O'HANLON, DEMERATH & CASTILLO

ATTORNEYS AND COUNSELORS AT LAW

808 WEST AVENUE
AUSTIN, TEXAS 78701
TELEPHONE: (512) 494-9949
FACSIMILE: (512) 494-9919

December 14, 2017

Local Government Assistance & Economic Analysis
Texas Comptroller of Public Accounts
P.O. Box 13528
Austin, Texas 78711-3528

RE: Application to the Crowell Independent School District from Foard City Wind, LLC

(**First Qualifying Year 2018; First Limitation Year 2020**)

Application and Confidential Materials

To the Local Government Assistance & Economic Analysis Division:

By copy of this letter transmitting the application for review to the Comptroller's Office, the Crowell Independent School District is notifying Foard City Wind, LLC of its intent to consider the application for appraised value limitation on qualified property should a positive certificate be issued by the Comptroller. The electronic copy is identical to the hard copy that will be hand delivered.

The Applicant submitted the Application to the school district on December 11, 2017. The Board voted to accept the application on December 11, 2017. The application has been determined complete as of December 14, 2017. Please prepare the economic impact report.

The Applicant has requested portions of Tab 11 of the Application be kept confidential. In accordance with 34 TAC 9.1053, the information that is the subject of this request is segregated from the supplemental materials submitted contemporaneously with this application, that is, the proprietary commercial information regarding the specific location of the possible project. The confidential materials are being submitted separately to protect against unintended disclosure. The public release of this information would reveal information which the company considers to be a trade secret. Furthermore, the public production of this information would cause the company to suffer substantial competitive harm and weaken its position in competitive siting decisions.

A copy of the application will be submitted to the Foard County Appraisal District.

Sincerely,

Kevin O'Hanlon
School District Consultant

Cc: Foard County Appraisal District
Foard City Wind, LLC

TAB 1

Pages 1 through 9 of application.

Application for Appraised Value Limitation on Qualified Property

(Tax Code, Chapter 313, Subchapter B or C)

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 hard copy of the completed application to the Comptroller in a three-ring binder with tabs, as indicated on page 9 of this application, 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 website. 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. For more information, see guidelines on Comptroller's website.

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. Pursuant to 9.1053(a)(1)(C), requested information shall be provided within 20 days of the date of the request. 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, issue a certificate for a limitation on appraised value 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 not later than the 150th 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 issue a certificate, complete the economic impact evaluation or consider the application at any time during the application review period.

Please visit the Comptroller's website to find out more about the program at comptroller.texas.gov/economy/local/ch313/. There are links to the Chapter 313 statute, rules, guidelines and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

SECTION 1: School District Information

1. Authorized School District Representative

December 11, 2017
Date Application Received by District

First Name	Last Name
Pam	Norwood

Title: Superintendent

School District Name: Crowell ISD

Street Address: 400 E. Logan

Mailing Address: P.O. Box 239

City	State	ZIP
Crowell	TX	79227-0239

Phone Number	Fax Number
940-684-1403	940-684-1616

Mobile Number (optional)	Email Address
	pam.norwood@crowellisd.net

2. Does the district authorize the consultant to provide and obtain information related to this application? ☑ Yes ☐ No

SECTION 1: School District Information *(continued)*

3. Authorized School District Consultant *(If Applicable)*

Dan
First Name

Casey
Last Name

Partner
Title

Moak Casey And Associates
Firm Name

512-485-7878
Phone Number

512-485-7888
Fax Number

Mobile Number *(optional)*

dcasey@moakcasey.com
Email Address

4. On what date did the district determine this application complete? .... **December 14, 2017**

5. Has the district determined that the electronic copy and hard copy are identical? .... ☑ Yes ☐ No

SECTION 2: Applicant Information

1. Authorized Company Representative *(Applicant)*

Paul
First Name

Rapp
Last Name

Vice President
Title

Foard City Wind, LLC
Organization

c/o Alterra Power Corp., 1100-888 Dunsmuir St.
Street Address

c/o Alterra Power Corp., 1100-888 Dunsmuir St.
Mailing Address

Vancouver
City

BC
State

V6C 3K4
ZIP

604-235-6711
Phone Number

Fax Number

Mobile Number *(optional)*

PRapp@alterrapower.ca
Business Email Address

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

2a. If yes, please fill out contact information for that person.

First Name

Last Name

General Counsel
Title

Foard City Wind, LLC
Organization

c/o Alterra Power Corp., 1100-888 Dunsmuir St.
Street Address

c/o Alterra Power Corp., 1100-888 Dunsmuir St.
Mailing Address

Vancouver
City

BC
State

V6C 3K4
ZIP

604-669-4999
Phone Number

Fax Number

Mobile Number *(optional)*

generalcounsel@alterrapower.ca
Business Email Address

3. Does the applicant authorize the consultant to provide and obtain information related to this application? .... ☐ Yes ☑ No

SECTION 2: Applicant Information (continued)

4. Authorized Company Consultant *(If Applicable)*

Wes — First Name

Jackson — Last Name

Partner — Title

Cummings Westlake LLC — Firm Name

713-266-4456 x-2 — Phone Number

713-266-2333 — Fax Number

wjackson@cwlp.net — Business Email Address

SECTION 3: Fees and Payments

1. Has an application fee been paid to the school district? ☑ Yes ☐ No

   The total fee shall be paid at time of the application is submitted to the school district. Any fees not accompanying the original application shall be considered supplemental payments.

   1a. If yes, attach in **Tab 2** proof of application fee paid to the school district.

For the purpose of questions 2 and 3, "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.

