

Ann Mewhinney
Attorney at Law

amewhinney@wabsa.com
512.454.6864, Ext. 607

WALSH, ANDERSON,
GALLEGOS, GREEN
and TREVIÑO, P.C.

ATTORNEYS AT LAW

April 13, 2015

Via Certified Mail No. 9414 7266 9904 2009 8340 94

Mr. John Villarreal
Local Government Assistance and
Economic Development Division
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
Lyndon B. Johnson State Office Building
111 East 17th Street
Austin, TX 78774

Re: Amendment No. 1 to Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes Between Goose Creek Consolidated Independent School District and Chevron Phillips Chemical Company, LP (*Comptroller Application No. 250*)

Dear Mr. Villarreal:

Enclosed please find a fully executed copy of Amendment No. 1 to Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes Between Goose Creek Consolidated Independent School District and Chevron Phillips Chemical Company, LP. Also enclosed is a Resolution to Correct Clerical Errors to the Designation of the Chevron Phillips Chemical Company LP Reinvestment Zone.

After the creation of the Chevron Phillips Chemical Company LP Reinvestment Zone, it was discovered by the Harris County Appraisal District the metes and bounds description and survey map contained clerical errors. To correct these errors, Chevron Phillips Chemical Company requested by letter that the Goose Creek Consolidated Independent School District take official action to correct the clerical errors in the metes and bounds description and survey map by adopting the boundaries and associated HCAD account numbers and approve an amendment to the Chapter 313 Agreement to substitute the corrected description as Exhibit 1 to the Agreement.

Following this request, the Goose Creek CISD passed, approved, and adopted the enclosed Resolution to Correct Clerical Errors to the Designation of the Chevron Phillips Chemical Company LP Reinvestment Zone on March 31, 2015. Accordingly, the Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes has also been amended to include the corrected survey map and legal description.

Mr. John Villarreal
Local Government Assistance and
Economic Development Division
TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
April 13, 2015
Page 2

Please let us know if you have any questions or need anything additional. Thank you.

Sincerely,


Ann Mewhinney

SAM/aw
Enclosures

cc: ***Via Electronic Mail: randal.obrien@ggcisd.net***

Mr. Randal O'Brien
Superintendent of Schools
GOOSE CREEK CISD
(w/Enclosures)

Via Electronic Mail: stephen.kuntz@nortonrosefulbright.com

Mr. Stephen Kuntz
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
(w/Enclosures)

Via Certified Mail No. 9414 7266 9904 2009 8341 00

Chief Appraiser
HARRIS COUNTY TAX APPRAISAL DISTRICT
13013 Northwest Freeway
Houston, Texas 77040-6305
(w/Enclosures)

Via Electronic Mail: dmalone@hcad.org

Ms. Diane Malone
HARRIS COUNTY TAX APPRAISAL DISTRICT
13013 Northwest Freeway
Houston, Texas 77040-6305
(w/Enclosures)

**AMENDMENT NO. 1 TO AGREEMENT FOR LIMITATION ON APPRAISED VALUE OF
PROPERTY FOR SCHOOL DISTRICT MAINTENANCE AND OPERATIONS TAXES
BETWEEN GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
AND CHEVRON PHILLIPS CHEMICAL COMPANY LP**

(Comptroller Application No. 250)

This **AMENDMENT NO. 1 TO AGREEMENT FOR LIMITATION ON APPRAISED VALUE OF PROPERTY FOR SCHOOL DISTRICT MAINTENANCE AND OPERATIONS TAXES** (this "Amendment"), is entered into to be effective as of October 14, 2013, by and between **CHEVRON PHILLIPS CHEMICAL COMPANY LP** (the "Applicant") and **GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT** (the "District"). The Applicant and the District may hereafter be referred to as, together, the "Parties" and each, a "Party." Capitalized terms not defined herein have the meaning as defined in the Agreement (as defined below).

WITNESSETH:

WHEREAS, on or about October 14, 2013, pursuant to Chapter 313 of the Texas Tax Code, after conducting a public hearing on the matter, the District made factual findings, and passed, approved, and executed that certain Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes, by and between the District and the Applicant (the "Agreement"), covering qualified property within the Chevron Phillips Chemical Company LP Reinvestment Zone (the "Reinvestment Zone") created pursuant to Code §312.0025 by action of the District and as further described by the map and the legal description included as part of Exhibit 1 attached to the Agreement.

WHEREAS, subsequent to the creation of the Reinvestment Zone and subsequent to entering into the Agreement, it was determined the map and the legal description of the Reinvestment Zone contained clerical errors of the area designated as the Reinvestment Zone.

