



# Application for Appraised Value Limitation on Qualified Property (Tax Code, Chapter 313, Subchapter B or C)

**Form 50-296**  
(Revised May 2010)

**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 completed application to the Comptroller in a three-ring binder with tabs separating each section of the documents, in addition to an electronic copy on CD. See 34 TAC Chapter 9, Subchapter F.

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

When the Comptroller receives the notice and required information from the school district, the Comptroller will publish all submitted application materials on its Web site. 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 as explained in the Confidentiality Notice below.

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. 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, make a recommendation 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 before the 151st 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 complete the recommendation, economic impact evaluation or consider the application at any time during the application review period.

Please visit the Comptroller's Web site to find out more about the program at <http://www.window.state.tx.us/taxinfo/proptax/hb1200/index.html>. There are links on this Web page to the Chapter 313 statute, rules and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

## SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION

<b>Authorized School District Representative</b>		Date application received by district
First Name <b>Dr. Marc</b>	Last Name <b>Walker</b>	
Title <b>Superintendent</b>		
School District Name <b>Comal ISD</b>		
Street Address <b>1404 IH 35 N</b>		
Mailing Address <b>1404 IH 35 N</b>		
City <b>New Braunfels</b>	State <b>TX</b>	ZIP <b>78130-3240</b>
Phone Number <b>(830) 221-2064</b>	Fax Number <b>(830) 221-2001</b>	
Mobile Number (optional)	E-mail Address <b>marc.walker@comalisd.org</b>	

authorize the consultant to provide and obtain information related to this application.....  Yes  No

Will consultant be primary contact? .....  Yes  No



SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized School District Consultant (If Applicable)

First Name <u>Kevin</u>		Last Name <u>O'Hanlon</u>	
Title <u>Special Counsel</u>			
Firm Name <u>O'Hanlon, McCollom, Demerath</u>			
Street Address <u>808 West Avenue Austin TX 78701</u>			
Mailing Address <u>808 West Avenue Austin Tx 78701</u>			
City <u>Austin</u>		State <u>TX</u>	ZIP <u>78701</u>
Phone Number <u>512 494-9949</u>		Fax Number <u>512 494 9919</u>	
Mobile Number (Optional)		E-mail Address <u>Kohanlon@808west.com, mhanley@808west.com</u>	

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.

Signature (Authorized School District Representative) 	Date <u>10/11/2010</u>
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Has the district determined this application complete? .....  Yes  No

If yes, date determined complete. 11/29/10

Have you completed the school finance documents required by TAC 9.1054(c)(3)? .....  Yes  No

SCHOOL DISTRICT CHECKLIST AND REQUESTED ATTACHMENTS

	Checklist	Page X of 16	Check Completed
1	Date application received by the ISD	1 of 16	<input checked="" type="checkbox"/>
2	Certification page signed and dated by authorized school district representative	2 of 16	<input checked="" type="checkbox"/>
3	Date application deemed complete by ISD	2 of 16	<input checked="" type="checkbox"/>
4	Certification pages signed and dated by applicant or authorized business representative of applicant	4 of 16	<input checked="" type="checkbox"/>
5	Completed company checklist	12 of 16	<input checked="" type="checkbox"/>
6	School finance documents described in TAC 9.1054(c)(3) (Due within 20 days of district providing notice of completed application)	2 of 16	<input checked="" type="checkbox"/>

**APPLICANT INFORMATION - CERTIFICATION OF APPLICATION**

**Authorized Business Representative (Applicant)**

First Name Les		Last Name Vines	
Title VP Corporate Controller			
Organization TXI Operations, LP			
Street Address 1341 W. Mockingbird Lane, Ste. 700			
Mailing Address SAME			
City Dallas		State TX	ZIP 75247
Phone Number 972-647-6722		Fax Number 972-647-6775	
Mobile Number (optional)		Business e-mail Address lvines@txi.com	

Will a company official other than the authorized business representative be responsible for responding to future information requests? .....  Yes  No

If yes, please fill out contact information for that person.

First Name Justin		Last Name Reynolds	
Title Director of Tax			
Organization TXI Operations, LP			
Street Address 1341 W. Mockingbird Lane, Ste. 700			
Mailing Address SAME			
City Dallas		State TX	ZIP 75247
Phone Number 972-647-7070		Fax Number 972-647-6775	
Mobile Number (optional)		E-mail Address dreynolds@txi.com	

I authorize the consultant to provide and obtain information related to this application.. ..... N/A .....  Yes  No

Will consultant be primary contact? .....  Yes  No



**FEES AND PAYMENTS**

Enclosed is proof of application fee paid to the school district.

For the purpose of this question, "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.

Please answer only either A OR B:

A. 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

B. 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

**BUSINESS APPLICANT INFORMATION**

Legal Name under which application is made

TXI Operations, LP

Texas Taxpayer I.D. Number of entity subject to Tax Code, Chapter 171 (11 digits)

17526470004

NAICS code

327310

Is the applicant a party to any other Chapter 313 agreements? .....  Yes  No

If yes, please list name of school district and year of agreement.

N/A

**APPLICANT BUSINESS STRUCTURE**

Registered to do business in Texas with the Texas Secretary of State? .....  Yes  No

Identify business organization of applicant (corporation, limited liability corporation, etc.)

Limited Partnership

1. Is the applicant a combined group, or comprised of members of a combined group, as defined by Texas Tax Code Chapter 171.0001(7)? .....  Yes  No  
If so, please attach documentation of the combined group membership and contact information.

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

3. Are all applicant members of the combined group current on all tax payments due to the State of Texas? .....  NA  Yes  No

If the answer to either question is no, please explain and/or disclose any history of default, delinquencies and/or any material litigation, including litigation involving the State of Texas. (Use attachment if necessary.)



**ELIGIBILITY UNDER TAX CODE CHAPTER 313.024**

Are you an entity to which Tax Code, Chapter 171 applies?  Yes  No

The property will be used as an integral part, or as a necessary auxiliary part, in 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

Are you requesting that any of the land be classified as qualified investment?  Yes  No

Will any of the proposed qualified investment be leased under a capitalized lease?  Yes  No

Will any of the proposed qualified investment be leased under an operating lease?  Yes  No

Are you including property that is owned by a person other than the applicant?  Yes  No

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

**PROJECT DESCRIPTION**

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. (Use attachments as necessary)

Attached.

Describe the ability of your company to locate or relocate in another state or another region of the state.

Attached.

**PROJECT CHARACTERISTICS (CHECK ALL THAT APPLY)**

- New Jobs
- Construct New Facility
- New Business / Start-up
- Expand Existing Facility
- Relocation from Out-of-State
- Expansion
- Purchase Machinery & Equipment
- Consolidation
- Relocation within Texas

**PROJECTED TIMELINE**

Begin Construction end of November 2010 - December 2010 Begin Hiring New Employees December 2013

Construction Complete December 2013 Fully Operational January 2014

Purchase Machinery & Equipment December 2010

Do you propose to construct a new building or to erect or affix a new improvement after your application review start date (date your application is finally determined to be complete)?  Yes  No

Note: Improvements made before that time may not be considered qualified property.

When do you anticipate the new buildings or improvements will be placed in service? December 2013

**ECONOMIC INCENTIVES**

Identify state programs the project will apply for:

State Source	Amount
Texas Enterprise Zone Act, Chapter 2303, Tex. Gov't Code	880,000
_____	_____
_____	_____
Total	880,000

Will other incentives be offered by local units of government?  Yes  No

Please use the following box for additional details regarding incentives. (Use attachments if necessary.)

Applicant has approached County regarding limitation agreement.

**THE PROPERTY**

Identify county or counties in which the proposed project will be located Comal

Central Appraisal District (CAD) that will be responsible for appraising the property Comal

Will this CAD be acting on behalf of another CAD to appraise this property?  Yes  No

List all taxing entities that have jurisdiction for the property and the portion of project within each entity

County: Comal (100%) City: \_\_\_\_\_  
(Name and percent of project) (Name and percent of project)

Hospital District: \_\_\_\_\_ Water District: \_\_\_\_\_  
(Name and percent of project) (Name and percent of project)

Other (describe): York Creek Imp. District (100%) Other (describe): Lateral Road District (100%)  
(Name and percent of project) (Name and percent of project)

Is the project located entirely within this ISD?  Yes  No

If not, please provide additional information on the project scope and size to assist in the economic analysis.



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 rural, and the taxable value of the property within the school district. For assistance in determining estimates of these minimums, access the Comptroller's Web site at www.window.state.tx.us/taxinfo/proptax/hb1200/values.html.

At the time of application, what is the estimated minimum qualified investment required for this school district? 80 million

What is the amount of appraised value limitation for which you are applying? 80 million

What is your total estimated qualified investment? 110 million

NOTE: See 313.021(1) for full definition. Generally, Qualified Investment is the sum of the investment in tangible personal property and buildings and new improvements made between beginning of the qualifying time period (date of application final approval by the school district) and the end of the second complete tax year.

What is the anticipated date of application approval? February 2011

What is the anticipated date of the beginning of the qualifying time period? February 2011

What is the total estimated investment for this project for the period from the time of application submission to the end of the limitation period? 160,756,500

Describe the qualified investment.[See 313.021(1).]

Attach the following items to this application:

- (1) a specific and detailed description of the qualified investment you propose to make on the property for which you are requesting an appraised value limitation as defined by Tax Code §313.021,
(2) a description of any new buildings, proposed improvements or personal property which you intend to include as part of your minimum qualified investment and
(3) a map of the qualified investment showing location of new buildings or new improvements with vicinity map.

Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or 313.053 for rural school districts) for the relevant school district category during the qualifying time period? Yes No

Except for new equipment described in Tax Code §151.318(q) or (q-1), is the proposed tangible personal property to be placed in service for the first time:

(1) in or on the new building or other new improvement for which you are applying? Yes No

(2) if not in or on the new building or other new improvement for which you are applying for an appraised value limitation, is the personal property necessary and ancillary to the business conducted in the new building or other new improvement? Yes No

(3) on the same parcel of land as the building for which you are applying for an appraised value limitation? Yes No

(“First placed in service” means the first use of the property by the taxpayer.)

Will the investment in real or personal property you propose be counted toward the minimum qualified investment required by Tax Code §313.023, (or 313.053 for rural school districts) be first placed in service in this state during the applicable qualifying time period? Yes No

Does the investment in tangible personal property meet the requirements of Tax Code §313.021(1)? Yes No

If the proposed investment includes a building or a permanent, non-removable component of a building, does it house tangible personal property? Yes No

QUALIFIED PROPERTY

Describe the qualified property. [See 313.021(2)] (If qualified investment describes qualified property exactly you may skip items (1), (2) and (3) below.)

Attach the following items to this application:

- (1) 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,
(2) a description of any new buildings, proposed improvements or personal property which you intend to include as part of your qualified property and
(3) a map of the qualified property showing location of new buildings or new improvements – with vicinity map.

Land
Is the land on which you propose new construction or 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

If you answered “no” to the question above, what is the anticipated date on which you will submit proof of a reinvestment zone with boundaries encompassing the land on which you propose new construction or improvements? January 2011

Will the applicant own the land by the date of agreement execution? Yes No

Will the project be on leased land? Yes No

**QUALIFIED PROPERTY (CONTINUED)**

If the land upon which the new building or new improvement is to be built is part of the qualified property described by §313.021(2)(A), please attach complete documentation, including:

1. Legal description of the land
2. Each existing appraisal parcel number of the land on which the improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property
3. Owner
4. The current taxable value of the land. Attach estimate if land is part of larger parcel.
5. A detailed map (with a vicinity map) showing the location of the land

Attach a map of the reinvestment zone boundaries, certified to be accurate by either the governmental entity creating the zone, the local appraisal district, or a licensed surveyor. (With vicinity map)

Attach the order, resolution or ordinance establishing the zone, and the guidelines and criteria for creating the zone, if applicable.

**Miscellaneous**

Is the proposed project a building or new improvement to an existing facility?  Yes  No

Attach a description of any existing improvements and include existing appraisal district account numbers.

List current market value of existing property at site as of most recent tax year. 18 million (Market Value) 2010 (Tax Year)

Is any of the existing property subject to a value limitation agreement under Tax Code 313?  Yes  No

Will all of the property for which you are requesting an appraised value limitation be free of a tax abatement agreement entered into by a school district for the duration of the limitation?  Yes  No

**WAGE AND EMPLOYMENT INFORMATION**

What is the estimated number of permanent jobs (more than 1,600 hours a year), with the applicant or a contractor of the applicant, on the proposed qualified property during the last complete quarter before the application review start date (date your application is finally determined to be complete)? 133

The last complete calendar quarter before application review start date is the:

First Quarter  Second Quarter  Third Quarter  Fourth Quarter of 2010 (year)

What were the number of permanent jobs (more than 1,600 hours a year) this applicant had in Texas during the most recent quarter reported to the TWC? 1,447

**Note:** For job definitions see TAC §9.1051(14) and Tax Code 313.021(3). If the applicant intends to apply a definition for "new job" other than TAC §9.1051(14)(C), then please provide the definition of "new job" as used in this application. N/A

Total number of new jobs that will have been created when fully operational 25

Do you plan to create at least 25 new jobs (at least 10 new jobs for rural school districts) on the land and in connection with the new building or other improvement?  Yes  No

Do you intend to request that the governing body waive the minimum new job creation requirement, as provided under Tax Code §313.025(f-1)?  Yes  No

If you answered "yes" to the question above, attach evidence documenting that the new job creation requirement above exceeds the number of employees necessary for the operation, according to industry standards. **Note: Even if a minimum new job waiver is provided, 80% of all new jobs must be qualifying jobs pursuant to Texas Tax Code, §313.024(d).**

What is the maximum number of qualifying jobs meeting all criteria of §313.021(3) you are committing to create? 25

If this project creates more than 1,000 new jobs, the minimum required wage for this project is 110% of the average county weekly wage for all jobs as described by 313.021(3)(E)(ii).

If this project creates less than 1,000 new jobs, does this district have territory in a county that meets the demographic characteristics of 313.051(2)? (see table of information showing this district characteristic at <http://www.window.state.tx.us/taxinfo/proptax/hb1200/values.html>)

If yes, the applicant must meet wage standard described in 313.051(b) (110% of the regional average weekly wage for manufacturing)

If no, the applicant shall designate one of the wage standards set out in §§313.021(5)(A) or 313.021(5)(B).



WAGE AND EMPLOYMENT INFORMATION (CONTINUED)

For the following three wage calculations please include on an attachment the four most recent quarters of data for each wage calculation. Show the average and the 110% calculation. Include documentation from TWC Web site. 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(7).

110% of the county average weekly wage for all jobs (all industries) in the county is 710.33
110% of the county average weekly wage for manufacturing jobs in the county is 871.20
110% of the county average weekly wage for manufacturing jobs in the region is 740.08

Please identify which Tax Code section you are using to estimate the wage standard required for this project:

§313.021(5)(A) or §313.021(5)(B) or §313.021(3)(E)(ii), or §313.051(b)?

What is the estimated minimum required annual wage for each qualifying job based on the qualified property? 38,484.16

What is the estimated minimum required annual wage you are committing to pay for each of the qualifying jobs you create on the qualified property? 45,000

- Will 80% of all new jobs created by the owner be qualifying jobs as defined by 313.021(3)? Yes No
Will each qualifying job require at least 1,600 of work a year? Yes No
Will any of the qualifying jobs be jobs transferred from one area of the state to another? Yes No
Will any of the qualifying jobs be retained jobs? Yes No
Will any of the qualifying jobs be created to replace a previous employee? Yes No
Will any required qualifying jobs be filled by employees of contractors? Yes No

If yes, what percent?

Does the applicant or contractor of the applicant offer to pay at least 80% of the employee's health insurance premium for each qualifying job? Yes No

Describe each type of benefits to be offered to qualifying jobholders. (Use attachments as necessary.)

