinvestment zone has been properly called, held and conducted and that notice of such hearing has been published as required by law and mailed to the respective presiding officers of the governing bodies and all taxing units overlapping the territory inside the proposed reinvestment zone; and

b. That the boundaries of the reinvestment zone should be the area described in the attached Exhibit "A" and depicted in the map attached hereto as Exhibit "B", which are incorporated herein by reference for all purposes. In the event of discrepancy between the descriptions of Exhibit "A" and map in Exhibit "B", the map shall control; and

c. That the creation of the reinvestment zone will result in benefits to Armstrong County, Texas, and to the land included in the zone and that the improvements sought are feasible and practical; and

d. The reinvestment zone meets the criteria set forth in Texas Property Tax Code Chapter 312 for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, and the Guidelines, in that it is reasonably likely as a result of the designation to contribute to the retention of expansion of primary employment or to attract investment in the zone that would be a benefit to the property and that would contribute to the economic development of Armstrong County, Texas, and that the entire tract of land is located entirely within an unincorporated area of Armstrong County, Texas.

SECTION 3. That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, and the Guidelines, Armstrong County Commissioners Court hereby creates Armstrong County Reinvestment Zone 7, a reinvestment zone for commercial-industrial tax abatement encompassing only the area described in Exhibit "A" and depicted in Exhibit "B", and such reinvestment zone is hereby designated and shall hereafter be referred to a Armstrong County Reinvestment Zone 7.

SECTION 4. That Armstrong County Reinvestment Zone 7 shall take effect on August 24, 2020, and shall remain designated as a commercial-industrial reinvestment zone for renewable and wind generated power generation for a period of five (5) years from such

date of designation, and may be renewed for an additional five (5) year period thereafter.

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

SECTION 6. That it is hereby found, determined and declared that a sufficient notice of the date, hour, place and subject of the meeting of the Armstrong County Commissioners Court at which this Resolution was adopted was posted at a place conveniently 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 a newspaper of general circulation within the County, and furthermore, such notice was in fact delivered to the presiding officers of any affected taxing entity as prescribed by the Property Redevelopment and Tax Abatement Act.

PASSED, APPROVED AND ADOPTED on this the ~~11th~~ 24 day of ~~September~~ [redacted] AUGUST, 2017. 2020.

Judge Rood
County Judge

Commissioner, Precinct 1

Commissioner, Precinct 2

Commissioner, Precinct 3

ABSTAIN
Commissioner, Precinct 4

D Watkins, deputy
County Clerk

(County Seal)

# Exhibit A
## Legal Description of Armstrong County Reinvestment Zone 7

Armstrong County Reinvestment Zone 7 is comprised of the following parcels. In the event of discrepancy between this Exhibit A and the attached map in Exhibit B, the map in Exhibit B shall control.

# Exhibit A Property Description

All of Section 1, 3, 4, 6 and 19, Block 1, Armstrong County, Texas being 4,862.79 acres

East ½ of Section 2, Block 1, Armstrong County, Texas being 322.5 acres

All except 53.85 acres out of the West half of Section 5, Block 1, Armstrong County, Texas being 502.39 acres

North part of Section 8, Block 1, Armstrong County, Texas being 396.39 acres

All except 2 acres of Section 11, Block 1, Armstrong County, Texas being 638 acres

North half and Southwest quarter of Section 18, Block 1, Armstrong County, Texas being 475.87 acres

South part of Section 20, Block 1, Armstrong County, Texas being 251.09 acres

West half of the Northwest quarter and the Southwest quarter of Section 1, Block 4, Armstrong County, Texas being 320 acres

All of Section 2, 5, 6, 7 and 9, Block 4, Armstrong County, Texas being 3,218 acres

Part of the Northwest quarter of Section 3, Block 4, Armstrong County being 134.67 acres

Northwest ¼ of Section 3, Block 4, Armstrong County, Texas being 40.2 acres

Part of Section 4, Block 4, Armstrong County, Texas being 44.57 acres

North half and Southwest quarter of Section 8, Block 4, Armstrong County, Texas being 482.4 acres

