

# Application for Tax Credit on Qualified Property (Tax Code, Chapter 313, Subchapter D)

**Form 50-300**  
(Revised May 2010)

2008  
First complete year of qualifying time period  
840-392-3281  
Phone (Area code and number)  
August 13, 2007  
Application filing date

Bryson Independent School District  
School district name  
309 McCloud Street, Bryson, TX 75427  
Address

This application is for credit for school district maintenance and operations taxes paid on the portion of value in excess of the value limit under Tax Code Chapter 313 Subchapter B or C, during the two complete tax years of the qualifying time period. File this completed application with the school district no earlier than the date the property taxes are paid for the last year of the qualifying time period. The school board must determine eligibility of this applicant.

### STEP 1 APPLICANT NAME AND ADDRESS

Only entities that received an appraised value limitation under Tax Code Chapter 313 Subchapter B or C are eligible for this tax credit.

Barton Chapel Wind, LLC  
Applicant's name  
1125 NW Couch St. Ste. 700  
Mailing address  
12046717605  
Texas Taxpayer I.D. Number (11 digits)  
Stephen Shaw  
Name of person preparing this application  
281-379-7454  
Phone (area code and number)

Portland, OR  
City, State  
97209-4129  
ZIP Code - 5  
788855  
Appraisal district account number  
Property Tax Consultant - Tax Department  
Title

### STEP 2 PROVIDE ATTACHMENTS AND SUPPLEMENTS

Attach the following items to this application:

1. A copy of report from the local county appraisal district (CAD) reflecting both the market value before any exemptions, and taxable value of the qualified property for each complete tax year of the qualifying time period.
2. A copy of receipts for M&O and ISS taxes paid on qualified property during the first two years of the qualifying time period.
3. Schedule A—updated for all years from amounts in application schedule.
4. Schedule B—updated for all years from amounts in application schedule.
5. Schedule C—Tax Credit.

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

### STEP 3 SHOW TAX CREDIT AMOUNT

	Year 1	Year 2
1. Market Value of Property	\$25,620,490	\$92,000,000
2. Limitation Value of Property under Agreement	\$10,000,000	\$10,000,000
3. Discount Rate	1.0088 (Discount Rate)	1.0088 (Discount Rate)
4. Total Maintenance and Operations Taxes Paid	\$258,459.51	\$928,096
5. Tax Credit for which you are applying (Line 4 - Line 5)	\$100,880	\$100,880
6. Tax Credit for which you are applying (Line 4 - Line 5)	\$167,578.51	\$827,216
		\$984,795.51

### STEP 4 SIGN AND DATE APPLICATION

By signing this application, you certify that this information is true and correct and that you are in full compliance with the terms of the attached agreement to the best of your knowledge and belief.

print here David M. DeGabriele  
Name of authorized company officer  
sign here *David M. DeGabriele*  
Signature of authorized company officer

VP, Tax & Finance

Date 10/12/2010

On behalf of Iberdrola Renewable Inc.  
Name of corporation/company

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





**Schedule C- Tax Credit: Employment Information**

Applicant Name

Barton Chapel Wind, LLC

ISD Name

Bryson Independent School District

Form 50-300

Complete tax years of qualifying time period	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	New Jobs		Qualifying Jobs	
				Column A: Number of new jobs created (cumulative)	Column B: Number of qualifying jobs applicant created meeting all criteria of Sec. 313.021(3) (cumulative)	Column C: Lowest wage of any qualifying job	Column D: Lowest wage of any qualifying job
1	pre-year 1	2006-2007	2007	0*	0*	0*	0*
2		2007-2008	2008	0*	0*	0*	0*
		2008-2009	2009	0*	0*	0*	0*

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

*Daniel M. Sobel*  
SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

10/2/2010  
DATE

\*No new jobs were created during the qualifying time period because there is no requirement under Barton Chapel's value limitation agreement that jobs be created during the qualifying time period. The value limitation agreement requires the creation of 4 jobs - these will be created by 2011.

Att. Steven Shaw

JACK COUNTY APPRAISAL DISTRICT  
 KATHY CONNER  
 P O BOX 958 (940)567-6301  
 JACKSBORO, TX 76458

TAX RECEIPT - REPRINT

766855-0-9900005  
 BARTON CHAPEL WIND FARM  
 PHASE 1 (26 TURBINES 32MW)

PAR-9739581 F2  
 2008  
 .000 AC

YEAR	VALUE	TAX RATE	TAX AMOUNT	PENALTY & INTEREST	MIN	TOTAL AMOUNT
2008	BRYE ISD 1A5 25620490	.04250	10888.71	325.66-		10,562.05
	BRYE ISD MFD 25620490	1.64000	256153.70	7733.59-		258,453.31
	HOSPITAL 25620490	.11600	29719.77	891.99-		28,628.10
	JACK MFD 01 25620490	.01309	3354.73	100.64-		3,254.11

