

Tab 7

Description of Qualified Investment

The Applicant, Azalea Spring Solar Park LLC, is requesting an appraised value limitation for all property constructed or placed upon real property located in Central ISD. As explained in more detail in Tab 4, the Project would be a 180 MW solar powered electric generating facility (the “Facility”) which is expected to be operational by the end of year 2023.

The Facility would include solar modules/panels, pile driven racking system with single axis trackers, inverters, cabling and associated electrical infrastructure, project substation with transformer and associated equipment, and fencing enclosing the project area. The total enclosed project area is estimated to be approximately 1,853 acres. A small Operations and Maintenance (O&M) Building will be sited within or near the Project.

The Facility’s major components would include:

- Solar modules/panels;
- Pile driven racking system with single axis trackers;
- Inverters;
- Cabling and associated electrical infrastructure (includes DC cabling from module to inverter and medium-voltage AC cabling from inverter to project substation);
- Project substation (includes transformer and associated equipment, i.e. disconnects, circuit breakers, etc.);
- Generator lead line (138 kV transmission line to transport electricity from project substation to a new switchyard to be owned by the utility company);
- Meteorological equipment to monitor solar irradiance and weather conditions; and
- Fencing.

The project will be located in the reinvestment zone and project boundary within Central ISD and will be considered qualified investment for this application.

Tab 8

Description of Qualified Property

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- Fencing.

The project will be located in the reinvestment zone and project boundary within Central ISD and will be considered qualified property for this application.

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

Date **2/3/2021**
 Applicant Name **Azalea Springs Solar Park, LLC**
 ISD Name **Central ISD**

Form 50-296A
 Revised October 2020

	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	\$492,570	\$0	\$0	\$492,570	\$492,570	\$492,570
	0	2022-2023	2022	\$492,570	\$0	\$0	\$492,570	\$492,570	\$492,570
	0	2023-2024	2023	\$492,570	\$0	\$77,007,430	\$77,500,000	\$77,500,000	\$77,500,000
Value Limitation Period	1	2024-2025	2024	\$492,570	\$0	\$183,278,619	\$183,771,189	\$183,771,189	\$20,000,000
	2	2025-2026	2025	\$492,570	\$0	\$168,576,924	\$169,069,494	\$169,069,494	\$20,000,000
	3	2026-2027	2026	\$492,570	\$0	\$153,875,228	\$154,367,798	\$154,367,798	\$20,000,000
	4	2027-2028	2027	\$492,570	\$0	\$139,173,533	\$139,666,103	\$139,666,103	\$20,000,000
	5	2028-2029	2028	\$492,570	\$0	\$124,471,838	\$124,964,408	\$124,964,408	\$20,000,000
	6	2029-2030	2029	\$492,570	\$0	\$109,770,143	\$110,262,713	\$110,262,713	\$20,000,000
	7	2030-2031	2030	\$492,570	\$0	\$95,068,448	\$95,561,018	\$95,561,018	\$20,000,000
	8	2031-2032	2031	\$492,570	\$0	\$80,366,753	\$80,859,323	\$80,859,323	\$20,000,000
	9	2032-2033	2032	\$492,570	\$0	\$65,665,058	\$66,157,628	\$66,157,628	\$20,000,000
	10	2033-2034	2033	\$492,570	\$0	\$50,963,363	\$51,455,933	\$51,455,933	\$20,000,000
Continue to maintain viable presence	11	2034-2035	2034	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	12	2035-2036	2035	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	13	2036-2037	2036	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	14	2037-2038	2037	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	15	2038-2039	2038	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2039-2040	2039	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	17	2040-2041	2040	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	18	2041-2042	2041	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	19	2042-2043	2042	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	20	2043-2044	2043	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	21	2044-2045	2044	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	22	2045-2046	2045	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	23	2046-2047	2046	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
	24	2047-2048	2047	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823
25	2048-2049	2048	\$492,570	\$0	\$49,445,253	\$49,937,823	\$49,937,823	\$49,937,823	

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.