2. 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 ☐ N/A
3. 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 ☐ N/A

SECTION 4: Business Applicant Information

1. What is the legal name of the applicant under which this application is made? Foard City Wind, LLC
2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 *(11 digits)* 32061561216
3. List the NAICS code 221115
4. Is the applicant a party to any other pending or active Chapter 313 agreements? ☐ Yes ☑ No

   4a. If yes, please list application number, name of school district and year of agreement

SECTION 5: Applicant Business Structure

1. Identify Business Organization of Applicant *(corporation, limited liability corporation, etc)* Limited Liability Corporation
2. Is applicant a combined group, or comprised of members of a combined group, as defined by Tax Code §171.0001(7)? ☑ Yes ☐ No

   2a. If yes, attach in **Tab 3** a copy of Texas Comptroller Franchise Tax Form No. 05-165, No. 05-166, or any other documentation from the Franchise Tax Division to demonstrate the applicant's combined group membership and contact information.
3. Is the applicant current on all tax payments due to the State of Texas? ☑ Yes ☐ No
4. Are all applicant members of the combined group current on all tax payments due to the State of Texas? ☑ Yes ☐ No ☐ N/A
5. If the answer to question 3 or 4 is no, please explain and/or disclose any history of default, delinquencies and/or any material litigation, including litigation involving the State of Texas. *(If necessary, attach explanation in **Tab 3**)*

SECTION 6: Eligibility Under Tax Code Chapter 313.024

1. Are you an entity subject to the tax under Tax Code, Chapter 171? ☑ Yes ☐ No
2. The property will be used for 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
   - (9) a Texas Priority Project, as defined by 313.024(e)(7) and TAC 9.1051 ☐ Yes ☑ No
3. Are you requesting that any of the land be classified as qualified investment? ☐ Yes ☑ No
4. Will any of the proposed qualified investment be leased under a capitalized lease? ☐ Yes ☑ No
5. Will any of the proposed qualified investment be leased under an operating lease? ☐ Yes ☑ No
6. Are you including property that is owned by a person other than the applicant? ☐ Yes ☑ No
7. 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

SECTION 7: Project Description

1. In **Tab 4**, attach 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.
2. Check the project characteristics that apply to the proposed project:
   - ☑ Land has no existing improvements
   - ☐ Land has existing improvements *(complete Section 13)*
   - ☐ Expansion of existing operation on the land *(complete Section 13)*
   - ☐ Relocation within Texas

SECTION 8: Limitation as Determining Factor

1. Does the applicant currently own the land on which the proposed project will occur? ☐ Yes ☑ No
2. Has the applicant entered into any agreements, contracts or letters of intent related to the proposed project? ☑ Yes ☐ No
   Company has 312 agreement with Foard County
3. Does the applicant have current business activities at the location where the proposed project will occur? ☐ Yes ☑ No
4. Has the applicant made public statements in SEC filings or other documents regarding its intentions regarding the proposed project location? ☐ Yes ☑ No
5. Has the applicant received any local or state permits for activities on the proposed project site? ☐ Yes ☑ No
6. Has the applicant received commitments for state or local incentives for activities at the proposed project site? ☑ Yes ☐ No
   Company has 312 agreement with Foard County
7. Is the applicant evaluating other locations not in Texas for the proposed project? ☑ Yes ☐ No
8. Has the applicant provided capital investment or return on investment information for the proposed project in comparison with other alternative investment opportunities? ☐ Yes ☑ No
9. Has the applicant provided information related to the applicant's inputs, transportation and markets for the proposed project? ☐ Yes ☑ No
10. Are you submitting information to assist in the determination as to whether the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in Texas? ☑ Yes ☐ No

Chapter 313.026(e) states "the applicant may submit information to the Comptroller that would provide a basis for an affirmative determination under Subsection (c)(2)." If you answered "yes" to any of the questions in Section 8, attach supporting information in Tab 5.

SECTION 9: Projected Timeline

1. Application approval by school board: April 2018
2. Commencement of construction: Q1 2019
3. Beginning of qualifying time period: January 2, 2018
4. First year of limitation: 2020
5. Begin hiring new employees: Q4 2019
6. Commencement of commercial operations: Q4 2019
7. 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.
8. When do you anticipate the new buildings or improvements will be placed in service? Q4 2019

SECTION 10: The Property

1. Identify county or counties in which the proposed project will be located: Foard
2. Identify Central Appraisal District (CAD) that will be responsible for appraising the property: Foard CAD
3. Will this CAD be acting on behalf of another CAD to appraise this property? ☐ Yes ☑ No
4. List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:

   County: Foard; 100%; $.9350 *(Name, tax rate and percent of project)*

   City: N/A *(Name, tax rate and percent of project)*

   Hospital District: Foard County Hospital, 100%, $.318706 *(Name, tax rate and percent of project)*

   Water District: Gateway GCD, 100%, $.010 *(Name, tax rate and percent of project)*

   Other *(describe)*: N/A *(Name, tax rate and percent of project)*

   Other *(describe)*: N/A *(Name, tax rate and percent of project)*
5. Is the project located entirely within the ISD listed in Section 1? ☑ Yes ☐ No

   5a. If no, attach in **Tab 6** additional information on the project scope and size to assist in the economic analysis.
6. Did you receive a determination from the Texas Economic Development and Tourism Office that this proposed project and at least one other project seeking a limitation agreement constitute a single unified project (SUP), as allowed in §313.024(d-2)? ☐ Yes ☑ No

   6a. If yes, attach in **Tab 6** supporting documentation from the Office of the Governor.

SECTION 11: 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 Subchapter B or Subchapter C, and the taxable value of the property within the school district. For assistance in determining estimates of these minimums, access the Comptroller's website at **comptroller.texas.gov/economy/local/ch313/**.