Attached.

ECONOMIC IMPACT

- Is an Economic Impact Analysis attached (If supplied by other than the Comptroller's office)? Yes No
Is Schedule A completed and signed for all years and attached? Yes No
Is Schedule B completed and signed for all years and attached? Yes No
Is Schedule C (Application) completed and signed for all years and attached? Yes No
Is Schedule D completed and signed for all years and attached? Yes No

Note: Excel spreadsheet versions of schedules are available for download and printing at URL listed below.

If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, please attach a separate schedule showing the amount for each year affected, including an explanation.

**CONFIDENTIALITY NOTICE**

**Property Tax Limitation Agreement Applications**  
**Texas Government Code Chapter 313**  
**Confidential Information Submitted to the Comptroller**

Generally, an application for property tax value limitation, the information provided therein, and documents submitted in support thereof, are considered public information subject to release under the Texas Public Information Act.

There is an exception, outlined below, by which information will be withheld from disclosure.

The Comptroller's office will withhold information from public release if:

- 1) it describes the specific processes or business activities to be conducted or the specific tangible personal property to be located on real property covered by the application;
- 2) the information has been segregated in the application from other information in the application; and
- 3) the party requesting confidentiality provides the Comptroller's office a list of the documents for which confidentiality is sought and for each document lists the specific reasons, including any relevant legal authority, stating why the material is believed to be confidential.

If applications and parts of applications which are not segregated and marked as confidential as outlined above will be considered public information and will be posted on the internet.

Such information properly identified as confidential will be withheld from public release unless and until the governing body of the school district acts on the application, or we are directed to do so by a ruling from the Attorney General.

Other information in the custody of a school district or the comptroller submitted in connection with the application, including information related to the economic impact of a project or the essential elements of eligibility under Texas Tax Code, Chapter 313, such as

the nature and amount of the projected investment, employment, wages, and benefits, will not be considered confidential business information and will be posted on the internet.

All documents submitted to the Comptroller, as well as all information in the application once the school district acts thereon, are subject to public release unless specific parts of the application or documents submitted with the application are identified as confidential. Any person seeking to limit disclosure of such submitted records is advised to consult with their legal counsel regarding disclosure issues and also to take the appropriate precautions to safeguard copyrighted material, trade secrets, or any other proprietary information. The Comptroller assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by respondents. A person seeking to limit disclosure of information must submit in writing specific detailed reasons, including any relevant legal authority, stating why that person believes the material to be confidential.

The following outlines how the Comptroller's office will handle requests for information submitted under the Texas Public Information Act for application portions and submitted records appropriately identified as confidential.

- This office shall forward the request for records and a copy of the documents at issue to the Texas Attorney General's office for an opinion on whether such information may be withheld from disclosure under the Texas Public Information Act.
- The Comptroller will notify the person who submitted the application/documents when the information is forwarded to the Attorney General's office.
- Please be aware that this Office is obligated to comply with an Attorney General's decision, including release of information ruled public even if it was marked confidential.



## COMPANY CHECKLIST AND REQUESTED ATTACHMENTS

	Checklist	Page X of 16	Check Completed
1	Certification pages signed and dated by Authorized Business Representative (applicant)	4 of 16	✓
2	Proof of Payment of Application Fee (Attachment)	5 of 16	✓
3	For applicant members, documentation of Combined Group membership under Texas Tax Code 171.0001(7) (if Applicable) (Attachment)	5 of 16	✓
4	Detailed description of the project	6 of 16	✓
5	If project is located in more than one district, name other districts and list percentage in each district (Attachment)	7 of 16	N/A
6	Description of Qualified Investment (Attachment)	8 of 16	✓
7	Map of qualified investment showing location of new buildings or new improvements with vicinity map.	8 of 16	✓
8	Description of Qualified Property (Attachment)	8 of 16	✓
9	Map of qualified property showing location of new buildings or new improvements with vicinity map	8 of 16	✓
10	Description of Land (Attachment)	9 of 16	✓
11	A detailed map showing location of the land with vicinity map.	9 of 16	✓
12	A description of all existing (if any) improvements (Attachment)	9 of 16	✓
13	Request for Waiver of Job Creation Requirement (if applicable) (Attachment)	9 of 16	N/A
14	Calculation of three possible wage requirements with TWC documentation. (Attachment)	10 of 16	✓
15	Description of Benefits	10 of 16	✓
16	Economic Impact (if applicable)	10 of 16	N/A
17	Schedule A completed and signed	13 of 16	✓
18	Schedule B completed and signed	14 of 16	✓
19	Schedule C (Application) completed and signed	15 of 16	✓
20	Schedule D completed and signed	16 of 16	✓
21	Map of Reinvestment Zone (Attachment) (Showing the actual or proposed boundaries and size, Certified to be accurate by either the government entity creating the zone, the local appraisal district, or a licensed surveyor, with vicinity map)*	9 of 16	Will be
22	Order, Resolution, or Ordinance Establishing the Zone (Attachment)*	9 of 16	Will be
23	Legal Description of Reinvestment Zone (Attachment)*	9 of 16	Will be
24	Guidelines and Criteria for Reinvestment Zone(Attachment)*	9 of 16	N/A

\*To be submitted with application or before date of final application approval by school board.

Application for Appraised Value Limitation on Qualified Property  
Form 50-296  
Applicant Business Structure  
Page 5, Question 6  
Documentation Of The Combined Group Membership And Contact Information

TXI Operations LP  
1752647004

Name	Address	Federal E.I.N.	Texas Taxpayer Number
Texas Industries, Inc.	1341 West Mockingbird Lane, Dallas, TX 75247	75-0832210	17508322108
Subsidiary Corporations			
TXI Operations LP	1341 West Mockingbird Lane, Dallas, TX 75247	75-2647000	17526470004
TXI LLC	1341 West Mockingbird Lane, Dallas, TX 75247	75-2646998	17526469980
TXI Operating Trust	1341 West Mockingbird Lane, Dallas, TX 75247	75-2646997	75264997
Texas Industries Holdings, Inc.	1341 West Mockingbird Lane, Dallas, TX 75247	51-0374004	15103740047
Texas Industries Trust	1341 West Mockingbird Lane, Dallas, TX 75247	51-6503744	516503744
Southwestern Financial Corporation	1341 West Mockingbird Lane, Dallas, TX 75247	75-2508878	17525088781
Creole Corporation	1341 West Mockingbird Lane, Dallas, TX 75247	84-0568860	18405688609
Pacific Custom Materials	1341 West Mockingbird Lane, Dallas, TX 75247	95-4561137	19545611378
TXI Aviation Inc.	1341 West Mockingbird Lane, Dallas, TX 75247	75-1844887	17518448877
TXI Cement Company	1341 West Mockingbird Lane, Dallas, TX 75247	75-1433556	17514335565
TXI Power Company	1341 West Mockingbird Lane, Dallas, TX 75247	75-2897896	752897896
TXI Transportation Company	1341 West Mockingbird Lane, Dallas, TX 75247	75-6027204	17560272043
Riverside Cement Company	1341 West Mockingbird Lane, Dallas, TX 75247	95-4298141	19542981410
TXI Riverside, Inc.	1341 West Mockingbird Lane, Dallas, TX 75247	75-2754334	17527543346
TXI California, Inc.	1341 West Mockingbird Lane, Dallas, TX 75247	75-2754210	17527542108
Partin Limestone Products, Inc.	1341 West Mockingbird Lane, Dallas, TX 75247	95-2274786	19522747864
Riverside Cement Holdings, Inc.	1341 West Mockingbird Lane, Dallas, TX 75247	75-2082742	752082742
Brookhollow Corporation	1341 West Mockingbird Lane, Dallas, TX 75247	75-6017937	17560179370
Brookhollow of Alexandria, Inc	1341 West Mockingbird Lane, Dallas, TX 75247	75-1424122	17514241227
Brook Hollow Properties, Inc.	1341 West Mockingbird Lane, Dallas, TX 75247	75-1094294	17510942943
Brookhollow of Virginia, Inc.	1341 West Mockingbird Lane, Dallas, TX 75247	75-2122119	17521221196

**Page 6, Project Description:**

The Company's portland cement manufacturing plant north of New Braunfels, in Comal County began operations in 1980. The facility currently produces approximately 0.9 million short tons of cement annually. The facility primarily serves the Texas market, which consumes a large amount of cement used in infrastructure construction, residential and commercial building as well as highway projects.

During fiscal year 2008, cement consumption in Texas reached approximately 17 million short tons, while capacity within the state to make cement equaled about 12 million tons. As a result, about 5 million tons of imported cement was required to satisfy the needs of construction in the state. In October 2007, the Company broke ground on construction of a new state-of-the-art portland cement manufacturing plant with an estimated annual capacity of 1.4 million short tons of cement.

The economic environment quickly changed in the fall of 2008 however, with the freezing of the national and worldwide credit markets, record failings of financial institutions, and enacting of unprecedented intervention measures by the US and worldwide governments. These circumstances ultimately brought about the Company's decision to suspend plans and efforts to expand the facility, and halt all construction until the return of more normal market conditions.

This project includes an investment of approximately \$110 million over the limitation period that will complete the expansion of the existing facility that will add 1.4 million short tons of cement annually. The two plants will be situated next to each other and operated independent of each other.

**Page 6, Ability to locate or relocate:**

The Company currently operates in six states, and allocates capital investment to projects and locations that create the best economic return. The existence of a limitation on tax value is a significant factor in calculating the economic return and allocation of reserves to the project.

**Page 8, Investment:**

Total costs for this project are estimated to be approximately \$110 million. Approximately \$55 million will be for construction materials and equipment and \$55 million for labor and supplies. See attachment for a map of the location of the qualified investment on Comal County, tax parcel number 74144.

**Page 9, Land**

Comal County, tax parcel number 74144 (see attached parcel map); property account identification number 154685

Application for Appraised Value Limitation on Qualified Property  
Form 50-296  
Attachment Information  
TXI Operations LP  
Texas ID No: 1752647004

**Page 9, Existing Improvements**

The company has a Portland cement manufacturing plant north of the project located in the same tax parcel number 74144. The existing plant consisting of buildings, other real property improvements, equipment, furniture and fixtures, and other equipment was built in 1979 and currently produces approximately 1.0 million short tons of cement annually.

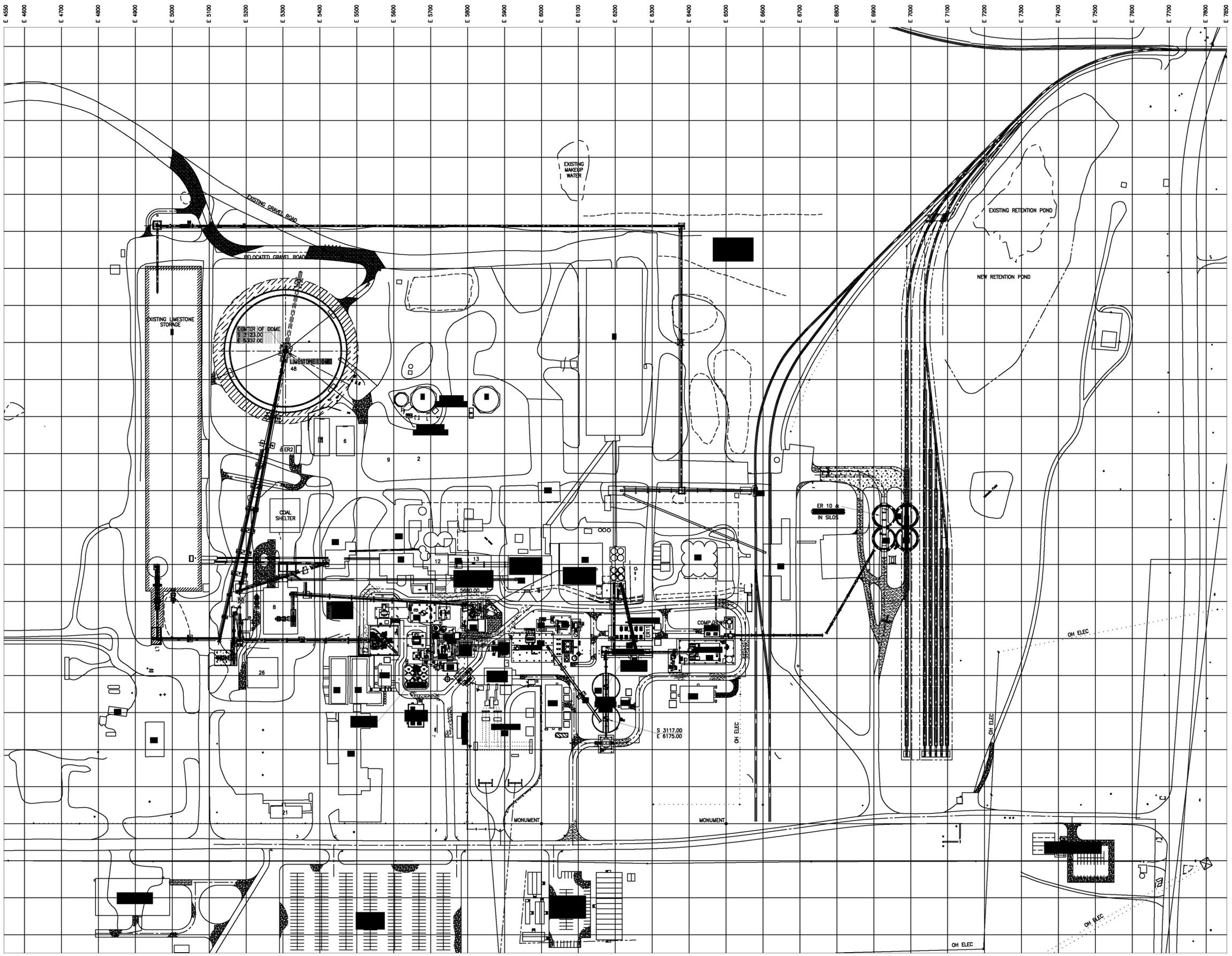
ATTACHMENT 5

N/A

Application for Appraised Value Limitation on Qualified Property  
Form 50-296  
Attachment Information  
TXI Operations LP  
Texas ID No: 1752647004

Description of Qualified Investment

BUFFER BINS/ADDITIVES TRANSPORT(3C1 3D1)  
ROLLER MILL/RAW MATERIAL GRINDING (3F1)  
PREHEATER TOWER (4G1)  
KILN (4K1)  
CLINKER COOLER (4R1)  
FINISH MILL/CEMENT GRINDING (5F1)  
CEMENT SILOS/TRANSPORT AND STORAGE (5K1)  
LOADOUT (TRUCKS) (6C1)  
LOADOUT (RAIL CARS) (6C2)  
RAW MEAL SILO/9-PACK (3K1)  
CLINKER STORAGE/RECLAIM SILOS (4V1)  
BUFFER BINS/CEMENT DOSING (5D1)  
COAL MILL BUILDING/GRINDING (CR1)  
BYPASS SYSTEM/BAGHOUSE (4P1)  
MAIN BAGHOUSE AND GAS CONDITIONING (4E1)  
COOLER BAGHOUSE/EXHAUST (4S1)  
HEAT EXCHANGER (4S1)  
(TIRE FEED DELETED)  
LIMESTONE DOME (2E1)  
(COAL STORAGE DELETED)  
(COAL UNLOADING DELETED)  
CLINKER TRANSPORT (4T1)