WHEREAS, on or about March 31, 2015 the District passed, approved, and adopted a Resolution to Correct Clerical Errors to the Designation of The Chevron Phillips Chemical Company LP Reinvestment Zone (the "Resolution to Correct Clerical Errors") thereby substituting a corrected and accurate map and legal description for the map and legal description containing clerical errors. The Resolution originally creating the Reinvestment Zone, as amended, and the Resolution to Correct Clerical Errors are filed in the minutes of the District's Board of Trustees and are being delivered to the Texas Comptroller and the Harris County Appraisal District simultaneously with this Amendment.

WHEREAS, pursuant to Section 8.4 of the Agreement, the District and the Applicant desire and have agreed to amend the Agreement to substitute the corrected and accurate map and legal description by reference to the legal descriptions for the Harris County Appraisal District account numbers shown in the chart set forth on such map (the "Legal Description") set forth in Exhibit 1 attached to this Amendment for the map and legal description containing clerical errors originally included as part of Exhibit 1 (Description of Qualified Reinvestment Zone) attached to the Agreement.

WHEREAS, on March 31, 2015, the Board of Trustees of the District determined that this Amendment is in the best interests of the District and the State of Texas and is consistent with and

authorized by the Agreement and Chapter 313 of the Texas Tax Code, and approved the form of this Amendment and authorized the Board President and Secretary to execute and deliver this Amendment to the Applicant.

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties, intending to be legally bound, do hereby covenant and agree to amend the Agreement as follows:

1. **Exhibits.** The map and the legal description contained as part of Exhibit 1 (Description of Reinvestment Zone) to the Agreement are hereby amended and replaced by the map and the Legal Description set forth in Exhibit 1 attached to this Amendment.
2. **Effect.** Except as modified and amended by the terms of this Amendment, all of the terms, conditions, provisions and covenants of the Agreement are ratified and shall remain in full force and effect, and the Agreement and this Amendment shall be deemed to constitute a single instrument or document. Should there be any inconsistency between the terms of this Amendment and the Agreement the terms of this Amendment shall prevail. This Amendment is intended to correct clerical errors in the map and legal description of the Reinvestment Zone. A copy of this Amendment shall be delivered to the Texas Comptroller and the Harris County Appraisal District, to be posted to the Texas Comptroller's internet website.
3. **Binding on Successors and Assigns.** The Agreement, as amended by this Amendment, shall be binding upon and inure to the benefit of the Parties and each other person and entity having any interest therein during their ownership thereof, and their respective successors and assigns.
4. **Counterparts.** This Amendment may be executed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same document.

IN WITNESS WHEREOF, the authorized representatives of the Parties hereto affix their signatures below to be effective as of the date first above written.

CHEVRON PHILLIPS CHEMICAL COMPANY LP

GOOSE CREEK CONSOLIDATED INDEPENDENT
SCHOOL DISTRICT

By: _____

Name: CHANFAY MOORE
Title: PROPERTY TAX MANAGER

By: _____

JIMMY SMITH
President
Board of Trustees

ATTEST:

Vicky Melo
VICKY MELO
Secretary
Board of Trustees

EXHIBIT 1

DESCRIPTION OF QUALIFIED REINVESTMENT ZONE

The *Chevron Phillips Chemical Company LP Reinvestment Zone* was originally created on October 14, 2013, by action of the Board of Trustees of the Goose Creek Consolidated Independent School District. As a result of the action of the Board of Trustees of the Goose Creek Consolidated Independent School District, all real property within the boundaries of the *Chevron Phillips Chemical Company LP Reinvestment Zone*, which is described in this EXHIBIT 1, will be eligible to be included in this Agreement. A map of the *Chevron Phillips Chemical Company LP Reinvestment Zone* is attached as the next page of this EXHIBIT 1. The legal description of the boundaries of the *Chevron Phillips Chemical Company LP Reinvestment Zone* is as follows:

Approximately 1,216.8033 acres of land, out of the G. Ellis Survey, Abstract 21, and the W. Bloodgood Survey, Abstract 4, in Harris County, Texas, particularly being all land contained within the boundaries as indicated by the map attached as the next page of this EXHIBIT 1 and the corresponding Harris County Appraisal District account numbers and information as shown in the chart on such map.