1. At the time of application, what is the estimated minimum qualified investment required for this school district? 10,000,000.00
2. What is the amount of appraised value limitation for which you are applying? 20,000,000.00

   Note: The property value limitation amount is based on property values available at the time of application and may change prior to the execution of any final agreement.
3. Does the qualified investment meet the requirements of Tax Code §313.021(1)? ☑ Yes ☐ No
4. Attach a description of the qualified investment [See §313.021(1).] The description must include:
   a. 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 (**Tab 7**);
   b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your minimum qualified investment (**Tab 7**); and
   c. a detailed map of the qualified investment showing location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period, with vicinity map (**Tab 11**).
5. Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or §313.053 for Subchapter C school districts) for the relevant school district category during the qualifying time period? ☑ Yes ☐ No

SECTION 12: Qualified Property

1. Attach a detailed description of the qualified property. [See §313.021(2)] (If qualified investment describes qualified property exactly, you may skip items a, b and c below.) The description must include:
   - 1a. 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 (**Tab 8**);
   - 1b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your qualified property (**Tab 8**); and
   - 1c. a map of the qualified property showing location of new buildings or new improvements with vicinity map (**Tab 11**).
2. Is the land upon which the new buildings or new improvements will be built part of the qualified property described by §313.021(2)(A)? . . . . . ☐ Yes ☑ No
   - 2a. If yes, attach complete documentation including:
     - a. legal description of the land (**Tab 9**);
     - b. each existing appraisal parcel number of the land on which the new improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property (**Tab 9**);
     - c. owner (**Tab 9**);
     - d. the current taxable value of the land. Attach estimate if land is part of larger parcel (**Tab 9**); and
     - e. a detailed map showing the location of the land with vicinity map (**Tab 11**).
3. Is the land on which you propose new construction or new 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
   - 3a. If yes, attach the applicable supporting documentation:
     - a. evidence that the area qualifies as a enterprise zone as defined by the Governor's Office (**Tab 16**);
     - b. legal description of reinvestment zone (**Tab 16**);
     - c. order, resolution or ordinance establishing the reinvestment zone (**Tab 16**);
     - d. guidelines and criteria for creating the zone (**Tab 16**); and
     - e. a map of the reinvestment zone or enterprise zone boundaries with vicinity map (**Tab 11**)
   - 3b. If no, submit detailed description of proposed reinvestment zone or enterprise zone with a map indicating the boundaries of the zone on which you propose new construction or new improvements to the Comptroller's office within 30 days of the application date. What is the anticipated date on which you will submit final proof of a reinvestment zone or enterprise zone? . . . . . ____________

SECTION 13: Information on Property Not Eligible to Become Qualified Property

1. In **Tab 10**, attach a specific and detailed description of all **existing property**. This includes buildings and improvements existing as of the application review start date (the date the application is determined to be complete by the Comptroller). The description must provide sufficient detail to locate all existing property on the land that will be subject to the agreement and distinguish existing property from future proposed property.

2. In **Tab 10**, attach a specific and detailed description of all **proposed new property that will not become new improvements** as defined by TAC 9.1051. This includes proposed property that: functionally replaces existing or demolished/removed property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property; or is otherwise ineligible to become qualified property. The description must provide sufficient detail to distinguish existing property (question 1) and all proposed new property that cannot become qualified property from proposed qualified property that will be subject to the agreement (as described in Section 12 of this application).

3. For the property not eligible to become qualified property listed in response to questions 1 and 2 of this section, provide the following supporting information in **Tab 10**:
   - a. maps and/or detailed site plan;
   - b. surveys;
   - c. appraisal district values and parcel numbers;
   - d. inventory lists;
   - e. existing and proposed property lists;
   - f. model and serial numbers of existing property; or
   - g. other information of sufficient detail and description.

4. Total estimated market value of existing property (that property described in response to question 1): . . . . $ 0.00
5. In **Tab 10**, include an appraisal value by the CAD of all the buildings and improvements existing as of a date within 15 days of the date the application is received by the school district.

6. Total estimated market value of proposed property not eligible to become qualified property *(that property described in response to question 2)*: . . . . . $ 0.00

Note: Investment for the property listed in question 2 may count towards qualified investment in Column C of Schedules A-1 and A-2, if it meets the requirements of 313.021(1). Such property cannot become qualified property on Schedule B.

SECTION 14: Wage and Employment Information

1. 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
2. What is the last complete calendar quarter before application review start date:
   - ☐ First Quarter ☐ Second Quarter ☑ Third Quarter ☐ Fourth Quarter of 2017 *(year)*
3. 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 Texas Workforce Commission (TWC)? 0

   Note: For job definitions see TAC §9.1051 and Tax Code §313.021(3).
4. What is the number of new qualifying jobs you are committing to create? 7
5. What is the number of new non-qualifying jobs you are estimating you will create? 0
6. Do you intend to request that the governing body waive the minimum new qualifying job creation requirement, as provided under Tax Code §313.025(f-1)? .... ☑ Yes ☐ No

   6a. If yes, attach evidence in **Tab 12** documenting that the new qualifying job creation requirement above exceeds the number of employees necessary for the operation, according to industry standards.
7. Attach in **Tab 13** the four most recent quarters of data for each wage calculation below, including documentation from the TWC website. 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(21) and (22).

   a. Average weekly wage for all jobs (all industries) in the county is 544.50

   Manufacturing Data is Only Available for 4Q 2011

   b. 110% of the average weekly wage for manufacturing jobs in the county is 205.70

   c. 110% of the average weekly wage for manufacturing jobs in the region is 1,061.99
8. Which Tax Code section are you using to estimate the qualifying job wage standard required for this project? .... ☐ §313.021(5)(A) or ☑ §313.021(5)(B)
9. What is the minimum required annual wage for each qualifying job based on the qualified property? 55,223.00
10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? 55,230.00
11. Will the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? .... ☑ Yes ☐ No
12. Do you intend to satisfy the minimum qualifying job requirement through a determination of cumulative economic benefits to the state as provided by §313.021(3)(F)? .... ☐ Yes ☑ No

    12a. If yes, attach in **Tab 12** supporting documentation from the TWC, pursuant to §313.021(3)(F).
13. Do you intend to rely on the project being part of a single unified project, as allowed in §313.024(d-2), in meeting the qualifying job requirements? .... ☐ Yes ☑ No

    13a. If yes, attach in **Tab 6** supporting documentation including a list of qualifying jobs in the other school district(s).

