

**AMENDMENT NO. 1
TO AGREEMENT FOR LIMITATION ON APPRAISED VALUE OF PROPERTY FOR
SCHOOL DISTRICT MAINTENANCE AND OPERATIONS TAXES
BETWEEN PECOS-BARSTOW-TOYAH INDEPENDENT SCHOOL DISTRICT AND
STATELINE PROCESSING, LLC
(Comptroller Application No. 1193)**

This **AMENDMENT NO. 1 TO THE AGREEMENT FOR LIMITATION ON APPRAISED VALUE OF PROPERTY FOR SCHOOL DISTRICT MAINTENANCE AND OPERATIONS TAXES** (this "Amendment No. 1") is entered into by and between **PECOS-BARSTOW-TOYAH INDEPENDENT SCHOOL DISTRICT** (the "District"), a lawfully created independent school district of the State of Texas operating under and subject to the Texas Education Code, and **STATELINE PROCESSING, LLC**, a Oklahoma limited liability company, Texas Taxpayer Identification Number 32062192607 ("Applicant"). The Applicant and the District may hereafter be referred together as the "**Parties**" and individually as a "**Party**." Undefined capitalized terms herein shall have the meaning given to them in the Agreement (as defined below).

WHEREAS, on or about October 10, 2017, pursuant to Chapter 313 of the Texas Tax Code, after conducting a public hearing on the matter, the District made factual findings (the "**Findings of Fact**"), and passed, approved, and executed that certain Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes dated October 10, 2017, by and between the District and Applicant (the "**Agreement**");

WHEREAS, on July 13, 2022, pursuant to Section 10.2 of the Agreement, the Applicant requested to update Qualified Property, Qualified Investment and Project Boundary map; and update Superintendent and Company Representative.

WHEREAS, the Parties notified the Texas Comptroller of Public Accounts (the "**Comptroller**") of the Amended Application and the request for this Amendment No. 1, and the Comptroller issued its notice of completeness on July 14, 2022, and issued its amended certification of the Amended Application on July 14, 2022, and approved the form of this Amendment No. 1 on July 14, 2022; and

WHEREAS, on July 25, 2022, the Board of Trustees determined that this Amendment No. 1 is in the best interest of the District and the State of Texas and is consistent with and authorized by Chapter 313 of the Texas Tax Code, and hereby approves this Amendment No. 1 and authorizes the Board President and Secretary or in the event the Board President and Secretary are unavailable or have disclosed a conflict of interest, the Board of Trustees has authorized the Board Vice President, to execute and deliver such Agreement to the Applicant.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual benefits to be derived by the Parties and other good and valuable considerations, the receipt and adequacy of which are hereby acknowledged, and in compliance with Section 10.2 of the Agreement, the

undersigned Parties agree to amend the Agreement as follows:

1. **Amendments.** The Agreement is hereby amended as follows:

A. 10.1: Information and Notices

Name: Brent Jaco

Title: Superintendent

Pecos-Barstow-Toyah ISD

1301 South Eddy

Pecos, TX 79772

Phone: (432) 447-7201

Facsimile: (432) 447-7262

Email: bjaco@pbtisd.esc18.net

Notices to the Applicant shall be addressed as follows:

Name: Frank Quintana

Title: Vice President of Tax

Organization: Howard Energy Partners

Address: 16211 La Cantera Parkway, Suite 202

San Antonio, TX 78256

Phone: (210) 944-0869

Facsimile: NA

Email: fquintana@howardep.com

B. Exhibits 1 and 2 of the Agreement is hereby amended, restated, and replaced in their entirety, respectively, with the Exhibits 1 and 2 attached to this Amendment No. 1.