COUNTY OF ANGELINA §

STATE OF TEXAS §

**ORDER OF THE COMMISSIONERS COURT
OF ANGELINA COUNTY, TEXAS
REAUTHORIZING TAX ABATEMENT GUIDELINES**

WHEREAS the Angelina County Commissioners Court, on July 3, 2018, acting in accordance with the requirements of Chapter 312 of the Tax Code, approved and adopted the Tax Abatement Guidelines for Angelina County, Texas;

WHEREAS in accordance with the provisions of Section 312.002(c) of the Tax Code, the Tax Abatement Guidelines were effective for a period of two years from the date of adoption;

WHEREAS the Angelina County Commissioners Court now wishes to reauthorize and continue the previously adopted Tax Abatement Guidelines for an additional two years;

WHEREAS Section 312.002(c-1) of the Tax Code provides that the adopted Tax Abatement Guidelines may be reauthorized and continued by the Commissioners Court;

WHEREAS, prior to considering the proposed reauthorization, a public hearing was scheduled and held by the Court, at the Angelina County Courthouse Annex, on March 23, 2021, at which time and place members of the public were given the opportunity to be heard;

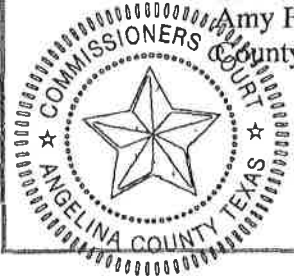
NOW, THEREFORE, IT IS ORDERED AND DECREED that the Tax Abatement Guidelines for Angelina County, Texas, previously adopted on July 3, 2018 and applicable to tax abatement agreements entered into in accordance with the provisions of Chapter 312 of the Tax Code, are hereby reauthorized and continued without amendment.

It is further ORDERED that the reauthorized Tax Abatement Guidelines shall remain in place and effect for a two year period of time from the date hereof and that during this two year period of time the guidelines and criteria in the reauthorized Tax Abatement Guidelines may be amended or repealed only by a vote of three-fourths of the members of the Angelina County Commissioners Court.

Passed, approved and adopted on this 23rd day of March 2021, at a regular meeting of the Commissioners Court of Angelina County, Texas, held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

Don Lymbery
Don Lymbery
County Judge

Attest: *Amy Fincher*
Amy Fincher
County Clerk



AT 5:00 O'CLOCK P M

MAR 23 2021

AMY FINCHER
County Clerk, County Court at Law
Angelina County, Texas

By AF

STATE OF TEXAS
COUNTY OF ANGELINA
I hereby certify that this instrument was FILED on
the date and at the time stamped hereon above
and was duly RECORDED in the
RECORDS of Angelina County, Texas



Amy Fincher
AMY FINCHER
COUNTY CLERK
ANGELINA COUNTY TEXAS

TAX ABATEMENT GUIDELINES FOR ANGELINA COUNTY, TEXAS

*Reauthorized on March 23, 2021
Effective March 23, 2021 through March 22, 2023*



ANGELINA COUNTY
Economic Development
Office of the County Judge
102 W. Frank Ave., 2nd Floor
Lufkin, TX 75901
Telephone: (936) 634-5413

www.angelinacounty.net/economicdevelopment

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INTRODUCTION

The growth, sustainability and diversity of a regional economy are goals that are critical to the long-term prosperity of a community and its citizens. Communities must strategically plan and implement policies and incentive programs to achieve these goals.

These Tax Abatement Guidelines (“Guidelines”) demonstrate an effort by Angelina County (“County” or “Angelina County”) to help attract, retain and expand targeted industries, increase employment and wages, expand the tax base, and create long-term capital investment and new wealth opportunities in the community.

The Angelina County Commissioners Court has adopted these Guidelines and will utilize them to ensure that any abatement of property taxes achieves the community’s economic development goals.