SECTION 15: Economic Impact

1. Complete and attach Schedules A1, A2, B, C, and D in **Tab 14**. Note: Excel spreadsheet versions of schedules are available for download and printing at URL listed below.
2. Attach an Economic Impact Analysis, if supplied by other than the Comptroller's Office, in **Tab 15**. *(not required)*
3. If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, attach a separate schedule showing the amount for each year affected, including an explanation, in **Tab 15**.

APPLICATION TAB ORDER FOR REQUESTED ATTACHMENTS

TAB	ATTACHMENT
1	Pages 1 through 11 of Application
2	Proof of Payment of Application Fee
3	Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation *(if applicable)*
4	Detailed description of the project
5	Documentation to assist in determining if limitation is a determining factor
6	Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor *(if applicable)*
7	Description of Qualified Investment
8	Description of Qualified Property
9	Description of Land
10	Description of all property not eligible to become qualified property *(if applicable)*
11	Maps that clearly show: a) Project vicinity b) Qualified investment including location of tangible personal propertry to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period c) Qualified property including location of new buildings or new improvements d) Existing property e) Land location within vicinity map f) Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size **Note:** Electronic maps should be high resolution files. Include map legends/markers.
12	Request for Waiver of Job Creation Requirement and supporting information *(if applicable)*
13	Calculation of three possible wage requirements with TWC documentation
14	Schedules A1, A2, B, C and D completed and signed Economic Impact *(if applicable)*
15	Economic Impact Analysis, other payments made in the state or other economic information *(if applicable)*
16	Description of Reinvestment or Enterprise Zone, including: a) evidence that the area qualifies as a enterprise zone as defined by the Governor's Office b) legal description of reinvestment zone* c) order, resolution or ordinance establishing the reinvestment zone* d) guidelines and criteria for creating the zone* *** To be submitted with application or before date of final application approval by school board**
17	Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative *(applicant)*

TAB 2

Proof of Payment of Application Fee

Please find on the attached page, copy of the check for the $75,000 application fee to Crowell 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)

TAB 3

Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation (if applicable)

See Attached

Documentation of combined group received by the Texas Comptroller of Public Accounts

TAB 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.

Foard City Wind, LLC (Foard City) is requesting an appraised value limitation from Crowell Independent School District (ISD) for the Foard City Wind Project (the "Project"), a proposed wind powered electric generating facility in Foard County. The proposed Crowell ISD Project (this application) will be constructed within a Reinvestment Zone that as created by resolution of the Foard County Commissioners Court on August 14, 2017. A map showing the location of the project is included in TAB 11.

The proposed Project is anticipated to have a capacity of approximately 350 MW located in Crowell ISD. The exact number and location of wind turbines and size of each turbine will vary depending upon ongoing wind and siting analysis, turbine manufacturer's availability, prices, and the megawatt generating capacity of the Project when completed. Current plans are to install 101 3.45 MW wind turbines, all turbines located in Crowell ISD. Turbine selection is not finalized at the time of filing this application and as such, the type and number of wind turbines are subject to change. Foard City is also planning to construct a transmission generation tie line in Crowell ISD which is estimated to be approximately 3.7 miles in length. The Applicant requests a value limitation for all facilities and equipment installed for the Project, including but not limited to, wind turbines, towers, foundations, roadways, operations and maintenance building, meteorological towers, collection system, communication system, electric substation, electric switchyard, electric transformers, transmission line and associated towers, and interconnection facilities.

Full construction of the Project is anticipated to begin in the 1st Quarter of 2019 with completion by December 31, 2019.

**NOTE:* The map in TAB 11 shows the potential locations of 101 of the wind turbines, a collector substation within Crowell ISD boundaries; however, the final number of turbines and the location of each of these facilities is dependent upon ongoing negotiations with power purchasers and other factors.

TAB 5

Documentation to assist in determining if limitation is a determining factor.

Alterra Power Corp., together with its affiliates, "Alterra", is a global renewable energy company that manages eight power plants totaling 825 MW of hydro, wind, geothermal and solar generation capacity in Canada, the USA and Iceland. Alterra owns a 363 MW share of this capacity, generating over 1,500 GWh of clean power annually. Alterra produces the majority of its electricity from clean and renewable sources, including wind and solar. Alterra has a long-term commitment to both wind and solar with an outlook to significantly expand our fleet of clean energy generating capacity.

Alterra is keen to develop and build the proposed Foard City wind project as per this application, but since this Project is still in the early stages of development, further investment could be, if necessary, redeployed to other counties and states competing for similar wind projects. Alterra is active in states throughout the United Sates and globally, where each project individually competes for a finite pool of capital investment. State and local tax incentives contribute to the lowering of the cost of power sold to our customers and making our investment more viable and marketable. Alterra is continually comparing investment opportunities, rate of return, and market viability of each project based upon project financial metrics. For example, Alterra currently has ongoing project developments in many states, including but not limited to, California, Colorado, Nebraska, Oklahoma and Wyoming.