Part of Section 10, Block 4, Armstrong County, Texas being 178.93 acres

Part of Section 15, Block 4, Armstrong County, Texas being 80 acres

South half and Northeast quarter of Section 16, Block 4, Armstrong County, Texas being 479.21 acres

Part of Section 116, Block B4, Armstrong County, Texas being 40 acres

All of Section 158, Block B4, except the eastern half of the Southeast ¼ section, Armstrong County, Texas being 567 acres

Part of Section 163, Block B4, Armstrong County, Texas being 225.85 acres

Southwest ¼ of Section 164, Block B4, Armstrong County, Texas being 160 acres

All of Section 165, Block B4, except the Northwest ¼ section, Armstrong County, Texas being 480 acres

Part of Section 197, Block B4, Armstrong County, Texas being 577.39 acres

South part of Section 202, Block B4, Armstrong County, Texas being 238.77 acres

All except a strip on the Northwest quarter of Section 203, Block B4, Armstrong County, Texas being 578.9 acres

All of Section 198, 204, 206, 235, 237, 238, 239, 241, 242, 243, 244, 245, 246, 276, 277, 278, 279, 280, 282, 283, 284, 285, 316 and 317, Block B4, Armstrong County, Texas being 14,537.09 acres

All except 5 acres out of Section 205, Block B4, Armstrong County, Texas being 635 acres

Northwest quarter of Section 236, Block B4, Armstrong County, Texas being 160 acres

Middle part and Northwest corner of Section 240, Block B4, Armstrong County, Texas being 213.73 acres

South half and South half of North half of Section 275, Block B4, Armstrong County, Texas being 480 acres

South half and Northeast quarter of Section 315, Block B4, Armstrong County, Texas being 480 acres

South half of Section 4, Block B6, Armstrong County, Texas being 319 acres

All of Section 2, 9 and 10, Block C, Armstrong County, Texas being 1,910.52 acres

West half of Section 3, Block C, Armstrong County, Texas being 317.13 acres

East half of Section 6, Block C, Armstrong County, Texas being 321.18 acres

South half of Section 7, Block E3, Armstrong County, Texas being 315.23 acres

East half of Section 9, Block E3, Armstrong County, Texas being 320 acres

All of Section 10 and 11, Block E3, Armstrong County, Texas being 1,282.50 acres

North part of Section 12, Block E3, Armstrong County, Texas being 522 acres

North part of Section 13, Block E3, Armstrong County, Texas being 520 acres

Out of the North part of Section 16, Block E3, Armstrong County, Texas being 48.2 acres

