

UNDERWOOD

FRED STORMER
Phone: 806.379.0306
Fax: 806.379.0316
www.uwlaw.com
Fred.Stormer@uwlaw.com

ADDRESS:
500 S. Taylor Street
Suite 1200, LB 233
Amarillo, TX 79101-2446
MAILING ADDRESS:
P.O. Box 9158
Amarillo, TX 79105-9158

August 13, 2020

John Villarreal
Stephanie Jones
Economic Development and Analysis Division
Texas Comptroller of Public Accounts
111 E. 17th St.
Austin, TX 78774

Via Email

Re: 313 Application from Hecate Energy Frye Solar LLC to Kress ISD

Dear John and Stephanie:

Enclosed please find an application for appraised value limitation on qualified property submitted to Kress ISD by Hecate Energy Frye Solar LLC on August 11, 2020, along with the schedules in Excel format. A CD containing these documents is also enclosed.

The Kress ISD Board accepted for consideration the application on August 11, 2020. The application was determined to be complete by the District on August 13, 2020. We ask that the Comptroller's Office prepare the economic impact report for this application.

A copy of the application will also be submitted to the Swisher County Appraisal District in accordance with 34 Tex. Admin. Code §9.1054. Please feel free to contact me if you have any questions or concerns.

Sincerely,



Fred A. Stormer

Encl.

cc: Chief Appraiser, Swisher County Appraisal District *via email: swishercad@gmail.com*
Andrew Boggs, Director *via email: aboggs@hecateenergy.com*
Michael Hochberg, Development Associate *via email: mhochberg@hecateenergy.com*
Sam Gregson, Cummings Westlake, LLC *via email: sgregson@cwlp.net*
Leah Ziegler, Superintendent, Kress ISD



TAB 1

Pages 1 through 9 of application

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

Date Application Received by District		
Leah	Zeigler	
First Name	Last Name	
Superintendent		
Title		
Kress Independent School District		
School District Name		
200 East 5th Street		
Street Address		
200 East 5th Street		
Mailing Address		
Kress	TX	79052
City	State	ZIP
806-684-2652	806-684-2687	
Phone Number	Fax Number	
Mobile Number (optional)	leah.zeigler@region16.net	
	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)

Fred	Stormer
<small>First Name</small>	<small>Last Name</small>
Shareholder	
<small>Title</small>	
Undewood law Firm, P.C	
<small>Firm Name</small>	
806-379-0306	806-379-0316
<small>Phone Number</small>	<small>Fax Number</small>
N/A	fred.stormer@uwlaw.com
<small>Mobile Number (optional)</small>	<small>Email Address</small>

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)

Andrew	Boggs
<small>First Name</small>	<small>Last Name</small>
Director, Development	Hecate Energy LLC
<small>Title</small>	<small>Organization</small>
621 West Randolph Street	
<small>Street Address</small>	
621 West Randolph Street	
<small>Mailing Address</small>	
Chicago	Illinois
<small>City</small>	<small>State</small>
612-636-7953	312-284-4514
<small>Phone Number</small>	<small>Fax Number</small>
N/A	ABoggs@hecateenergy.com
<small>Mobile Number (optional)</small>	<small>Business Email Address</small>
	60661
	<small>ZIP</small>

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.

Michael	Hochberg
<small>First Name</small>	<small>Last Name</small>
Development Associate	Hecate Energy LLC
<small>Title</small>	<small>Organization</small>
621 West Randolph Street	
<small>Street Address</small>	
621 West Randolph Street	
<small>Mailing Address</small>	
Chicago	Illinois
<small>City</small>	<small>State</small>
973-568-9582	312-284-4514
<small>Phone Number</small>	<small>Fax Number</small>
	mhochberg@hecateenergy.com
<small>Mobile Number (optional)</small>	<small>Business Email Address</small>
	60661
	<small>ZIP</small>

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)

Sam	Gregson
First Name	Last Name
Senior Consultant	
Title	
Cummings Westlake LLC	
Firm Name	
713-266-4456	713-266-2333
Phone Number	Fax Number
sgregson@cwlp.net	
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, include all transaction information below. Include proof of application fee paid to the school district in **Tab 2**. Any confidential banking information provided will not be publicly posted.

\$75,000	Check
Payment Amount	Transaction Type
Hecate Energy LLC	Kress Independent School District
Payor	Payee
July 28, 2020	
Date transaction was processed	

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? Hecate Energy Frye Solar LLC
2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) 320742385092
3. Parent Company Name Hecate Energy LLC
4. Parent Company Tax ID 82-5434670
5. List the NAICS code 221114
6. Is the applicant a party to any other pending or active Chapter 313 agreements? Yes No
- 6a. 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) Limited Liability Company
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.

SECTION 5: Applicant Business Structure (continued)

2b. List the Texas Franchise Tax Reporting Entity Taxpayer Name
Hecate Energy Frye Solar LLC

2c. List the Reporting Entity Taxpayer Number
320742385092

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

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

***Note:** Applicants requesting eligibility under this category should note that there are additional application and reporting data submission requirements.

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. If the project is an amendment or a reapplication please specify and provide details regarding the original project.
2. Check the project characteristics that apply to the proposed project:
- Land has no existing improvements Land has existing improvements (complete Section 13)
 - Expansion of existing operation on the land (complete Section 13) 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

NOTE: Only construction beginning after the application review start date (the date the Texas Comptroller of Public Accounts deems the application complete) can be considered qualified property and/or qualified investment.

- 1. Estimated school board ratification of final agreement February 2021
- 2. Estimated commencement of construction July 2021
- 3. Beginning of qualifying time period (MM/DD/YYYY) 03/01/2021
- 4. First year of limitation (MM/DD/YYYY) 01/01/2023
- 4a. For the beginning of the limitation period, notate which **one of the following** will apply according to provision of 313.027(a-1)(2):
 - A. January 1 following the application date
 - B. January 1 following the end of QTP
 - C. January 1 following the commencement of commercial operations
- 5. Commencement of commercial operations December 31, 2022

SECTION 10: The Property

- 1. Identify county or counties in which the proposed project will be located Swisher County
- 2. Identify Central Appraisal District (CAD) that will be responsible for appraising the property Swisher CAD
- 3. Will this CAD be acting on behalf of another CAD to appraise this property? Yes No
- 4. List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:

M&O (ISD): <u>Kress ISD; 100%; \$1.06830</u> <small>(Name, tax rate and percent of project)</small>	I&S (ISD): <u>Kress ISD; 100%; \$0.2500</u> <small>(Name, tax rate and percent of project)</small>
County: <u>Swisher County; 100%; \$0.705400</u> <small>(Name, tax rate and percent of project)</small>	City: <u>N/A</u> <small>(Name, tax rate and percent of project)</small>
Hospital District: <u>Swisher Memorial Hosp; 100%; \$0.3053</u> <small>(Name, tax rate and percent of project)</small>	Water District: <u>High Plains Water; 100%; \$0.0063</u> <small>(Name, tax rate and percent of project)</small>
Other (describe): <u>Noxious Weed Dist, 100%; \$0.0063</u> <small>(Name, tax rate and percent of project)</small>	Other (describe): <u>N/A</u> <small>(Name, tax rate and percent of project)</small>

SECTION 10: The Property (continued)

5. List all state and local incentives as an annual percentage. Include the estimated start and end year of the incentive:

County: Tax Abatement, \$750k PILOT, 2023-2032
(Incentive type, percentage, start and end year)

City: N/A
(Incentive type, percentage, start and end year)

Hospital District: Tax Abatement; \$325k PILOT, 2022-2031
(Incentive type, percentage, start and end year)

Water District: N/A
(Incentive type, percentage, start and end year)

Other (describe): N/A
(Incentive type, percentage, start and end year)

Other (describe): N/A
(Incentive type, percentage, start and end year)

6. Is the project located entirely within the ISD listed in Section 1? Yes No

6a. If no, attach in **Tab 6** maps of the entire project (depicting all other relevant school districts) and additional information on the project scope and size. Please note that only the qualified property within the ISD listed in Section 1 is eligible for the limitation from this application. Please verify that all information in **Tabs 7 and 8**, Section 11, 12 and 13, and map project boundaries pertain to only the property within the ISD listed in Section 1.