Due to the extremely competitive power market in ERCOT most if not all PPA's economic model assumptions are based on the Project securing this Chapter 313 appraised value limitation and other local tax incentives. The property tax liabilities of a project without tax incentives in Texas lowers the return to investors and financiers to an unacceptable level at today's contracted power rates under a PPA. A signed PPA in the Texas market is at a much lower rate than other states because of competitively low electricity prices. Both parties of a PPA have an escape clause if the terms of the PPA cannot be met. Without the tax incentives in Texas, a project with a PPA becomes non-financeable. Therefore, this appraised value limitation is critical to the ability of the proposed Project to move forward as currently sited.

Foard City Wind, LLC has an executed Tax Abatement Agreement with Foard County with regards to this project. As stated above, this project will need both the agreement with the County and the 313 Value Limitation with Crowell ISD to make it economically viable. This project could not move forward without the value limitation from Crowell ISD.

TAB 6

Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor (if applicable)

1) Foard County – 100%
2) Foard County Hospital – 100%
3) Gateway GCD – 100%
4) Crowell ISD – 100%

TAB 7

Description of Qualified Investment

Foard City Wind, LLC plans to construct an approximate 350 MW wind farm in Foard County.

This application covers all qualified property within Crowell ISD necessary for the commercial operations of the proposed wind farm described in Tab 4. All of the approximate three hundred and fifty megawatts (350 MW) will be located in Crowell ISD. Turbine placement is subject to change but for purposes of this application, the Project anticipates using 101 of the 3.45 MW turbines. Foard City Wind is also planning to construct approximately 3.7 miles of generation transmission tie line that will be in Crowell ISD.

This application covers all qualified investment and qualified property necessary for the commercial operations of the wind farm.

Qualified Investment and qualified property includes, but is not limited to, turbines, towers, foundations, transformers, pad mounts, operations and maintenance building, underground collection systems, electric substation, transmission lines, electrical interconnections, met towers, roads, and control systems necessary for commercial generation of electricity.

**NOTE:* The map in TAB 11 shows the potential locations of 101 of the wind turbines, a collector substation within Crowell ISD boundaries; however, the final number of turbines and the location of each of these facilities is dependent upon ongoing negotiations with power purchasers and other factors.

TAB 8
Description of Qualified Property

Foard City Wind, LLC plans to construct an approximate 350 MW wind farm in Foard County.

This application covers all qualified property within Crowell ISD necessary for the commercial operations of the proposed wind farm described in Tab 4. All of the approximate three hundred and fifty megawatts (350 MW) will be located in Crowell ISD. Turbine placement is subject to change but for purposes of this application, the Project anticipates using 101 of the 3.45 MW turbines. Foard City Wind is also planning to construct approximately 3.7 miles of generation transmission tie line that will be in Crowell ISD.

This application covers all qualified investment and qualified property necessary for the commercial operations of the wind farm.

Qualified Investment and qualified property includes, but is not limited to, turbines, towers, foundations, transformers, pad mounts, operations and maintenance building, underground collection systems, electric substation, transmission lines, electrical interconnections, met towers, roads, and control systems necessary for commercial generation of electricity.

**NOTE:* The map in TAB 11 shows the potential locations of 101 of the wind turbines, a collector substation within Crowell ISD boundaries; however, the final number of turbines and the location of each of these facilities is dependent upon ongoing negotiations with power purchasers and other factors.

TAB 9

Description of Land

Not Applicable

TAB 10

Description of all property not eligible to become qualified property (if applicable)

