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July 17, 2013

Jenny Hicks
Michelle Luera
Economic Development and Analysis Division
Texas Comptroller of Public Accounts
111 E. 17th St.
Austin, TX 78774

Via Email and Federal Express

Re: 313 Application – Mesquite Creek Wind, LLC

Dear Jenny and Michelle:

Enclosed please find an application for appraised value limitation on qualified property submitted to Lamesa ISD by Mesquite Creek Wind, LLC on July 16, 2013. A CD containing these documents is also enclosed.

The Lamesa ISD Board elected to accept the application on July 16, 2013. The application was determined to be complete on July 17, 2013. We ask that the Comptroller's Office prepare the economic impact report for this development.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Audie Sciumbato", written in a cursive style.

Audie Sciumbato, PhD

Enclosures

GVI13ZK0Z0D1J0U

cc: Chief Appraiser, Dawson County Appraisal District
Wes Jackson, Cummings Westlake, LLC

MESQUITE CREEK WIND, LLC

**CHAPTER 313 APPLICATION
FOR APPRAISED VALUE LIMITATION
TO LAMESA ISD**

July 16, 2013



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

Authorized School District Representative		Date application received by district July 16, 2013
First Name John	Last Name Ramos	
Title Superintendent		
School District Name Lamesa ISD		
Street Address 212 N HOUSTON		
Mailing Address P O BOX 261		
City Lamesa	State TX	ZIP 79331-5442
Phone Number (806) 872-5461	Fax Number (806) 872-6220	
Mobile Number (optional)	E-mail Address jramos@lamesaisd.net	

I 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 Audie		Last Name Sciumbato	
Title Attorney			
Firm Name Underwood Law Firm, P.C.			
Street Address 500 S. Taylor, Suite 1200			
Mailing Address PO Box 9158			
City Amarillo		State TX	ZIP 79105
Phone Number (806) 379-0326		Fax Number (806) 379-0316	
Mobile Number (Optional)		E-mail Address audie.scumbato@ulaw.com	

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 7/16/13
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Has the district determined this application complete? Yes No

If yes, date determined complete. 7-17-13

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	✓
2	Certification page signed and dated by authorized school district representative	2 of 16	✓
3	Date application deemed complete by ISD	2 of 16	✓
4	Certification pages signed and dated by applicant or authorized business representative of applicant	4 of 16	✓
5	Completed company checklist	12 of 16	✓
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	will submit

APPLICANT INFORMATION - CERTIFICATION OF APPLICATION

Authorized Business Representative (Applicant)

First Name Jonathan		Last Name Butcher	
Title Managing Member			
Organization BNB Renewable Energy Holdings LLC			
Street Address 371 Gordon Drive			
Mailing Address same			
City Exton		State PA	ZIP 19341
Phone Number (484)875-4110		Fax Number	
Mobile Number (optional) (215)439-7228		Business e-mail Address jbutcher@bnbrenewables.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 Orlando		Last Name Puig	
Title Office Manager			
Organization BNB Renewable Energy Holdings LLC			
Street Address 371 Gordon Drive			
Mailing Address same			
City Exton		State PA	ZIP 19341
Phone Number (832)746-6682		Fax Number	
Mobile Number (optional)		E-mail Address opuig@msn.com	

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

Will consultant be primary contact? Yes No



APPLICANT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized Company Consultant (If Applicable)

First Name

Wes

Title

Partner

Firm Name

Cummings Westlake LLC

Street Address

12837 Louetta Road, Suite 201

Mailing Address

same

City

Cypress

Phone Number

713-266-4456 X-2

Business email Address

wjackson@cwlp.net

Last Name

Jackson

State

TX

ZIP

77429-5611

Fax Number

713-266-2333

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application is true and correct to the best of my knowledge and belief.

I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

Signature (Authorized Business Representative (Applicant))

Jonathan Baird

President, Butcher Energy Corp
Authorized Representative

MESQUITE CREEK WIND LLC
BY BNB RENEWABLE ENERGY II LLC, ITS SOLE MEMBER
BY BNB RENEWABLE ENERGY HOLDINGS LLC, MANAGING
MEMBER
BY BUTCHER ENERGY CORP., MATTHEW BAIRD, AND
JONATHAN NICHOLAS, ITS BOARD OF MEMBERS

Date

7-12-13

GIVEN under my hand and seal of office this 12th day of July, 2013

Kathleen Mauri

Notary Public, State of

NOTARIAL SEAL
KATHLEEN MAURI
Notary Public
W. WHITELAND TWP, CHESTER COUNTY
My Commission Expires May 27, 2016

(Notary Seal)

My commission expires _____

If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code § 37.10.

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

Mesquite Creek Wind, LLC

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

32038854884

NAICS code

221119

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 Liability Company

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)

See attached project description - Attachment 4

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

See attached project description - Attachment 4A

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 Q4 - 2013 Begin Hiring New Employees Q4 - 2014
Construction Complete Q4 - 2014 Fully Operational Q4 - 2014
Purchase Machinery & Equipment Q4 - 2013

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? Q4 - 2014

ECONOMIC INCENTIVES

Identify state programs the project will apply for:

State Source	Amount
none	
Total	

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 entered into Chapter 312 tax abatement agreements with Dawson and Borden Counties. Applicant intends to apply for Chapter 312 tax abatement agreements with Dawson Hospital District, and Mesa Underground Water Conservation District. Abatement terms are listed in Schedule D.

THE PROPERTY

Identify county or counties in which the proposed project will be located Dawson 93% & Borden 7%

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

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: Dawson 93%, Borden 7% City: none
(Name and percent of project) (Name and percent of project)

Hospital District: Dawson Hospital 93% Water District: Mesa Underground Water Conservation District 93%
(Name and percent of project) (Name and percent of project)

Other (describe): none Other (describe): none
(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.

Of the total Mesquite Creek Wind Project, approximately 7% will be located in Borden County and Borden County ISD; the remaining 93% will be located in Dawson County and Lamesa ISD. The Mesquite Wind Project does not plan to file for a Chapter 313 agreement in Borden County ISD at this time.



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? \$10,000,000

What is the amount of appraised value limitation for which you are applying? \$10,000,000

What is your total estimated qualified investment? \$299,200,000

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? December 16, 2013

What is the anticipated date of the beginning of the qualifying time period? December 16, 2013

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? \$299,200,000

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? N/A

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. N/A (Market Value) N/A (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)? 0

The last complete calendar quarter before application review start date is the:
 First Quarter Second Quarter Third Quarter Fourth Quarter of 2013 (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? 0

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 7

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? 6

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 \$742

110% of the county average weekly wage for manufacturing jobs in the county is No data available

110% of the county average weekly wage for manufacturing jobs in the region is \$938.15

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? \$48,784

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? \$48,784

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? 75%

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.)

Medical Insurance. company pays at least 80% of medical premiums for employee only coverage. Paid holidays and vacation, Retirement Savings Plan

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.

All 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	✓
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	✓
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	✓
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	✓
22	Order, Resolution, or Ordinance Establishing the Zone (Attachment)*	9 of 16	✓
23	Legal Description of Reinvestment Zone (Attachment)*	9 of 16	✓
24	Guidelines and Criteria for Reinvestment Zone(Attachment)*	9 of 16	✓

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

ATTACHMENT 1

See executed application attached.

ATTACHMENT 2

Proof of Payment of Application Fee

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

Proof of payment of filing fee received by the
Comptroller of Public Accounts per TAC Rule
§9.1054 (b)(5)

*(Page Inserted by Office of Texas Comptroller of Public
Accounts)*

ATTACHMENT 3

Not applicable.

ATTACHMENT 4

Detailed Description of the Project

Provide a detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information.

Mesquite Creek Wind, LLC (Mesquite Creek) is requesting an appraised value limitation from Lamesa Independent School District (ISD) for the Mesquite Creek Wind Project (the "Project"), a proposed wind powered electric generating facility in Dawson and Borden Counties. The proposed Lamesa ISD portion of the Project (this application) will be constructed within the Mesquite Creek Wind Reinvestment Zone that was established by Dawson County on June 15, 2010. A map showing the location of the project is included as Attachment 7.

The proposed Project is anticipated to have a total capacity of 200.6 MW, with approximately 187 MW located in Lamesa ISD. Turbine selection is ongoing at this time and has not been finalized. The exact number of wind turbines and size of each turbine will vary depending upon the wind turbines selected, manufacturer's availability and prices, ongoing wind studies and the final megawatt generating capacity of the Project when completed. Current plans are to install 1.7 MW GE turbines with an estimated 110 turbines located in Lamesa ISD. The remaining turbines will be located in Borden County ISD. Mesquite Creek Wind, LLC is also constructing approximately 5.5 miles of generation transmission tie line, of which 5 miles will be in Dawson County and approximately .5 miles in Borden County. The Applicant requests a value limitation for all materials and equipment installed for the Project, including but not limited to; wind turbines, turbine transformers (pad-mounts), towers, foundations, roadways, buildings and offices, anemometer towers, collection system, electrical substations, transmission line and associated towers, and interconnection facilities.

Construction of the Project is anticipated to begin in the fourth quarter of 2013 with completion by December 31, 2014.