7. 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)? Yes No

7a. If yes, attach in **Tab 6** supporting documentation from the Office of the Governor.

SECTION 11: Texas Tax Code 313.021(1) Qualified 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. For assistance in determining estimates of these minimums, access the Comptroller’s website at comptroller.texas.gov/economy/local/ch313/.

1. At the time of application, what is the estimated minimum qualified investment required for this school district? \$10,000,000

2. What is the amount of appraised value limitation for which you are applying? \$20,000,000

Note: The property value limitation amount is based on property values available at the time of application and may change prior to the execution of any final agreement.

3. Does the qualified investment meet the requirements of Tax Code §313.021(1)? Yes No

4. Attach a description of the qualified investment [See §313.021(1).] The description must include:

- a. a specific and detailed description of the qualified investment you propose to make within the project boundary for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (**Tab 7**);
- b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your minimum qualified investment (**Tab 7**); and
- c. a detailed map of the qualified investment showing location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period, with vicinity map (**Tab 11**).

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? Yes No

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

1. Attach a detailed description of the qualified property. [See §313.021(2)] 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**);
- 1c. a map or site plan of the proposed qualified property showing the location of the new buildings or new improvements inside the project area boundaries within a vicinity map that includes school district, county and RZ boundaries (**Tab 11**); and

1d. Will any of the proposed qualified property be used to renovate, refurbish, upgrade, maintain, modify, improve, or functionally replace existing buildings or existing improvements inside or outside the project area? Yes No

Note: Property used to renovate, refurbish, upgrade, maintain, modify, improve, or functionally replace existing buildings or existing improvements inside or outside the project area cannot be considered qualified property and will not be eligible for a limitation. See TAC §9.1051(16).

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? September 2020

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):\$ 0.00

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? 2
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 738.50
 - b. Qualifying job wage minimum option §313.021(5)(A)
-110% of the average weekly wage for manufacturing jobs in the county is 878.90
 - c. Qualifying job wage minimum option §313.021(5)(B)
-110% of the average weekly wage for manufacturing jobs in the region is 1,064.00
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? 45,702.80
7. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? 46,000.00
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**.

APPLICATION TAB ORDER FOR REQUESTED ATTACHMENTS

TAB	ATTACHMENT
1	Pages of the application including the signature and certification page, signed and dated by Authorized School District Representative and Authorized Company Representative. Sections 1-16
2	Proof of Payment of Application Fee
3	Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation (if applicable)
4	Detailed description of the project
5	Documentation to assist in determining if limitation is a determining factor
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 from the Office of the Governor (if applicable)
7	Description of Qualified Investment
8	Description of Qualified Property
9	Description of Land
10	Description of all property not eligible to become qualified property (if applicable)
11	<p>Maps that clearly show:</p> <ul style="list-style-type: none"> a) Project boundary and project vicinity, including county and school district boundaries b) Qualified investment including location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period c) Qualified property including location of new buildings or new improvements d) Any existing property within the project area e) Any facilities owned or operated by the applicant having interconnections to the proposed project f) Location of project, and related nearby projects within vicinity map g) Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size <p>Note: Electronic maps should be high resolution files. Include map legends/markers.</p>
12	Request for Waiver of Job Creation Requirement and supporting information (if applicable)
13	Calculation of non-qualifying wage target and two possible qualifying job wage requirements with TWC documentation
14	Schedules A1, A2, B, and C completed and signed Economic Impact (if applicable)
15	Economic Impact Analysis, other payments made in the state or other economic information (if applicable)
16	<p>Description of Reinvestment or Enterprise Zone, including:</p> <ul style="list-style-type: none"> a) evidence that the area qualifies as a enterprise zone as defined by the Governor’s Office b) legal description of reinvestment zone* c) order, resolution or ordinance establishing the reinvestment zone* d) guidelines and criteria for creating the zone <p>* To be submitted with application or before date of final application approval by school board</p>
17	Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative (applicant)



TAB 2

Proof of Payment of Application Fee

Please find on the attached page, copy of the check for the \$75,000 application fee to Kress Independent School District.

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)

Hecate Energy Frye Solar is not a combined group as defined by Tax Code Section 171.0001(7). Please see attached Franchise Tax Certificate.



Franchise Tax Account Status

As of : 06/25/2020 13:21:02

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

HECATE ENERGY FRYE SOLAR LLC	
Texas Taxpayer Number	32072385092
Mailing Address	211 E 7TH ST STE 620 AUSTIN, TX 78701-3218
Right to Transact Business in Texas	ACTIVE
State of Formation	DE
Effective SOS Registration Date	10/28/2019
Texas SOS File Number	0803456128
Registered Agent Name	CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INCO
Registered Office Street Address	211 E. 7TH STREET, SUITE 620 AUSTIN, TX 78701



TAB 4

Detailed Description of the 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.

Hecate Energy Frye Solar LLC is requesting an Appraised Value Limitation from Kress Independent School District for the Hecate Energy Frye Solar LLC Project (the “Project”), a proposed solar powered electric generating facility in Swisher County. The proposed Kress ISD Project (this Application) would be constructed within a Reinvestment Zone that will be created by Swisher County prior to execution of a Value Limitation Agreement. A map showing the location of the project is included in Tab 11. **The project is not known by any other names. The Project IGNR Number is 20INR0080 and was assigned on January 15, 2019.**

The full project would have approximately 1,626,400 PV panels and associated inverters located in Swisher County with a total capacity of 500 MW. Solar equipment selection is ongoing at this time and has not been finalized. The exact number of PV panels and their capacity will depend upon the panels and inverters selected, manufacturers availability and prices, ongoing engineering design optimization and the final megawatt generating capacity of the Project when completed. Current plans are to install approximately 1,626,400 PV panels and associated inverters within Kress ISD. The Applicant requests a Value Limitation for all materials and equipment installed for the Project, including underground collection systems, transmission lines, electrical interconnections, roads, control systems necessary for commercial generation of electricity, solar modules/panels, racking and mounting structures, inverters boxes, combiner boxes, battery storage for produced power, meteorological equipment, roadways, maintenance and operations building, paving, fencing, electrical substations, generation transmission tie line and associated towers, and interconnection facilities.



TAB 5

Documentation to assist in determining if limitation is a determining factor.

Founded six years ago, Hecate Energy has developed or built 363MW of operating solar projects totaling over \$600 million in asset value, 58 MWh of battery storage and has entered over 1 GW of renewable Power Purchase Agreements, including 180 MWh of battery storage projects. The company is in offtake negotiations for over 1,000 MW of new solar projects with a pipeline of approximately 6 GW of projects under development.

Hecate Energy has developed operating power projects in California, Florida, Texas, Rhode Island, Maryland, Massachusetts, Virginia and Georgia, with energy storage projects in Ontario. Sites in Washington, Louisiana, Rhode Island, South Carolina New York, Ohio, Texas, Georgia, Tennessee, California and Ontario Canada are currently being evaluated for Hecate Energy's current pipeline of potential projects.

Hecate Energy is a national solar developer with the ability to locate projects of this type in other states within the United States and other regions within Texas with favorable solar characteristics. The Applicant is actively assessing and developing other projects that are competing for limited investment funds. With Texas wholesale electricity prices already below the international average, it is necessary to limit the property tax liabilities for a solar project in order to be able to offer electricity at prices that are marketable to Texas customers at competitive rates. Markets such as California that have statewide available subsidies for renewable energy projects, and which have higher average contracted power rates, offer an attractive incentive for developers to build projects in those markets over Texas.

The property tax liability of a project without tax incentives in Texas would reduce the return to investors and financiers to an unacceptable level at today's contracted power rates under a power purchase agreement (PPA). Therefore, the applicant would not be able to finance and build the project in Texas even with a signed PPA because of the low price in the PPA. Without the 313 Value Limitation, the applicant would be forced to walk away from this project and spend the potential investment in other states where the rate of return is higher.