None

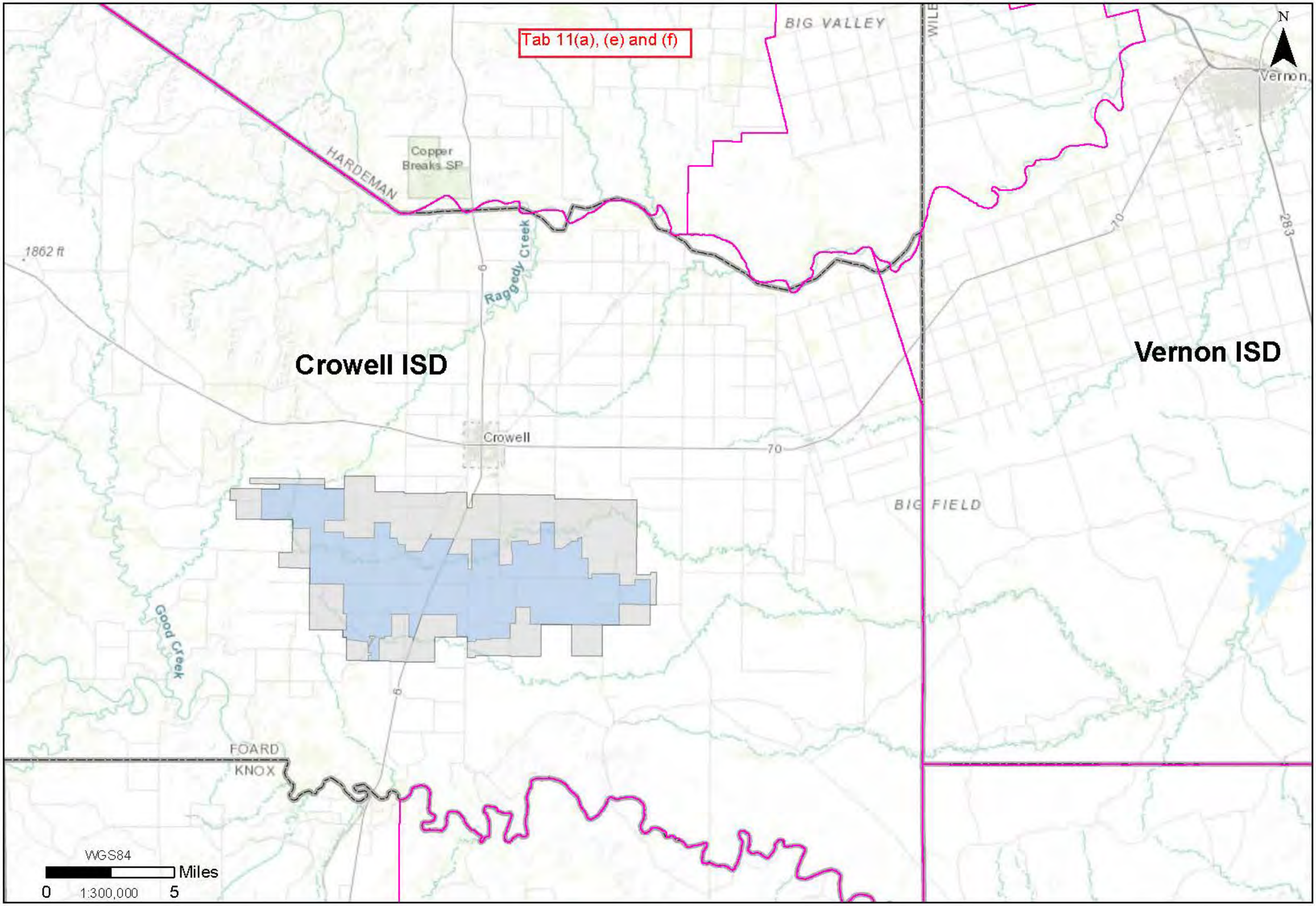
TAB 11

MAP 11(b) and 11(c) ARE CONFIDENTIAL INFORMATION

Maps that clearly show:

a) *Project vicinity*
b) *Qualified investment including location of new building or new improvements*
c) *Qualified property including location of new building or new improvements*
d) *Existing property*
e) *Land location within vicinity map*
f) *Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size*

MAP 11(b) and 11(c) ARE CONFIDENTIAL INFORMATION



	Project Area		ISD Boundary
	Reinvestment Zone		County Boundary

Project: Foard City Wind

Location: Foard County, Texas

Date: 10/18/2017

Attachment 11b

Specific Tab 11 information is submitted under separate cover due to confidential information pursuant to Tex. Gov't Code Section 552.104 and Tex. Gov't Code Section 552.110

Attachment 11c

Specific Tab 11 information is submitted under separate cover due to confidential information pursuant to Tex. Gov't Code Section 552.104 and Tex. Gov't Code Section 552.110

TAB 12

Request for Waiver of Job Creation Requirement and supporting information (if applicable)

See Attached

FOARD CITY WIND, LLC

October 18, 2017

Pam Norwood
Crowell Independent School District
400 E. Logan
Crowell, TX 79227

Re: Chapter 313 Job Waiver Request

Dear Ms. Norwood,

Foard City Wind, LLC (Foard City Wind) requests that the Crowell 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.

Foard City Wind requests that the Crowell 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, Foard City Wind has committed to create 7 total jobs for the project, all of which will be in Crowell ISD.

Wind projects create a large number of full and part-time, but temporary jobs during the construction phase of the project and require a relatively small number of highly skilled technicians to operate and maintain the project after commercial operation commences.

The number of jobs specified in this application is in line with the industry standards for a wind farm of this scope and size. 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. This is evidenced by previously filed limitation agreement applications by wind developers who also requested a waiver of the job requirements.

Sincerely,

Paul Rapp
Vice President

TAB 13

Calculation of three possible wage requirements with TWC documentation

- Foard County average weekly wage for all jobs (all industries)
- Foard County average weekly wage for all jobs (manufacturing)
- See attached Council of Governments Regional Wage Calculation and Documentation

FOARD CITY WIND, LLC
TAB 13 TO CHAPTER 313 APPLICATION - CROWELL ISD

CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2017	$ 533	$ 27,716
SECOND	2017	$ 537	$ 27,924
THIRD	2016	$ 553	$ 28,756
FOURTH	2016	$ 555	$ 28,860
	AVERAGE	$ 545	$ 28,314

CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FOURTH	2011	$ 187	$ 9,724
	X	110%	
	AVERAGE	$ 206	$ 10,696

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

REGION	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
NORTEX	2016	$ 965	$ 50,203
	X	110%	110%
		$ 1,062	$ 55,223

** 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
2017	1st Qtr	Foard County	Total All	00	0	10	Total, all industries	$533
2017	2nd Qtr	Foard County	Total All	00	0	10	Total, all industries	$537
2016	3rd Qtr	Foard County	Total All	00	0	10	Total, all industries	$553
2016	4th Qtr	Foard County	Total All	00	0	10	Total, all industries	$555

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
2011	4th Qtr	Foard County	Private	31	2	31-33	Manufacturing	$187

2016 Manufacturing Average Wages by Council of Government Region
Wages for All Occupations

COG	Wages Hourly	Annual
Texas	**$25.41**	**$52,850**
1. Panhandle Regional Planning Commission	$22.52	$46,834
2. South Plains Association of Governments	$18.27	$38,009
3. NORTEX Regional Planning Commission	$24.14	$50,203
4. North Central Texas Council of Governments	$26.06	$54,215
5. Ark-Tex Council of Governments	$19.07	$39,663
6. East Texas Council of Governments	$20.52	$42,677
7. West Central Texas Council of Governments	$20.31	$42,242
8. Rio Grande Council of Governments	$19.32	$40,188
9. Permian Basin Regional Planning Commission	$26.00	$54,079
10. Concho Valley Council of Governments	$18.78	$39,066
11. Heart of Texas Council of Governments	$21.14	$43,962
12. Capital Area Council of Governments	$30.06	$62,522
13. Brazos Valley Council of Governments	$17.66	$36,729
14. Deep East Texas Council of Governments	$18.06	$37,566
15. South East Texas Regional Planning Commission	$33.42	$69,508
16. Houston-Galveston Area Council	$27.52	$57,246
17. Golden Crescent Regional Planning Commission	$26.38	$54,879
18. Alamo Area Council of Governments	$21.67	$45,072
19. South Texas Development Council	$15.02	$31,235
20. Coastal Bend Council of Governments	$27.85	$57,921
21. Lower Rio Grande Valley Development Council	$17.55	$36,503
22. Texoma Council of Governments	$20.98	$43,648
23. Central Texas Council of Governments	$18.65	$38,783
24. Middle Rio Grande Development Council	$23.05	$47,950

110% x $50,203 = $55,223

Source: Texas Occupational Employment and Wages

Data published: July 2017

Data published annually, next update will be July 31, 2018

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.