ATTACHMENT 4A

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

BNB Renewable Energy Holdings LLC(BNB) is the parent company of Mesquite Creek Wind, LLC. Founded in 2004, BNB develops renewable energy projects, both wind and solar, in the US market. Based on their success with developing a 180 MW wind farm in Texas, BNB is actively developing a select group of renewable energy projects in Ohio, New Jersey, and Texas where BNB has leased over 200,000 acres. In Texas, BNB was one of the eleven original interveners who petitioned the PUC for new transmission upgrades. Those upgrades comprise \$5.2 Billion dollars of new transmission lines dedicated to carry wind and solar energy from West Texas to load centers in Dallas, San Antonio and Austin. On its Texas acreage, BNB has plans to construct two wind farms each of 250 MW, and two solar projects totaling in excess of 600 MW. BNB is executing its five-year goal of developing an additional gigawatt of renewable generation in the USA. As part of this goal, BNB is also active in the development of “inside the fence” renewable energy generation projects and is working with schools, Universities, and Fortune 500 companies on various sites across the US.

BNB Renewable Energy Holdings LLC has the ability to locate and develop wind farms in numerous locations throughout the United States.

ATTACHMENT 5

List of districts and percentages where the project is located

The Lamesa ISD portion of the project is wholly located in Dawson County. The jurisdiction percentages of the total project are as follows:

Borden County	7%
Borden County Independent School District	7%
Dawson County	93%
Lamesa Independent School District	93%
Mesa Underground Water Conservation District	93%
Dawson Hospital District	93%

ATTACHMENT 6

Description of Qualified Investment

- 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 improvement 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 (Please see Attachment 7)*

Mesquite Creek Wind, LLC plans to construct a 200.6 MW wind farm in Dawson and Borden Counties. Approximately one hundred and ten (110) wind turbines will be located in Dawson County all of which will be located in Lamesa ISD. The remaining eight (8) will be located in Borden County and Borden County ISD. Turbine selection is ongoing at this time and has not been finalized. For purposes of this application, the project anticipates using 1.7 MW turbines manufactured by GE, although final turbine selection may change. Mesquite Creek Wind is also constructing approximately 5 miles of generation transmission tie line in Dawson County and Lamesa ISD.

This application covers all qualified property within Lamesa ISD necessary for the commercial operations of the wind farm. Qualified Investment and qualified property includes, but is not limited to, turbines, turbine transformers (pad-mounts), towers, foundations, underground collection systems, electrical substation(s), generation transmission tie lines, electrical interconnections, met towers, roads, operations & maintenance buildings, spare parts, and control systems necessary for commercial generation of electricity.

The map in Attachment 7 shows the proposed project area with the proposed improvement locations. The exact placement of turbines is subject to ongoing planning, wind studies, engineering, and discussions with landowners and turbine manufacturers. The final location of turbines, transmission lines, and supporting structures will be determined before construction begins.