**RESOLUTION TO CORRECT CLERICAL ERRORS TO THE
DESIGNATION OF THE CHEVRON PHILLIPS CHEMICAL COMPANY LP
REINVESTMENT ZONE**

WHEREAS, on or about the 14th day of October 2013, after conducting a public hearing on the matter, the Board of Trustees of the Goose Creek Consolidated Independent School District (the "Board of Trustees") passed and approved the creation of the *Chevron Phillips Chemical Company LP Reinvestment Zone* (the "Reinvestment Zone") under Chapter 312 of the Texas Tax Code (the "October 14, 2013 Creation of the Zone");

WHEREAS, on October 14, 2013, the Board of Trustees approved the Application for Appraised Value Limitation on Qualified Property submitted by Chevron Phillips Chemical Company, LP (the "Application");

WHEREAS, on October 14, 2013, the Board of Trustees approved an Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes submitted by Chevron Phillips Chemical Company, LP (the "Agreement"), and authorized the President and Secretary of the Board of Trustees to execute and deliver the Agreement to the Applicant, Chevron Phillips Chemical Company LP;

WHEREAS, the original description of the Reinvestment Zone and related map, as set forth in and attached to the Agreement as Exhibit 1 (the "Original Description"), were intended to correspond to existing Harris County Appraisal District ("HCAD") account numbers that would encompass an area that included Chevron Phillips Chemical Company LP's Cedar Bayou plant where the project as described in the Application and the Agreement is to be constructed;

WHEREAS, after the Agreement was approved by the Board of Trustees and filed with the Texas Comptroller, HCAD raised questions regarding the Original Description, and it was subsequently determined that inadvertent discrepancies exist between the Original Description and corresponding HCAD account numbers;

WHEREAS, HCAD has provided a map to accurately depict the boundaries of the Reinvestment Zone that correspond to HCAD account numbers; and

WHEREAS, after due consideration and examination of the Original Description as set forth in the Agreement, and the map and other information recently provided by HCAD indicating the inadvertent discrepancies that exist between the Original Description and the boundaries of the Reinvestment Zone that actually correspond to HCAD account numbers, the Board of Trustees finds that Exhibit 1 to the Agreement contains clerical errors in the map and legal description, as described above;

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT:

SECTION 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

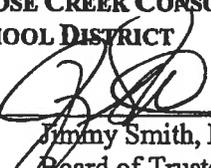
SECTION 2. That the Board of Trustees of the Goose Creek Consolidated Independent School District, after consideration and examination of the Original Description, the Agreement, and the map recently provided by HCAD, resolves to make the following corrections to the clerical errors in the Original Description as set forth in and attached to the Agreement as Exhibit 1:

- (a) That the legal description set forth on "EXHIBIT A" and by reference to the legal descriptions for the HCAD account numbers shown in the chart set forth on the map attached hereto as "EXHIBIT B" is declared to be and, by the adoption of this Resolution is certified to accurately describe, the boundaries of the *Chevron Phillips Chemical Company LP Reinvestment Zone* and "EXHIBIT A" attached hereto is to be substituted for page one of the original Exhibit 1 to the Agreement; and,
- (b) That the map attached hereto as "EXHIBIT B" is declared to be and, by the adoption of this Resolution is certified to accurately depict and show, the boundaries of the *Chevron Phillips Chemical Company LP Reinvestment Zone* and is to be substituted for page two of the original Exhibit 1 to the Agreement; and,
- (c) That "EXHIBIT A" and "EXHIBIT B" attached hereto shall henceforth serve as the legal description and map for the *Chevron Phillips Chemical Company LP Reinvestment Zone* created on October 14, 2013, and the substituted pages of Exhibit 1 to the Agreement shall henceforth serve as the legal description and map of the *Chevron Phillips Chemical Company LP Reinvestment Zone* for purposes of the Agreement, and all information contained therein shall revert back to the original date of October 14, 2013.

SECTION 3. That if any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

PASSED, APPROVED AND ADOPTED on this the 31st day of March, 2015.

GOOSE CREEK CONSOLIDATED INDEPENDENT
SCHOOL DISTRICT

By: 
Jimmy Smith, President
Board of Trustees

ATTEST:


Vicky Melo, Secretary
Board of Trustees

EXHIBIT A

DESCRIPTION OF QUALIFIED REINVESTMENT ZONE

The *Chevron Phillips Chemical Company LP Reinvestment Zone* was originally created on October 14, 2013, by action of the Board of Trustees of the Goose Creek Consolidated Independent School District. As a result of the action of the Board of Trustees of the Goose Creek Consolidated Independent School District, all real property within the boundaries of the *Chevron Phillips Chemical Company LP Reinvestment Zone*, which is described in this **EXHIBIT 1**, will be eligible to be included in this Agreement. A map of the *Chevron Phillips Chemical Company LP Reinvestment Zone* is attached as Exhibit B. The legal description of the boundaries of the *Chevron Phillips Chemical Company LP Reinvestment Zone* is as follows:

Approximately 1,216.8033 acres of land, out of the G. Ellis Survey, Abstract 21, and the W. Bloodgood Survey, Abstract 4, in Harris County, Texas, particularly being all land contained within the boundaries as indicated by the map attached as Exhibit B and the corresponding Harris County Appraisal District account numbers and information as shown in the chart on such map.