- LEGEND (EXISTING)**
1. RAW STORAGE BUILDING
  2. COKE PILE
  3. PROCESS WATER
  4. FIRE WATER TANK
  5. CLINKER STORAGE
  6. FAB SHOP
  7. MOTOR STORAGE
  8. COAL STORAGE SHED
  9. TIRE CHIP PILE
  10. BUFFER BINS
  11. ROLLER MILL BUILDING
  12. PREHEATER TOWER
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  14. COOLER
  15. FINISH MILL BUILDING
  16. CEMENT SILOS
  17. LOADOUT
  18. MAIN OFFICE
  19. CHANGE HOUSE/TRAINING ROOM
  20. MAINTENANCE BUILDING
  21. MAINTENANCE OFFICES
  22. TRUCK SHOP
  23. CRUSHER (NOT SHOWN)
  24. ELECTROSTATIC PRECIPITATOR
  25. ELECTRIC SUBSTATION
  26. ADDITIVES STORAGE SHED
  27. UTILITY BUILDING
  28. FUEL ISLAND
  29. CARDOX ROOM
- LEGEND (NEW PLANT)**
30. BUFFER BINS/ADDITIVES TRANSPORT (3C1 3D1)
  31. ROLLER MILL/RAW MATERIAL GRINDING (3F1)
  32. PREHEATER TOWER (4G1)
  33. KILN (4K1)
  34. CLINKER COOLER (4R1)
  35. FINISH MILL/CEMENT GRINDING (5F1)
  36. CEMENT SILOS/TRANSPORT AND STORAGE (5K1)
  37. LOADOUT (TRUCKS) (6C1)
  38. LOADOUT (RAIL CARS) (6C2)
  39. RAW MEAL SILO/S-PACK (3K1)
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  47. (TIRE FEED DELETED)
  48. LIMESTONE DOME (2E1)
  49. (COAL STORAGE DELETED)
  50. (COAL UNLOADING DELETED)
  51. CLINKER TRANSPORT (4T1)



**WORK SAFELY**

REV	ID	M/Y	ISSUE/REVISION	DRN	CHK	APP	APP	APP	APP	REV	ID	M/Y	ISSUE/REVISION	DRN	CHK	APP	APP	APP	APP		
1	20MAY08		FOR CONSTRUCTION																		
0	15NOV07		FOR CONSTRUCTION/PERMIT																		
A	11OCT07		FOR APPROVAL																		

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APPROVED FOR CONSTRUCTION				DRE		J			
CLIENT PROJECT MGR. DEPARTMENT MGR. PROJECT MGR.				AREA					
PROJECT PHASE				HUNTER CEMENT EXPANSION				TXI HUNTER CEMENT PLANT SITE PLAN OVERALL SITE	
PROJECT NO.	ACTIVITY NO.	BY	D/M/Y	SUBJECT				CLIENT DWG. NO.	
156252		DSN RLR	15AUG07						
SCALE	PACKAGE CODE	DRN MSB	22AUG07					DRAWING NO.	
NTS		CHK WRC	31OCT07					AA1-C-0100	
		APP DRE	08NOV07					REV.	
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**U.S. Census Bureau**  
**American FactFinder**

**Legend**

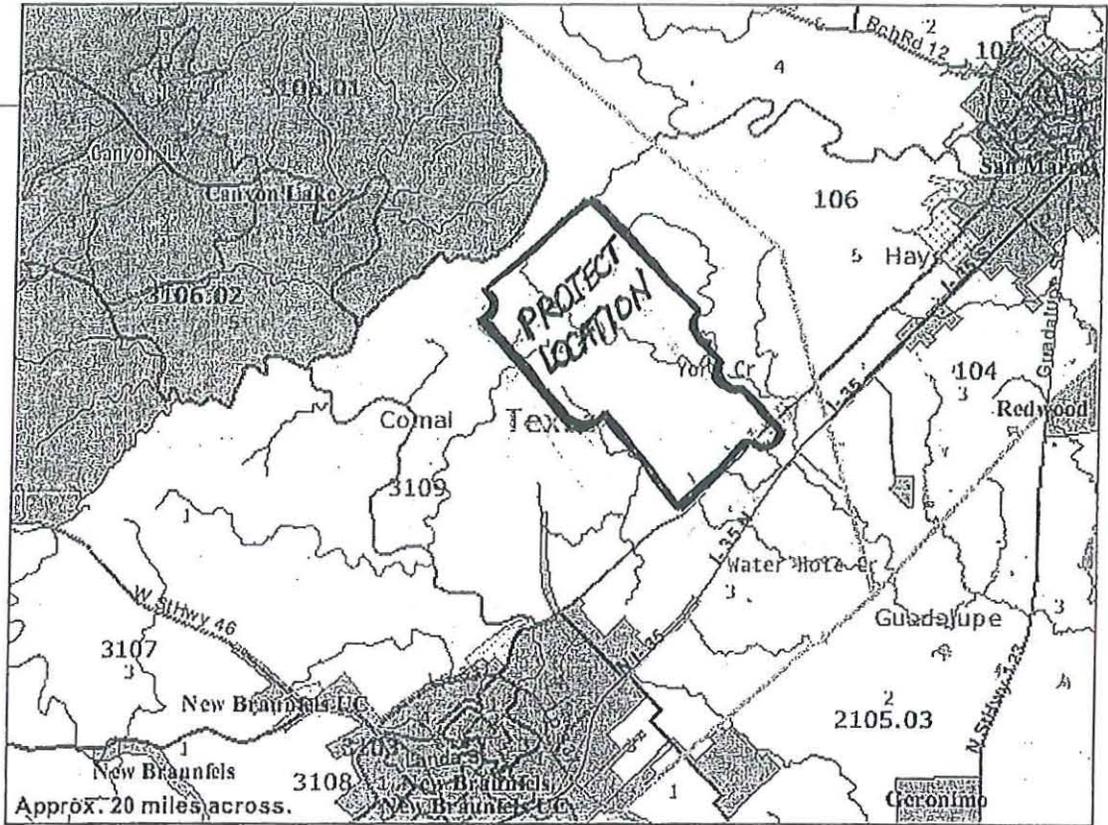
**Boundaries**

- State
- '00 County
- '00 Census Tract
- '00 Block Group
- '00 Block
- '00 Place
- '00 Urban Area
- '00 Urban Area

**Features**

- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody

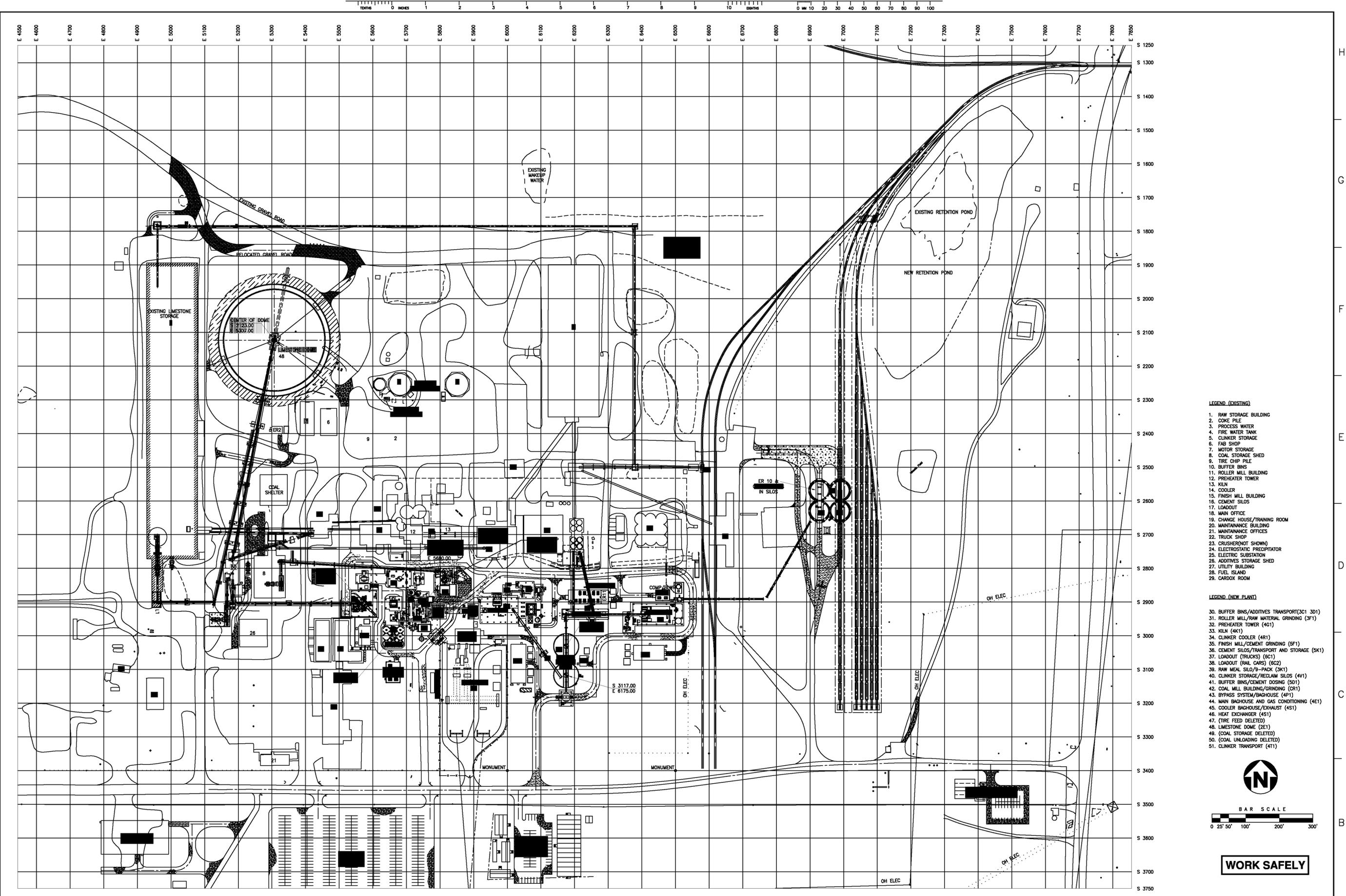
Items in gray text  
are not visible  
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Application for Appraised Value Limitation on Qualified Property  
Form 50-296  
Attachment Information  
TXI Operations LP  
Texas ID No: 1752647004

Description of Qualified Property

BUFFER BINS/ADDITIVES TRANSPORT(3C1 3D1)  
ROLLER MILL/RAW MATERIAL GRINDING (3F1)  
PREHEATER TOWER (4G1)  
KILN (4K1)  
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FINISH MILL/CEMENT GRINDING (5F1)  
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CLINKER TRANSPORT (4T1)



- LEGEND (EXISTING)**
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  4. FIRE WATER TANK
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**WORK SAFELY**

REV	ID	M/Y	ISSUE/REVISION	DRN	CHK	APP	APP	APP	APP	REV	ID	M/Y	ISSUE/REVISION	DRN	CHK	APP	APP	APP	APP		
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PROJECT PHASE				HUNTER CEMENT EXPANSION					
PROJECT NO.	ACTIVITY NO.	BY	D/M/Y	SUBJECT				TXI HUNTER CEMENT PLANT SITE PLAN OVERALL SITE	
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NTS		CHK WRC	31OCT07					AA1-C-0100	
		APP DRE	08NOV07					REV.	
								1	

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**Attachment 10, Description of Land**

Comal County, tax parcel number 74144 (see attached parcel map); property account identification number 154685

to-wit:

BEING all that certain tract, piece or parcel of land, lying and being situated in Comal County, Texas and being 475.659 acres of land out of the Samuel Craft Survey No. 1 (One), Abstract No. 98, and also being out of a 259.4 acre tract as described in Volume 95, Pages 261-262 of the Deed Records of Comal County, Texas, and

also being out of a tract of land, described in 5 (Five) separate tracts and recorded in Volume 81, Pages 422-423 of the Deed Records of Comal County, Texas, and also being all of a 50.88 acre tract as described in Volume 141, Pages 118-119, of the Deed Records of Comal County, Texas, and being more particularly described as follows:

BEGINNING: At a fence corner in the Northwest fence line of Survey No. 1, said point being the West corner of above referenced 259.4 acre tract and also being N. 45° 36' 41" E. 1042.99 feet from the West corner of Survey No. 1, for the West corner of this tract;

THENCE N. 45° 45' 05" E. along the Northwest fence line of Survey No. 1 and passing the West corner of above referenced tract as recorded in Volume 81, Pages 422-423 at approximately 1019.44 feet and continuing on a total distance of 3403.30 feet to a fence corner, for the North corner of this tract, said point also being the North corner of above referenced 50.88 acre tract;

THENCE S. 44° 56' 12" E. 2306.90 feet and S. 44° 58' 06" E. 848.48 feet along an existing fence line to the North corner of the Nelson well site conveyed to Crystal Clear Water Supply Corporation, for a corner of this tract;

THENCE S. 45° 01' 54" W. 60.0 feet, S. 44° 58' 06" E. 60.0 feet, and N. 45° 01' 54" E. 60.0 feet around the perimeter of said well site to an iron pin found in fence line, for the East corner of said well site and a corner of this tract;

THENCE S. 44° 58' 06" E. 4449.79 feet along said fence line to the North corner of the Nelson Plant Site conveyed to Crystal Clear Water Supply Corporation for a corner of this tract;

THENCE S. 49° 22' 06" W. 50.0 feet and S. 44° 58' 06" E. 50.0 feet around the perimeter of said plant site to the South corner of same, said point being in the existing Northwest R.O.W. line of F.M. Highway No. 1102, for a corner of this tract;

THENCE along the existing R.O.W. line of F.M. Highway No. 1102 as follows:

S. 49° 22' 06" W. 0.70 feet;  
S. 49° 15' 51" W. 66.07 feet;  
S. 47° 21' 30" W. 100.08 feet;  
S. 45° 49' 20" W. 87.49 feet;  
S. 44° 57' 14" W. 275.66 feet to an iron pin set in same for a corner of this tract;

THENCE N. 45° 00' 00" W. 1586.97 feet to an iron pin set for an interior corner of this tract;

THENCE West 565.68 feet to an iron pin set for an interior corner of this tract;

THENCE S. 45° 00' 00" W. 2416.21 feet to an iron pin set in the Southwest fence line of above referenced 259.4 acre tract, for a corner of this tract;

THENCE N. 44° 57' 18" W. 3791.54 feet, N. 45° 15' 27" W. 714.37 feet, and N. 45° 03' 58" W. 1253.0 feet along said Southwest fence line to the Place of Beginning and containing 475.659 acres of land, more or less.

TRACT 2.

BEING 17.4 acres of land out of the Samuel Craft League Survey #1 in Comal County, Texas, described as being 18 acres of land, more or less, out of Tract 4, of a subdivision of the Sarah Williams Estate, according to a map thereof recorded in Vol. I, page 476 of the Probate Minutes, Comal County, Texas in a deed dated February 24, 1962, executed by Albert Loop, et al to Berthold Loop, et ux, recorded in Volume 127, pages 303-305, Comal County Deed Records; and all other property owned or claimed by Grantors in said Samuel Craft League Survey #1;

BEGINNING at a point in a fence which bears N. 42° 25' West 98.98 varas from the southwest corner of tract No. 4, as shown in plat recorded in Volume I, page 476, Probate Minutes, Comal County, Texas;

THENCE continuing along said fence N. 42° 25' West 144.03 varas to a point for the west corner of the herein described tract;

THENCE N. 47° 51' East 713.29 varas to a point in the center of a road;

THENCE continuing N. 47° 51' East 114.0 varas, then 76.48 varas to a rock mound built for the north corner of said tract;

THENCE S. 26° 23' E. 87.46 varas to a rock mound built;

THENCE S. 11° 05' E. 64.97 varas to a rock mound for corner being the most easterly corner of said tract;

THENCE S. 47° 10' W. 91.22 varas to a point;

THENCE S. 47° 31' W. 565.06 varas across said road to the point of beginning; together with all rights of ingress and egress.

TRACT 3

BEING 605.05 acres of land, less 2.46 acres of land within P.M. Highway #1102, leaving an aggregate of 602.59 acres of land out of the Samuel Craft League #1, Comal County, Texas, being that tract of land described in the following deeds to D. G. Posey numbered 1 through 10.