ATTACHMENT 7

Map of qualified investment showing location of improvements with vicinity map

Lynn County

Dawson County

Borden County

Lamesa

Martin County

Howard County

Legend

• Turbine

■ Dawson County Reinvestment Zone

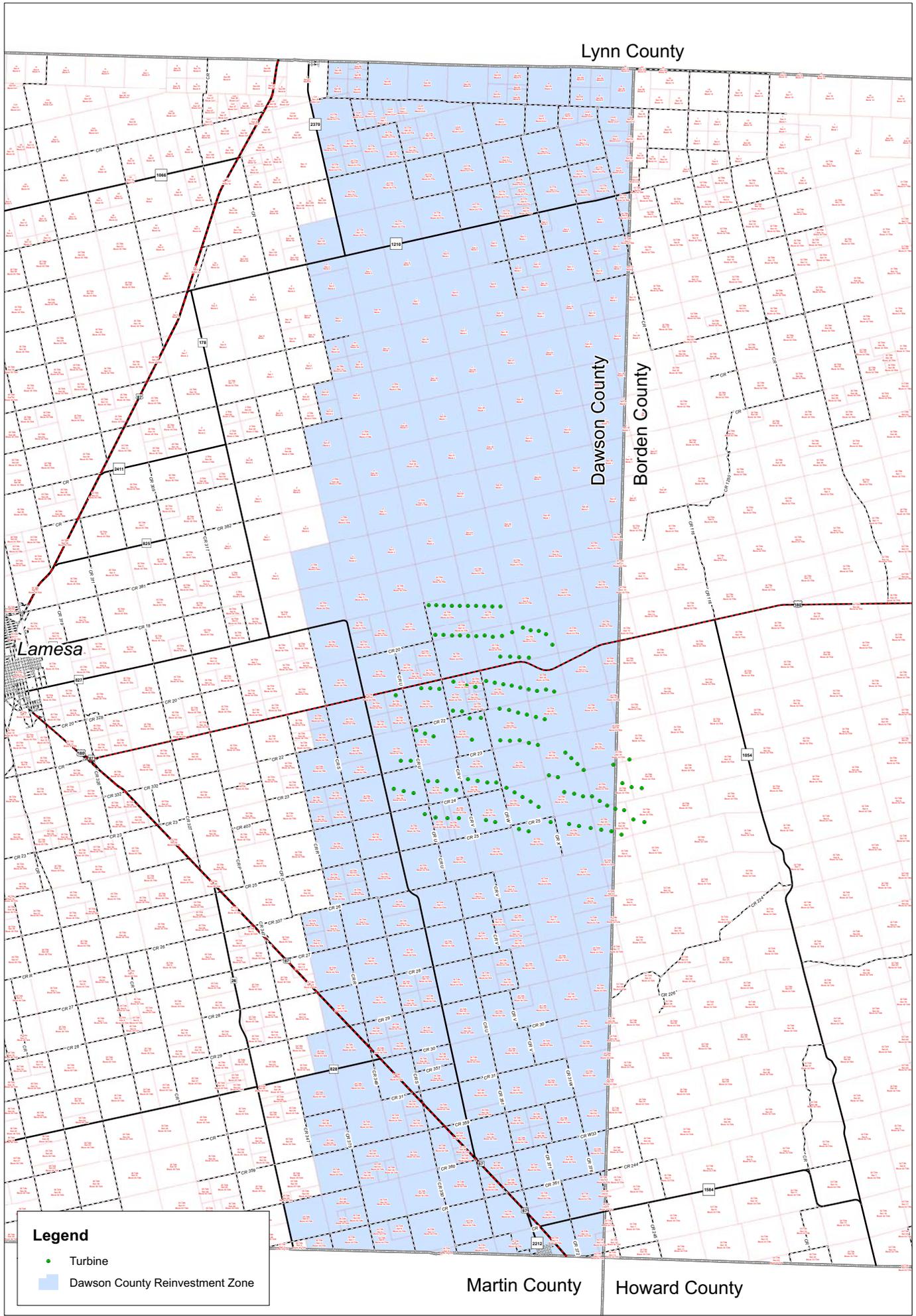
1:62,000

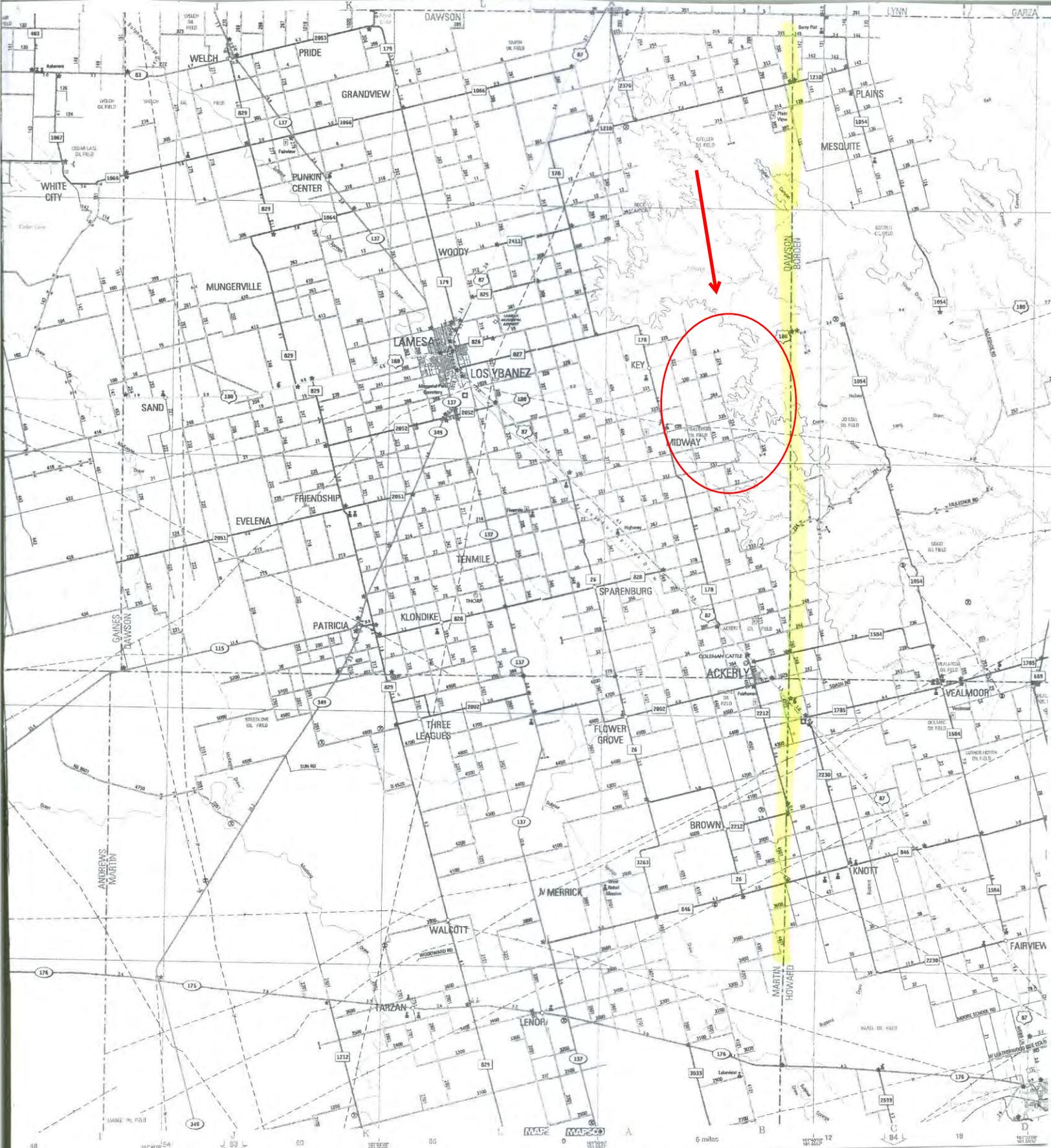
0 2.5 5 Miles

**Mesquite Creek Wind, LLC
Project Area**

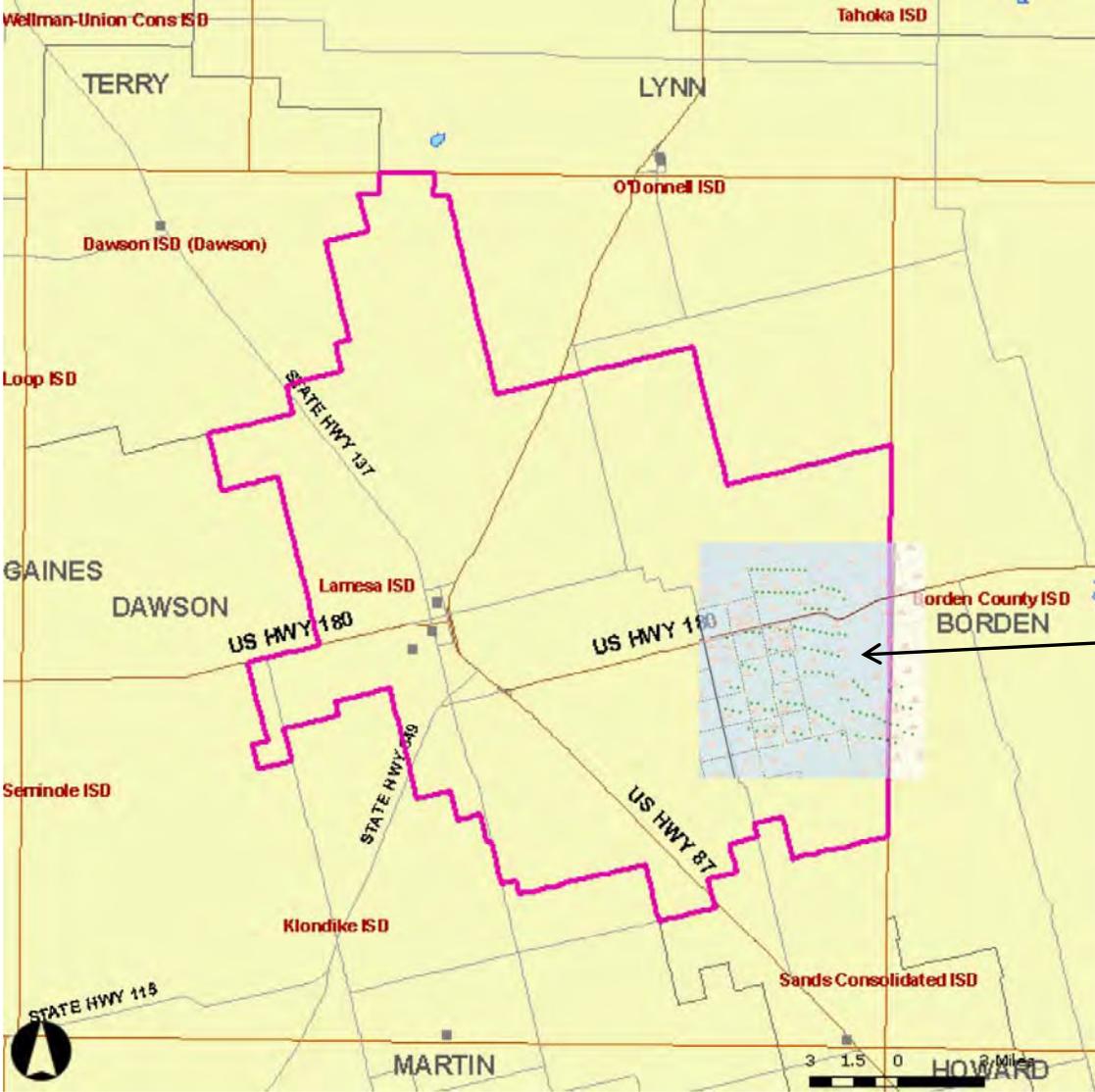


Prepared by BAF
June 24, 2013





Lamesa ISD Map



Project Site

ATTACHMENT 8

Description of Qualified Property

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 (Please see Attachment 7)*

Mesquite Creek Wind, LLC plans to construct a 200.6 MW wind farm in Dawson and Borden Counties. Approximately one hundred and ten (110) wind turbines will be located in Dawson County all of which will be located in Lamesa ISD. The remaining eight (8) will be located in Borden County and Borden County ISD. Turbine selection is ongoing at this time and has not been finalized. For purposes of this application, the project anticipates using 1.7 MW turbines manufactured by GE, although final turbine selection may change. Mesquite Creek Wind is also constructing approximately 5 miles of generation transmission tie line in Dawson County and Lamesa ISD.

This application covers all qualified property within Lamesa ISD necessary for the commercial operations of the wind farm. Qualified Investment and qualified property includes, but is not limited to, turbines, turbine transformers (pad-mounts), towers, foundations, underground collection systems, electrical substation(s), generation transmission tie lines, electrical interconnections, met towers, roads, operations & maintenance buildings, spare parts, and control systems necessary for commercial generation of electricity.

The map in Attachment 7 shows the proposed project area with the proposed improvement locations. The exact placement of turbines is subject to ongoing planning, wind studies, engineering, and discussions with landowners and turbine manufacturers. The final location of turbines, transmission lines, and supporting structures will be determined before construction begins.

ATTACHMENT 9

See Attachment 7

The maps of the qualified property, showing location of improvements, and a separate vicinity map are in Attachment 7

ATTACHMENT 10

Legal Description of Land	County	ISD
34 T5N SEC. 12 BLOCK 34 T5N	Dawson	Lamesa
33 T5N SEC 7 BLOCK 33 T5N	Dawson	Lamesa
34 T5N SEC 12 BLOCK 34 T5N	Dawson	Lamesa
34 T5N SEC 13 BLOCK 34 T5N	Dawson	Lamesa
33 T5N SEC 18 BLOCK 35 T5N	Dawson	Lamesa
33 T5N SEC 17 BLOCK 33 T5N	Dawson	Lamesa
34 T5N SEC22 BLOCK 34 T5N	Dawson	Lamesa
34 T5N SEC 23 BLOCK 34 T5N	Dawson	Lamesa
34 T5N SEC 24 BLOCK 34 T5N	Dawson	Lamesa
33 T5N SEC 19 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 20 BLOCK 33 T5N	Dawson	Lamesa
34 T5N SEC 27 BLOCK 34 T5N	Dawson	Lamesa
34 T5N SEC 26 BLOCK 34 T5N	Dawson	Lamesa
34 T5N SEC 25 BLOCK 34 T5N	Dawson	Lamesa
33 T5N SEC 30 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 29 BLOCK 33 T5N	Dawson	Lamesa
34 T5N SEC 27 BLOCK 34 T5N	Dawson	Lamesa
34 T5N SEC 26 BLOCK 34 T5N	Dawson	Lamesa
34 T5N SEC 25 BLOCK 34 T5N	Dawson	Lamesa
33 T5N SEC 30 BLOCK 33 T5N	Dawson	Lamesa
34 T5N SEC 34 BLOCK 34 T5N	Dawson	Lamesa
34 T5N SEC 35 BLOCK 34 T5N	Dawson	Lamesa
34 T5N SEC 36 BLOCK 34 T5N	Dawson	Lamesa
33 T5N SEC 31 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 32 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 33 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 34 BLOCK 33 T5N	Dawson	Lamesa
34 T5N SEC 39 BLOCK 34 T5N	Dawson	Lamesa
34 T5N SEC 38 BLOCK 34 T5N	Dawson	Lamesa
34 T5N SEC 37 BLOCK 34 T5N	Dawson	Lamesa
33 T5N SEC 42 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 41 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 40 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 39 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 43 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 44 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 45 BLOCK 33 T5N	Dawson	Lamesa
33 T5N SEC 46 BLOCK 33 T5N	Dawson	Lamesa

ATTACHMENT 11

See Attachment 7

A detailed map showing location of the land and separate vicinity map are in Attachment 7

ATTACHMENT 12

Description of all existing (if any) improvements

There are no existing wind farm related improvements at this site.