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 from the Office of the Governor (if applicable)

District	Percentage	Tax Rate
1) Swisher County	100%	\$0.70540
2) Swisher Memorial Hosp Dist.	100%	\$0.30530
3) High Plains Water District	100%	\$0.00630
4) Noxious Weed District	100%	\$0.06000
5) Kress ISD	100%	\$1.31830



TAB 7

Description of Qualified Investment

Hecate Energy Frye Solar LLC proposes to construct a 500 MW ac (net capacity) Photovoltaic solar facility that would be sited on approximately 7,680 acres of land approximately 13 miles southeast of the city of Tulia in Swisher County. This application covers all qualified property in the reinvestment zone and project boundary within Kress ISD necessary for the commercial operations of the proposed solar project described in Tab 4.

Qualified Investment and Qualified Property in Kress ISD would generate 500 MW and includes, underground collection systems, transmission lines, electrical interconnections, roads, control systems necessary for commercial generation of electricity, 1,626,400 solar modules/panels and 200 inverters, racking and mounting structures, inverter boxes, combiner boxes, battery storage for produced power, meteorological equipment, roadways, maintenance and operations building, paving, fencing, electrical substations, generation transmission tie line and associated towers, and interconnection facilities.

NOTE- The map in TAB 11 shows the proposed project area with the preliminary panel and inverter locations. The exact placement of these panels and inverters is subject to ongoing planning, soil studies, and engineering and will be determined before construction begins.



TAB 8

Description of Qualified Property

Hecate Energy Frye Solar LLC proposes to construct a 500 MW ac (net capacity) Photovoltaic solar facility that would be sited on approximately 7,680 acres of land approximately 13 miles southeast of the city of Tulia in Swisher County. This application covers all qualified property in the reinvestment zone and project boundary within Kress ISD necessary for the commercial operations of the proposed solar project described in Tab 4.

Qualified Investment and Qualified Property in Kress ISD would generate 500 MW and includes, underground collection systems, transmission lines, electrical interconnections, roads, control systems necessary for commercial generation of electricity, 1,626,400 solar modules/panels, 200 inverters, racking and mounting structures, inverter boxes, combiner boxes, battery storage for produced power, meteorological equipment, roadways, maintenance and operations building, paving, fencing, electrical substations, generation transmission tie line and associated towers, and interconnection facilities.

NOTE- The map in TAB 11 shows the proposed project area with the preliminary panel and inverter locations. The exact placement of these panels and inverters is subject to ongoing planning, soil studies, and engineering and will be determined before construction begins.



TAB 9

Description of Land

Not applicable. The land on which the new buildings and new improvements will be built, is not being claimed as part of the qualified property described by §313.021(2)(A).



TAB 10

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

None

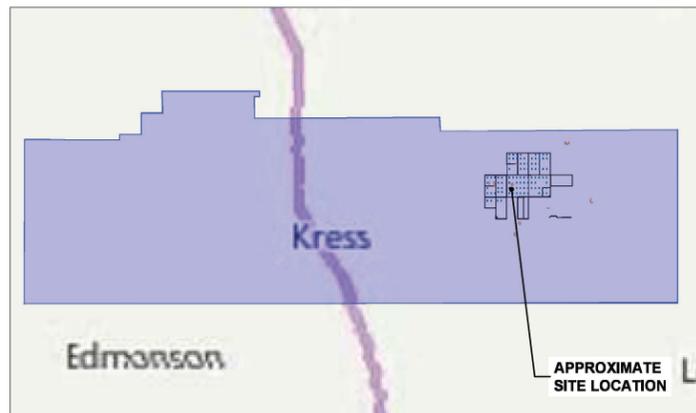
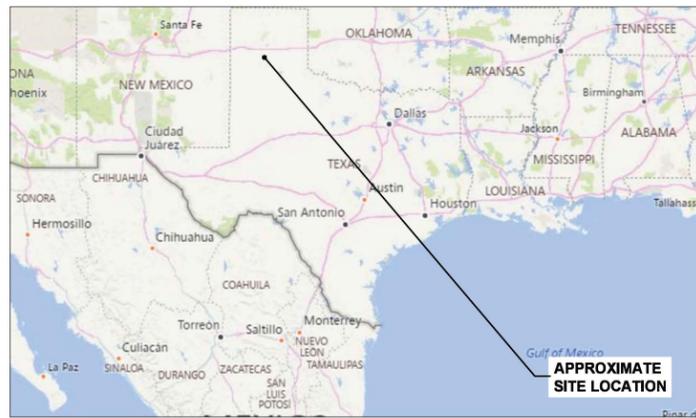


TAB 11

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) Existing property
- e) Land location within vicinity map
- f) Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size

W:\2018\18-05-01T VARIOUS TEXAS PROJECTS\021 ENGINEERING CAD\SWISHER SOLAR\CONCEPT\TAX EXHIBIT\REV. 4118-05-01T CP1



NOTES:

1. THIS CONCEPTUAL LAYOUT IS BASED SOLELY ON AERIAL PHOTOGRAPHS AND PROVIDED PLANS.
2. NO VERIFICATION OF SOIL CAPACITY WAS CONDUCTED. A FULL GEOTECHNICAL ANALYSIS IS SUGGESTED.

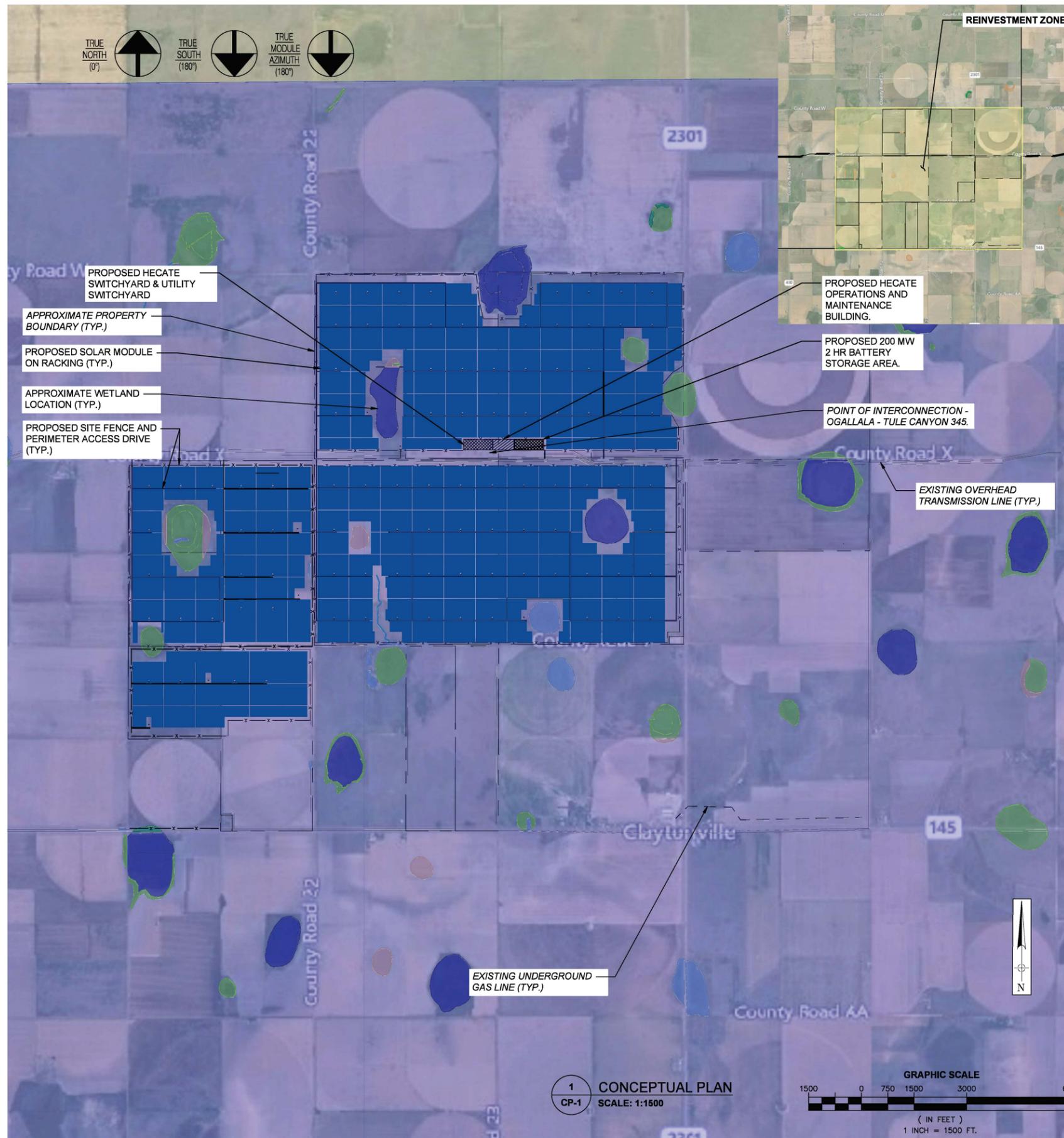
PV SYSTEM SPECIFICATIONS:

1. **PV MODULES:** JINKO 400W
2. **DC-TO-AC INVERTERS:** 125KW INVERTERS (OR LARGER) (40 PER SKID)
3. **MEDIUM AND HIGH-VOLTAGE ELECTRIC CABLING:** EPC SOURCED FROM A REPUTABLE VENDOR WITH A TARGET OF BUYING FROM A LOCAL SUPPLIER IF POSSIBLE
4. **MOUNTING STRUCTURES:** ATI OR NEXTRACKER SINGLE-AXIS TRACKER
5. **PROJECT SUBSTATION:** EPC SOURCED FROM A REPUTABLE VENDOR WITH A TARGET OF BUYING FROM A LOCAL SUPPLIER IF POSSIBLE
6. **TRANSMISSION LINE:** EPC SOURCED FROM A REPUTABLE VENDOR WITH A TARGET OF BUYING FROM A LOCAL SUPPLIER IF POSSIBLE
7. **TELECOMMUNICATIONS EQUIPMENT:** EPC SOURCED FROM A REPUTABLE VENDOR WITH A TARGET OF BUYING FROM A LOCAL SUPPLIER IF POSSIBLE
8. **METEOROLOGICAL EQUIPMENT:** EPC SOURCED FROM A REPUTABLE VENDOR WITH A TARGET OF BUYING FROM A LOCAL SUPPLIER IF POSSIBLE
9. **ASSOCIATED EQUIPMENT:** EPC SOURCED FROM A REPUTABLE VENDOR WITH A TARGET OF BUYING FROM A LOCAL SUPPLIER IF POSSIBLE

LEGEND

- REINVESTMENT ZONE
- KRESS ISD

APPROXIMATE PV SYSTEM SIZING				
ARRAY AREA	MODULE SIZE	MODULE COUNT	ARRAY SIZE (kW dc)	INVERTER COUNT
KRESS ISD	400	1575000	630000.00	103
		1575000	630000.00	103



WHITMAN
Environmental • Geotechnical • Civil
Structural • Mechanical • Electrical
7 PLEASANT HILL ROAD
CRANFORD, NJ 08512
TEL: (732) 390-5858
FAX: (732) 390-9496

SEAL:

DRAWING NOTES:

1. IF THIS DRAWING DOES NOT CONTAIN THE ORIGINAL SEAL OF THE PROFESSIONAL ENGINEER, IT IS NOT A VALID DOCUMENT AND NO LIABILITY IS ASSUMED FOR THE INFORMATION SHOWN.
2. THIS DRAWING HAS BEEN PREPARED AS A 'D' SIZE DOCUMENT. DO NOT SCALE THIS DRAWING IF IT IS PLOTTED AS ANY OTHER SIZE.

Hecate Energy
HECATE ENERGY
621 W. RANDOLPH STREET
CHICAGO, IL 60661
hecateenergy.com

NO.	DATE	REVISION DESCRIPTION
0	4/27/2020	PRELIMINARY SUBMISSION
1	—	NOT USED
2	05/18/20	PARCELS ADDED
3	7/20/2020	REVISED LAYOUT
4	7/30/2020	REVISED REINVESTMENT ZONE

PROJECT:
514 MW (AC)
GROUND MOUNTED
PHOTOVOLTAIC SYSTEM +
200 MW BATTERY STORAGE

FRYE SOLAR
COUNTY ROAD X
KRESS, TX
SWISHER COUNTY

BLOCK: —	LOT: —
SCALE: AS SHOWN	PROJECT NO: 18-05-01T
PLOT DATE: 8/3/20	CLIENT: HECATE
DRAWN BY: G.F./P.E./K.S.	REVIEWED BY: P.E.

DRAWING TITLE:
CONCEPTUAL PLAN

DRAWING NO.:
CP-1

SHEET NO.:
1 OF 1

Vicinity Map

Amarillo

60

40

Proposed Hecate Energy Frye Solar Project



Lubbock

83

Google Earth

214

385

207

Image Landsat / Copernicus

© 2020 Google

Happy

Swisher County Boundary is Outlined in Red

Swisher

86

Tulia

Project Boundary is Shaded Yellow

Reinvestment Zone Boundary is Outlined in Blue

Kress ISD Boundary is Shaded White

27

87

Kress

400



TAB 12

Request for Waiver of Job Creation Requirement and supporting information (if applicable)

See Attached



CUMMINGS WESTLAKE

PROPERTY TAX ADVISORS

August 10, 2020

Leah Zeigler
Superintendent
Kress Independent School District
200 E. 5th Street
Kress, TX 79052

Re: Chapter 313 Jobs Waiver Request

Dear Superintendent Zeigler,

Hecate Energy Frye Solar LLC requests that the Kress Independent School District's Board of Trustees waive the job requirement provision as allowed by Section 313.025(f-1) of the Tax Code. This waiver would be based on the school district's board findings that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application.

Hecate Energy Frye Solar LLC requests that the Board of Trustees make such a finding and waive the job creation requirement for 10 permanent jobs. In line with industry standards for job requirements, Hecate Energy Frye Solar LLC has committed to create two total jobs for the project.

Solar projects create a large number of full and part-time, but temporary jobs during the construction phase of the project but require a relatively small number of highly skilled technicians to operate and maintain the project after commercial operation commences.

The industry standard for employment is typically one full-time employee for approximately 250MW of facility generating capacity. This number will vary depending on the operations and maintenance requirements of the solar equipment selected as well as the support and technical assistance offered by the equipment manufacturer. The permanent employees of a solar project maintain, and service photovoltaic panels, underground electrical connections, substations and other infrastructure associated with the safe and reliable operation of the project. In addition to the onsite employees, there may be managers or technicians who support the project from offsite locations.

Sincerely,

Sam Gregson
Senior Consultant
Cumings Westlake, LLC

16410 N Eldridge Pkwy | Tomball, Texas 77377

P: 713.266.4456 W: cwlp.net



TAB 13

Calculation of three possible wage requirements with TWC documentation

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

**HECATE ENERGY FRYE SOLAR LLC
TAB 13 TO CHAPTER 313 APPLICATION**

**SWISHER COUNTY
CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES**

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2019	\$ 677	\$ 35,204
SECOND	2019	\$ 821	\$ 42,692
THIRD	2019	\$ 680	\$ 35,360
FOURTH	2019	\$ 776	\$ 40,352
AVERAGE		\$ 738.50	\$ 38,402

**SWISHER COUNTY
CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS**

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2019	\$ 638	\$ 33,176
SECOND	2019	\$ 1,108	\$ 57,616
THIRD	2019	\$ 671	\$ 34,892
FOURTH	2019	\$ 779	\$ 40,508
AVERAGE		\$ 799.00	\$ 41,548.00
X		110%	110%
		\$ 878.90	\$ 45,702.80