1. 3 acres of land conveyed to D. G. Posey by Ernst Gruene, Jr., said deed dated Nov. 30, 1894, recorded in Vol. W, p. 454, Comal County Deed Records.
2. 3 tracts of land containing 117 acres, 33-1/2 acres and 7 acres, conveyed to D. G. Posey by Edward J. Brice et ux, by deed dated Sept. 18, 1894, recorded in Vol. W, p. 408, Comal County Deed Records.
3. That tract of land conveyed to D. G. Posey by Chas. Schubart, et ux, by deed dated 12-12-08, recorded in Vol. 30, p. 235, Comal County Deed Records.
4. 194 acres of land conveyed to D. G. Posey and Joseph Posey by Everett D. Posey by deed dated July 21, 1884, recorded in Vol. H, p. 580, Comal County Deed Records.
5. 17 acres conveyed to D. G. Posey by Walter Parker by deed dated 9-24-17, recorded in Vol. 26, p. 55, Comal County Deed Records.
6. 94 acres of land conveyed to D. G. Posey by J. D. Gulnn by deed dated Feb. 28, 1891, recorded in Vol. V, p. 81, Comal County Deed Records.
7. 6-1/4 acres of land conveyed to D. G. Posey by Fritz Randow by deed dated 12-24-06, recorded in Vol. 28, p. 444, Comal County Deed Records.
8. 12-1/2 acres of land conveyed to Da Gress Posey by Ephraim Distart and Friedrich Battge by deed dated 2-2-1897, recorded in Vol. X, p. 576, Comal County Deed Records.
9. 75 acres of land conveyed to D. G. Posey by Emil Wader by deed dated 4-16-12, recorded in Vol. 33, p. 344, Comal County Deed Records.
10. 75 acres of land conveyed to D. G. Posey by Wilhelm Glenewinkel, et ux, by deed dated 3-21-1896 recorded in Vol. X, p. 197, Comal County Deed Records.

BEGINNING at a corner fence post on the N.W. line of the Samuel Craft Survey #1, and the S.E. line of the Austin Perkins Survey #25 as fenced and used upon the ground, same being on the S.E. line of that tract of land described as 2147.1 acres of land in a deed from Lila Louise Posey to Gene Scrutchin, said deed dated 4-26-61, recorded in Vol. 123, p. 270, Comal County Deed Records, being the north corner of that tract of land conveyed to H. C. Nelson by Hilmar Doehne by deed recorded in Vol. 81, p. 422, Comal County Deed Records, and being also the west corner of the tract herein described, and from which beginning corner the west corner of the Samuel Craft Survey as fenced and used upon the ground bears S. 45° 12' W. 1417.66 varas;

THENCE, leaving the Nelson tract with the S.E. line of the Scrutchin tract and the N.W. line of the Samuel Craft Survey, same being the S.E. line of the Austin Perkins Survey #25 as fenced and used upon the ground the following courses numbered 1 through 12:

- (1) N. 45° 03' E. 108.40 varas;
- (2) N. 45° 34' E. 218.80 varas;
- (3) N. 44° 56' E. 126.10 varas;
- (4) N. 45° 59' E. 139.40 varas;
- (5) N. 43° 36' E. 91.30 varas;
- (6) N. 45° 18' E. 271.20 varas;
- (7) N. 45° 49' E. 82.80 varas;
- (8) N. 45° 14' E. 123.50 varas;
- (9) N. 42° 54' E. 59.10 varas;
- (10) N. 46° 05' E. 126.60 varas;
- (11) N. 46° 25' E. 173.20 varas;
- (12) N. 45° 24' E. 16.35 varas to a corner fence post for the north corner of the tract herein described, same being the west corner of that tract of land described as 1/4 1/20 acres of land in a deed from Otto Preusser, et al to Travis H. Tate, said deed dated 1-7-42, recorded in Vol. 74, p. 601, Comal County Deed Records;

THENCE, leaving the S.E. line of the Scrutchin tract and the Craft-Perkins survey line as fenced with the S.W. line of the Travis Tate tract as fenced, the following courses numbered 13 through 33:

- (13) S. 43° 05' E. 77.24 varas to 1 1/2" live oak;
- (14) S. 45° 43' E. 128.20 varas;
- (15) S. 45° 36' E. 195.34 varas;
- (16) S. 45° 57' E. 129.20 varas;
- (17) S. 45° 30' E. 72.77 varas to 12" cedar;
- (18) S. 44° 58' E. 106.54 varas;

- (19) S. 46° 54'E. 115.50 varas to 6" live oak;
- (20) S. 45° 42'E. 49.12 varas to twin 6" live oak;
- (21) S. 40° 42'E. 27.55 varas to 10" cedar;
- (22) S. 46° 18'E. 37.15 varas to 16" live oak;
- (23) S. 48° 03'E. 25.06 varas to triple 8" live oak;
- (24) S. 42° 21'E. 32.43 varas to twin cedar;
- (25) S. 45° 57'E. 98.67 varas to 14" cedar;
- (26) S. 44° 32'E. 86.5 varas;
- (27) S. 46° 04'E. 64.13 varas to 8" cedar;
- (28) S. 46° 01'E. 96.61 varas to 10" cedar;
- (29) S. 41° 32'E. 55.21 varas to 6" cedar;
- (30) S. 46° 49'E. 48.46 varas to 16" live oak;
- (31) S. 44° 04'E. 43.87 varas to 6" elm;
- (32) S. 44° 13'E. 87.37 varas to 8" cedar stump;
- (33) S. 42° 30'E. 75.14 varas to post at angle point.

THENCE, continuing with line of Tate tract as fenced, the following courses numbered 34 through 35:

- (34) S. 20° 27'W. 22.58 varas;
- (35) S. 45° 45'W. 247.84 varas to 10" cedar on east high bank of York Creek.

THENCE, with east high bank of York Creek and fence, the following courses numbered 36 through 50:

- (36) S. 8° 10'W. 35.63 varas to 10" cedar;
- (37) S. 7° 36'E. 23.36 varas;
- (38) S. 26° 18'E. 12.17 varas to 10" cedar;
- (39) S. 37° 52'E. 12.71 varas to 10" cedar;
- (40) S. 43° 54'E. 77.20 varas to 12" cedar;
- (41) S. 44° 00'E. 30.60 varas to 12" cedar;
- (42) S. 30° 20'E. 38.53 varas to 8" cedar;
- (43) S. 27° 50'E. 19.90 varas to 14" elm stump;
- (44) S. 22° 02'E. 49.51 varas to 10" cedar;
- (45) S. 28° 23'E. 38.92 varas to twin 16" live oak
- (46) S. 17° 31'E. 29.92 varas to 16" live oak;
- (47) S. 20° 42'E. 66.02 varas to 10" elm stump;
- (48) S. 34° 37'E. 84.77 varas to 16" live oak on

E. bank of York Creek at bend in fence;

- (49) S. 6° 22'W. 21.65 varas to 8" elm stump on E. bank of York Creek;

(50) S. 16° 37'W. 22.58 varas to 12" elm stump for the S.W. corner of the said Tate tract as fenced, same being the N.W. corner of that tract of land conveyed to C. Soechting;

THENCE, leaving the Tate tract with line of Soechting tract, as fenced, and used upon the ground, the following numbered courses (51) through (57):

- (51) S. 7° 30'W. at 20.00 varas cross York Creek and continue on in all 33.44 varas to 20" cedar on bluff;
- (52) S. 84° 46'W. 11.36 varas to 12" cedar stump;
- (53) S. 51° 14'W. 9.00 varas to 14" cedar;
- (54) S. 36° 32'W. 10.38 varas to 6" cedar;
- (55) S. 44° 45'W. 21.81 varas to 10" cedar;
- (56) S. 48° 01'W. 46.24 varas to 10" cedar;

(57) S. 43° 09' W. 26.35 varas to point for the west corner of the Soechting tract;

THENCE, with the S.W. line of the Soechting tract as fenced and used upon the ground, the following courses numbered (58) through (61):

- (58) S. 42° 02' E. 46.54 varas;
- (59) S. 44° 22' E. 107.14 varas;
- (60) S. 44° 08' E. 235.00 varas;
- (61) S. 44° 55' E. 170.12 varas to a corner post on the N.W. line of F.M. Highway #1102 at engineer's station 92+ 80.0;

THENCE, crossing F.M. Highway #1102 S. 39° 27' E. 35.00 varas to corner post on S.E. of F.M. Highway #1102 at engineer station 92+ 87.0.

THENCE, leaving F.M. Highway #1102 with fence and Soechting S.W. line, S. 44° 36' E. 283.33 varas to corner post for the east corner of the tract herein described, same being on the N.W. line of the M. K. & T. Railroad Company as fenced, and being also the south corner of the Soechting tract;

THENCE, leaving the Soechting tract with the N.W. line of the M. K. & T. Railroad Company as fenced, the following courses numbered (62) through (64):

- (62) S. 49° 09' W. 281.73 varas;
- (63) S. 47° 52' W. 99.56 varas;
- (64) S. 46° 00' W. 105.19 varas to a corner post for the most southerly corner of the tract herein described, and the east corner of the said Nelson tract as fenced;

THENCE, leaving the N.W. line of the M. K. & T. Railroad Company with a N.E. line of the Nelson tract as fenced N. 43° 42' W. 261.62 varas passing corner post on the S.E. line of F.M. Highway #1102 and continue on in all crossing F.M. Highway #1102, 290.86 varas to point in fence on N.W. line of F.M. Highway #1102 for a re-entrant corner of the tract herein described;

THENCE, with the N.W. line of F.M. Highway #1102, the following courses numbered (65) through (66):

- (65) S. 47° 14' W. 84.40 varas;
- (66) S. 48° 35' W. 151.38 varas to a corner fence post for an east corner of the Nelson tract, and a south corner of the tract herein described.

THENCE, leaving the N.W. line of F.M. Highway #1102 as fenced with a N.E. line of the Nelson tract as fenced, N. 45° 36' W. 855.17 varas to

corner post for a west corner of the tract herein described, and a re-entrant corner of the Nelson tract;

THENCE, with a S.E. line of the Nelson tract as fenced and used upon the ground, N.  $46^{\circ} 51' E.$  213.85 varas to a corner post for a re-entrant corner of the tract herein described, at an east corner of the Nelson tract;

THENCE, with a N.E. line of the Nelson tract as fenced N.  $42^{\circ} 25' W.$  98.98 varas to point in fence for the south corner of a 16 acre tract of land, of which 1/2 interest was conveyed to Fritz Loop by Richard Loop, et ux, by deed dated 1-11-10, recorded in Vol. 31, p. 375, Comal County Deed Records, and 1/2 interest conveyed to Barthold Loop, et ux, by Albert Loop, et al, by deed dated 2-24-62, recorded in Vol. 127, p. 303, Comal County Deed Records, and from which an old 14" cedar marked "x" with 3 hucks bears N.  $16^{\circ} 36' W.$  2.97 varas, and an old 20" live oak marked "x" bears S.  $14^{\circ} 46' E.$  39.13 varas;

THENCE, leaving the Nelson tract with the S.E. line of the Loop tract, N.  $47^{\circ} 31' E.$  at approximately 444.0 varas passing nail in centerline of road from which an old rock mound bears S.  $17^{\circ} 56' E.$  12.6 varas, and continue on in all 565.06 varas to angle point at top of bluff;

THENCE, N.  $47^{\circ} 10' E.$  at 73 varas pass centerline creek and continue on in all 91.22 varas to an old rock mound found in old creek channel for a re-entrant corner of the tract herein described, and the east corner of the Loop tract;

THENCE, with old channel of said creek, the following two courses:

- (67) N.  $11^{\circ} 05' W.$  64.97 varas to rock mound;
- (68) N.  $26^{\circ} 23' W.$  87.46 varas to rock mound built for the north corner of the Loop tract and a re-entrant corner of the tract herein described;

THENCE, leaving said old creek channel, S.  $47^{\circ} 51' W.$  at 86.58 varas passing old rock mound found at 123.28 varas, passing top of bluff, at approximately 190.5 varas passing nail in centerline of road; at 711.79 varas, passing old rock mound found, and continue on in all 713.29 varas to point in fence on the N.E. line of the said Nelson tract for the west corner of the Loop tract;

THENCE, leaving the Loop tract with N.E. line of the Nelson tract as fenced, the following courses numbered (69) through (71):

- (69) N.  $42^{\circ} 25' W.$  41.15 varas;
- (70) N.  $52^{\circ} 01' W.$  129.08 varas;
- (71) N.  $49^{\circ} 52' W.$  104.34 varas to a corner post for a re-entrant corner of the tract herein described, and a north corner of the Nelson tract as fenced and used upon the ground;

THENCE, with a N.W. line of the Nelson tract as fenced, S.  $46^{\circ} 09' W.$  438.45 varas to a corner post for a re-entrant corner of the Nelson tract and a south corner of the tract herein described;

THENCE, with a N.E. line of the Nelson tract as fenced and used upon the ground, the following courses numbered (72) through (80):

- (72) N.  $43^{\circ} 05' W.$  397.95 varas;
- (73) N.  $42^{\circ} 47' W.$  171.62 varas;
- (74) N.  $43^{\circ} 21' W.$  93.56 varas;
- (75) N.  $43^{\circ} 56' W.$  152.90 varas;
- (76) N.  $44^{\circ} 08' W.$  62.25 varas;
- (77) N.  $43^{\circ} 45' W.$  250.50 varas;
- (78) N.  $44^{\circ} 14' W.$  176.40 varas;
- (79) N.  $44^{\circ} 37' W.$  52.15 varas;
- (80) N.  $44^{\circ} 06' W.$  39.16 varas to the PLACE OF BEGINNING containing 605.05 acres of land, less 2.46 acres of land within F.H. Highway #1102, leaving an aggregate of 602.59 acres of land for purpose of this conveyance, according to a survey made in April and May, 1964, by James R. Hall, Registered Public Surveyor.

The above described land is the same land as that certain land described in a General Warranty Deed dated June 2, 1964, recorded in Volume 138 on Pages 586-591 of the Deed Records of Comal County, Texas, from George E. Herrmann and wife, Lila Beth Posey Herrmann, Grantors, to Walter S. Higgins, Jr., Trustee, to which reference is hereby made for all purposes, SAVE AND EXCEPT, however, from the hereinabove described 602.59 acres of land that certain 50.88 acre tract of land more fully described in deed dated October 15, 1964, from Walter S. Higgins, Jr., Trustee, to H. G. Nelson, recorded in Volume 141, Page 110-20, of the Deed Records

of Comal County, Texas, based upon a survey made on the ground by James R. Hall, Registered Public Surveyor No. 608, as surveyed September, 1964, and said 50.88 acre tract of land being more fully described by metes and bounds as follows:

BEING 50.88 acres of land out of the Samuel Craft Survey #1, Comal County, Texas, being a portion of that 602.59 acre tract of land conveyed to Walter S. Higgins, Jr., as Trustee, by George E. Herrmann and wife, Lila Beth Posey Herrmann, by deed dated June 2, 1964, and recorded in Volume 138, pages 586-591, Comal County Deed Records.