ATTACHMENT 13

Request of waiver of job creation requirement

CUMMINGS WESTLAKE LLC

12837 Louetta Road, Suite 201 Cypress, Texas 77429-5611 713-266-4456 Fax: 713-266-2333

July 10, 2013

Mr. John Ramos, Superintendent
Lamesa Independent School District
212 N. Houston
Lamesa, TX 79331

Re: Chapter 313 Job Waiver Request

Dear Mr. Ramos,

Mesquite Creek Wind, LLC requests that the Lamesa Independent School District's Board of Trustees waive the job requirement provision as allowed by Section 313.025(f-1) of the tax code. This waiver would be based on the school district's board findings that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application.

Mesquite Creek Wind, LLC requests that the Lamesa Independent School District makes such a finding and waive the job creation requirement for 10 permanent jobs. In line with industry standards for job requirements, Mesquite Creek Wind, LLC has committed to create eight total jobs for the project, of which seven will be in Lamesa ISD. Wind projects create a large number of full and part-time, but temporary jobs during the construction phase of the project, but require a relatively small number of highly skilled technicians to operate and maintain the project after commercial operation commences.

The industry standard for employment is typically one full-time employee for approximately every 15 turbines. This number may vary depending on the operations and maintenance requirements of the turbines selected as well as the support and technical assistance offered by the turbine manufacturer. The permanent employees of a wind project maintain and service wind turbines, underground electrical connections, substations and other infrastructure associated with the safe and reliable operation of the project. In addition to the onsite employees, there may be managers or technicians who support the project from offsite locations.

Sincerely,



J. Weston Jackson
Partner

ATTACHMENT 14

Calculation of three possible wage requirements with TWC documentation

- Dawson County average weekly wage for all jobs (all industries)
- Dawson County average weekly wage for all jobs (manufacturing) was not available
- See attached Council of Governments Regional Wage Calculation and Documentation

MESQUITE CREEK WIND, LLC
ATTACHMENT 14

LAMESA ISD - DAWSON COUNTY
CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2012	\$ 657	\$ 34,164
SECOND	2012	\$ 669	\$ 34,788
THIRD	2012	\$ 666	\$ 34,632
FOURTH	2012	\$ 707	\$ 36,764
AVERAGE		\$ 675	\$ 35,087
		X 110%	110%
		\$ 742	\$ 38,596

LAMESA ISD - DAWSON COUNTY
CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS

NO MANUFACTURING DATA AVAILABLE

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

REGION	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
Permian Basin	2011	\$ 852.87	\$ 44,349
		X 110%	110%
		\$ 938.15	\$ 48,784

* SEE ATTACHED TWC DOCUMENTATION

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
2012	1st Qtr	Dawson County	Total All	00	0	10	Total, All Industries	\$657
2012	2nd Qtr	Dawson County	Total All	00	0	10	Total, All Industries	\$669
2012	3rd Qtr	Dawson County	Total All	00	0	10	Total, All Industries	\$666
2012	4th Qtr	Dawson County	Total All	00	0	10	Total, All Industries	\$707

**2011 Manufacturing Wages by Council of Government Region
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
Texas	\$22.89	\$47,610
1. Panhandle Regional Planning Commission	\$19.32	\$40,196
2. South Plains Association of Governments	\$16.45	\$34,210
3. NORTEX Regional Planning Commission	\$18.14	\$37,733
4. North Central Texas Council of Governments	\$24.03	\$49,986
5. Ark-Tex Council of Governments	\$16.52	\$34,366
6. East Texas Council of Governments	\$18.27	\$37,995
7. West Central Texas Council of Governments	\$17.76	\$36,949
8. Rio Grande Council of Governments	\$15.69	\$32,635
9. Permian Basin Regional Planning Commission	\$21.32	\$44,349
10. Concho Valley Council of Governments	\$15.92	\$33,123
11. Heart of Texas Council of Governments	\$18.82	\$39,150
12. Capital Area Council of Governments	\$26.46	\$55,047
13. Brazos Valley Council of Governments	\$15.71	\$33,718
14. Deep East Texas Council of Governments	\$15.48	\$32,207
15. South East Texas Regional Planning Commission	\$28.23	\$58,724
16. Houston-Galveston Area Council	\$25.82	\$53,711
17. Golden Crescent Regional Planning Commission	\$20.38	\$42,391
18. Alamo Area Council of Governments	\$18.00	\$37,439
19. South Texas Development Council	\$13.85	\$28,806
20. Coastal Bend Council of Governments	\$22.35	\$46,489
21. Lower Rio Grande Valley Development Council	\$15.08	\$31,365
22. Texoma Council of Governments	\$20.76	\$43,190
23. Central Texas Council of Governments	\$16.17	\$33,642
24. Middle Rio Grande Development Council	\$13.65	\$28,382

110% x \$44,349 =
\$44,784

Source: Texas Occupational Employment and Wages

Data published: July 2012

Data published annually, next update will be summer 2013

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.

ATTACHMENT 15

Description of Benefits

At least 80% of employees of the operator of the Mesquite Creek Wind Project will be employed in qualifying jobs pursuant to Texas Tax Code 313.024(d). Qualifying jobs will meet the definition of Texas Tax Code Section 313.051(b). Employees will be offered a group health benefit plan for which the operator of the Mesquite Creek Wind Project will pay at least 80% of the premiums or other charges assessed for employee-only coverage under the plan or as necessary to be in compliance with the Affordable Care Act. In addition, each qualifying employee will receive area wide competitive 401(k) Retirement Savings Plan, vacation time, sick leave and skills training.

ATTACHMENT 16

The Economic Impact Study will be performed by the Comptroller at a future date.

Mesquite Creek Wind, LLC

Chapter 313 Application to Lamesa ISD

Cummings Westlake, LLC

ATTACHMENTS 17

See attached Schedule A

Schedule A (Rev. January 2013): Investment

Form 50-296

MESQUITE CREEK WIND, LLC
LAMESA, ISD

PROPERTY INVESTMENT AMOUNTS

(Estimated investment in each year. Do not put cumulative totals.)

The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)	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)
Tax Credit Period (with 50% cap on credit)	Complete tax years of qualifying time period	1	2014	14,960,000	700,000	-	0	14,960,000
		2	2015	283,540,000	0	0	0	284,240,000
		3	2016	0	0	0	0	0
		4	2017	0	0	0	0	0
		5	2018	0	0	0	0	0
		6	2019	0	0	0	0	0
		7	2020	0	0	0	0	0
		8	2021	0	0	0	0	0
		9	2022	0	0	0	0	0
		10	2023	0	0	0	0	0
		11	2024	0	0	0	0	0
		12	2025	0	0	0	0	0
		13	2026	0	0	0	0	0
		14	2027	0	0	0	0	0
		15	2028	0	0	0	0	0
Credit Settle-Up Period	Post-Settle-Up Period		2027	0	0	0	0	0
	Post-Settle-Up Period		2028	0	0	0	0	0

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.

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.

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.

Signature:  DATE: 7/12/13

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

Mesquite Creek Wind, LLC

Chapter 313 Application to Lamesa ISD

Cummings Westlake, LLC

ATTACHMENT 18

See attached Schedule B

Schedule B (Rev. January 2013): Estimated Market And Taxable Value
 MESQUITE CREEK WIND, LLC

Form 50-296

Applicant Name
 LAMESA, ISD

Applicant Name ISD Name	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	2013-2014	2013	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	1	2014-2015	2014	\$ -	\$ -	\$ 7,480,000	\$ -	\$ -	\$ 7,480,000	\$ 7,480,000
	2	2015-2016	2015	\$ -	\$ -	\$ 286,560,000	\$ -	\$ -	\$ 286,560,000	\$ 286,560,000
	3	2016-2017	2016	\$ -	\$ -	\$ 263,635,000	\$ -	\$ -	\$ 263,635,000	\$ 10,000,000
	4	2017-2018	2017	\$ -	\$ -	\$ 242,544,000	\$ -	\$ -	\$ 242,544,000	\$ 10,000,000
	5	2018-2019	2018	\$ -	\$ -	\$ 223,140,000	\$ -	\$ -	\$ 223,140,000	\$ 10,000,000
	6	2019-2020	2019	\$ -	\$ -	\$ 205,289,000	\$ -	\$ -	\$ 205,289,000	\$ 10,000,000
	7	2020-2021	2020	\$ -	\$ -	\$ 188,866,000	\$ -	\$ -	\$ 188,866,000	\$ 10,000,000
	8	2021-2022	2021	\$ -	\$ -	\$ 173,757,000	\$ -	\$ -	\$ 173,757,000	\$ 10,000,000
	9	2022-2023	2022	\$ -	\$ -	\$ 159,856,000	\$ -	\$ -	\$ 159,856,000	\$ 10,000,000
	10	2023-2024	2023	\$ -	\$ -	\$ 147,068,000	\$ -	\$ -	\$ 147,068,000	\$ 10,000,000
	11	2024-2025	2024	\$ -	\$ -	\$ 135,303,000	\$ -	\$ -	\$ 135,303,000	\$ 135,303,000
	12	2025-2026	2025	\$ -	\$ -	\$ 124,479,000	\$ -	\$ -	\$ 124,479,000	\$ 124,479,000
	13	2026-2027	2026	\$ -	\$ -	\$ 114,521,000	\$ -	\$ -	\$ 114,521,000	\$ 114,521,000
	14	2027-2028	2027	\$ -	\$ -	\$ 105,359,000	\$ -	\$ -	\$ 105,359,000	\$ 105,359,000
	15	2028-2029	2028	\$ -	\$ -	\$ 96,930,000	\$ -	\$ -	\$ 96,930,000	\$ 96,930,000
Tax Credit Period (with 50% cap on credit)										
Credit Settle-Up Period										
Post- Settle-Up Period										
Post- Settle-Up Period										

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.



SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

7/12/13

DATE

Mesquite Creek Wind, LLC

Chapter 313 Application to Lamesa ISD

Cummings Westlake, LLC

ATTACHMENT 19

See attached Schedule C

Schedule C- Application: Employment Information

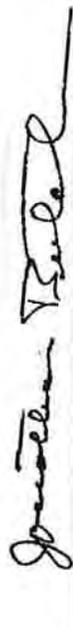
Form 50-296

Applicant Name
ISD Name
MESQUITE CREEK WIND, LLC
LAMESA ISD

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Construction		New Jobs		Qualifying Jobs	
				Column A: Number of Construction FTE's or mar- hours (specify)	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 meeting all criteria of Sec. 313.021(3) (cumulative)	Column F: Average annual wage of qualifying jobs
	pre- year 1	2013-2014	2013	75 FTEs	\$30,000.00	0	\$48,784.00	0	\$48,784.00
	1	2014-2015	2014	200 FTEs	\$30,000.00	0	\$48,784.00	0	\$48,784.00
Complete tax years of qualifying time period	2	2015-2016	2015			7	\$48,784.00	6	\$48,784.00
	3	2016-2017	2016			7	\$48,784.00	6	\$48,784.00
	4	2017-2018	2017			7	\$48,784.00	6	\$48,784.00
	5	2018-2019	2018			7	\$48,784.00	6	\$48,784.00
	6	2019-2020	2019			7	\$48,784.00	6	\$48,784.00
Value Limitation Period	7	2020-2021	2020			7	\$48,784.00	6	\$48,784.00
	8	2021-2022	2021			7	\$48,784.00	6	\$48,784.00
	9	2022-2023	2022			7	\$48,784.00	6	\$48,784.00
	10	2023-2004	2023			7	\$48,784.00	6	\$48,784.00
	11	2024-2025	2024			7	\$48,784.00	6	\$48,784.00
Credit Settle-Up Period	12	2025-2026	2025			7	\$48,784.00	6	\$48,784.00
	13	2026-2027	2026			7	\$48,784.00	6	\$48,784.00
Post- Settle-Up Period	14	2027-2028	2027			7	\$48,784.00	6	\$48,784.00
Post- Settle-Up Period	15	2028-2029	2028			7	\$48,784.00	6	\$48,784.00

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.



SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

7/12/13
DATE

Mesquite Creek Wind, LLC

Chapter 313 Application to Lamesa ISD

Cummings Westlake, LLC

ATTACHMENT 20

See attached Schedule D

Schedule D: (Rev. January 2013): Other Tax Information

Applicant Name

MESQUITE CREEK WIND, LLC

ISD Name

LAMESA ISD

Form 50-296

		Sales Tax Information			Franchise Tax			Other Property Tax Abatements Sought			
		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	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	County	City	Hospital	Other			
The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)	2013-2014	2013	1,870,000	13,090,000							
Complete tax years of qualifying time period	1	2014-2015	35,530,000	248,710,000	0	n/a	n/a	n/a			
	2	2015-2016			0	n/a	TBD	TBD			
Tax Credit Period (with 50% cap on credit)	3	2016-2017			0	n/a	TBD	TBD			
	4	2017-2018			0	n/a	TBD	TBD			
	5	2018-2019			0	n/a	TBD	TBD			
	6	2019-2020			80,000	n/a	TBD	TBD			
	7	2020-2021			80,000	n/a	TBD	TBD			
	8	2021-2022			80,000	n/a	TBD	TBD			
	9	2022-2023			80,000	n/a	TBD	TBD			
	10	2023-2024			80,000	n/a	TBD	TBD			
	11	2024-2025			80,000	n/a	TBD	TBD			
	12	2025-2026			80,000	n/a	TBD	TBD			
Continue to Maintain Viable Presence	13	2026-2027			0%	-	0%	-			
	14	2027-2028			0%	-	0%	-			
	15	2028-2029			0%	-	0%	-			

*For planning, construction and operation of the facility.

[Signature]

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

7/12/13
DATE

ATTACHMENT 21

See attached map of the reinvestment zone

Lynn County

Dawson County

Borden County

Lamesa

Martin County

Howard County

Legend

• Turbine

■ Dawson County Reinvestment Zone

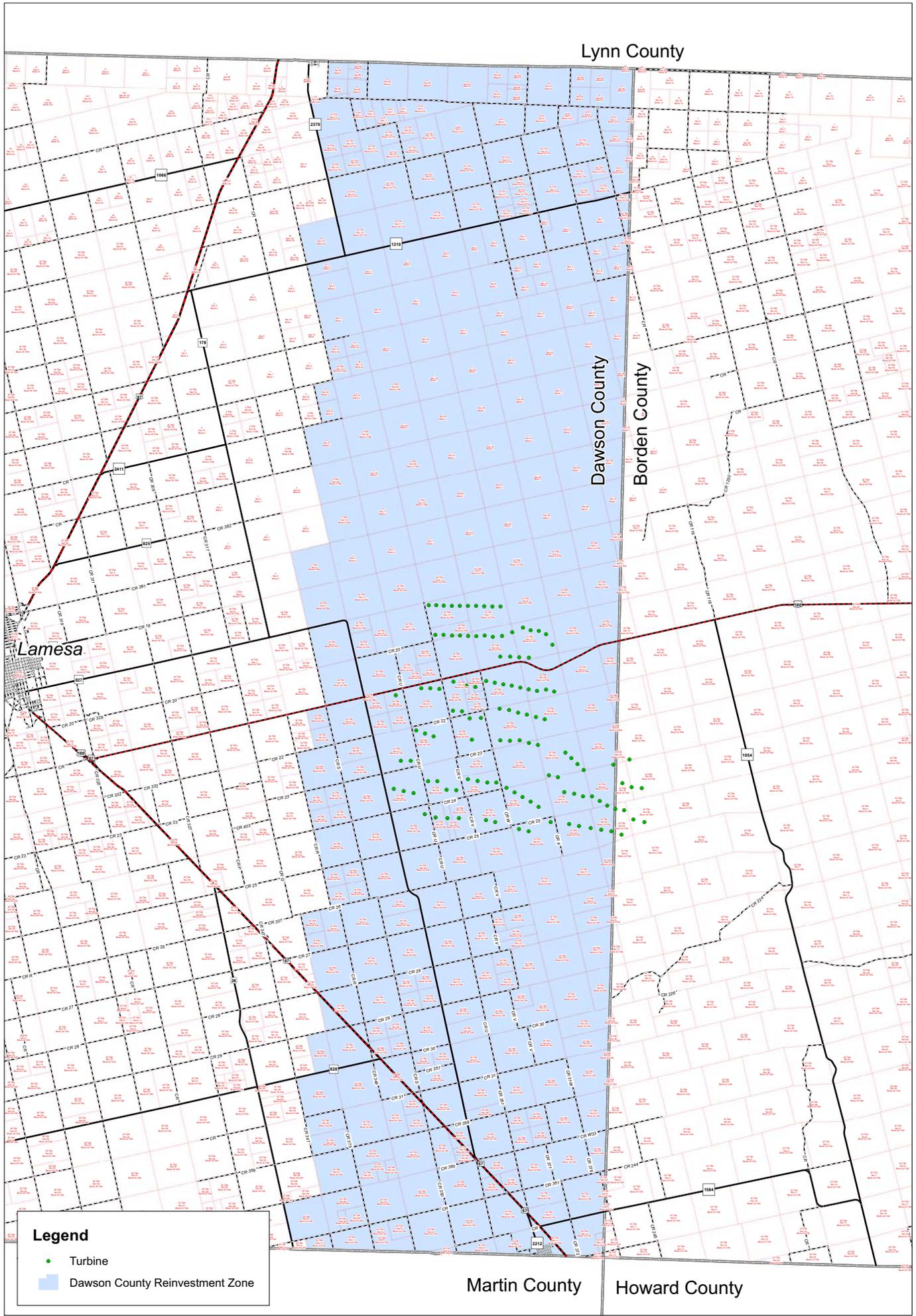
1:62,000

0 2.5 5 Miles

**Mesquite Creek Wind, LLC
Project Area**



Prepared by BAF
June 24, 2013



Mesquite Creek Wind, LLC

Chapter 313 Application to Lamesa ISD

Cummings Westlake, LLC

ATTACHMENT 22

The order establishing the Mesquite Creek Wind Reinvestment Zone was passed and approved on June 15, 2010 and is attached.