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

YEAR	AVG WEEKLY WAGES*	ANNUALIZED
2018	\$ 968	\$ 50,314
X	110%	110%
	\$ 1,064	\$ 55,345

* SEE ATTACHED TWC DOCUMENTATION

Year	Period	Area	Ownership	Industry Code	Industry	Level	Average Weekly Wage
2019	01	Swisher	Total All	10	Total, All Industries	0	677
2019	02	Swisher	Total All	10	Total, All Industries	0	821
2019	03	Swisher	Total All	10	Total, All Industries	0	680
2019	04	Swisher	Total All	10	Total, All Industries	0	776

Year	Period	Area	Ownership	Industry Code	Industry	Level	Average Weekly Wage
2019	01	Swisher	Private	31-33	Manufacturing	2	638
2019	02	Swisher	Private	31-33	Manufacturing	2	1,108
2019	03	Swisher	Private	31-33	Manufacturing	2	671
2019	04	Swisher	Private	31-33	Manufacturing	2	779

**2018 Manufacturing Average Wages by Council of Government Region
Wages for All Occupations**

COG	COG Number	Wages	
		Hourly	Annual
Texas		\$27.04	\$56,240
Alamo Area Council of Governments	18	\$22.80	\$47,428
Ark-Tex Council of Governments	5	\$18.73	\$38,962
Brazos Valley Council of Governments	13	\$18.16	\$37,783
Capital Area Council of Governments	12	\$32.36	\$67,318
Central Texas Council of Governments	23	\$19.60	\$40,771
Coastal Bend Council of Governments	20	\$28.52	\$59,318
Concho Valley Council of Governments	20	\$21.09	\$43,874
Deep East Texas Council of Governments	14	\$18.28	\$38,021
East Texas Council of Governments	6	\$21.45	\$44,616
Golden Crescent Regional Planning Commission	17	\$28.56	\$59,412
Heart of Texas Council of Governments	11	\$22.71	\$47,245
Houston-Galveston Area Council	16	\$29.76	\$61,909
Lower Rio Grande Valley Development Council	21	\$17.21	\$35,804
Middle Rio Grande Development Council	24	\$20.48	\$42,604
NORTEX Regional Planning Commission	3	\$25.14	\$52,284
North Central Texas Council of Governments	4	\$27.93	\$58,094
Panhandle Regional Planning Commission	1	\$24.19	\$50,314
Permian Basin Regional Planning Commission	9	\$25.90	\$53,882
Rio Grande Council of Governments	8	\$18.51	\$38,493
South East Texas Regional Planning Commission	15	\$36.26	\$75,430
South Plains Association of Governments	2	\$20.04	\$41,691
South Texas Development Council	19	\$17.83	\$37,088
Texoma Council of Governments	22	\$21.73	\$45,198
West Central Texas Council of Governments	7	\$21.84	\$45,431

110% X \$50,314 = \$55,345.40

Calculated by the Texas Workforce Commission Labor Market and Career Information Department.
 Data published: July 2019
 Data published annually, next update will be July 31, 2020
 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 in implementing Chapter 313, Tax Code.



TAB 14

Schedules A1, A2, B and C completed and signed Economic Impact (if applicable)

See attached Schedules A1, A2, and C

Date 7/27/2020

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

Applicant Name HECATE ENERGY FRYE SOLAR LLC

Form 50-296A

ISD Name KRESS ISD

Revised May 2014

PROPERTY INVESTMENT AMOUNTS								
(Estimated investment in each year. Do not put cumulative totals.)								
				Column A	Column B	Column C	Column D	Column E
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property	New investment made during this year in buildings or permanent nonremovable components of buildings that will become Qualified Property	Other new investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Other new investment made during this year that may become Qualified Property [SEE NOTE]	Total Investment (Sum of Columns A+B+C+D)
Investment made before filing complete application with district		Year preceding the first complete tax year of the qualifying time period (assuming no deferrals of qualifying time period)		Not eligible to become Qualified Property			[The only other investment made before filing complete application with district that may become Qualified Property is land.]	0
Investment made after filing complete application with district, but before final board approval of application	--			0	0	0	0	0
Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period			2021	125,000,000	0	0	0	125,000,000
Complete tax years of qualifying time period	QTP1	2022-2023	2022	349,500,000	500,000	0	0	350,000,000
	QTP2	2023-2024	2023	0	0	0	0	0
Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]				474,500,000	500,000	0	0	475,000,000
				Enter amounts from TOTAL row above in Schedule A2				
Total Qualified Investment (sum of green cells)				475,000,000				

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

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

Only tangible personal property that is specifically described in the application can become qualified property.

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

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

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

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

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

Schedule A2: Total Investment for Economic Impact (including Qualified Property and other investments)

Date **7/27/2020**
 Applicant Name **HECATE ENERGY FRYE SOLAR LLC**
 ISD Name **KRESS ISD**

Form 50-296A

Revised May 2014

PROPERTY INVESTMENT AMOUNTS								
(Estimated investment in each year. Do not put cumulative totals.)								
				Column A	Column B	Column C	Column D	Column E
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property	New investment made during this year in buildings or permanent nonremovable components of buildings that will become Qualified Property	Other investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Other investment made during this year that will become Qualified Property (SEE NOTE)	Total Investment (A+B+C+D)
Total Investment from Schedule A1*	--	TOTALS FROM SCHEDULE A1		474,500,000	500,000	0	0	475,000,000
<i>Enter amounts from TOTAL row in Schedule A1 in the row below</i>								
Each year prior to start of value limitation period** <small>Insert as many rows as necessary</small>	0	2021-2022	2021	0	0	0	0	0
	0	2022-2023	2022					
Value limitation period***	1	2023-2024	2023	0	0	0	0	0
	2	2024-2025	2024	0	0	0	0	0
	3	2025-2026	2025	0	0	0	0	0
	4	2026-2027	2026	0	0	0	0	0
	5	2027-2028	2027	0	0	0	0	0
	6	2028-2029	2028	0	0	0	0	0
	7	2029-2030	2029	0	0	0	0	0
	8	2030-2031	2030	0	0	0	0	0
	9	2031-2032	2031	0	0	0	0	0
	10	2032-2033	2032	0	0	0	0	0
Total Investment made through limitation				474,500,000	500,000	0	0	475,000,000
Continue to maintain viable presence	11	2033-2034	2033			0		0
	12	2034-2035	2034			0		0
	13	2035-2036	2035			0		0
	14	2036-2037	2036			0		0
	15	2037-2038	2037			0		0
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2038-2039	2038			0		0
	17	2039-2040	2039			0		0
	18	2040-2041	2040			0		0
	19	2041-2042	2041			0		0
	20	2042-2043	2042			0		0
	21	2043-2044	2043			0		0
	22	2044-2045	2044			0		0
	23	2045-2046	2045			0		0
	24	2046-2047	2046			0		0
	25	2047-2048	2047			0		0

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

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

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

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

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

Only tangible personal property that is specifically described in the application can become qualified property.

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

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

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

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

Date **7/27/2020**
 Applicant Name **HECATE ENERGY FRYE SOLAR LLC**
 ISD Name **KRESS ISD**