Chapter 312 of the Texas Tax Code authorizes local governments to abate ad valorem property taxes on the value of new improvements to the property, including real property, tangible personal property, and inventory and supplies. Taxing jurisdictions (e.g., Angelina County) are required by this statute to develop and review guidelines at least every two years for the eligibility and award of this tax incentive.

State law further requires that each taxing jurisdiction enter into a Tax Abatement Agreement with each owner of property or the owner of a leasehold interest in real property receiving an abatement or portion thereof. These agreements are binding legal documents between all parties involved. Additional provisions and requirements are included in those agreements.

The Lufkin City Council has nominated land within the City of Lufkin and its extraterritorial jurisdiction as an Enterprise Zone (see Enterprise Zone Map, attached as Exhibit “A”). The official Enterprise Zone, by such designation, is automatically a Reinvestment Zone. The City Council has also designated one standalone Reinvestment Zone (see also Exhibit “A”). These Guidelines apply to property located in the City’s Enterprise Zone and/or Reinvestment Zone, and persons or entities seeking tax abatement on property owned in the Enterprise Zone or Reinvestment Zone should be aware that state law requires the governing bodies of all taxing jurisdictions in an Enterprise Zone and/or Reinvestment Zone to approve a City tax abatement agreement on property located therein before the agreement can take effect. If a request for tax abatement on property located in the unincorporated area of Angelina County, but within the extraterritorial jurisdiction of the City of Lufkin, then the City of Lufkin application and guidelines for Economic Development Assistance shall be utilized.

SECTION I: ABATEMENT AUTHORIZED

1.1 Enterprise/Reinvestment Zone: To be eligible for tax abatement the owner must own taxable real property that is the subject of the tax abatement within an Enterprise Zone and/or Reinvestment Zone in the unincorporated area of the County, and must enter into a written Agreement with the County, wherein the owner agrees to make specified improvements or repairs to the property.

1.2 Authorized Facility: A facility may be eligible for tax abatement if it is a Manufacturing Facility, Research Facility, Distribution Center, Service Facility, or Retail Facility located in a designated Enterprise/Reinvestment Zone.

1.3 Creation of New Value: Tax abatement may only be granted for the additional value of eligible property improvements made subsequent to and specified in a Tax Abatement Agreement between Angelina County and the property owner, subject to such limitations as the County may require. The productive life of the improvements must exceed the term of the abatement.

1.4 New and Existing Facilities: Tax abatement may be granted for new facility and improvements to existing facility for purposes of modernization or expansion.

SECTION II: ELIGIBILITY CRITERIA

Under these Guidelines, to be eligible for consideration for a tax abatement, a company or project must meet and/or exceed all of the criteria, as described below:

2.1 Eligible Property: Tax abatement may only be granted to the owners of real property improvements, personal property improvements, and taxable leasehold interests in tax-exempt real property located in an Enterprise/Reinvestment Zone to the extent allowed by state law. Real property improvements include the construction of a new facility and the expansion/modernization of an existing facility. If a leased facility is granted tax abatement, the Agreement shall be executed by both the lessor and the lessee.

2.2 Ineligible Property: Any property that is not specifically identified in the tax abatement agreement will not receive tax abatement. Inventory, supplies, and/or office equipment are not eligible for tax abatement. Personal property that was located on the real property at any time before the execution of the abatement agreement will not be eligible for abatement. Any property that is in a Tax Increment Financing Zone will not be eligible for abatement.

2.3 Abatement Periods: Eligible real and/or personal property improvements may qualify for abatement periods lasting between 2 to 10 years. The economic life of the eligible property must exceed the abatement period.

2.4 Exceptional Cases: Where the applicant's investment in real and/or personal property improvements substantially exceeds the eligibility thresholds, the Commissioners Court may consider terms and/or percentages that exceed these guidelines. However, the maximum period for any tax abatement agreement is limited to 10 years in accordance with state law.