2. **Effect.** Except as modified and amended by the terms of this Amendment No. 1, all of the terms, conditions, provisions and covenants of the Findings of Fact and Agreement are ratified and shall remain in full force and effect, and the Agreement and this Amendment No. 1 shall be deemed to constitute a single instrument or document and the Findings of Fact and this Amendment No. 1 shall be deemed to constitute a single instrument or document. Should there be any inconsistency between the terms of this Amendment No. 1 and the Agreement or this Amendment No. 1 and the Findings of Fact; the terms of this Amendment No. 1 shall prevail. A copy of this Amendment No. 1 shall be delivered to the Texas Comptroller to be posted to the Texas Comptroller's internet website. A copy of this Amendment No. 1 shall be recorded with the official Minutes of the meeting at which it has been approved on July 25, 2022.

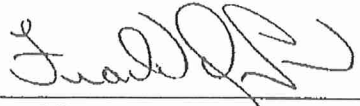
3. **Binding on Successors and Assigns.** The Agreement, as amended by this Amendment No. 1, shall be binding upon and inure to the benefit of the Parties and each other person and entity having any interest therein during their ownership thereof, and their respective successors and assigns.

4. **Counterparts.** This Amendment No. 1 may be executed in counterparts, each of

which shall be deemed an original and all of which when taken together shall constitute one and the same document.

IN WITNESS WHEREOF, the District and Applicant have caused this Amendment No. 1 to be executed and delivered by their duly authorized representatives on this 25th day of July 2022.

STATELINE PROCESSING, LLC

By: 
Vice President of Tax

**PECOS-BARSTOW-TOYAH
INDEPENDENT SCHOOL DISTRICT**

By: 
PRESIDENT, BOARD OF TRUSTEES

ATTEST:

By: 
SECRETARY, BOARD OF TRUSTEES

OR IN THE EVENT OF A CONFLICT OF INTEREST

By: _____
VICE PRESIDENT, BOARD OF TRUSTEES

EXHIBIT 1

Description and Location of Enterprise or Reinvestment Zone

PROPERTY DESCRIPTION

SOUTH PART OF SURVEY 4, BLOCK 56, TOWNSHIP 2,
T & P RAILWAY CO. SURVEYS, REEVES COUNTY, TEXAS

March 25th 2017

Being the description of 325.534 acres of land known as the south part of the East 1/2 and the West 1/2 of Survey 4, Block 56, Township 2, Texas and Pacific Railway Surveys, Reeves County, Texas. Said land also being all of said Survey 4 lying south of the Pecos River, and is more particularly described by metes and bounds as follows:

BEGINNING AT A 5'0" IRON ROD WITH AN ALUMINUM CAP, set at the common corner of Surveys 3, 4, 9 & 10, said Block Township 2, for the southeast and beginning corner of this parcel. Said corner having a value of $\sqrt{=10660.043.49 \text{ ft.}}$, $E=1202.994.21 \text{ ft.}$ in the Texas Coordinate System, Central Zone, NAD83 datum,

THENCE North 02° 33'39" East to the common boundary of said Surveys 3 and 4,

5007.14 feet, to a point in the center of the Pecos River bed, on the common boundary of Loving and Reeves counties for the northeast corner of this parcel,

THENCE with the meanders of the bed of the Pecos River and the Loving Reeves counties boundary, the following courses and distances:

South 75° 29' 10" West, 196.31 feet,

South 70°24'58" West 222.06 feet,
 South 59°40'14.3" West, 312.45 feet,
 South 35°32'51" West, 290.05 feet
 South 50°31' West, 270.69 feet
 South 39°05'01" West, 124.02 feet,
 South 140°48'47" West, 750.44 feet,
 South 25°27'41" West, 248.78 feet
 South 65°38'09" West, 244.86 feet,
 South 79°03'41.46" West, 125.90 feet,
 South 42°57'33" West, 170.03 feet,
 South 37°15'32" West, 568.25 feet,
 South 23°20'10.4" West, 80.08 feet,
 South 44°02'51" West, 416.95 feet,
 South 38°06'25" West, 202.20 feet
 South 85°33'34" West, 384.54 feet,
 South 79°30'16" West, 180.80 feet,
 North 86°34'20" West 311.18 feet,
 North 67°10'14.9" West, 325.46 feet,
 South 81°53'13.3" West, 186.69 feet,
 North 87°27'17" West, 252.83 feet,
 South 78°23'04" West, 347.26 feet,
 North 85°44'46.1" West, 218.10 feet,
 South 72°09'14.3" West, 135.16 feet,
 South 34°50'35" West, 307.11 feet,
 South 23°26'19.1" West, 298.24 feet,
 South 18°28'26" West, 250.78 feet,
 South 01°22'15" East, 347.60 feet,
 South 11° West, 232.17 feet,
 South 02°30'13" East, 105.06 feet,
 South 11°49'13.7" East, 186.69 feet,
 South 05°04'36" West, 116.14 feet,

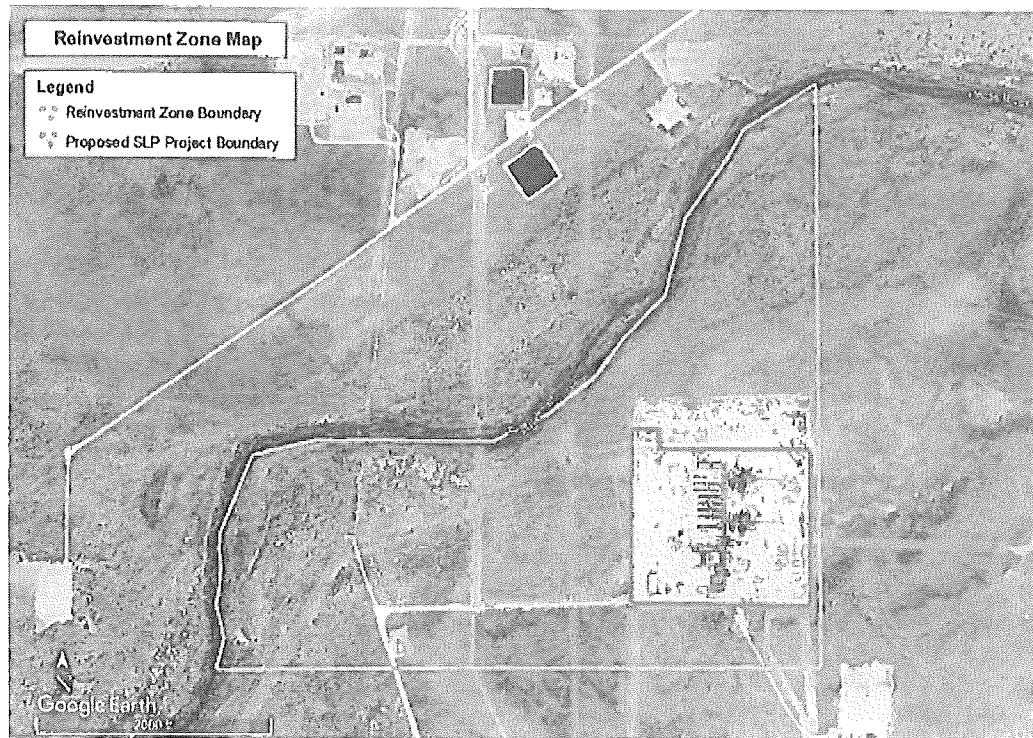
THENCE continuing South $29^{\circ}56'103''$ West, 112.47 feet, to a point where the River crosses the common boundary of said Survey 4 and Survey 9y said Block 56, Township 2, for the southwest corner of this parcel,

THENCE South $88^{\circ}12'53''$ East, with the common boundary of said surveys 4 and 9, at feet, pass a 5/8" iron rod with an aluminum cap set at the south corner of the East 1/2 and the West 1/2 of said Survey 4, continuing for a total distance of 5166.58 feet, to the POINT OF BEGINNING.