TAB 14

Schedules A1, A2, B, C and D completed and signed Economic Impact (if applicable)

See attached Schedules A1, A2, B, C and D

Schedule A1: Total Investment for Economic Impact (through the Qualifying Time Period)

Date 10/5/2017

Applicant Name Foard City Wind, LLC

ISD Name Crowell ISD

Form 50-296A

Revised May 2014

PROPERTY INVESTMENT AMOUNTS								
(Estimated Investment in each year. Do not put cumulative totals.)								
				Column A	**Column B**	**Column C**	**Column D**	**Column E**
	Year	**School Year** (YYYY-YYYY)	**Tax Year** (Fill in actual tax year below) YYYY	New investment (original cost) in **tangible personal property** placed in service during this year that will become Qualified Property	New investment made during this year in **buildings or permanent nonremovable components of buildings** that will become Qualified Property	Other new investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Other new investment made during this year that may become Qualified Property [SEE NOTE]	**Total Investment** (Sum of Columns A+B+C+D)
Investment made before filing complete application with district	--	Year preceding the first complete tax year of the qualifying time period (assuming no deferrals of qualifying time period)	2018	Not eligible to become Qualified Property			[The only other investment made before filing complete application with district that may become Qualified Property is land.]	0
Investment made after filing complete application with district, but before final board approval of application				0	0	0	0	0
Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period				0	0	0	0	0
Complete tax years of qualifying time period	QTP1	2018-2019	2019	0	0	0	0	0
	QTP2	2019-2020	2020	384,000,000	1,000,000	0	0	385,000,000
Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]				384,000,000	1,000,000	0	0	385,000,000
				Enter amounts from TOTAL row above in Schedule A2				
Total Qualified Investment (sum of green cells)				385,000,000				

For All Columns: List amount invested each year, not cumulative totals.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application. Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property—described in SECTION 13, question #5 of the application.

Column D: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

Total Investment: Add together each cell in a column and enter the sum in the blue total investment row. Enter the data from this row into the first row in Schedule A2.

Qualified Investment: For the green qualified investment cell, enter the sum of all the green-shaded cells.

Schedule A2: Total Investment for Economic Impact (including Qualified Property and other investments)

Date 10/5/2017
Applicant Name Foard City Wind, LLC
ISD Name Crowell ISD

Form 50-296A
Revised May 2014

PROPERTY INVESTMENT AMOUNTS								
(Estimated Investment in each year. Do not put cumulative totals.)								
				Column A	Column B	Column C	Column D	Column E
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	New investment (original cost) in **tangible personal property** placed in service during this year that will become Qualified Property	New investment made during this year in **buildings or permanent nonremovable components of buildings** that will become Qualified Property	Other investment made during this year that will not become Qualified Property [SEE NOTE]	Other investment made during this year that will become Qualified Property {SEE NOTE]	**Total Investment** (A+B+C+D)
Total Investment from Schedule A1*	--	**TOTALS FROM SCHEDULE A1**		**Enter amounts from TOTAL row in Schedule A1 in the row below**				
				384,000,000	1,000,000	0	0	385,000,000
Each year prior to start of value limitation period** *Insert as many rows as necessary*	0	2018-2019	2018	0	0	0	0	0
Each year prior to start of value limitation period** *Insert as many rows as necessary*	0	2019-2020	2019	0	0	0	0	0
Value limitation period***	1	2020-2021	2020	0	0	0	0	0
	2	2021-2022	2021	0	0	0	0	0
	3	2022-2023	2022	0	0	0	0	0
	4	2023-2024	2023	0	0	0	0	0
	5	2024-2025	2024	0	0	0	0	0
	6	2025-2026	2025	0	0	0	0	0
	7	2026-2027	2026	0	0	0	0	0
	8	2027-2028	2027	0	0	0	0	0
	9	2028-2029	2028	0	0	0	0	0
	10	2029-2030	2029	0	0	0	0	0
Total Investment made through limitation				384,000,000	1,000,000	0	0	385,000,000
Continue to maintain viable presence	11	2030-2031	2030			0		0
	12	2031-2032	2031			0		0
	13	2032-2033	2032			0		0
	14	2033-2034	2033			0		0
	15	2034-2035	2034			0		0
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2035-2036	2035			0		0
	17	2036-2037	2036			0		0
	18	2037-2038	2037			0		0
	19	2038-2039	2038			0		0
	20	2039-2040	2039			0		0
	21	2040-2041	2040			0		0
	22	2041-2042	2041			0		0
	23	2042-2043	2042			0		0
	24	2043-2044	2043			0		0
	25	2044-2045	2044			0		0

* All investments made through the qualifying time period are captured and totaled on Schedule A1 [blue box] and incorporated into this schedule in the **first row.**

** Only investment made during deferrals of the start of the limitation (after the end of qualifying time period but before the start of the Value Limitation Period) should be included in the "year prior to start of value limitation period" row(s). If the limitation starts at the end of the qualifying time period or the qualifying time period overlaps the limitation, no investment should be included on this line.