2008 25,620,490

COPY

766855

BARTON CHAPEL WIND FARM LLC  
 ADDRESS WITHHELD BY AGENT

11/03/2008  
 JACKMAY  
 REGR - 004  
 CHECK #  
 2836699

PEN/INT PAID TOTAL PAID  
 9312.40- NOV 2008 301,103.05  
 EFFECTIVE: OCT 2008  
 THIS IS A RECEIPT. DO NOT PAY.  
 PAID BY: TERONOLA RENEABLES

JACK COUNTY APPRAISAL DISTRICT  
 KATHY CONNER  
 P O BOX 958 (940)567-6301  
 JACKSBORO, TX 76458

TAX RECEIPT - REPRINT

766855-0-9900005  
 BARTON CHAPEL WIND FARM  
 PHASE 1 (26 TURBINES 32MW)

PAR-9739581 F2  
 2009  
 .000000

YEAR	VALUE	TAX RATE	TAX AMOUNT	PENALTY & INTEREST	MIN	TOTAL AMOUNT
2009	BRYE ISD 1A5 92000000	.03000	27600.00	825.00-		25,772.00
	BRYE ISD MFD 92000000	1.84000	956800.00	28704.00-		920,056.00
	HOSPITAL 92000000	.10611	97521.20	2928.64-		94,692.56
	JACK MFD 01 92000000	.01102	10279.00	325.37-		10,552.63

2009 92,000,000

COPY

766855

BARTON CHAPEL WIND FARM LLC  
 ADDRESS WITHHELD BY AGENT

11/02/2009  
 JACKMAY  
 REGR - 005  
 CHECK #  
 2850112

PEN/INT PAID TOTAL PAID  
 38707.01- NOV 2009 1,060,113.19  
 EFFECTIVE: OCT 2009  
 THIS IS A RECEIPT. DO NOT PAY.  
 PAID BY: TERONOLA RENEABLES

## RESOLUTION

### DETERMINING ELIGIBILITY FOR TAX CREDIT PURSUANT TO TEXAS TAX CODE § 313.104

STATE OF TEXAS                   §

COUNTY OF JACK                   §

*WHEREAS*, on August 13, 2007, the Superintendent of Schools of the Bryson Independent School District, acting as agent of the Board of Trustees of the District (the "Board of Trustees"), received from Barton Chapel Wind, LLC an Application for Appraised Value Limitation on Qualified Property, pursuant to Chapter 313 of the Texas Tax Code; and,

*WHEREAS*, the Application was delivered to the Texas Comptroller's Office for review pursuant to Texas Tax Code § 313.025(d); and,

*WHEREAS*, the Application was reviewed by the Texas Comptroller's Office pursuant to Texas Tax Code § 313.025(d); and,

*WHEREAS*, the Board of Trustees acknowledged receipt of the Application, along with the requisite application fee as established pursuant Texas Tax Code § 313.025(a)(1) and the District's Local District Policy CCG (Local); and,

*WHEREAS*, the Board of Trustees caused to be conducted an economic impact evaluation pursuant to Chapter 313 of the Texas Tax Code; and,

*WHEREAS*, the Board of Trustees reviewed the economic impact evaluation pursuant to Texas Tax Code § 313.026 and has carefully considered such evaluation; and,

*WHEREAS*, the Application was reviewed by the Jack County Appraisal District established in Jack County, Texas (the "Jack County Appraisal District"), pursuant to Texas Property Tax Code § 6.01; and,

*WHEREAS*, on December 10, 2007, the Board of Trustees conducted a public hearing on the Application at which it solicited input into its deliberations on the Application from all interested parties within the District; and,

*WHEREAS*, on December 10, 2007, the Board of Trustees made factual findings in accordance with Chapter 313 of the Texas Tax Code, including, but not limited to, (i) written findings as to each criterion listed in Texas Tax Code § 313.025(e), and (ii)

findings pursuant to Texas Tax Code § 313.025(f) that the information in the Application is true and correct, that Barton Chapel Wind, LLC is eligible for the limitation on the appraised value of Barton Chapel Wind, LLC's qualified property and that the granting of the Application and the District's entering into this Agreement are in the best interest of the District and the State; and,

*WHEREAS*, on December 10, 2007, the Board of Trustees of the Bryson Independent School District approved an Agreement for Limitation on Appraised Value of Property for Maintenance and Operations Taxes with Barton Chapel Wind, LLC; and,

*WHEREAS*, after examining, the tax rolls of the Jack County Appraisal District; the most recent Annual Eligibility Report (Comptroller's Form #50-772); and the most recent Biennial Progress Report (Comptroller's Form #50-773) filed by Barton Chapel Wind, LLC, the Board has determined that during the Qualifying Time Period, running from January 1, 2008 through December 31, 2009, Barton Chapel Wind, LLC made a Qualifying Investment as defined by Texas Tax Code § 313.021 in the amount of at least Ten Million Dollars for the purposes of renewable energy generation in accordance with the provisions of Texas Tax Code § 313.024(b)(1); and,

*WHEREAS*, after examining, the December 10, 2007 Agreement; the most recent Annual Eligibility Report (Comptroller's Form #50-772); and the most recent Biennial Progress Report (Comptroller's Form #50-773) filed by the Barton Chapel Wind, LLC, the Board has determined that Barton Chapel Wind, LLC is, in all other respects in compliance with the terms of the aforesaid Agreement; and,