BEGINNING at a corner fence post, the west corner of the said Higgins 602.59 acre tract for the west corner of the tract herein described and being on the northwest line of the Samuel Craft Survey #1 and the southeast line of the Austin Perkins Survey #25 as fenced and used upon the ground, and being on the southeast line of that tract described as 2147.1 acres of land in a deed from Lila Louise Posey to Gene Scrutchin, said deed dated April 26, 1961 and recorded in Volume 123, Page 270, Comal County Deed Records and being also the North corner of that tract of land conveyed to H. C. Nelson by Hilmar Doehne by deed recorded in Volume 81, page 422, Comal County Deed Records, and from which beginning corner, the west corner of the Samuel Craft Survey bears S. 45 deg. 12' W. 1417.65 varas. (Record)

THENCE with fence and southeast line of said Scrutchin tract and northwest line of Higgins tract N. 45 deg. 03' E. 108.40 varas to angle point;

THENCE continuing with fence and southeast line of Scrutchin tract and northwest line of Higgins tract N. 45 deg. 34' E. 75.10 varas to iron stake and rock mound under fence for the north corner of the tract herein described;

THENCE leaving fence and Scrutchin tract S. 45 deg. 36' E. 1410.71 varas to iron stake and rock mound set under fence on a northwest line of the said Nelson tract for the east corner of the tract herein described;

THENCE with fence and northwest line of Nelson tract S. 46 deg. 09' W. 231.16 varas to corner post, the most westerly south corner of the said Higgins tract and a re-entrant corner of the said Nelson tract for the south corner of the tract herein described;

THENCE with fence and northeast line of Nelson tract  
the following courses numbered (1) through (9)

- (1) N. 43 deg. 05' W. 397.95 varas
- (2) N. 42 deg. 47' W. 171.62 varas
- (3) N. 45 deg. 21' W. 93.56 varas
- (4) N. 43 deg. 55' W. 152.90 varas
- (5) N. 44 deg. 08' W. 62.25 varas
- (6) N. 43 deg. 45' W. 250.50 varas
- (7) N. 44 deg. 14' W. 176.40 varas
- (8) N. 44 deg. 37' W. 52.15 varas
- (9) N. 44 deg. 00' W. 39.16 varas

to the place of beginning, containing 50.88 acres of  
land, surveyed September 1964, by James R. Hall,  
Registered Public Surveyor #608, Hays County Surveyor,  
San Marcos, Texas.

leaving a net of 551.71 acres of land, more or less, conveyed  
hereby.

TRACT 4

Field Notes of a survey of 20.03 acres of land out of the Samuel Craft Survey #1, Comal County, Texas, being a portion of that tract of land conveyed to H. C. Nelson by Hllman Dooline by deed recorded in Volume 81, Page 422, Comal County Deed Records.

BEGINNING at an iron stake and rock mound set under a fence on a Southeast line of that 602.59 acre tract of land conveyed to Walter S. Higgins, Jr., as Trustee, by George E. Herrmann and wife, Lila Bath Posay Herrmann, by deed dated June 2, 1964, and recorded in Volume 138, Pages 585-591, Comal County Deed Records for the West corner of the tract herein described and from which iron stake and beginning corner, the West corner of the Samuel Craft Survey #1 bears S. 86° 14' 2140.82 varas. (Record)

THENCE leaving fence and Higgins Southeast line S. 45° 35' E. 513.75 varas to corner fence post for the South corner of the tract herein described, same being the most Southerly West corner of the said Higgins 602.59 acre tract;

THENCE with fence and a Northwest line of Higgins tract N. 46° 51' E. 213.85 varas to corner post for the East corner of the tract herein described and a re-entrant corner of the said Higgins tract and a East corner of the said Nelson tract;

THENCE with fence and Southwest line of Higgins tract N. 42° 25' W at 98.98 varas passing rock mound, the most Southerly corner of that tract of 17.4 acres of land described in a deed from Albert Loop, et al, to Berthold Loop, et ux, said deed dated February 24, 1962, and recorded in Volume 127, Page 303, Comal County Deed Records and at 243.61 varas pass rock mound for West corner of Loop tract and continue on in all 234.76 varas to angle point;

THENCE continuing with fence and Southwest line of Higgins tract N. 52° 01' W. 129.08 varas to angle point;

THENCE with fence and Southwest line of Higgins tract N. 49° 52' W. 104.34 varas to corner fence post, a re-entrant corner of said Higgins tract and the most Easterly North corner of the Nelson tract for the North corner of the tract herein described;

THEENCE with fence and Northwest line of Helson  
tract and Southeast line of Higgins Tract S. 40<sup>th</sup>  
09 W 207.29 varas to the place of beginning con-  
taining 20.03 acres of land. Surveyed September,  
1964, by James R. Hall, Registered Public Surveyor  
#608, Hays County Surveyor, San Marcos, Texas.

TRACT 5

BEING 104.72 acres of land out of the Samuel Craft Survey in Comal County, Texas, there being 3.39 acres of land within P. H. Highway #1102 and 3.66 acres within the N. K. & T. RR. Co. right-of-way, leaving 97.67 acres for conveyance, and being that tract of land described as 104.00 acres of land, more or less, and about 3 acres of land in a deed from A. G. Souchting to Chas. Souchting, dated 2-8-13, recorded in Vol. 34, p. 6, Comal County Deed Records, more particularly described by metes and bounds as follows:

BEGINNING at a corner post for the N.W. corner of the tract herein described, same being a re-entrant corner of that tract of 602.59 acres of land conveyed to Walter Higgins, Jr., Trustee, by Geo. E. Herrmann, et ux, by deed dated 6-2-64, recorded in Vol. 138, p. 586, Comal County Deed Records and from which corner post and beginning corner, the west corner of the Samuel Craft Survey as fenced and used upon the ground bears S. 87° 52' W. 3212.65 varas (Record);

THENCE, with fence and south line of said Higgins tract, the following courses numbered (1) through (7):

- (1) N. 43° 08' E.; 26.35 varas;
- (2) N. 48° 01' E.; 46.24 varas;
- (3) N. 44° 45' E.; 21.81 varas;
- (4) N. 36° 32' E.; 10.38 varas;
- (5) N. 51° 14' E.; 9.00 varas;
- (6) N. 84° 46' E.; 11.36 varas;
- (7) N. 7° 30' E.; 15.22 varas to a point in the approximate centerline of York Creek for the N. E. corner of the tract herein described and a N. W. corner of that tract of 144.05 acres of land conveyed to Travis H. Tate by Otto Preusser, et al, by deed dated 1-7-42, recorded in Vol. 74, p. 601, Comal County Deed Records;

THENCE, with south line of Tate tract and approximate centerline of York Creek, the following courses numbered (8) through (13):

- (8) S. 84° 58' E.; 87.73 varas;
- (9) N. 77° 52' E.; 61.09 varas;
- (10) N. 76° 18' E.; 266.40 varas;
- (11) S. 72° 43' E.; 50.27 varas;
- (12) S. 59° 46' E.; 34.56 varas;
- (13) S. 80° 02' E.; 168.02 varas to point under fence in the approximate centerline of York Creek for angle point;

THENCE, leaving approximate centerline of York Creek with old fence and west line of said Tate tract, S. 44° 19' E. 254.1 varas to angle point;

THENCE, continuing with fence and west line of Tate tract, S. 43° 14 E. 151.46 varas to corner post on the N. W. line of F.M. Highway #1102;

THENCE, crossing F.M. Highway #1102, S. 42° 29 E. 38.53 varas to corner post on the S. E. side of F.M. Highway #1102;

THENCE, with west line of Tate tract as fenced and used upon the ground, S. 45° 12 E. at 139.7 varas crossing centerline of M. K. & T. RR. CO. right of way and continuing on in all 372.52 varas to a point on the N. W. right of way line of I. & G. N. Railroad Co. for the S. E. corner of the tract herein described, and a S. W. corner of the said Tate tract;

THENCE, with the N. W. line of I. & G. N. RR. CO. right of way, S. 49° 31 W. 568.17 varas to corner post for the most southerly corner of the tract herein described;

THENCE, leaving I. & G. N. RR. right of way line with fence, N. 45° 37 W. 212.4 varas to corner post on the S.E. side of M.K. & T. RR. Co. right of way;

THENCE, N. 46° 05 W. crossing M. K. & T. RR. right of way, 36.2 varas to corner post on the N.W. line of M. K. & T. RR. Co. right of way for the east corner of said Walter Higgins 602.59 acre tract;

THENCE, with fence and N.E. line of said Higgins 602.59 acre tract, N. 44° 36 W. 283.33 varas to corner post on the S.E. side of F.M. Highway #1102 at Engineer's Station 92 / 87.0;

THENCE, N. 39° 27 W. crossing F.M. Highway #1102, 35.0 varas to corner post on N.W. side of F.M. Highway #1102;

THENCE, with fence and Higgins N.E. line, the following courses numbered (14) through (17):

(14) N. 44° 56 W.; 170.12 varas;  
(15) N. 44° 09 W.; 285.00 varas;  
(16) N. 44° 22 W.; 107.34 varas;  
(17) N. 42° 02 W.; 46.54 varas to the PLACE OF BEGINNING, there being 104.72 acres of land within this description, of which 3.39 acres are within F.M. Highway #1102 and 3.66 acres are within the M.K. & T. RR. Co. right of way, leaving 97.67 acres of land for the purpose of conveyance, and being the same land more fully described by notes and bounds in deed dated November 4, 1904, recorded in Volume 141, pages 244-247, Deed-Records of Conal.

County, Texas, from Ollie Mae Stocks, et al, to  
Walter S. Higgins, Jr., Trustee, and in Guardian  
Deed dated November 4, 1964, recorded in Volume 141,  
Pages 249-250, Deed Records of Comal County, Texas,  
from Margaret Fields, Guardian of the Person and  
Estate of Ida Soechting, a person of unsound mind,  
to Walter S. Higgins, Jr., Trustee, based on a sur-  
vey made on the ground by James R. Hall, County  
Surveyor of Hayes Count. , Texas, in October, 1954.



Photo Date: 6-1-2008  
Scale: 1" = 1000'

Tax Parcel 74144

Application for Appraised Value Limitation on Qualified Property  
Form 50-296  
Attachment Information  
TXI Operations LP  
Texas ID No: 1752647004

**Page 9, Existing Improvements**

The company has a Portland cement manufacturing plant north of the project located in the same tax parcel number 74144. The existing plant consisting of buildings, other real property improvements, equipment, furniture and fixtures, and other equipment was built in 1979 and currently produces approximately 1.0 million short tons of cement annually.

Application for Appraised Value Limitation on Qualified Property  
Form 50-296  
Attachment Information  
TXI Operations LP  
Texas ID No: 1752647004

**Attachment 13.**      **N/A**

**110% of Comal County Average Weekly Wage for all Jobs**

2009	3Q	\$ 631
2009	4Q	\$ 705
2010	1Q	\$ 622
2010	2Q	\$ 625
<b>TOTAL:</b>		<b>\$ 645.75</b>

\$645.75 average weekly salary

X 1.1 (110%)

\$710.33

**110% of Comal County Average Weekly Wage for Manufacturing Jobs in County**

2009	3Q	\$ 756
2009	4Q	\$ 836
2010	1Q	\$ 791
2010	2Q	\$ 785
<b>TOTAL:</b>		<b>\$ 792</b>

\$792 average weekly salary

X 1.1 (110%)

\$871.20

**110 % of County Average Weekly Wage for Manufacturing Jobs in Region**

\$16.82 per hour

X 40 hr per week

\$ 672.80 average weekly salary

X 1.10 (110%)

\$740.08

X 52 weeks

\$38,484.16 Annual Wage

# Quarterly Employment and Wages (QCEW)

[Back](#)

Page 1 of 1 (40 results/page)

Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2010	1st Qtr	Comal County	Private	00	0	10	Total, All Industries	\$622
2010	2nd Qtr	Comal County	Private	00	0	10	Total, All Industries	\$625
2009	3rd Qtr	Comal County	Private	00	0	10	Total, All Industries	\$631
2009	4th Qtr	Comal County	Private	00	0	10	Total, All Industries	\$705

# Quarterly Employment and Wages (QCEW)

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Page 1 of 1 (40 results/page)

 Year	 Period	 Area	 Ownership	 Division	 Level	 Ind Code	 Industry	 Avg Weekly Wages
2010	1st Qtr	Comal County	Private	31	2	31-33	Manufacturing	\$791
2010	2nd Qtr	Comal County	Private	31	2	31-33	Manufacturing	\$785
2009	3rd Qtr	Comal County	Private	31	2	31-33	Manufacturing	\$756
2009	4th Qtr	Comal County	Private	31	2	31-33	Manufacturing	\$836

**2009 Manufacturing Wages by Council of Government Region  
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
<b>Texas</b>	<b>\$21.43</b>	<b>\$44,583</b>
<a href="#">1. Panhandle Regional Planning Commission</a>	\$18.38	\$38,227
<a href="#">2. South Plains Association of Governments</a>	\$15.67	\$32,596
<a href="#">3. NORTEX Regional Planning Commission</a>	\$19.60	\$40,768
<a href="#">4. North Central Texas Council of Governments</a>	\$23.44	\$48,754
<a href="#">5. Ark-Tex Council of Governments</a>	\$15.14	\$31,489
<a href="#">6. East Texas Council of Governments</a>	\$16.87	\$35,091
<a href="#">7. West Central Texas Council of Governments</a>	\$17.27	\$35,916
<a href="#">8. Rio Grande Council of Governments</a>	\$15.26	\$31,732
<a href="#">9. Permian Basin Regional Planning Commission</a>	\$19.11	\$39,757
<a href="#">10. Concho Valley Council of Governments</a>	\$14.80	\$30,784
<a href="#">11. Heart of Texas Council of Governments</a>	\$17.41	\$36,206
<a href="#">12. Capital Area Council of Governments</a>	\$25.60	\$53,244
<a href="#">13. Brazos Valley Council of Governments</a>	\$15.33	\$31,893
<a href="#">14. Deep East Texas Council of Governments</a>	\$15.46	\$32,151
<a href="#">15. South East Texas Regional Planning Commission</a>	\$25.53	\$53,095
<a href="#">16. Houston-Galveston Area Council</a>	\$22.90	\$47,629
<a href="#">17. Golden Crescent Regional Planning Commission</a>	\$19.84	\$41,273
<a href="#">18. Alamo Area Council of Governments</a>	\$16.82	\$34,984
<a href="#">19. South Texas Development Council</a>	\$13.68	\$28,445
<a href="#">20. Coastal Bend Council of Governments</a>	\$22.10	\$45,967
<a href="#">21. Lower Rio Grande Valley Development Council</a>	\$13.52	\$28,114
<a href="#">22. Texoma Council of Governments</a>	\$18.42	\$38,305
<a href="#">23. Central Texas Council of Governments</a>	\$16.58	\$34,484
<a href="#">24. Middle Rio Grande Development Council</a>	\$13.66	\$28,416

Source: Texas Occupational Employment and Wages

Data published: July 2010

Data published annually, next update will be June 2011.