2.5 Local Hire Requirement: Any project seeking a tax abatement must hire a minimum of 25% of its new full-time employees at the project location from residents of Angelina County, regardless of project size. Residents, for the purpose of this policy, are those employees who reside in Angelina County, whether through relocation or existing residency.

2.6 Employee Health Care Benefits: The applicant seeking a tax abatement under these Guidelines must offer a health benefit plan to its full-time employees at a rate that is reasonable to the majority of its employees and which allows access to the plan by the employees' dependents. For additional consideration, the company may provide information on other employee benefits provided, such as retirement/pension programs and subsidies for education, job-training, transportation assistance and child/elderly care.

2.7 Wage Requirements: In order to be eligible for a tax abatement, all (100%) of the company's new and existing employees at the project location must earn no less than 101% of the Angelina County average salary for the type of industry throughout the full term of the Tax Abatement Agreement.

2.8 Companies and Projects Not Eligible for Tax Abatement: These Guidelines do not apply to companies that sell products and/or services to the final consumer such as: Restaurants, Retail Stores, Malls, Hotels, Motels, Professional Services, and similar facilities, unless located in a designated Revitalization Area.

2.9 Timing: In order to be eligible for consideration, the applicant must submit an application prior to commencement of the project. No tax abatement for a proposed project will take effect until a final negotiated agreement has been approved and fully executed. The timing and acquisition of personal property related to this project will impact its eligibility for abatement.

2.10 Additional Terms and Conditions: If applicable the applicant will enter into separate Tax Abatement Agreements with Angelina County and any other taxing entity wherein the applicants property is located. These abatement agreements will require separate approval by each governing authority. Consequently, each jurisdiction reserves the right to negotiate additional terms and conditions on a case-by-case basis.

2.11 Recapture of Abated Taxes: Tax abatement agreements will provide for recapture of abated property taxes in the event contract terms and requirements are not met. These recapture provisions will survive any subsequent assignment of the Agreement.

SECTION III: ELIGIBILITY THRESHOLDS AND ABATEMENT SCHEDULES

3.1 General Enterprise/Reinvestment Zone Schedule: To qualify for real and personal property tax abatement, the project *must meet one or more of the following minimum threshold eligibility requirements* in regard to capital investment (new construction or the value of the improvements as valued by the Angelina County Appraisal District) or new job creation.

Minimum Threshold Eligibility Requirements		
Capital Investment	New Full-Time Jobs Created	Abatement Schedule
\$1 – 5 million	21 – 50	Year 1: 100% (construction)
		Year 2: 100%
		Year 3: 80%
		Year 4: 60%
		Year 5: 40%
		Year 6: 20%
\$5 – 10 million	51-100	As above, but allowed one additional year at 100% abatement during construction
\$10 million +	101 +	Up to 100% for up to 10 years, at the discretion of the Commissioners Court

3.2 Retention of Existing Business Schedule: To qualify for real and personal property tax abatement, the project *must meet one or more of the following minimum threshold eligibility requirements* in regard to capital investment (new construction or the value of the improvements as valued by the Angelina County Appraisal District) or new job creation.

Minimum Threshold Eligibility Requirements Existing Businesses		
Capital Investment	New Full-Time Jobs Created	Abatement Schedule
\$750,000 – \$3.75 million	16 – 38	Year 1: 100% (construction)
		Year 2: 100%
		Year 3: 80%
		Year 4: 60%
		Year 5: 40%
		Year 6: 20%
\$3.75 – 7.5 million	39 -75	As above, but allowed one additional year at 100% abatement during construction
\$7.5 million +	76 +	Up to 100% for up to 10 years, at the discretion of the Commissioners Court

3.3 Revitalization Areas Schedule: To qualify for real and personal property tax abatement in either of the Revitalization Areas, the project *must meet both of the following minimum threshold eligibility requirements* in regard to capital investment (new construction or the value of the improvements as valued by the Angelina County Appraisal District) and new job creation.