*WHEREAS*, after examining Comptroller's State Franchise Tax records, the Board has determined that, at the time of the adoption of this Resolution, Barton Chapel Wind, LLC, is in good standing with respect to its franchise tax obligations; and,

*WHEREAS*, the total amount of maintenance and operations ad valorem taxes that were imposed on the portion of the appraised value of the Qualified Property that exceeded the amount of the limitation agreed to by the governing body of the school district under Texas Tax Code Section 313.027(a)(2) in the applicable Qualifying Time Period that the Barton Chapel Wind, LLC has paid to the District has been NINE HUNDRED EIGHTY-FOUR THOUSAND SEVEN HUNDRED NINETY-FIVE DOLLARS AND FIFTY-ONE CENTS (\$984,795.51); and,

*WHEREAS*, as of the date of the approval of this Resolution, the Barton Chapel Wind, LLC has not relocated its business outside of the District; and,

*WHEREAS*, the Barton Chapel Wind, LLC has filed an application for a tax credit in accordance with the provisions of Texas Tax Code § 313.103; and,

*WHEREAS*, the application for tax credit filed by the Barton Chapel Wind, LLC was: (1) made on the form prescribed for that purpose by the Texas Comptroller of Public

Accounts; (2) was verified by the Barton Chapel Wind, LLC; (3) was accompanied by tax receipts from the collector of taxes for the District showing full payment of District all ad valorem taxes on the Qualified Property for the applicable Qualifying Time Period.

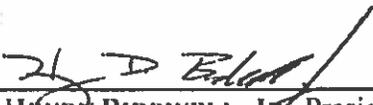
***NOW, THEREFORE, BE IT RESOLVED*** by the Board of Trustees of the Bryson Independent School District as follows:

1. The application made by Barton Chapel Wind, LLC, for a tax credit pursuant to Texas Tax Code § 313.103 in the total amount of NINE HUNDRED EIGHTY-FOUR THOUSAND SEVEN HUNDRED NINETY-FIVE DOLLARS AND FIFTY-ONE CENTS (\$984,795.51); is approved by the adoption of this Resolution.
2. Beginning with the Tax Year 2011, which is the tax year next following the tax year in which the Tax Credit Application is approved, and in each of the subsequent six (6) tax years (ending in Tax Year 2017), the District will refund the lesser amount of either: 1.) ONE HUNDRED FORTY THOUSAND SIX HUNDRED EIGHTY-FIVE DOLLARS AND SEVEN CENTS (\$140,685.07) (An amount equal to one-seventh of the total amount of tax credit to which Barton Chapel Wind, LLC is entitled under Section 313.102); or, 2.) Fifty Percent (50%) of the total amount of *ad valorem* school taxes imposed on the Qualified Property by the school district in that tax year.
3. In addition to the foregoing, in the Tax Years 2017 through 2019, (The first three tax years after the Barton Chapel Wind, LLC's eligibility for an Appraised Value Limitation on Qualified Property, pursuant to Chapter 313 of the Texas Tax Code, expires), the District will refund against the *ad valorem* school taxes imposed on the Qualified Property by the District the lesser of either: 1.) any remainder of the NINE HUNDRED EIGHTY-FOUR THOUSAND SEVEN HUNDRED NINETY-FIVE DOLLARS AND FIFTY-ONE CENTS (\$984,795.51); tax credit balance which was not paid under paragraph 2, above; or, 2.) the total amount of *ad valorem* school taxes imposed on the Qualified Property by the school district in that tax year.
4. Prior to making any tax credit payments under Sections (2) or (3), above, the District's Superintendent is directed to determine whether the Barton Chapel Wind, LLC has relocated outside the District, and has otherwise met its obligations under the Agreement; under State law; and under applicable regulations promulgated either by the Texas Comptroller's Office, or by the Texas Commissioner of Education. In the event that the Barton Chapel Wind, LLC has not met its obligation or has relocated outside the District, no tax credit will be paid for such tax year in which the owner relocates the business outside the school district or the tax years thereafter.
5. If the Texas Comptroller of Public Accounts or the District's tax collector, after providing notice and the opportunity for a response, determine that the Barton

Chapel Wind, LLC was either not eligible for the credit or received more credit than it was entitled, then the District shall impose an additional tax on the Qualified Property that is equal to the amount of tax credit that was erroneously taken, plus interest at an annual rate of 7.0% calculated from the date on which the credit was issued. A tax lien attaches to the Qualified Property in favor of the school district to secure payment by the person of the additional tax and interest that are imposed and any penalties incurred. A taxpayer which is delinquent in the payment of an additional tax may not submit a subsequent application or receive a tax credit under this subsection in a subsequent year.

**APPROVED, ADOPTED, AND ORDERED** on the 27<sup>th</sup> day of February, 2012.

**BRYSON INDEPENDENT SCHOOL DISTRICT**

By:   
HENRY BIRDWELL, JR., President  
Board of Trustees

**ATTEST:**

By:   
FRANK HEFNER, Secretary  
Board of Trustees