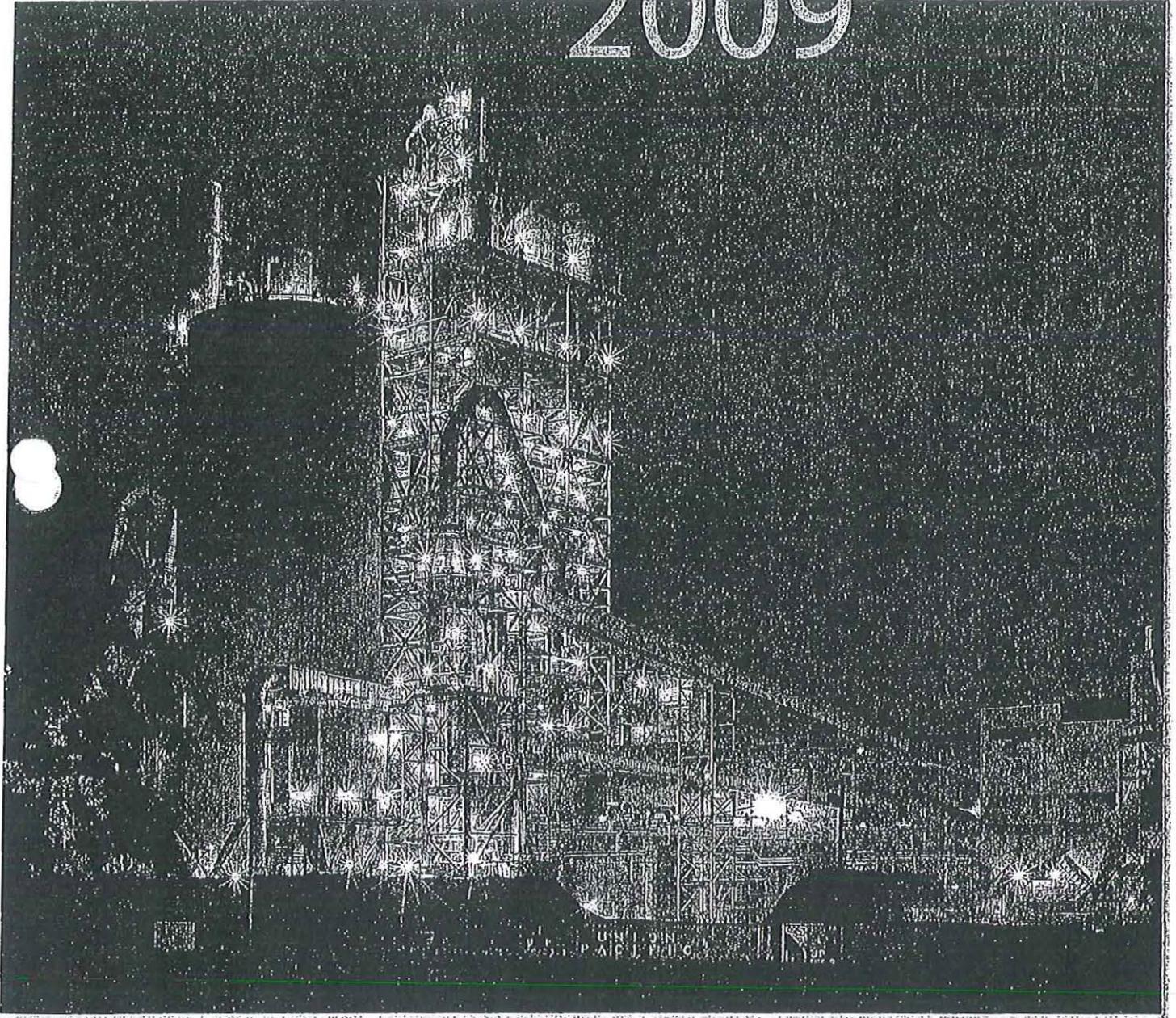
Note: Data is not supported by the Bureau of Labor Statistics (BLS).

Wage data is produced from Texas OES data, and is not to be compared to BLS estimates.

Data intended for TAC 313 purposes only.

# Employee Benefits Guide

# 2009



TXI Operations LP • Pacific Custom Materials Inc. • TXI Transportation Inc.



WORKS FOR ME.



# Welcome to Your 2009 TXI Employee Benefits Guide!



TXI is proud to offer you great benefits at an affordable price. This guide gives you a look at your benefit options and the information you need to make enrollment as easy and as hassle-free as possible. Carefully review this guide to understand your benefit choices. Included are:

- The **details you need** to choose the right benefits for you and your family
- **Comparison charts** to help you choose the plans that best fit your needs
- Tips on **how to use your benefits** throughout the year to get the most for your dollar
- **Web addresses and phone numbers** for more information

Once you have reviewed the information included in your enrollment kit, you're **ready to enroll.**

## **Enroll on time!**

You must enroll before your effective date. Your coverage will not be effective until you have completed the enrollment process. If you or your eligible dependents do not enroll by your effective date, you must wait until the next Open Enrollment. If you are unable to certify your dependents' eligibility, coverage will end as soon as administratively possible.

To enroll or make changes, turn in the paper forms included in your enrollment kit before your effective date. All forms must be signed, dated and forwarded to your local Human Resources representative. If you have questions or need help, please contact your local Human Resources representative, your Corporate Benefits representative or send an email to [compbenefits@txi.com](mailto:compbenefits@txi.com).

**READ ON TO LEARN MORE!**

# BEFORE YOU ENROLL



## Make sure you're eligible.

You are eligible for group insurance coverage if you are:

- A regular non-exempt employee scheduled to work 40 or more hours per week. Your eligibility takes effect 90 days after your hire date.
- A regular exempt employee scheduled to work 40 or more hours per week. Your eligibility takes effect on your hire date.

For eligibility requirements for the TXI Retirement Plan, please refer to page 16.

## Understand your contributions.

TXI pays a significant portion of the cost of your benefits. The amount you pay depends on the plan choices you make, and your benefit contributions may change from year to year. Refer to your enrollment form for a full list of contribution rates. Once you have enrolled and deductions begin, check your pay stub to make sure your benefit deductions are correct.

Contributions for your medical, dental, vision and FSA benefits are deducted on a pre-tax basis. If you wish to make after-tax contributions, please contact your Human Resources representative for the appropriate form. FSA contributions must be deducted pre-tax.

## Know the rules for covering your spouse.

Most employers offer medical coverage to their own employees. If your spouse works, he or she should consider choosing the coverage provided by his or her employer. If your spouse has medical coverage available from his or her employer and is enrolled in your TXI plan, you will pay more for coverage.

The spousal surcharge (\$25 per biweekly pay period or \$12.50 per weekly pay period) applies to you if your spouse is eligible for his or her employer's medical coverage, whether or not he or she enrolls. You will NOT be required to pay the surcharge if:

- Your spouse's employer does not offer medical coverage or your spouse is not eligible.
- Your spouse is self-employed and has no available coverage.
- Your spouse is not employed.

## Check your dependent eligibility.

In most cases, you may also cover your eligible dependents, including:

- Your spouse.
- Your unmarried eligible children under age 19 (or under age 25 if they are full-time students).
- Your children age 19 and older who are mentally or physically disabled and financially dependent on you. You must submit an application to continue your child's dependent status within 31 days of his or her 19th birthday. You will need to provide verification that your dependent child has a qualifying permanent disability, in accordance with the Social Security Administration guidelines, that occurred prior to his or her 19th birthday. Final eligibility will be determined by the plan administrator, and documentation may be required periodically to continue as a dependent on your plan.

TXI requires verification of eligibility for enrolled dependents. If you are adding a dependent for the first time, review the list of the verification requirements included in your enrollment kit. If you are a new hire or existing employee adding or updating dependents, you will be notified by HRAdvance (TXI's third-party administrator) when eligibility verification documents are due. If you have questions about dependent eligibility requirements, contact your local HR representative, Benefits representative or HRAdvance at 800.725.5810 or by email at [questions@plan-smart.com](mailto:questions@plan-smart.com).

## Choose carefully.

Once you've enrolled, you can't change your benefits until the next Open Enrollment unless you have a qualifying change in status and request a change within 31 days of the event. Qualifying events include:

- Marriage, divorce or legal separation
- Birth or adoption of a child
- Change in your or your spouse's employment status
- Loss or gain of other coverage
- Your child gaining or losing eligibility status
- Death of a dependent spouse or child
- Court order or judgment requiring you to provide coverage for a dependent child\*
- Entitlement to Medicare or Medicaid
- Change in residence when the move affects access to coverage (e.g., moving where there is no network coverage)

\* If a QMCSO (Qualified Medical Child Support Order) exists, you must elect coverage for your dependent pursuant to the order. You may not terminate coverage for a dependent covered by a QMCSO.



# MEDICAL

Take a minute to do a **quick comparison of your medical choices.**

## Choice Plus Plan

The Choice Plus Plan allows you to see any provider, but you will save money if you stay in-network. Here's how the Choice Plus Plan works:

- You have in- and out-of-network benefits — with better coverage if you stay in-network, like lower deductibles and copays for office visits and preventive care.
- You can receive specialist care with a lower copay amount if you use a premium provider.
- You have access to network coverage from UnitedHealthcare (UHC) with more than 4,500 hospitals, 470,000 providers and 57,000 pharmacies.
- There are no claim forms to complete when you receive care in-network.

## Indemnity Plan

The Indemnity Plan also lets you see any provider. The plan usually pays a percentage of the cost of care. If your doctor is not in the UHC network and you want to keep him/her as a provider, this might be a smart choice for you. Here's how the Indemnity Plan works:

- You can see any provider — with lower out-of-pocket costs if you see a UHC provider.
- You have access to network coverage from UHC with more than 4,500 hospitals, 470,000 providers and 57,000 pharmacies.
- You may be required to file your own claims.

## High-Deductible Plan

The High-Deductible Plan allows you to see any provider, but you will save money if you stay in-network. Here's how the High-Deductible Plan works:

- You have in- and out-of-network benefits — with better coverage if you stay in-network, like lower deductibles and lower coinsurance amounts for office visits.
- You can receive 100%-covered preventive care (up to \$500 per year).
- This plan has much lower contribution rates than the Choice Plus Plan and Indemnity Plan.
- You have access to network coverage from UHC with more than 4,500 hospitals, 470,000 providers and 57,000 pharmacies.

## ID Cards

For the Choice Plus Plan, Indemnity Plan and High-Deductible Plan, you will receive a new ID card even though you have received one in the past. If you need a new or replacement ID card at any time during the year, call UHC at 866.844.4864.

## Kaiser HMO (Colorado Residents Only)

The HMO (Health Maintenance Organization) requires you to coordinate your care through a primary care physician (PCP). It's a smart choice if you want an affordable plan with predictable expenses. Here's how the Kaiser HMO plan (for Colorado residents) works:

- There are set copays for most services.
- This plan does not have a lifetime maximum or annual deductible for your benefits.
- There are no claim forms to complete.
- You have access to a large network of providers.
- This is an affordable plan if you are willing to access your PCP for referrals to specialists.

## Coordination of Benefits

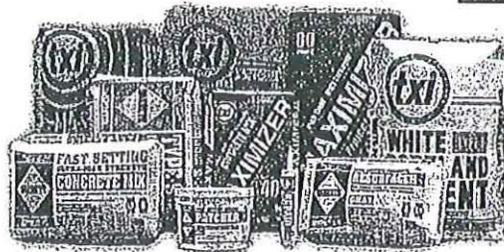
The TXI medical plans have a coordination of benefits provision. This means the amount normally reimbursed under your TXI plan may be reduced if another benefit plan pays benefits. If you are covered by more than one plan, the total benefits paid by all plans will never be more than 100% of covered charges.

## Prescription Drugs

The **Choice Plus Plan**, **Indemnity Plan** and **High-Deductible Plan** include prescription drug benefits through Medco Health.

You can purchase prescriptions at a retail network pharmacy or through the mail-order program. Most national pharmacies are in the Medco network (Target, Wal-Mart, Walgreens, CVS and Rite Aid are network pharmacies).

You will be able to waive your prescription drug deductible and pay a lower copay if you take Tier 1 drugs for targeted conditions like diabetes and high cholesterol.



Your Costs

**CHOICE PLUS PLAN**

IN

In-Network

Out-of-Network

**SPECIAL FEATURES**

Annual Deductible		
• Individual	\$300	\$600
• Family	\$900	\$1,800
Coinsurance	20%	40%
Out-of-Pocket Maximum		
• Individual	\$3,000	\$4,000
• Family	\$6,000	\$8,000
Lifetime Maximum	\$1,000,000	

**PHYSICIAN**

Routine Office Visits		
• Primary Care	\$20 copay	40% after annual deductible
• Specialist/Premium Provider	\$35 copay/ \$20 copay	
Preventive Adult/Child Wellcare		
• Primary Care	\$20 copay	40% after annual deductible
• Specialist/Premium Provider	\$35 copay/ \$20 copay	
Urgent Care Clinic	\$25 copay	\$25 copay

**X-RAY & LABS**

Independent Lab	20% after annual deductible	40% after annual deductible
Independent Lab — Preventive Adult/Child Wellcare	20%, no annual deductible	40% after annual deductible

**HOSPITAL**

Emergency Room		
• True Emergency	\$150 copay, then 20% after annual deductible	\$150 copay, then 20% after annual deductible
• Non-True or Unauthorized Emergency	\$300 copay, then 20% after annual deductible	\$300 copay, then 20% after annual deductible
Hospital Charges		
• Inpatient	20% after annual deductible	\$250 hospital deductible, then 40% after annual deductible
• Outpatient	20% after annual deductible	40% after annual deductible

**PRESCRIPTION DRUGS**

Prescription Drug Deductible		
• Individual	\$50	not applicable
• Family	\$150	
Retail		
• Tier 1	\$15*	no coverage
• Tier 2	\$40	
• Tier 3	\$60	

\* Waive your prescription drug deductible and pay a \$4 copay for a 30-day supply of medication for targeted conditions.

Mail-Order (up to 90-day supply)		
• Tier 1	\$38	no coverage
• Tier 2	\$100	
• Tier 3	\$150	

**MENTAL HEALTH AND SUBSTANCE ABUSE**

Inpatient	20% after annual deductible, up to 30 days per year	no coverage
Outpatient	\$20 copay per visit, up to 30 visits per year	no coverage

INDEMNITY PLAN	HIGH-DEDUCTIBLE PLAN		KAISER HMO PLAN (COLORADO ONLY)
	In-Network	Out-of-Network	
\$450 \$1,350	\$1,500 \$4,500	\$3,000 \$9,000	none
20%	20%	40%	none
\$4,000 \$8,000	\$4,000 \$8,000	\$8,000 \$19,000	\$2,000 \$4,500
\$1,000,000	\$1,000,000		none
20% after annual deductible	20% after annual deductible	40% after annual deductible	\$20 copay \$30 copay
100% covered up to \$300 annually, then 20%, no annual deductible	100% covered up to \$500 annually, then 20%, no annual deductible	40% after annual deductible	\$20 copay
20% after annual deductible	20% after annual deductible	40% after annual deductible	\$20 copay/day visit \$50 copay/after-hours visit
20% after annual deductible	20% after annual deductible	40% after annual deductible	\$15 copay
20%, no annual deductible	20%, no annual deductible	40% after annual deductible	
\$200 copay, then 20% after annual deductible	\$150 copay, then 20% after annual deductible	\$150 copay, then 20% after annual deductible	\$100 copay
\$400 copay, then 20% after annual deductible	\$300 copay, then 20% after annual deductible	\$300 copay, then 20% after annual deductible	no coverage
\$250 hospital deductible, then 20% after annual deductible	20% after annual deductible	40% after annual deductible	\$500 copay per admission
20% after annual deductible	20% after annual deductible	40% after annual deductible	\$100 copay
\$50 \$150	\$50 \$150	not applicable	none
\$18* \$45 \$65	\$15* \$40 \$60	no coverage	\$15 copay (30-day supply)
\$45 \$113 \$163	\$38 \$100 \$150	no coverage	\$30 copay (30-day supply)
20% after annual deductible, up to 30 days per year	20% after annual deductible, up to 30 days per year	no coverage	\$500 copay, up to 45 days per year (mental health) or 30 days per year (substance abuse)
\$20 copay per visit, up to 30 visits per year	\$20 copay per visit, up to 30 visits per year	no coverage	\$20 copay per visit, up to 20 visits per year

# DENTAL

You can buy dental coverage for you and your family, provided by Delta Dental. You can see any provider you choose, but generally you'll pay less with a Delta Dental preferred dentist. **If you are enrolling for the first time, you must wait 12 months before major care benefits begin.**

The dental plan covers four types of care. Here's how the plan works:

YOU PAY	FOR
\$50	Annual Deductible
0% of the cost	<b>Preventive Care</b> up to 2 cleanings per calendar year and X-rays once every 12 months with no deductible
20% of the cost	<b>Basic Care</b> fillings and extractions
50% of the cost	<b>Major Care</b> crowns, dentures and bridges
50% of the cost	<b>Orthodontia</b> dependents up to age 19

PLAN BENEFITS ARE LIMITED TO	FOR
\$2,000 per year/eligible dependent	Preventive, Basic and Major Care
\$3,000 per lifetime/eligible dependent	Orthodontia

## Money Saver

If you need some major dental work, be sure to ask your dentist for a pre-treatment estimate to help you budget for the cost. Plus, if you know far enough in advance, you can put the money in your Health Care Flexible Spending Account to pay for the expense.