Form 50-296A

Revised May 2014

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property			Estimated Taxable Value		
				Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements"	Market Value less any exemptions (such as pollution control) and before limitation	Final taxable value for I&S after all reductions	Final taxable value for M&O after all reductions
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2021-2022	2021	0	0	0	0	0	0
		2022-2023	2022	0	0	62,500,000	62,500,000	62,500,000	62,500,000
Value Limitation Period	1	2023-2024	2023	0	500,000	309,557,500	310,057,500	310,057,500	20,000,000
	2	2024-2025	2024	0	487,500	284,753,000	285,240,500	285,240,500	20,000,000
	3	2025-2026	2025	0	475,300	257,986,750	258,462,050	258,462,050	20,000,000
	4	2026-2027	2026	0	463,400	229,059,250	229,522,650	229,522,650	20,000,000
	5	2027-2028	2027	0	451,800	197,837,500	198,289,300	198,289,300	20,000,000
	6	2028-2029	2028	0	440,500	164,122,000	164,562,500	164,562,500	20,000,000
	7	2029-2030	2029	0	429,500	127,713,250	128,142,750	128,142,750	20,000,000
	8	2030-2031	2030	0	418,800	88,378,500	88,797,300	88,797,300	20,000,000
	9	2031-2032	2031	0	408,300	66,500,000	66,908,300	66,908,300	20,000,000
	10	2032-2033	2032	0	398,100	66,500,000	66,898,100	66,898,100	20,000,000
Continue to maintain viable presence	11	2033-2034	2033	0	388,100	66,500,000	66,888,100	66,888,100	66,888,100
	12	2034-2035	2034	0	378,400	66,500,000	66,878,400	66,878,400	66,878,400
	13	2035-2036	2035	0	368,900	66,500,000	66,868,900	66,868,900	66,868,900
	14	2036-2037	2036	0	359,700	66,500,000	66,859,700	66,859,700	66,859,700
	15	2037-2038	2037	0	350,700	66,500,000	66,850,700	66,850,700	66,850,700
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2038-2039	2038	0	341,900	66,500,000	66,841,900	66,841,900	66,841,900
	17	2039-2040	2039	0	333,400	66,500,000	66,833,400	66,833,400	66,833,400
	18	2040-2041	2040	0	325,100	66,500,000	66,825,100	66,825,100	66,825,100
	19	2041-2042	2041	0	317,000	66,500,000	66,817,000	66,817,000	66,817,000
	20	2042-2043	2042	0	309,100	66,500,000	66,809,100	66,809,100	66,809,100
	21	2043-2044	2043	0	301,400	63,175,000	63,476,400	63,476,400	63,476,400
	22	2044-2045	2044	0	293,900	63,175,000	63,468,900	63,468,900	63,468,900
	23	2045-2046	2045	0	286,600	63,175,000	63,461,600	63,461,600	63,461,600
	24	2046-2047	2046	0	279,400	63,175,000	63,454,400	63,454,400	63,454,400
	25	2047-2048	2047	0	272,400	63,175,000	63,447,400	63,447,400	63,447,400

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 **7/27/2020**
 Applicant Name **HECATE ENERGY FRYE SOLAR LLC**
 ISD Name **KRESS ISD**

Form 50-296A

Revised May 2014

	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Construction		Non-Qualifying Jobs	Qualifying Jobs	
				Column A Number of Construction FTE's 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	2021-2022	2021	200 FTE	55,000	0	0	0
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2022-2023	2022	500 FTE	55,000	0	0	0
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2023-2024	2023	N/A	N/A	0	2	46,000
	2	2024-2025	2024	N/A	N/A	0	2	46,000
	3	2025-2026	2025	N/A	N/A	0	2	46,000
	4	2026-2027	2026	N/A	N/A	0	2	46,000
	5	2027-2028	2027	N/A	N/A	0	2	46,000
	6	2028-2029	2028	N/A	N/A	0	2	46,000
	7	2029-2030	2029	N/A	N/A	0	2	46,000
	8	2030-2031	2030	N/A	N/A	0	2	46,000
	9	2031-2032	2031	N/A	N/A	0	2	46,000
	10	2032-2033	2032	N/A	N/A	0	2	46,000
Years Following Value Limitation Period	11 through 25	2033-2047	2033-2047	N/A	N/A	0	2	46,000

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

- C1.** Are the cumulative number of qualifying jobs listed in Column D less than the number of qualifying jobs required by statute? (25) Yes No
 qualifying jobs in Subchapter B districts, 10 qualifying jobs in Subchapter C districts)
 If yes, answer the following two questions:
- C1a.** Will the applicant request a job waiver, as provided under 313.025(f-1)? Yes No
- C1b.** Will the applicant avail itself of the provision in 313.021(3)(F)? Yes No



TAB 15

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

None



TAB 16

Description of Reinvestment Zone or Enterprise Zone, including:

- a) Evidence that the area qualifies as an enterprise zone as defined by the Governor's office
- b) Legal description of reinvestment zone*
- c) Order, resolution, or ordinance established the reinvestment zone*
- d) Guidelines and criteria for creating the zone*

- a) Not applicable
- b) See Attached
- c) Will be provided once Swisher County creates the Reinvestment Zone
- d) See Attached Swisher County Guidelines and Criteria

Proposed Reinvestment Zone - Legal Description

Lying in Swisher County, Texas approximately 9 miles northeast of the city of Kress, Texas is a 7,680± acre tract generally bounded by the County Road W on the north, County Road 25 on the east, Farm to Market Road 145 (FM 145) on the south, and County Road 21 on the west:

BEGINNING at a point at the approximate intersection of FM 145 with County Road 21. Said point also being the southwest corner of the A&B Survey, Abstract No. 80;

THENCE, in a northerly direction with the centerline of County Road 21 along the west lines of the A&B Survey, Abstract No. 80, A&B Survey, Abstract No. 1934, A&B Survey, Abstract No. 1728 and A&B Survey, Abstract No. 78 to the northwest corner of said Abstract No. 78, and a point at the approximate intersection of County Road 21 with County Road W;

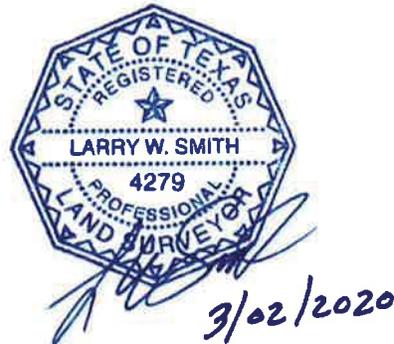
THENCE, in a easterly direction with the centerline of County Road W along the north lines of A&B Survey, Abstract No. 78, A&B Survey, Abstract No. 1543, S&F Survey, Abstract No. 1832, BS&F Survey, Abstract No. 1545 and BS&F Survey, Abstract No. 102 to the northeast corner of said Abstract No. 102 and a point at the approximate intersection of County Road W with County Road 25;

THENCE, in a southerly direction with the centerline of County Road 25 and along the east lines of said BS&F Survey, Abstract No. 102, BS&F Survey, Abstract No. 1544, BS&F Survey, Abstract No. 1813 and BS&F Survey, Abstract No. 103 to the southeast corner of said Abstract No. 103 and a point at the approximate intersection of County Road 25 with FM 145;