Exhibit B

Designation of
Mesquite Creek Wind
Reinvestment Zone

§
§
§

The Commissioners' Court
Of
Dawson County, Texas

ORDER

**Approving Motion for Designation
of the Mesquite Creek Wind Reinvestment Zone**

The Commissioners' Court of Dawson County, Texas, meeting in regular session on the 15 day of June, 2010, considered the following resolution:

BE IT ORDERED BY THE COMMISSIONERS' COURT OF DAWSON COUNTY, TEXAS AS FOLLOWS

Motion by Commissioner Foy O'Brien seconded by Louis Addison, that the following action be taken by the court:

1. THAT the County designates the property located in Dawson County, having the boundary description in Exhibit A and shown on the map in Exhibit B, both attached to this **Order**, as a Reinvestment Zone under the Dawson County Guidelines and Criteria for Granting Tax Abatements, having determined that the designation will contribute to the retention or expansion of primary employment and will attract major investment in the zone that will benefit the zone and will contribute to the economic development of the County, and
2. THAT the County declare eligible for property tax abatement all eligible property for commercial-industrial development, now or thereafter located in that Reinvestment Zone as authorized by the Dawson County Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones and Chapter 312 of the Texas Tax Code.
3. THAT the zone shall be called the "Mesquite Creek Wind Reinvestment Zone."

This ORDER shall become effective as of June 15, 2010 PASSED AND APPROVED at this public hearing of the Dawson County Commissioners Court, at which a quorum was present, on the 15 day of June, 2010.

Ricky Minjarez Date: 6-15, 2010, Commissioner Precinct 1

Louis Addison Date: 6-15, 2010, Commissioner Precinct 2

Nicky Goode Date: _____, 20____, Commissioner Precinct 3

Foy O'Brien Date: 6-15, 2010, Commissioner Precinct 4

Sheri Selch 6-15-10 County Judge

ATTESTED: Gloria Vera Date: 6-15, 2010, County Clerk
Gloria Vera By: Darla Sheppard

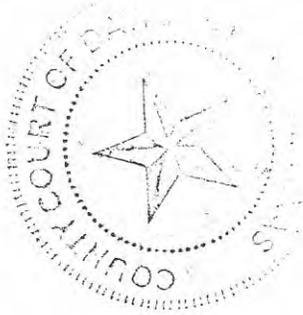


Exhibit A
Legal Description of Reinvestment Zone

Exhibit B
Map of Reinvestment Zone

ATTACHMENT 23

See attached legal description of Reinvestment Zone

Exhibit B

Legal Description of Reinvestment Zone

4/18/2010

<u>Survey</u>	<u>Alternate Survey Name</u>	<u>Abstract #</u>	<u>AREA</u>
D&SE RR CO			
Block 34			
Section 101		241	644
Acres this Survey			644
EL&RR RR CO			
Block 10			
Section 34		?3	34
Section 34		?2	29
Section 34	SIMPSON, M M	1375	33
Block 32 T6N			
Section 6	SHRUM, C F	1027	50
Section 6	HUGHES, F	1004	123
Section 7		?4	21
Block 8			
Section 59		993	374
Section 60	RUSSELL, E C	1305	158
Section 60	DULIN, W C	894	159
Section 60	SOLSBERRY, A L	912	164
Section 60	RUSSELL, E C	754	161
Section 61		1064	679
Section 62	BARROW, E R	1087	152
Section 62	SIMMONS, K D & J B	1028	158
Section 62	WALK, J J	765	155
Section 62	LEE, J M	1328	122
Section 62	CHRISTOPHER, J M	985	42
Section 63		1065	633
Section 64	MILES, J B	482	618
Section 65		1066	617
Section 66	CASKEY, J S & J	951	141
Section 66	CLAYTON, M	1059	63
Section 66	CLAYTON, P	1038	80
Section 66	CLAYTON, S	927	159
Section 66	KEITH, W C	481	159
Acres this Survey			5,084
H&GN RR CO			
Block 2			
Section 34	EVANS, R L	429	644
Acres this Survey			644
H&OB RR CO			
Block 2			
Section 11		184	641
Section 12	EVANS, F B	424	643

<u>Survey</u>	<u>Alternate Survey Name</u>	<u>Abstract #</u>	<u>AREA</u>
		Acres this Survey	1,284
HE&WT RR CO			
Block			
Section 11		224	641
Block 33 T7N			
Section 1		223	644
Section 10	WALK, J J	764	643
Section 13		221	634
Section 14	BEALL, H	448	639
Section 17		220	635
Section 18	MILES, J B	1141	161
Section 18	MILES, J B	1142	163
Section 18	HART, C O	726	160
Section 18	MILES, J B	1143	161
Section 19		339	330
Section 2	HODGE, S B	1139	159
Section 2	RUSSELL, E C	755	164
Section 2	HARRIS, D E	1138	154
Section 2	AUSTIN, R E & M C	1129	152
Section 20	AUSTIN, T W	946	163
Section 20	TRAMMELL, P M	760	157
Section 5		338	638
Section 6	BETENBOUGH, N G	783	95
Section 6	MC CLISH, I	1216	90
Section 6	BETENBAUGH, D J	1250	85
Section 6	BETENBAUGH, R E	1249	92
Section 6	FULTON, H W	1187	182
Section 6	BETENBAUGH, C G	1248	88
Section 9		222	640
Block 34			
Section 12	EVANS, W H	1319	155
Section 12	EVANS, W H	1317	167
Section 12	EVANS, W H	428	161
Block 34 T6N			
Section 12	EVANS, W H	1286	160
		Acres this Survey	8,313
POITEVENT, J			
Block 1			
Section 1		1012	661
Section 10	GILLESPIE, A	1290	162
Section 10	GILLESPIE, A	1321	124
Section 10	YEISER, G W	778	200
Section 10	GILLESPIE, A	1322	157
Section 11		1014	640
Section 12	HOWELL, E W	1003	123
Section 12	HOWELL, E W	1355	182
Section 12	HOWELL, E W	1295	158
Section 12	SUITS, W	1094	161
Section 13		1015	466
Section 14	YEISER, G W	781	492
Section 14	BERRY, M G	1197	157
Section 15		1016	627
Section 16	GILLESPIE, A	1136	325
Section 16	BETENBOUGH, N G	782	309
Section 17		1	622

<u>Survey</u>	<u>Alternate Survey Name</u>	<u>Abstract #</u>	<u>AREA</u>
Section 18	EVANS, W H	427	646
Section 19		187	648
Section 2	WALK, J J	763	569
Section 2	RICHARDSON, S M	1145	81
Section 20	KENNEDY, L F	731	637
Section 21		2	653
Section 22	MILLER, W H	751	647
Section 23		1017	658
Section 24	TARRANCE, A O	1030	299
Section 25		1018	133
Section 26	MILLER, W H	749	648
Section 27		1019	633
Section 28	MURRAY, L B	752	636
Section 29		7	634
Section 3		1013	642
Section 30	EVANS, R L	431	640
Section 31		189	646
Section 32	KENNEDY, L F	732	652
Section 33		1020	654
Section 34	MILLER, W H	750	646
Section 35		1021	618
Section 38	OLIVER, J D	1011	452
Section 39		1022	628
Section 4	BETENBOUGH, N G	1281	329
Section 4	WALK, J J	766	314
Section 40	MILLER, W H	748	633
Section 41		6	631
Section 42	EVANS, F B	423	634
Section 43		191	643
Section 44	KENNEDY, L F	733	647
Section 45		1023	650
Section 46	BROWN, T W	708	651
Section 47		1024	300
Section 5		3	639
Section 6	BEALL, H	449	648
Section 7		186	654
Section 8	BEALL, H	446	632
Section 9		4	644
Block 2			
Section 1		8	633
Section 2	BEALL, F L	442	201
Section 2	POOL, A E	1116	443

Acres this Survey

28,594

PSL

Block CC41			
Section 1	FURLOW, O	1409	33
Section 1	BARNETT, J B	1182	125
Section 1	TOWNZEN, L F	1195	123
Section 1	TOWNZEN, F M	1196	108
Section 1	MAHONEY, J T	1299	134
Section 2	BAILEY, MRS S T	699	328
Section 3	BAILEY, MRS S T	700	649
Section 4	BAILEY, MRS S T	701	707
Section 5	SEWALT, J V	757	356
Section 6	SEWALT, J V	758	153
Section 6	WEEMS, J J	915	119
Section 7	WEEMS, C D	1033	288
Section 7		996	158
Section 8		995	382