CONTAINING 325.534 ACRES OF LAND (SURFACE AREA)

1193_F0115D_StateLineProcessing_Amendment 2009 Execution001
July 11, 2022

STATELINE PROCESSING, LLC
CHAPTER 313 APPLICATION TO PECOS-BARSTOW-TOYAH ISD



Amendment to Agreement for Limitation on Appraised Value
Between Pecos-Barstow-Toyah ISD and Stateline Processing, LLC
October 10, 2017
Amended July 25, 2022

*Texas Economic Development Act Agreement
Comptroller Form 50-826 (Jan 2020)*

EXHIBIT 1

EXHIBIT 2

DESCRIPTION AND LOCATION OF LAND

PROPERTY DESCRIPTION

SOUTH PART OF SURVEY 4, BLOCK 56, TOWNSHIP 2
T & P RAILWAY CO SURVEYS, REEVES COUNTY TEXAS

March 25, 2017

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BEGINNING AT A 5/8" IRON ROD WITH AN ALUMINUM CAP, set at the common corner of Surveys 3, 4, 9 & 10, said Block Township 2 for the southeast and beginning corner of this parcel. Said corner having a value of $\sqrt{10,660,843.49 \text{ ft.}^2 = 1,032,694.21 \text{ ft.}}$ in the Texas Coordinate System, Central Zone, NAD83 datum,

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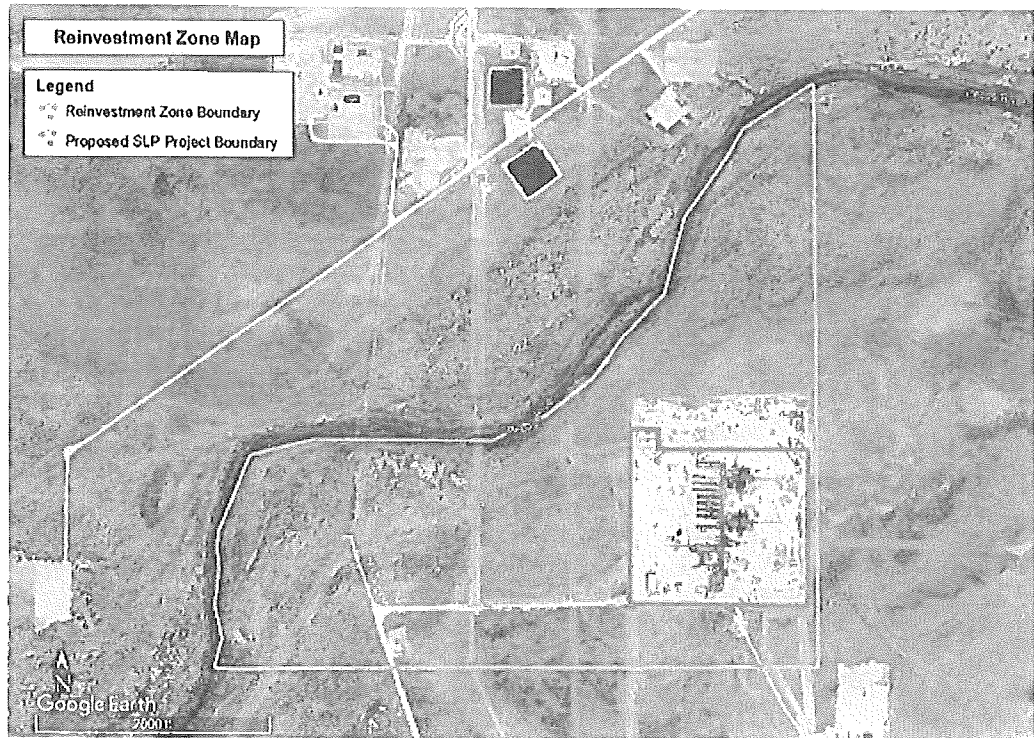
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EXHIBIT 2