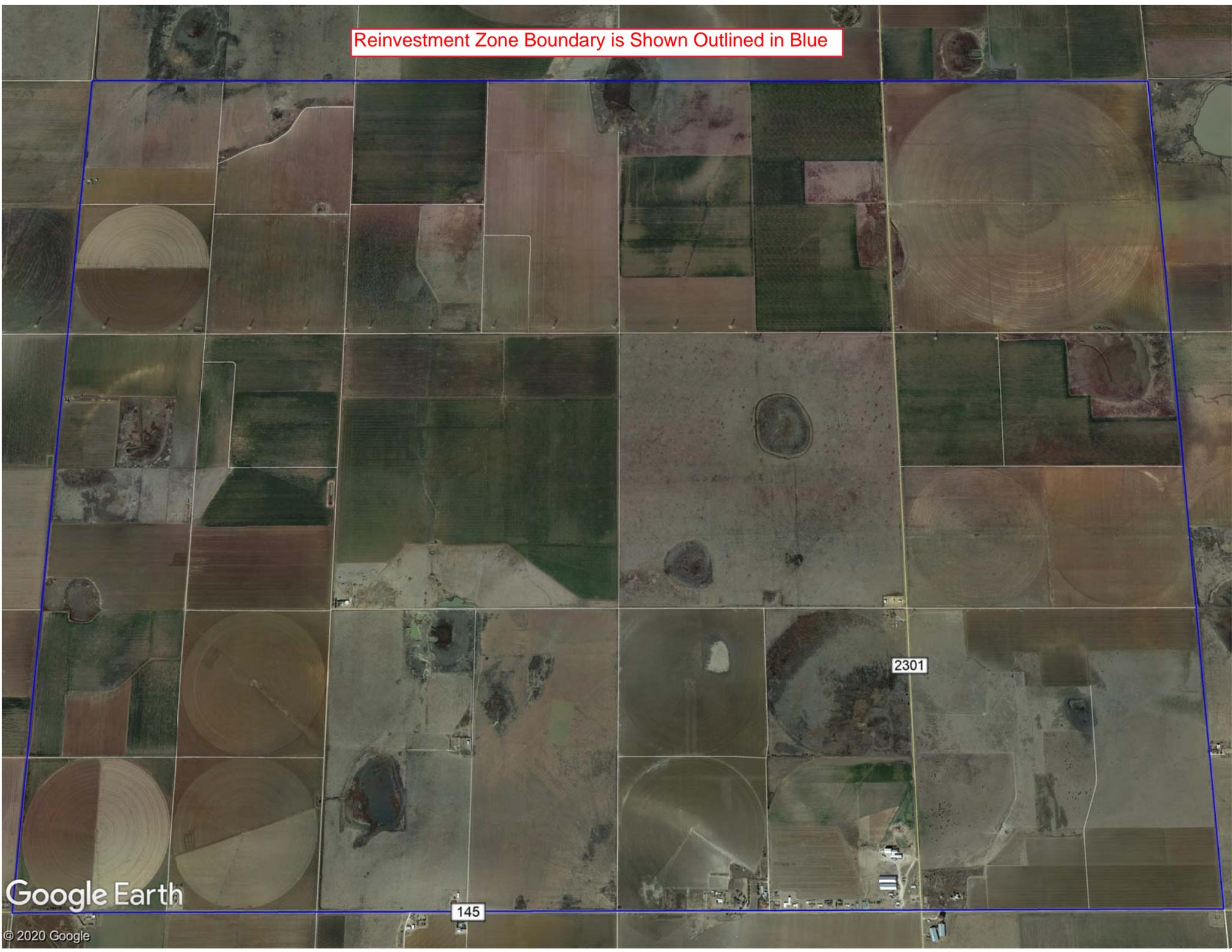
THENCE, in an westerly direction with the centerline of FM 145, along the south lines of BS&F Survey, Abstract No. 103, BS&F Survey, Abstract No. 1210, A&B Survey, Abstract No. 1212 and A&B Survey, Abstract No. 80 returning to the **POINT OF BEGINNING** of the herein described TIRZ and containing 7,680± acres.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Larry W. Smith
State of Texas Registration Number 4279
March 2, 2020
Project Number 10.006112.000



Reinvestment Zone Boundary is Shown Outlined in Blue



STATE OF TEXAS

SWISHER COUNTY

TAX ABATEMENT GUIDELINES AND CRITERIA

Swisher County (the "County") is committed to the promotion of quality development in all parts of the County and to improving the quality of life for its citizens. In order to help meet these goals, the County will consider providing Tax Abatements (as defined below) to stimulate economic development. It is the policy of the County that such an incentive will be provided in accord with the guidelines and criteria outlined in this document. All applicants for Tax Abatements shall be considered on an individual basis.

In order to be eligible for designation as a Reinvestment Zone and receive Tax Abatement, and unless otherwise approved by the County, the planned improvement:

1. must be an Eligible Facility (as defined below);
2. must add at least Five Hundred Thousand Dollars (\$500,000.00) to the tax roll of eligible property;
3. must be reasonably expected to have an increase in positive net economic benefit to the County of at least One Million Dollars (\$1,000,000.00) over the life of the Agreement, computed to include (but not be limited to) new sustaining payroll and/or capital improvement; and
4. must not be expected to solely or primarily have the effect of transferring employment from one part of Swisher County to another part of that county.

In addition to the criteria set forth above, the County reserves the right to negotiate a Tax Abatement Agreement (as defined below) in order to compete favorably with other communities.

Only that increase in the fair market value of the property that is a direct result of the development, redevelopment, or improvement specified in a Tax Abatement Agreement will be eligible for Abatement and then only to the extent that such increase exceeds any reduction in the fair market value of the other property of the applicant located within the jurisdiction creating the reinvestment zone.

All Tax Abatement Agreements will remain in effect no longer than allowed by law.

It is the goal of the County to grant Tax Abatements on the same terms and conditions as the other taxing units having jurisdiction of the property. However, nothing herein shall limit the discretion of the County to consider, adopt, modify, or decline any Tax Abatement request.

This policy is effective as of the date of adoption, and shall at all times be kept current with regard to the needs of the County and reflective of the official views of the County, and shall be reviewed every two (2) years.

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

1. limit the discretion of the governing body to decide whether to enter into a specific Tax Abatement Agreement;
2. limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for Tax Abatement; or
3. create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for Tax Abatement.

SECTION I. DEFINITIONS

A. **"Abatement" or "Tax Abatement"** means the full or partial exemption from ad valorem taxes of certain property in a reinvestment zone designated for economic development purposes.

B. **"Agreement" or "Tax Abatement Agreement"** means a contractual Agreement between a property owner and/or lessee and the County.

C. **"Base Year Value"** means the assessed value on the eligible property as of January 1 preceding the execution of the Agreement.

D. **"Deferred Maintenance"** means improvements necessary for continued operation which do not improve productivity or alter the process technology.

E. **"Eligible Facilities"** means new, expanded, or modernized buildings and structures, including fixed machinery and equipment, which is reasonably likely as a result of granting the Abatement to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development of the County, but does not include facilities which are intended to be primarily to provide goods or services to residents for existing businesses located in the County such as, but not limited to, restaurants and retail sales establishments. Eligible facilities may include, but shall not be limited to:

aquaculture/agriculture facilities	regional entertainment/tourism facilities
distribution center facilities	research service facilities
manufacturing facilities	regional service facilities
office buildings	historic buildings in a designated area
other basic industrial facilities	wind, solar, or other renewable energy facilities

F. **"Expansion"** means the addition of building structures, machinery, equipment, or

payroll for purposes of increasing production capacity.

G. **"Facility"** means property improvement(s) completed or in the process of construction which together comprise an interregional whole.

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

I. **"New Facility"** means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion or Modernization.

J. **"Productive Life"** means the number of years property improvement(s) is/are expected to be in service in a facility.

SECTION II. ABATEMENT AUTHORIZED

A. **Eligible Facilities.** Upon application, Eligible Facilities shall be considered for Tax Abatement as hereinafter provided.

B. **Creation of New Values.** Abatement may only be granted for the additional value of eligible property improvement(s) made subsequent to and specified in a Tax Abatement Agreement between the County and the property owner or lessee, subject to such limitations as the County may require.

C. **New and Existing Facilities.** Abatement may be granted for the additional value of eligible property improvement(s) made subsequent to and specified in a Tax Abatement Agreement between the County and the property owner or lessee, subject to such limitations as the County may require.

D. **Eligible Property.** Abatement may be extended to the value of new, expanded, or modernized buildings, structures, fixed machinery and equipment, site improvements, and related fixed improvements necessary to the operation and administration of the facility, and all other real and tangible personal property permitted by Chapter 312 of the Texas Tax Code.

E. **Ineligible Property.** The following types of property shall be fully taxable and ineligible for Tax Abatement: land; animals; inventories, supplies; tools; furnishings; vehicles; vessels; aircraft; Deferred Maintenance investments; housing and property to be rented or leased, except as provided in Section II(F); property owned or used by the State of Texas.

F. **Owned/Leased Facilities.** If taxes are abated on a leased facility, the Agreement shall be executed with the lessor and the lessee. If the land is leased, but the facility constructed or installed thereon is owned by the lessee, the lessee shall execute the Agreement.

G. **Economic Qualifications.** In order to be eligible for designation as a reinvestment

zone and receive Tax Abatement, the planned improvement:

- (1) must be an Eligible Facility;
- (2) must add at least Five Hundred Thousand Dollars (\$500,000.00) to the tax roll of eligible property;
- (3) must be reasonably expected to have an increase in positive net economic benefit to the County of at least One Million Dollars (\$1,000,000.00) over the life of the Agreement, computed to include (but not be limited to) new sustaining payroll and/or capital improvement. The creation of new jobs will also factor into the decision to grant an Abatement; and
- (4) must not be expected to solely or primarily have the effect of transferring employment from one part of Swisher County to another part of that county.