Survey

Alternate Survey Name

Abstract #

AREA

STATE OF TEXAS

Block 1

Section 36

Acres this Survey

3,664

75

8

Acres this Survey

8

T&P RR CO

Block 33 T3N

Section 6

Section 6

BOALE, A J

HARVEY, O

984

1002

31

1

Block 33 T4N

Section 17

Section 18

Section 19

Section 20

Section 30

Section 30

Section 31

Section 32

Section 4

Section 42

Section 43

Section 5

Section 6

Section 7

Section 8

Section 8

Section 9

GOOD, F

CRANFILL, W L

CRANFILL, W L

LOONEY, R H

CRANFILL, W L

LOONEY, W B

GRAVES, L D

GOOD, F

GOOD, F

GOOD, F

13

451

14

987

986

1008

16

988

1007

999

18

10

433

11

997

998

12

498

634

627

345

388

419

614

19

180

463

298

640

659

647

314

315

25

Block 33 T5N

Section 10

Section 11

Section 15

Section 16

Section 17

Section 19

Section 2

Section 20

Section 21

Section 22

Section 27

Section 28

Section 29

Section 3

Section 30

Section 31

Section 32

Section 33

Section 34

Section 4

Section 40

Section 41

Section 42

Section 43

Section 44

Section 45

Section 5

ELLIS, H

JONES, S G

ELLIS, H

JONES, S G

RUSSELL, G L

JONES, S G

MULLINS, J W C

WARE, R C

BEDWELL, W A

JONES, S G

GREEN, W H

MULLINS, J W C

GREEN, W H

991

23

24

584

25

26

992

585

27

1025

28

586

29

19

610

30

676

31

982

583

1000

32

609

33

476

34

20

607

4

453

627

628

658

135

657

668

269

100

660

647

634

739

743

658

597

11

630

449

635

687

738

603

329

648

<u>Survey</u>	<u>Alternate Survey Name</u>	<u>Abstract #</u>	<u>AREA</u>
Section 6	EVANS, F B	450	642
Section 7		21	633
Section 8	SMOOT, J H	463	646
Section 9		22	635
Block 33 T7N			
Section 8	TANKERSLEY, J D	665	637
Block 34 T3N			
Section 1		35	632
Section 10	WRIGHT, N L	697	367
Section 11		39	534
Section 12	SINK, C W	1149	61
Section 12	BENNETT, T B	983	418
Section 13		1032	18
Section 2	PREWITT, C P	1379	321
Section 2	SHIFFLETTE, W B	759	315
Section 3		36	646
Section 4	WRIGHT, N L	698	641
Section 5		37	636
Section 6	CURLEE, J J	530	347
Section 6	SPECKELS, G G	1399	347
Section 6	SPECKELS, A F	1029	164
Section 8	WRIGHT, N L	1076	40
Section 9		38	198
Block 34 T4N			
Section 1		40	449
Section 10	WEST, J B	689	639
Section 11		45	462
Section 12	WEST, J B	692	153
Section 12	WASSON, A L	1363	161
Section 12	WASSON, A L	1364	91
Section 12	WASSON, A L	1344	234
Section 13		46	477
Section 14	GOOD, T	561	175
Section 14	MENKE, MRS M	965	325
Section 14	WASSON, I E	1057	141
Section 15		47	647
Section 16	SHUMAKE, J K	877	161
Section 16	GOOD, T	559	162
Section 16	RICHARDSON, M B	909	163
Section 16	SHUMAKE, J K	1339	159
Section 17		48	643
Section 18	RENDLEMAN, A M	647	640
Section 19		49	640
Section 2	GOOD, T	558	633
Section 20	MONTEITH, G W	850	159
Section 20	REID, J E	866	158
Section 20	JACKSON, R J	582	163
Section 20	GARREN, J W	830	160
Section 21		50	646
Section 22	MC WHORTER, J E	907	320
Section 22	WEST, J B	690	321
Section 23		51	486
Section 24	WEST, J B	691	487
Section 24	WASSON, A L & I E	1312	162
Section 25		52	501
Section 26	GARTIN, W H	556	639
Section 27		53	631
Section 28	KEY, J H	1054	323
Section 28	REID, B S	1055	159
Section 28	GRAVES, J	567	159

<u>Survey</u>	<u>Alternate Survey Name</u>	<u>Abstract #</u>	<u>AREA</u>
Section 29		54	635
Section 3		41	640
Section 30	RENDELMAN, A M	644	643
Section 31		55	646
Section 32	JACKSON, R J	579	159
Section 32	WENNER, C J	1075	160
Section 32	JACKSON, R J	1261	318
Section 33		56	643
Section 34	GARTIN, W H	555	172
Section 34	MC CLURE, W L	1335	463
Section 35		57	512
Section 36	GRAVES, J	568	641
Section 37		58	520
Section 38	INGRAM, J R	1203	163
Section 38	JACKSON, R J	581	158
Section 38	WHITACRE, C N	1221	162
Section 38	RISHER, H M	1304	158
Section 39		59	638
Section 4	GOOD, T	560	324
Section 4	WASSON, A L	1047	313
Section 40	GRAVES, J	569	313
Section 40	SKINNER, M W	1147	78
Section 40	DECKARD, MRS M R	1377	50
Section 40	SKINNER, MRS M	1372	200
Section 41		60	641
Section 42	WESTFALL, S B	1220	162
Section 42	SHEPPARD, W A	1046	79
Section 42	SPARKS, H C	1093	84
Section 42	RENDELMAN, A M	646	321
Section 43		61	633
Section 44	GARTIN, W H	554	639
Section 45		62	643
Section 46	GARTIN, W H	1320	166
Section 46	GARTIN, W H	553	168
Section 46	GARTIN, W H	1289	306
Section 47		63	527
Section 48	GRAVES, J	566	639
Section 5		42	658
Section 6	RENDELMAN, A M	645	331
Section 6	SENER, R M	910	158
Section 6	MORGAN, A F	966	173
Section 7		43	635
Section 8	JACKSON, R J	580	643
Section 9		44	641
Block 34 T5N			
Section 1		64	650
Section 10	TOWNS, F E	1243	138
Section 10	MC WHORTER, J E	623	223
Section 10	ROBERTS, MRS R T	1193	277
Section 11		69	639
Section 12	MC CARTY, W S	1334	439
Section 12	NUNN, H J	624	206
Section 13		70	645
Section 14	FOSTER, G J	826	298
Section 14	CHILDERS, H S	515	164
Section 14	DAVIS, M M	1253	20
Section 14	BROOKIN, W J	816	160
Section 15		71	642
Section 16	MC WHORTER, J E	622	644
Section 2	BIRD, L S	472	649
Section 20	DAVIDSON, B S	955	161
Section 20	NUNN, H J	626	161
Section 21		74	643

<u>Survey</u>	<u>Alternate Survey Name</u>	<u>Abstract #</u>	<u>AREA</u>
Section 22	PIERCE, E	1396	160
Section 22	SMITH, MRS D	1401	156
Section 22	PIERCE, MRS M A	1395	159
Section 22	NUNN, H J	625	152
Section 22	PIERCE, L J	1400	6
Section 23		75	642
Section 24	DYESS, J	1256	101
Section 24	NUNN, H J	627	94
Section 24	LANGHAM, T W	840	319
Section 24	MC CARTY, M	1266	38
Section 24	COLE, N	1252	87
Section 25		76	564
Section 26	GOOD, J	565	637
Section 27		77	635
Section 28	LYONS, C	936	336
Section 28	GOOD, J	563	309
Section 29		78	639
Section 3		65	638
Section 32	BARTLETT, L R	921	159
Section 32	BARTLETT, J A	922	161
Section 32	BARTLETT, E J	1373	161
Section 32	CHILDERS, H S	513	159
Section 33		80	640
Section 34	CHILDERS, H S	514	637
Section 35		81	606
Section 36	COLLINS, M	952	323
Section 36	CHILDERS, H S	512	316
Section 37		82	580
Section 38	CROSSETT, A H	528	219
Section 38	CROSSETT, A H	1229	97
Section 38	CORNELL, G W	953	323
Section 39		83	638
Section 4	BIRD, L S	473	643
Section 40	GOOD, J	564	652
Section 41		84	645
Section 44	CROSS, J	1050	159
Section 44	STOVALL, W P	1392	159
Section 44	SIMPSON, R D	1307	159
Section 44	CROSSETT, A H	529	159
Section 45		86	659
Section 46	CROSSETT, A H	527	650
Section 47		87	586
Section 48	GOOD, J	562	642
Section 9		68	642
Block 35 T3N			
Section 1		88	355
Section 2	KELLY, C C	602	140
Block 35 T4N			
Section 24	COOKSEY, W F	524	320
Section 25		101	641
Section 36	ADAMS, A T	809	319
Section 36	COOKSEY, W F	525	323
Section 37		107	640
Section 47		112	644
Section 48	FISH, C	543	419
Section 48	BARKOWSKY, A	948	160
Section 48	BARKOWSKY, A	947	61
Block 35 T5N			
Section 18	SMOOT, J H	464	646

<u>Survey</u>	<u>Alternate Survey Name</u>	<u>Abstract #</u>	<u>AREA</u>
		Acres this Survey	87,674
TT RR CO			
Block			
Section 13		345	647
Section 14	BEALL, H	447	638
Block 2			
Section 1		182	649
Section 10	EVANS, R L	430	640
Section 2	O'KEEFE, C A	386	642
Section 22	EVANS, W H	1287	167
Section 22	EVANS, W H	1318	158
Section 23		197	634
Section 24	EVANS, W H	425	648
Section 25		198	647
Section 26	EVANS, R L	432	642
Section 27		199	649
Section 3		183	633
Section 35		192	642
Section 36	EVANS, F B	422	648
Section 4	BIRD, L S	471	636
Block 33 T7N			
Section 11		226	644
Section 12	BEALL, F L	445	640
Section 15		344	327
Section 16	ROBINSON, MRS M C	1240	164
Section 16	TRAMMELL, P M	484	159
Section 3		227	630
Section 4	RUSSELL, E C	756	640
Section 7		225	639
		Acres this Survey	13,165
	Total Acres in Area of Abatement		149,074

All information based on GIS data supplied by TNRIS through the Texas General Land Office.
Acreage is approximate and based upon map as supplied which may not accurately reflect recorded patented acreage for Survey.