Minimum Threshold Eligibility Requirements for Kurth Drive Revitalization and Downtown Revitalization Areas		
Capital Investment	New Full-Time Jobs Created	Abatement Schedule
\$50,000 - \$100,000	5 – 10	Year 1: 100% (construction)
		Year 2: 100%
		Year 3: 80%
		Year 4: 60%
		Year 5: 40%
		Year 6: 20%
\$100,000 – \$500,000	11-15	As above, but allowed one additional year at 100% abatement during construction
\$500,000 +	16 - 20	Up to 100% for up to 10 years, at the discretion of the Commissioners Court

SECTION IV: APPLICATION PROCEDURE

4.1 Application Submission: Applicants for tax abatement must submit a completed Application for Tax Abatement with the Office of the County Judge. Incomplete applications will not be considered. A committee will review/verify the applicant's financial statements and request additional information in determining the economic feasibility and long-term benefit of the overall project. Following this review, the County Judge will evaluate the application on the merit and value of the proposed project. Based on the outcome of the evaluation, the County Judge may present the application to the Commissioners Court for consideration. Certain information provided by a property owner regarding a request for tax abatement is considered confidential for a limited time period. The confidentiality of the information continues until the tax abatement agreement is executed. This confidentiality may be waived by the mutual consent of both the taxing unit and the property owner.

4.2 Commissioners Court Consideration: All the projects brought to Commissioners Court for consideration will be presented at meetings conducted pursuant to the Open Meetings and Property Redevelopment and Tax Abatement Acts. A public hearing must normally be held before the Angelina County Commissioners Court approves a property or facility for tax abatement. If the subject property is in a current Reinvestment Zone, no public hearing is necessary. Angelina County retains sole authority to approve or deny any tax abatement agreement and is under no obligation to approve any tax abatement agreement.

SECTION V: COMPLIANCE VERIFICATION

5.1 Certificate of Compliance: After the initial requirements of the agreement have been completed (i.e. construction/installation of improvements), the Owner must submit an executed Certificate of Compliance to the County.

5.2 County Staff Inspection: After receipt of an executed Certificate of Compliance, Angelina County shall make an inspection to verify that all initial contract requirements are complete. Upon verification the County Judge will approve the Certificate of Compliance, authorize the commencement of the tax abatement, and notify the Angelina County Appraisal District.

5.3 Annual Certification: The Owner must submit a statement, per the tax abatement agreement, that provides information about the project's achievement during the prior year regarding the improvements and/or job creation covered by the tax abatement agreement. The following items must be included in the statement: (i). the added square footage and/or improvement value made; (ii). the value of the construction/installation (most recent value by the Angelina County Appraisal District); (iii). the total number of jobs created (full-time), to date; (iv). the amount of property taxes paid on the facility during the prior year; and (v). any tax protests that have been filed regarding ad valorem taxes and a description of the reasons for the tax protest.

SECTION VI: ASSIGNMENT

Abatement agreements may be assigned to a new owner or lessee of the improvements with the written consent of the County authorizing the new assignment. Any new assignment shall provide that the assignee shall irrevocably and unconditionally assume all duties and obligations of the assignor as set out in the agreement. No assignment shall be approved if the assignor or assignee are indebted for ad valorem taxes or other obligations.

SECTION VI: DEFAULT AND RECAPTURE

Should the County determine that an applicant is in default with regard to the items specified in the abatement agreement, the County may declare a default and may terminate the abatement agreement.

SECTION VII: PREVIOUS TAX ABATEMENT AGREEMENTS NOT AFFECTED

These Guidelines for Tax Abatement adopted by the Angelina County Commissioners Court on July 3, 2018 shall not affect any tax abatement previously approved by the Angelina County Commissioners Court.