H. **Standards for Tax Abatement.** The following factors, among others, will be considered in determining whether to grant Tax Abatement:

- (1) value of existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the affected taxing jurisdiction;
- (8) amount by which property tax base valuation will be increased during the term of Abatement and after Abatement, which shall include a definitive commitment that such valuation shall not, in any case, be less than Five Hundred Thousand Dollars (\$500,000.00);
- (9) expenses to be incurred in providing facilities directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid to 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;

- (11) the population growth within the County that occurs directly as a result of new improvements;
- (12) the types and values of public improvements, if any, to be made by applicant seeking Abatement;
- (13) whether the proposed improvements compete with existing businesses to the detriment of the local economy;
- (14) the impact on the business opportunities of existing business;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the zoning ordinances and comprehensive plan for the area; and
- (17) whether the project obtains all necessary permits from the applicable environmental agencies.

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

I. Denial of Abatement. A Tax Abatement Agreement shall not be authorized if it is determined that:

- (1) there would be substantial adverse effect on the provision of government services or tax base;
- (2) the applicant has insufficient financial capacity;
- (3) applicant activities would violate applicable codes or laws; or
- (4) any other reason deemed appropriate by the County.

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

- (1) the value of ineligible property as provided in Section II(E) 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 III. APPLICATION

A. Any present or potential owner of taxable property in the County may request Tax Abatement by filing a written application with the Commissioners Court.

B. The application shall consist of a general description of the new improvements to be undertaken; a descriptive list of the improvements for which an Abatement is requested; a list of the kind, number and location of all proposed improvements of a property; a map and property description; and a time schedule for undertaking and completing the proposed improvements. In the case of modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application. The Commissioners Court may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors pertaining to the applicant to be attached to the application. The Applicant shall agree to reimburse the County for reasonable legal fees incurred by the County in processing and considering this application, any Abatement Agreement, and any requested modification or amendment. The completed application must be accompanied by the payment of a nonrefundable application fee for administrative costs associated with the processing of the Tax Abatement request. All checks in payment of the administrative fee shall be made payable to the County. The fee for Abatement requests shall be One Thousand and No/100 Dollars (\$1,000.00).

C. The County shall give notice as provided by the Property Tax Code, including written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the Agreement is located, not later than seven (7) days before acting upon the application.

D. The application process described in this Section III shall be followed regardless of whether a particular reinvestment zone is created by the County or another taxing entity whose boundaries contain property within the County. No other notice or hearing shall be required except compliance with the open meetings act, unless the Commissioners Court deem them necessary in a particular case.

SECTION IV. AGREEMENT

After approval, the Commissioners Court shall formally pass a resolution and execute an Agreement with the owner of the facility and lessee, as required, which shall:

- A. include a list of the kind, number and location of all proposed improvements to the property;
- B. provide access to and authorize inspection of the property by the taxing unit to insure compliance with the Agreement;
- C. limit the use of the property consistent with the taxing unit's development goals;

- D. provide for recapturing property tax revenues that are lost if the owner fails to make improvements as provided by the Agreement or otherwise fails to comply with the Agreement;
- E. include each term that was agreed upon with the property owner and require the owner to annually certify compliance with the terms of the Agreement to each taxing unit; and
- F. allow the taxing unit to cancel or modify the Agreement at any time if the property owner fails to comply with the terms of the Agreement.

SECTION V. RECAPTURE

A. In the event that the applicant or its assignee (1) allows its ad valorem taxes owed to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or content; or (2) violates any of the terms and conditions of the Tax Abatement Agreement and fails to cure during the cure period, the Agreement may be terminated and all taxes previously abated by virtue of the Agreement will be recaptured and paid within thirty (30) days of the termination.

B. Should the County determine that the applicant or its assignee is in default according to the terms and conditions of its Agreement, the County shall notify the applicant in writing at the address stated in the Agreement, and if such is not cured within the cure period set forth in such notice, then the Agreement may be terminated.

SECTION VI. ADMINISTRATION

A. The Chief Appraiser of the Swisher County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving Abatement shall furnish the appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the Commissioners Court of the amount of the assessment.

B. The County may execute a contract with any other jurisdiction(s) to inspect the facility to determine if the terms and conditions of the Tax Abatement Agreement are being met. The Tax Abatement Agreement shall stipulate that employees and/or designated representatives of the County will have access to the reinvestment zone during the term of the Abatement to inspect the facility to determine if the terms and conditions of the Agreement are being met. All inspections will be made only after giving twenty-four (24) hours prior notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the applicant present and in accordance with its safety standards.

C. Upon completion of construction, a designated representative of the County shall annually evaluate each facility receiving Abatement to insure compliance with the Agreement and shall formally report such evaluations to the Commissioners Court.

SECTION VII. ASSIGNMENT

The Tax Abatement Agreement may be transferred and assigned by the holder to a new owner or lessee of the same facility either upon the approval by resolution of the Commissioners Court or in accordance with the terms of an existing Tax Abatement Agreement. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner, or new lessee are liable to any jurisdiction for outstanding taxes or other obligations. Approval shall not be unreasonably delayed or withheld. Notice shall be given to the Commissioners Court at least twenty (20) days in advance of any transfer or assignment.

SECTION VIII. SUNSET PROVISION

These Guidelines and Criteria are effective upon the date of their adoption, and shall supersede and replace any and all prior guidelines and criteria for Tax Abatement in the County. These Guidelines and Criteria shall remain in force for two (2) years, unless amended by a three-quarters (3/4) vote of the Commissioners Court, at which time all reinvestment zones and Tax Abatement Agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on such review, the Guidelines and Criteria will be modified, renewed or eliminated; provided, however, no modification or elimination of the Guidelines and Criteria shall affect Tax Abatement Agreements that have been previously approved until the parties thereto shall agree to amend such Agreements.

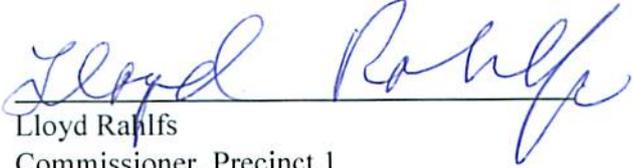
(signatures on following page)

PASSED, APPROVED AND ADOPTED on this the 13th day of January, 2020.

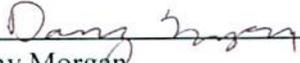
SWISHER COUNTY COMMISSIONERS COURT



Harold Keeter
County Judge



Lloyd Rahlfs
Commissioner, Precinct 1



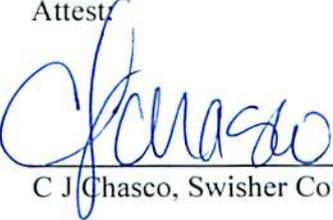
Danny Morgan
Commissioner, Precinct 2

Joe Murrell
Commissioner, Precinct 3



Larry Muske
Commissioner, Precinct 4

Attest:



C J Chasco, Swisher County Clerk





TAB 17

Signature and Certification Page; signed and dated by Authorized School District Representative and Authorized Company Representative (applicant)

See Attached

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.

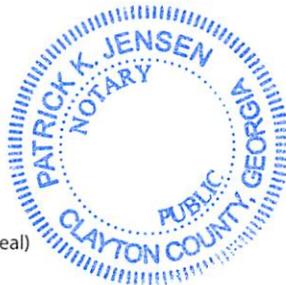
print here Leah Zeigler Superintendent
Print Name (Authorized School District Representative) Title
sign here Leah Zeigler 8/11/2020
Signature (Authorized School District Representative) Date

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 Andrew Boggs Director, Development
Print Name (Authorized Company Representative (Applicant)) Title
sign here Andrew Boggs 8/5/2020
Signature (Authorized Company Representative (Applicant)) Date



(Notary Seal)

NOTARY COMM. EXPIRES: October 31st, 2023

GIVEN under my hand and seal of office this, the

5th day of August, 2020
Notary Public in and for the State of Texas

My Commission expires: 10/31/2023

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.