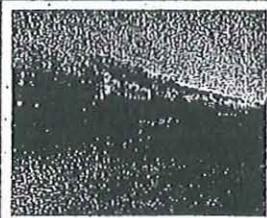
# VISION

You can buy vision coverage for you and your family, offered through VSP. It covers routine vision services and supplies such as eye exams, glasses and contact lenses. If you use a VSP doctor, you'll receive a higher level of benefits. If you use an out-of-network provider, you will pay charges above the plan allowance and you may be required to file your own claims.

## Here's how the vision plan works:

THE PLAN PAYS	FOR	THE PLAN PAYS
In-Network		Out-of-Network
100% after \$20 copay	Wellness Exams once every 12 months	up to \$45 after \$20 copay
100% after \$20 copay	Lenses* once every 12 months	Single up to \$25 Bifocal up to \$65 Trifocal up to \$85 Lenticular up to \$125
up to \$130 with 20% discount for amount over allowance after \$20 copay (\$20 copay covers a set of glasses)	Frames once every 24 months	up to \$47
up to \$130 (fitting and evaluation)	Contacts once every 12 months (instead of glasses)	up to \$130

\* When you use a VSP provider, polycarbonate lenses for your children are covered in full. Polycarbonate lenses are impact- and scratch-resistant, thinner, lighter and safer for children.



## VSP Discounts

If you use a VSP provider, you may be eligible for discounts on lens tints, scratch-resistant and anti-reflective lens coatings, progressive lenses, prescription sunglasses and laser vision correction.

# FLEXIBLE SPENDING ACCOUNT

Whether or not you elect health coverage through TXI, you can enroll in the Health Care Flexible Spending Account (FSA) and the Dependent Care FSA to pay for eligible out-of-pocket expenses. **These money-saving accounts allow you to set aside pre-tax dollars from your paycheck.** These are voluntary options. You can elect one account or both.

Here's how the accounts work:

1. You estimate your health care/dependent care expenses for the next year. Then you choose how much to put into each account.
2. The money is deducted from your paycheck on a pre-tax basis in equal amounts throughout the year. That means you don't pay Social Security or federal (and, in most cases, state) income tax on the money in your accounts.
3. You pay for eligible expenses out of pocket, or use the Flex Debit Card.
4. You submit a claim to get reimbursed if you do not use your Flex Debit Card.

HEALTH CARE FSA	DEPENDENT CARE FSA
<b>Eligible Expenses</b>	
<ul style="list-style-type: none"> <li>• Out-of-pocket expenses such as copays, coinsurance, deductibles and other eligible out-of-pocket expenses not covered by your health plan</li> <li>• Over-the-counter medications that treat an illness or injury such as pain relief, first aid treatments or allergy relief</li> <li>• Glasses, contact lenses or copays not covered by your vision plan</li> <li>• Orthodontia treatments such as braces, or dental expenses not covered by your dental plan</li> </ul>	Day care expenses that enable you to work, including: <ul style="list-style-type: none"> <li>• Day care, after-school care or summer day camp for dependent children under age 13</li> <li>• Day care for your dependents who are mentally or physically incapable of caring for themselves</li> </ul>
For a full list of eligible expenses, go to <a href="http://www.taxsaverplan.com">www.taxsaverplan.com</a> and check out "Eligible Health FSA Expenses" or "Eligible Dependent Care Expenses."	
<b>Maximum Annual Contribution</b>	
<b>\$5,000</b>	<b>\$5,000</b> (\$2,500 if you and your spouse file separate tax returns)
<b>Reimbursement Window</b>	
Expenses incurred between January 1, 2009, and March 15, 2010, can be reimbursed if you submit your claim by March 31, 2010.	

**Note:** If you're a highly compensated participant (as defined by law), the plan administrator can limit your pre-tax contributions to the FSA so the plan can meet the IRS nondiscrimination requirements. You will be notified if you are affected by these limits.

## Getting Reimbursed

There are three ways to be reimbursed:

1. **Reimbursement check.** You pay for eligible expenses up front and then submit your receipts and a claim form, available from the TXI intranet. A reimbursement check will be sent to you.
2. **Direct deposit.** If you have payroll direct deposit, the amount for qualifying expenses will be directly deposited into your primary bank account when you submit your receipts and a claim form.
3. **Flex Debit Card.** The amount will be automatically deducted from your account, so you won't have to wait for a reimbursement check.
  - If you are enrolling in the FSA for the first time or your debit card has expired, a Flex Debit Card will be automatically issued to you.
  - You can use the Flex Debit Card for expenses incurred from January 1, 2009, to December 31, 2009. For any expenses incurred during the grace period (January 1, 2010–March 15, 2010), you must pay the expense and then file a claim if you want it to apply to your 2009 account. Debit card transactions apply to the current calendar year. If you use your debit card during the claim grace period for 2009, the charges will apply to your 2010 account.
  - You use the card to pay for services at the doctor's or dentist's office or pharmacy. You can also use the card for dependent care providers if they accept credit cards.
  - The card can't be used at locations that don't offer eligible services (e.g., a gas station). If you try to use the card for ineligible expenses, the transaction will be denied.

## Rules to Remember

- You must re-enroll each year. FSA elections do not carry over from year to year. If you want to participate in the FSAs, you must elect them during Open Enrollment every year.
- Use it or lose it. Under IRS rules, you forfeit any funds you don't use during the plan year (January 1–December 31, with a grace period until March 15), so estimate your expenses carefully.
- You have until March 31 to submit claims for the previous year.
- Don't plan on making changes. Once you decide how much you want to contribute to the account(s), you generally can't change the amount until next year's Open Enrollment (unless you have a qualifying change in status, such as getting married or having a baby).
- Keep your receipts. According to IRS rules, you must keep all of your receipts. Otherwise, you may not get reimbursed for your expenses.

# LIFE, AD&D AND DISABILITY

TXI offers three protection plans: Life Insurance, Accidental Death and Dismemberment (AD&D) Insurance and Business Travel Accident Insurance. TXI provides basic coverage at no cost to you, but you can also purchase additional protection.

## Life Insurance

Life Insurance pays a benefit if you or a covered family member dies.

TXI provides you with Basic Life Insurance equal to 1x your annual base pay, up to \$100,000. Annual base pay is your regular earnings, excluding bonuses or overtime. (Note: Your Basic Life coverage is automatically reduced at age 65.)

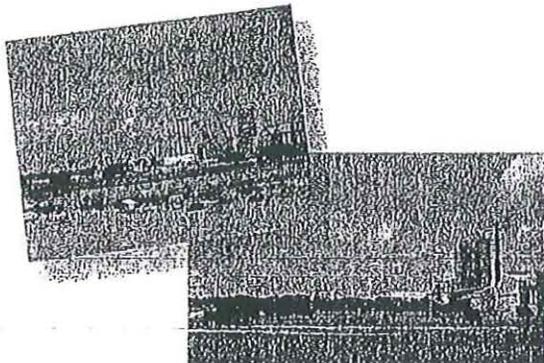
When you're eligible, you can purchase Supplemental Life Insurance for yourself, your spouse and your children. (Note: Your Supplemental Life coverage is automatically reduced at age 75.)

The following chart explains coverage amounts and maximums.

COVERAGE FOR ...	AMOUNT OF COVERAGE AVAILABLE ...
You	up to \$300,000, or 5x your annual base pay (in \$10,000 increments)*
Your Spouse	up to \$300,000 (in \$10,000 increments)**
Your Children	\$2,500 per child

\* Guaranteed issue amount: \$150,000. If you elect coverage over this limit or if you do not enroll in this plan during your initial eligibility period, you must complete an evidence of insurability form and be approved by the insurer.

\*\* Guaranteed Issue amount: \$30,000. If you elect coverage over this limit, you must complete an evidence of insurability form and be approved by the insurer.



## Conversion Privileges

Life insurance coverage will be discontinued when employment with TXI is terminated or when you become ineligible for coverage. At that time, you have the option of converting some or all life insurance to an individual policy.

## Monthly Supplemental Life Insurance Costs

When you are eligible, you can purchase Supplemental Life Insurance for you, or your dependent spouse or child(ren).

### For You and Your Spouse

Find your and your spouse's ages below. Multiply the corresponding rate by the number of \$10,000 units of coverage you want.

AGE	RATE (PER \$10,000 UNIT)
under 30	\$0.77
30-34	\$0.96
35-39	\$1.39
40-44	\$1.97
45-49	\$3.59
50-54	\$5.47
55-59	\$8.17
60-64	\$13.95
65-69	\$20.00
70 and over*	\$33.70

\* At age 75, coverage is reduced to 50%. At age 80, coverage is reduced to 25%. Please see the Summary Plan Description (SPD) for more details.

### For Your Children

You pay a \$0.45 monthly contribution per \$1,000 of coverage for supplemental life for your children. The number of children covered under the child life insurance option does not affect the cost. The contributions are the same whether you cover one child or more than one child. Only the children listed as dependents on your enrollment form will be eligible for benefits.

**Note:** IRS Section 79 states that the value of employer-paid employee life insurance greater than \$50,000 is considered imputed income (a dollar amount added to your gross pay based on age and amount of coverage greater than \$50,000), which is subject to federal, state and FICA taxes.

## AD&D Insurance

AD&D coverage pays a benefit if you or a covered family member dies or is injured in an accident.

TXI provides you with Basic AD&D equal to 1x your annual base pay, up to \$100,000. Annual base pay is your regular earnings, excluding any bonuses or overtime.

When you're eligible, you can purchase Voluntary AD&D for yourself, your spouse and your children. (Note: Your Voluntary AD&D coverage is automatically reduced at age 70.)

The following chart explains coverage amounts and maximums.

COVERAGE FOR	AMOUNT OF COVERAGE AVAILABLE
You	\$25,000 to \$500,000 or 10x your annual base pay (whichever is less in \$25,000 increments)
Your Spouse Only	50% of your coverage
Your Children Only	15% of your coverage (per child)
Your Spouse and Your Children	Spouse — 40% of your coverage Children — 10% of your coverage (per child)

# LIFE, AD&D AND DISABILITY

## Monthly Voluntary AD&D Costs

COVERAGE AMOUNT*	MONTHLY COST	
	You	You and Family
\$25,000	\$0.75	\$1.12
\$50,000	\$1.50	\$2.25
\$100,000	\$3.00	\$4.50
\$150,000	\$4.50	\$6.75
\$200,000	\$6.00	\$9.00
\$250,000	\$7.50	\$11.25
\$300,000	\$9.00	\$13.50
\$350,000	\$10.50	\$15.75
\$400,000	\$12.00	\$18.00
\$450,000	\$13.50	\$20.25
\$500,000	\$15.00	\$22.50

\* At age 70, coverage is reduced to 65%. At age 75, coverage is reduced to 45%. You may not increase your coverage after age 70. Please see the Summary Plan Description (SPD) for more details.

## Business Travel Accident Insurance

The Business Travel Accident plan pays a benefit if you die or are injured while traveling on company business. Plus, the plan provides 24-hour personal assistance if you're faced with an emergency while traveling on company business. This includes assistance with medical care, legal matters and trip planning. TXI provides you with Business Travel Accident coverage that pays a benefit of 3x your annual base pay, subject to a minimum of \$250,000 and a maximum of \$1,000,000.

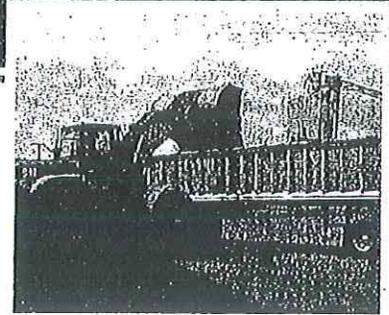
## Make Sure Your Family Is Protected

Take a look at your current beneficiary information. You might need to update it if:

- You've recently married or divorced. Make sure to change your beneficiary designation. If you don't, your benefits will go to the beneficiary still on file.
- You've had a recent birth or death in the family. You may need to add or change a beneficiary.

Update or change your beneficiary information by filling out the form in the back pocket of your enrollment kit and turning it in to Human Resources.

TXI provides three plans — **at no cost to you** — to keep all or part of your paycheck coming if you can't work due to an illness, injury or pregnancy. Here's how they work for you.



### **Salary Continuance Plan** (For Salaried Non-Exempt and Exempt Employees)

The Salary Continuance Plan pays benefits if you can't work because of a disability.

- If you're a regular exempt employee, the plan will replace 100% of your base weekly pay for two months and 70% of your base weekly pay for up to four additional months.
- If you're a salaried non-exempt employee, the plan will replace 100% of your base weekly pay for up to 10 working days.
- For non-work-related injuries or illnesses, you must use your Salary Continuance Plan benefits before your Short-Term Disability benefits will begin.

### **Short-Term Disability** (For Regular Non-Exempt and Hourly Employees)

Short-Term Disability (STD) pays benefits if you can't work because of a disability for up to:

- 13 weeks if you've been employed by the company for less than two years
- 26 weeks if you've been employed by the company for two or more years

After you've used your available Salary Continuance Plan benefits, your STD benefits start (in some cases, subject to state coordination):

- On the first day of your disability if you can't work because of a non-work-related injury
- On the eighth day of your disability if you can't work because of illness

Plan benefits are 60% of your base pay.

### **Long-Term Disability** (For All Employees)

Long-Term Disability (LTD) pays benefits if you are disabled and unable to work for more than 26 weeks.

Plan benefits are 60% of your base pay, up to \$12,000 per month, for as long as you remain totally disabled, up to certain age limitations based on your age when you first became disabled.

# RETIREMENT

The TXI Retirement Plan can help you plan for your future.

The TXI Retirement Plan helps you save for retirement through pre-tax contributions, compounding and a company match.

You are eligible for the plan on the first of the month following three months of service. About two weeks before you are eligible, Mercer HR Services, administrator of the TXI Retirement Plan, will send you a Personal Identification Number (PIN) to use for your account. One week later you'll receive an enrollment package that includes more information about the plan.

Your contributions will be deducted from your paycheck on a pre-tax basis. You do not pay federal income taxes on your contributions or earnings until you receive a distribution from the plan.

You will be automatically enrolled in the plan 30 days after you become eligible. If you do not make an election or opt out before then, 3% of your eligible pay will be withheld and automatically contributed to the plan on a pre-tax basis.

## Decide How Much to Save

You can contribute from 1% to 50% of your pay in 1% increments, up to IRS limits. For 2009, the IRS limit is expected to be \$15,500. If you are a highly compensated employee, other limits may apply.

If you're age 50 or older and you contribute as much as the plan allows each year, you may also be able to make additional pre-tax contributions, called "catch-up contributions," up to IRS limits. For 2009, the IRS limit on catch-up contributions is expected to be \$5,000.

## Pick Your Investment Strategy

The TXI Retirement Plan offers you two ways to save:

1. The **mix-your-own** strategy lets you select any combination of funds offered in the plan.
2. The **ready-mixed** strategy offers a pre-mixed combination of funds available in the plan. This ready-mixed investment strategy is based on when you intend to begin withdrawing your savings (typically at retirement).

## Get the Company Match

TXI makes two contributions to your Retirement Plan.