North half of Section 6, Block E4, Armstrong County, Texas being 300 acres

All of Section 2, Block W, Armstrong County, Texas being 640 acres

South half of Section 1, Block Z-6, Armstrong County, Texas being 317.65 acres

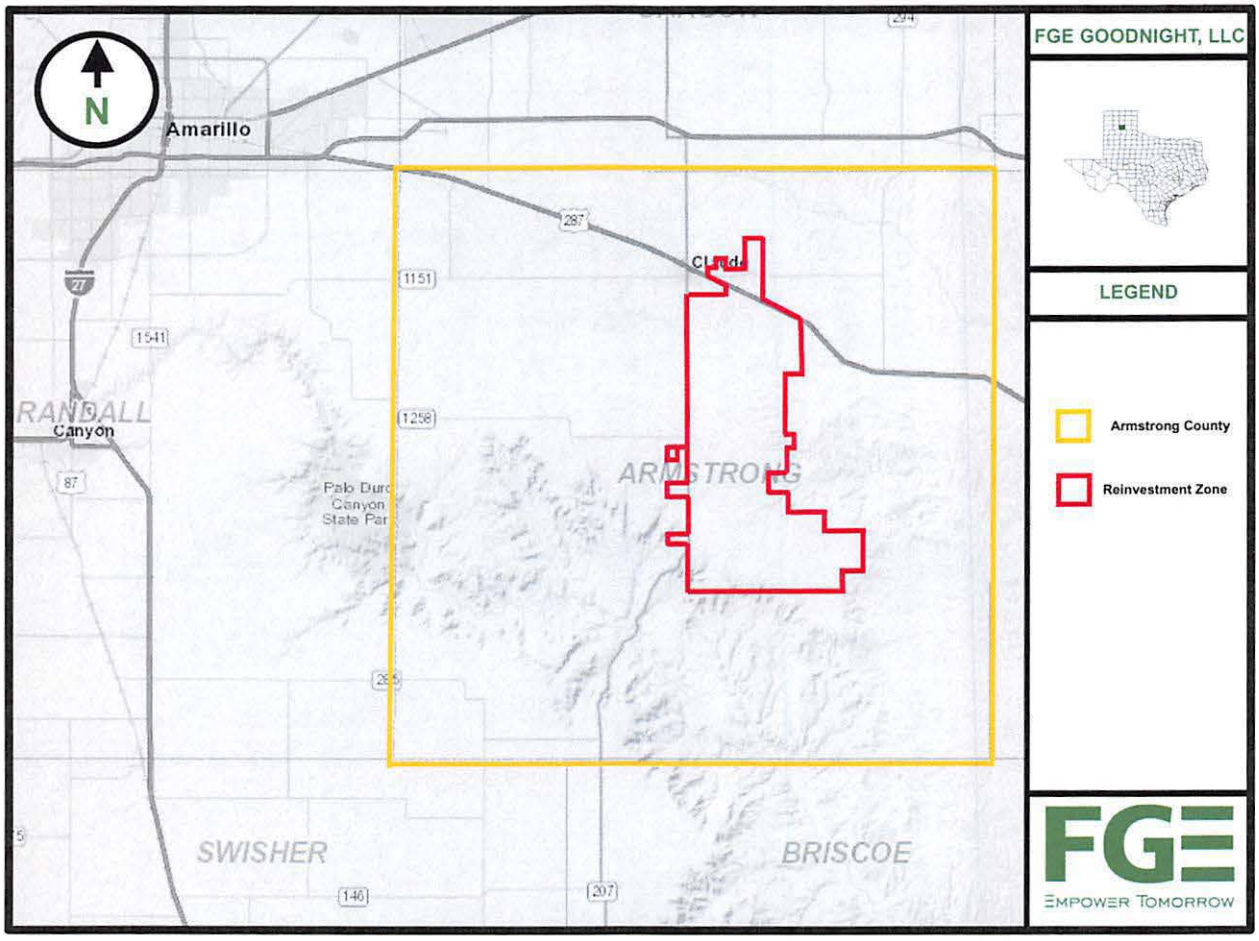
A 1,578.64 acre tract out of Section 8, Block 1; Section 6, Block Z-7; Section 5, Block Z-7; Section 2, Block Z-8; Section 4, Block Z-7, Section 1, Block Z-8; and Section 3, Block Z-7 all in Armstrong County, Texas

A 2,049.95 acre tract out of Section 2, Block Z-7; Section 4, Block 2; Section1, Block Z-8; and Section 3, Block Z-7 all in Armstrong County, Texas

# Exhibit B
# Map of Armstrong County Reinvestment Zone 7

FGE
EMPOWER TOMORROW

**Exhibit A: Reinvestment Zone Map**



## 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** Brock Cartwright — Print Name (Authorized School District Representative)

Superintendent — Title

**sign here** Brock Cartwright — Signature (Authorized School District Representative)

9-11-20 — 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** Emerson Farrell — Print Name (Authorized Company Representative (Applicant))

CEO & President — Title

**sign here** Emerson Farrell — Signature (Authorized Company Representative (Applicant))

9-11-20 — Date

COURTNEY BENNETT HUNTER
Notary Public, State of Texas
Notary ID# 129731030
My Commission Expires 2-28-2022

(Notary Seal)

GIVEN under my hand and seal of office this, the 11 day of September, 20

Courtney Bennett Hunter
Notary Public in and for the State of Texas

My Commission expires: 2-28-2022

**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.**