ATTACHMENT 24

See attached Guidelines and Criteria for Dawson County

II. Criteria for Designating a Reinvestment Zone and Evaluating Tax Abatement Agreement

- (a) Minimum requirements. To be designated a reinvestment zone, County Commissioners must find by majority vote that the designation would contribute to the retention or expansion of primary employment or would attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the County.
- (b) Criteria. In determining whether to designate a reinvestment zone and whether to enter into a tax abatement agreement, the Commissioners Court shall consider the following factors, among others determined appropriate by the Court:
 - (1) the current value of land and existing improvements, if any;
 - (2) the type, value, and purpose of proposed improvements, if any;
 - (3) the productive life of proposed improvements, if any;
 - (4) the impact of proposed improvements and any other proposed expenditures on existing jobs;
 - (5) the number and type of new jobs, if any, to be created by proposed improvements and expenditures;
 - (6) any costs to be incurred by Dawson County, if any, to provide facilities or services directly resulting from the new improvements;
 - (7) the types and values of public improvements, if any, to be made by applicant seeking abatement;
 - (8) an estimate of the amount of ad valorem property taxes to be paid to Dawson County after expiration of the abatement agreement;
 - (9) the impact on the business opportunities of existing businesses and the attraction of new businesses to the area, if any;
 - (10) the overall compatibility with the zoning ordinances and comprehensive plan, if any, for the area; and
 - (11) whether the applicant's proposed facility or improvement or modernization is an industry which is new to Dawson County;
 - (12) the impact upon County infrastructure including roads, bridges, and the use of County Services.

III. Format for Tax Abatement Agreement

(a) Required Provisions. If the Dawson County Commissioners Court designates a reinvestment zone, it may consider and execute a tax abatement agreement with the owner of the designated property as outlined above. Any tax abatement agreement shall include at least the following provisions:

- (1) the kind, number and location of all proposed improvements of the property;
- (2) provisions allowing for reasonable access to the property for initial and intermittent inspection purposes by County employees or designated representatives to ensure improvements are made in compliance with the agreement;
- (3) provisions limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the area during the period of the abatement;
- (4) provisions for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided in the agreement;
- (5) each term agreed to by the recipient of the abatement;
- (6) a requirement that the abatement recipient certify its compliance with the agreement annually to each taxing unit that is party to the agreement; and
- (7) provisions allowing the County to cancel or modify the agreement if the recipient fails to comply with the agreement.

(b) Optional Provisions. The tax abatement agreement may also contain any or all of the following items, in addition to any others deemed appropriate by the contracting parties;

- (1) the estimated taxable value or range of values for which taxes are to be abated;
- (2) the percent of value to be abated each year;
- (3) the commencement and termination dates of the abatement;
- (4) the proposed use of the property;
- (5) a time schedule, map, and property description;
- (6) contractual obligations in the event of default or violation of terms or conditions;
- (7) the size of investment and number of temporary and permanent jobs involved, if any;
- (8) provisions for dispute resolution.

(c) Duration and portion of abatement. A tax abatement agreement granted by Dawson County shall be up to but not exceeding ten (10) years in duration and up to but not exceeding 100 percent (100%) in portion of ad valorem property taxes abated. At any time before the expiration of the agreement, the parties may agree to modify the

agreement or to delete the provisions that were not necessary to the original agreement. The same procedural prerequisites for approval of the original agreement apply to modification of the agreement.

- (d) Time Limit. Such Agreement shall be executed within 30 days after the passage of the resolution approving the agreement, unless the County and the applicant agree otherwise.

IV. General Provisions

These guidelines and criteria in no way require the County to enter into any specific tax abatement agreement. The County maintains the discretion to reject any application for tax abatement as it deems appropriate.

V. Sunset and Amendment of Guidelines and Criteria

These guidelines and criteria are effective upon the date of their adoption and will remain in force for two years, unless amended by a three-fourths vote of the Dawson County Commissioners Court.

Guidelines & Criteria For Granting Tax Abatements

Dawson County, Texas

Preamble

Pursuant to Chapter 312 of the Texas Tax Code, Dawson County may consider an application for tax abatement, designate a reinvestment zone, and enter into a tax abatement agreement in accordance with those Guidelines and Criteria. It is the express intent of the Dawson County Commissioners Court to promote economic development, but not at the expense of the County's natural resources or services provided to the general public. No application submitted under the following schedule deemed to have a substantially adverse effect on natural resources in the County or on County infrastructure (including roads and bridges) will be approved, unless the application can demonstrate just cause for such an exception.

I. Abatement Application Procedure

- (a) Who may apply. Any present or potential owner of taxable real property in Dawson County may submit an application for tax abatement conforming to the requirements herein.
- (b) Eligible Property. Abatement may be granted for the following property: new expanded or modernized buildings and structures, fixed machinery and equipment; site improvements; other tangible items necessary to the operation and administration of the project or facility; and all other real and tangible personal property permitted by Chapter 312 of the Texas Tax Code. Taxes on real property may be abated only to the extent the property's value for a given year exceeds its value for the year in which the agreement is executed. Tangible personal property located on the real property at any time before the period covered by the agreement is not eligible for abatement. Tangible personal property eligible for abatement shall not include inventory or supplies.

Property in a reinvestment zone that is owned or leased by a member of the County Commissioners Court is excluded from property tax abatement.

- (c) Application provisions. The application shall consist of a completed Dawson County Tax Abatement Application Form, which shall contain the following:
 - (1) information showing how the project meets the requirements of the criteria outlined in Section II below;
 - (2) a map and description of the property;
 - (3) a time schedule for completing the planned improvements;
 - (4) the estimated taxable value or range of values of the project or facility; and
 - (5) basic financial information about the applicant sufficient to enable evaluation of the application's financial capacity.

(d) Procedure for Consideration of Application. The procedure for consideration by the County of a Tax Abatement Application is as follows:

- (1) An applicant may request a Tax Abatement Application from the County Clerk.
- (2) After an applicant completes the Tax Abatement Application, the applicant must provide a copy to each member of the Dawson County Commissioners Court and the County Clerk;
- (3) The Commissioners Court shall issue a determination at any time before the expiration of forty-five (45) days from the date of receipt of the application regarding how to proceed with the application. The Commissioners Court shall choose either to deny the application, consider the application, or consider the application on an expedited basis.

- (a) *Denial of Application.* If the Commissioners Court chooses to deny the application, it shall make a finding by majority vote at a regularly scheduled meeting that, after balancing the criteria described below in Section II, it is the judgment of the Commissioners Court that the application should be denied.
- (b) *Consideration of Application.* If the County determines that the application should be further considered, the Commissioners Court must hold a public hearing to obtain public input on the application. Not later than the seventh (7th) day before the date of the hearing, notice of the hearing must be: (1) delivered in writing to the presiding officer of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone, and (2) published in a newspaper of general circulation in the County. At the hearing, the Commissioners Court evaluates the application against the criteria in Section II and decides by majority vote whether to designate the property for which the abatement is sought as a reinvestment zone. If the reinvestment zone is designated, the Commissioners Court shall pass an order to that effect. An order designating an area as a reinvestment zone is valid for five years from the date of designation. Once the area is designated as a reinvestment zone, the Commissioners Court may then arrange to consider for approval of the tax abatement agreement between the applicant and the County at its next regularly scheduled meeting. At least seven days prior to entering into a tax abatement agreement, the County must give written notice of its intent to do so to the presiding officer of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone, along with a copy of the proposed tax abatement agreement. At the regularly scheduled meeting, the Commissioners Court may finally vote by simple majority to enter into the tax abatement agreement, or to decline. An approved tax abatement agreement may be executed in the same manner as other contracts made by the County. A tax abatement agreement that is declined by the County may be amended and resubmitted to the County.
- (c) *Expedited consideration of application.* If the County determines that the application should receive expedited consideration, the Commissioners Court

may combine the steps described in the preceding paragraph into a single, regularly scheduled meeting of the Commissioners Court, provided the County meets the procedural prerequisites for each step.

- (e) Confidentiality. As required by Chapter 312.003 of the Texas Tax Code, information that is provided to Dawson County in connection with an application or request for tax abatement under this chapter and that describes the specific processes or business activities to be conducted or the equipment or other property to be located on the property for which tax abatement is sought is confidential and not subject to public disclosure until the tax abatement agreement is executed.
- (f) Effect of error or variance with application procedure. Except where not allowed by state law, the County may waive application procedures or grant procedural variances as they deem appropriate.