1. A Company Fixed Contribution equal to 2% of your pay
2. A Company Matching Contribution based on the first 6% of your deferrals into the plan — the amount of the match is determined annually by the Board of Directors

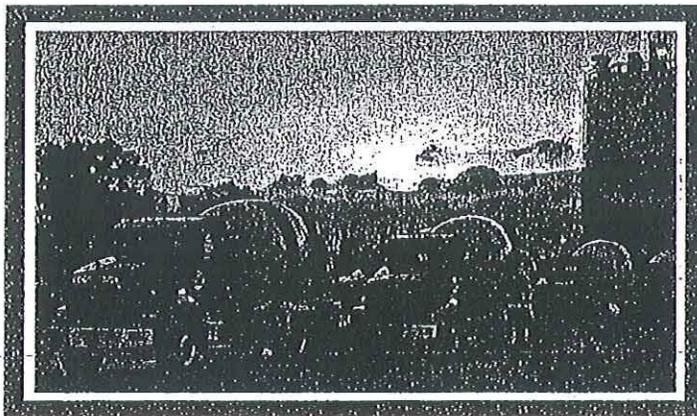
You must be employed on the last day of the plan year to receive the company contributions. Over time, you become vested in (you own) the company contributions. You earn 20% for each year of service until you're 100% vested after five years. You are automatically 100% vested in all accounts in the event of normal retirement (age 65), death or disability. You are always 100% vested in your contributions into the plan.

## Access Your Money

If you need to access your vested money while you're working, you have three options:

1. Take a loan of up to 50% of your vested account balance. You must repay the loan within five years (10 years for a home loan) through payroll deduction.
2. Take a withdrawal of your pre-tax contributions for certain financial hardships, such as un-reimbursed medical bills, college tuition, purchase of your primary residence or foreclosure on your home, funeral expenses and repair of a primary residence. Certain restrictions may apply.
3. Your vested balances can be withdrawn (distributed) before you leave the company if you are age 59½ or older.

Certain distribution rules, taxes and/or penalties may apply. You have the flexibility to make changes to your account as often as you like.



# OTHER BENEFITS

TXI offers programs to help make your life easier.

## For Your Well-Being

### *NurseLine*

The NurseLine is a free service through UHC that allows UHC plan participants to speak to registered nurses 24 hours a day, seven days a week. They can advise you on general health information, help you decide where to go for care and more. Call 800.846.4678 or go online to [www.myuhc.com](http://www.myuhc.com) for more information.

### *TelaDoc*

As an active employee participating in a UHC plan, you or your covered dependents (age 12 or older) can call TelaDoc when you need non-emergency medical assistance. You can take advantage of the convenience of accessing a physician 24/7/365 when:

- You cannot reach your primary care physician — TelaDoc does not replace your primary care physician, but the program can provide answers when you cannot reach your doctor.
- You need assistance after your primary care physician's normal hours of operation.
- You need help on vacation or a business trip.
- You need a recurring prescription filled and you don't have time to go to your physician's office (short-term refills only).
- You have medical questions that might be resolved without a face-to-face appointment.
- You need a second opinion.

**Note:** TelaDoc is not available for Oklahoma residents or HMO participants.

### *Employee Assistance Program (EAP)*

Even if you're not enrolled in a medical plan, you can use the EAP to speak with professionals about a range of topics, including family problems, emotional issues, stress, financial issues and much more.

The EAP provides confidential counseling and referral services to you and your family. All TXI employees and their family members are eligible, and coverage begins on your hire date. TXI pays the full cost of the EAP. There are no claims to file; just call the toll-free number any time.

### *Vacation and Holidays*

TXI offers you paid vacation and holidays every year. Holiday schedules may vary by region and are published annually. Please see your HR representative for more details.

## TXI Vacation Schedule

LENGTH OF SERVICE	VACATION	
	Salaried	Hourly
1 year but less than 2 years	2 weeks (80 hours)	1 week (40 hours)
2 years but less than 5 years	2 weeks (80 hours)	2 weeks (80 hours)
5 years but less than 15 years	3 weeks (120 hours)	3 weeks (120 hours)
15 years but less than 25 years	4 weeks (160 hours)	4 weeks (160 hours)
25 years or more	5 weeks (200 hours)	5 weeks (200 hours)

## For Your Wallet

### *Direct Deposit*

With direct deposit, your paycheck is deposited directly into your account. You can have your entire paycheck deposited to one account or split between two different accounts.

### *Employee Stock Purchase Plan (ESPP)*

The ESPP lets you buy TXI stock through payroll deductions. Contribution amounts are annualized and deducted from each paycheck in equal increments. You can set aside from \$20 to \$300 per month through the ESPP. TXI pays the brokerage fees and commissions on the purchase. TXI also matches 20% of the first \$20 you contribute each month.

### *Credit Union*

The TXI Credit Union offers many services and competitive rates to members, including:

- Checking accounts
- Certificates of deposit
- MasterCard
- Debit cards
- Car and boat loans
- Money orders
- Christmas club accounts
- Signature loans

## For Your Education

### *Scholarship Program*

If you've worked for TXI for two or more years, your eligible dependent children may compete for a scholarship to an accredited college or university. There is an application deadline every year, typically in April. See your HR representative or refer to the TXI intranet for more information.

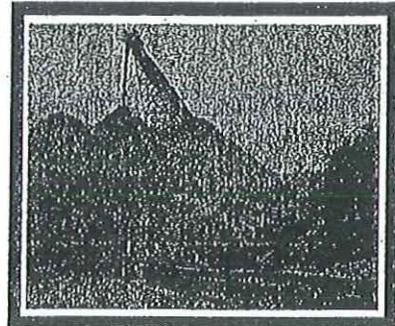
### *Educational Benefit*

TXI will reimburse you for your tuition and textbooks for approved courses. To be eligible for 100% reimbursement, you must attain a grade of "C" or better for undergraduate classes and a "B" or better for graduate classes. See your HR representative for more details.

# IMPORTANT INFORMATION

## Notice of Special Enrollment Rights

If you decline enrollment in medical coverage for you or your dependents (including your spouse) because of other health insurance coverage, you may in the future be able to enroll yourself or your dependents in TXI medical coverage as long as you request enrollment no more than 31 days after your other coverage ends. In addition, if you have a new dependent as a result of marriage, birth, adoption or placement for adoption, you can enroll yourself and your dependents in TXI medical coverage as long as you request enrollment by contacting your local Human Resources representative no more than 31 days after the marriage, birth, adoption or placement for adoption.



## Pre-Existing Conditions

Under the Choice Plus, Indemnity and High-Deductible plans, pre-existing conditions are covered after 12 months from your enrollment date or after six continuous months of no medical care. This applies only to conditions for which medical care was received during the six months before your coverage becomes effective. This does not apply to pregnancy or a child enrolled in the plan within 31 days after birth, adoption or placement for adoption. The 12-month exclusion period can be reduced by the number of days you previously had "creditable coverage" under another plan, if your coverage under the other plan ended within 63 days of enrolling in the Choice Plus, Indemnity and High-Deductible plans. To reduce the 12-month period, give TXI a copy of your Certificate of Creditable Coverage. If you need a certificate from your prior coverage, TXI will help you obtain one. Contact your local Human Resources representative for more information.

## Women's Health and Cancer Rights Act of 1998

Each plan provides benefits for mastectomy-related services as required by the Women's Health and Cancer Rights Act of 1998. These services include all stages of reconstruction and surgery to achieve symmetry between the breasts, prostheses and complications resulting from a mastectomy, including lymphedema. Call your claims administrator for more information.

ATTACHMENT 16

N/A

Schedule A (Rev. May 2010): Investment

Applicant Name

ISD Name

Form 50-296

PROPERTY INVESTMENT AMOUNTS									
(Estimated investment in each year. Do not put cumulative totals.)									
		Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	Column A: Tangible Personal Property The amount of new investment (original cost) placed in service during this year	Column B: Building or permanent nonremovable component of building (annual amount only)	Column C: Sum of A and B Qualifying Investment (during the qualifying time period)	Column D: Other investment that is not qualified investment but investment affecting economic impact and total value	Column E: Total Investment (A+B+D)
The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)	Investment made before filing complete application with district (neither qualified property nor eligible to become qualified investment)		2010-11	2010		\$ 18,756,500			\$ 18,756,500
	Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property)		2011-12	2011	\$ 1,000,000	\$ 1,000,000			\$ 2,000,000
	Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period (qualified investment and eligible to become qualified property)					\$ 40,000,000	\$ 40,000,000		\$ 40,000,000
Tax Credit Period (with 50% cap on credit)	Value Limitation Period	Complete tax years of qualifying time period	1	2012-13	2012	\$ 40,000,000	\$ 40,000,000		\$ 40,000,000
		2	2013-14	2013	\$ 30,000,000	\$ 30,000,000		\$ 30,000,000	
		3	2014-15	2014	\$ 10,000,000			\$ 10,000,000	
		4	2015-16	2015	\$ 5,000,000			\$ 5,000,000	
		5	2016-17	2016	\$ 5,000,000			\$ 5,000,000	
		6	2017-18	2017	\$ 5,000,000			\$ 5,000,000	
		7	2018-19	2018	\$ 5,000,000			\$ 5,000,000	
		8	2019-20	2019				\$ -	
		9	2020-21	2020				\$ -	
		10	2021-22	2021				\$ -	
Credit Settle-Up Period	Continue to Maintain Viable Presence		11	2022-23	2022				\$ -
			12	2023-24	2023				\$ -
			13	2024-25	2024				\$ -
	Post- Settle-Up Period		14	2025-26	2025				\$ -
	Post- Settle-Up Period		15	2026-27	2026				\$ -

Qualifying Time Period usually begins with the final board approval of the application and extends generally for the following two complete tax years.

Column A: This represents the total dollar amount of planned investment in tangible personal property the applicant considers qualified investment - as defined in Tax Code §313.021(1)(A)-(D). For the purposes of investment, please list amount invested each year, not cumulative totals. [For the years outside the qualifying time period, this number should simply represent the planned investment in tangible personal property]. Include estimates of investment for "replacement" property-property that is part of original agreement but scheduled for probable replacement during limitation period.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings that the applicant considers qualified investment under Tax Code §313.021(1)(E). For the years outside the qualifying time period, this number should simply represent the planned investment in new buildings or nonremovable components of buildings.

Column D: Dollar value of other investment that may not be qualified investment but that may affect economic impact and total value-for planning, construction and operation of the facility. The most significant example for many projects would be land. Other examples may be items such as professional services, etc. Note: Land can be listed as part of investment during the "pre-year 1" time period. It cannot be part of qualifying investment.

Notes: For advanced clean energy projects, nuclear projects, projects with deferred qualifying time periods, and projects with lengthy application review periods, insert additional rows as needed.

This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.

  
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10/7/10  
DATE

**Schedule B (Rev. May 2010): Estimator Market And Taxable Value**

Applicant Name

ISD Name

Form 50-296

		Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property			Reductions from Market Value	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 building or "in or on the new improvement"	Exempted Value	Final taxable value for I&S - after all reductions	Final taxable value for M&O—after all reductions
		pre- year 1	2011-12	2011						
	Complete tax years of qualifying time period	1	2012-13	2012			\$ 30,000,000		\$ 30,000,000	\$ 30,000,000
		2	2013-14	2013			\$ 60,756,500		\$ 60,756,500	\$ 60,756,500
	Tax Credit Period (with 50% cap on credit)	3	2014-15	2014			\$ 100,756,500		\$100,756,500	\$ 80,000,000
		4	2015-16	2015			\$ 130,756,500		\$130,756,500	\$ 80,000,000
		5	2016-17	2016			\$ 140,756,500		\$140,756,500	\$ 80,000,000
		6	2017-18	2017			\$ 145,756,500		\$145,756,500	\$ 80,000,000
		7	2018-19	2018			\$ 150,756,500		\$150,756,500	\$ 80,000,000
		8	2019-20	2019			\$ 155,756,500		\$155,756,500	\$ 80,000,000
		9	2020-21	2020			\$ 160,756,500		\$160,756,500	\$ 80,000,000
		10	2021-22	2021			\$ 160,756,500		\$160,756,500	\$ 80,000,000
Credit Settle-Up Period	Continue to Maintain Viable Presence	11	2022-23	2022			\$ 160,756,500		\$160,756,500	\$ 160,756,500
		12	2023-24	2023			\$ 160,756,500		\$160,756,500	\$ 160,756,500
		13	2024-25	2024			\$ 160,756,500		\$160,756,500	\$ 160,756,500
Post- Settle-Up Period		14	2025-26	2025			\$ 160,756,500		\$160,756,500	\$ 160,756,500
Post- Settle-Up Period		15	2026-27	2026			\$ 160,756,500		\$160,756,500	\$ 160,756,500

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.

This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.

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DATE

**Schedule C- Application: Employment Information**

Applicant Name  
ISD Name

Form 50-296

		Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Construction		New Jobs		Qualifying Jobs		
					Column A: Number of Construction man- hours	Column B: Average annual wage rates for construction workers	Column C: Number of new jobs applicant commits to create (cumulative)	Column D: Average annual wage rate for all new jobs.	Column E: Number of qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column F: Average annual wage of qualifying jobs	
		pre- year 1	2011-2012	2011	21,488	\$ 68,700					
	Complete tax years of qualifying time period	1	2012-13	2012	429,756	\$ 68,700					
		2	2013-14	2013	322,317	\$ 68,700					
	Tax Credit Period (with 50% cap on credit)	Value Limitation Period	3	2014-15	2014	107,439	\$ 68,700				
			4	2015-16	2015	53,720	\$ 68,700				
			5	2016-17	2016	53,720	\$ 68,700	25	\$ 45,000	25	\$ 45,000
			6	2017-18	2017	53,720	\$ 68,700				
			7	2018-19	2018	53,720	\$ 68,700				
			8	2019-20	2019						
			9	2020-21	2020						
			10	2021-22	2021						
Credit Settle-Up Period	Continue to Maintain Viable Presence	11	2022-23	2022							
		12	2023-24	2023							
		13	2024-25	2024							
Post- Settle-Up Period		14	2025-26	2025							
Post- Settle-Up Period		15	2026-27	2026							

Notes: For job definitions see TAC §9.1051(14) and Tax Code §313.021(3).

This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.

*[Handwritten Signature]*

*[Handwritten Initials]*

*10/7/10*

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE

Schedule D: (Rev. May 2010): Other Tax Information

Applicant Name

ISD Name

Form 50-2...

					Sales Tax Information		Franchise Tax	Other Property Tax Abatements Sought			
					Sales Taxable Expenditures		Franchise Tax	County	City	Hospital	Other
		Year	School Year (YYYY-YYYY)	Tax/Calendar Year YYYY	Column F: Estimate of total annual expenditures* subject to state sales tax	Column G: Estimate of total annual expenditures* made in Texas NOT subject to sales tax	Column H: Estimate of Franchise tax due from (or attributable to) the applicant	Fill in percentage exemption requested or granted in each year of the Agreement	Fill in percentage exemption requested or granted in each year of the Agreement	Fill in percentage exemption requested or granted in each year of the Agreement	Fill in percentage exemption requested or granted in each year of the Agreement
The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)			2011-2012	2011	420,000	41,580,000					
	Complete tax years of qualifying time period	1	2012-13	2012	400,000	39,600,000					
		2	2013-14	2013	300,000	29,700,000					
	Tax Credit Period (with 50% cap on credit)	Value Limitation Period	3	2014-15	2014	100,000	9,900,000	\$ 504,000			
			4	2015-16	2015	50,000	4,950,000	\$ 504,000			
			5	2016-17	2016	50,000	4,950,000	\$ 504,000			
			6	2017-18	2017	50,000	4,950,000	\$ 504,000			
			7	2018-19	2018	50,000	4,950,000	\$ 504,000			
			8	2019-20	2019			\$ 504,000			
			9	2020-21	2020			\$ 504,000			
			10	2021-22	2021			\$ 504,000			
Credit Settle-Up Period	Continue to Maintain Viable Presence	11	2022-23	2022			\$ 504,000				
		12	2023-24	2023			\$ 504,000				
		13	2024-25	2024			\$ 504,000				
Post- Settle-Up Period		14	2025-26	2025			\$ 504,000				
Post- Settle-Up Period		15	2026-27	2026			\$ 504,000				

\*For planning, construction and operation of the facility.

  
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10/7/10  
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