*** If your qualifying time period will overlap your value limitation period, do not also include investment made during the qualifying time period in years 1 and/or 2 of the value limitation period, depending on the overlap. Only include investments/years that were **not** captured on Schedule A1.

For All Columns: List amount invested each year, not cumulative totals. Only include investments in the remaining rows of Schedule A2 that were not captured on Schedule A1.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application. Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property—described in SECTION 13, question #5 of the application.

Column D: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

Schedule B: Estimated Market And Taxable Value (of Qualified Property Only)

Date 10/5/2017

Applicant Name Foard City Wind, LLC

Form 50-296A

ISD Name Crowell ISD

Revised May 2014

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property: Estimated Market Value of Land	Qualified Property: Estimated Total Market Value of new buildings or other new improvements	Qualified Property: Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements"	Estimated Taxable Value: Market Value less any exemptions (such as pollution control) and before limitation	Estimated Taxable Value: Final taxable value for I&S after all reductions	Estimated Taxable Value: Final taxable value for M&O after all reductions
Each year prior to start of Value Limitation Period *Insert as many rows as necessary*	0	2018-2019	2018	0	0	0	0	0	0
	0	2019-2020	2019	0	0	0	0	0	0
Value Limitation Period	1	2020-2021	2020	0	980,000	369,600,000	370,580,000	370,580,000	20,000,000
	2	2021-2022	2021	0	955,500	340,032,000	340,987,500	340,987,500	20,000,000
	3	2022-2023	2022	0	931,613	312,829,440	313,761,053	313,761,053	20,000,000
	4	2023-2024	2023	0	908,323	287,803,085	288,711,408	288,711,408	20,000,000
	5	2024-2025	2024	0	885,615	264,778,838	265,664,453	265,664,453	20,000,000
	6	2025-2026	2025	0	863,475	243,596,531	244,460,006	244,460,006	20,000,000
	7	2026-2027	2026	0	841,888	224,108,809	224,950,697	224,950,697	20,000,000
	8	2027-2028	2027	0	820,841	206,180,104	207,000,945	207,000,945	20,000,000
	9	2028-2029	2028	0	800,320	189,685,696	190,486,016	190,486,016	20,000,000
	10	2029-2030	2029	0	780,312	174,510,840	175,291,152	175,291,152	20,000,000
Continue to maintain viable presence	11	2030-2031	2030	0	760,804	160,549,973	161,310,777	161,310,777	161,310,777
	12	2031-2032	2031	0	741,784	147,705,975	148,447,759	148,447,759	148,447,759
	13	2032-2033	2032	0	723,239	135,889,497	136,612,736	136,612,736	136,612,736
	14	2033-2034	2033	0	705,158	125,018,337	125,723,495	125,723,495	125,723,495
	15	2034-2035	2034	0	687,529	115,016,870	115,704,399	115,704,399	115,704,399
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2035-2036	2035	0	670,341	105,815,520	106,485,861	106,485,861	106,485,861
	17	2036-2037	2036	0	653,582	97,350,278	98,003,860	98,003,860	98,003,860
	18	2037-2038	2037	0	637,242	89,562,256	90,199,498	90,199,498	90,199,498
	19	2038-2039	2038	0	621,311	82,397,276	83,018,587	83,018,587	83,018,587
	20	2039-2040	2039	0	605,778	75,805,494	76,411,272	76,411,272	76,411,272
	21	2040-2041	2040	0	590,634	69,741,054	70,331,688	70,331,688	70,331,688
	22	2041-2042	2041	0	575,868	64,161,770	64,737,638	64,737,638	64,737,638
	23	2042-2043	2042	0	561,471	59,028,828	59,590,299	59,590,299	59,590,299
	24	2043-2044	2043	0	547,434	54,306,522	54,853,956	54,853,956	54,853,956
	25	2044-2045	2044	0	533,748	49,962,000	50,495,748	50,495,748	50,495,748

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.
Only include market value for eligible property on this schedule.

Schedule C: Employment Information

Date 10/5/2017
Applicant Name Foard City Wind, LLC
ISD Name Crowell ISD

Form 50-296A
Revised May 2014

				Construction		Non-Qualifying Jobs	Qualifying Jobs	
				Column A	Column B	Column C	Column D	Column E
	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Number of Construction FTE's or man-hours (specify)	Average annual wage rates for construction workers	Number of non-qualifying jobs applicant estimates it will create (cumulative)	Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Average annual wage of new qualifying jobs
Each year prior to start of Value Limitation Period *Insert as many rows as necessary*	0	2018-2019	2018	50 FTE	45,000	0	0	0
	0	2019-2020	2019	250 FTE	45,000	0	2	55,230
Value Limitation Period *The qualifying time period could overlap the value limitation period.*	1	2020-2021	2020	N/A	N/A	0	7	55,230
	2	2021-2022	2021	N/A	N/A	0	7	55,230
	3	2022-2023	2022	N/A	N/A	0	7	55,230
	4	2023-2024	2023	N/A	N/A	0	7	55,230
	5	2024-2025	2024	N/A	N/A	0	7	55,230
	6	2025-2026	2025	N/A	N/A	0	7	55,230
	7	2026-2027	2026	N/A	N/A	0	7	55,230
	8	2027-2028	2027	N/A	N/A	0	7	55,230
	9	2028-2029	2028	N/A	N/A	0	7	55,230
	10	2029-2030	2029	N/A	N/A	0	7	55,230
Years Following Value Limitation Period	11 through 25	2030-2045	2030-2044	N/A	N/A	0	7	55,230

Notes: See TAC 9.1051 for definition of non-qualifying jobs.
Only include jobs on the project site in this school district.

C1. Are the cumulative number of qualifying jobs listed in Column D less than the number of qualifying jobs required by statute? (25 qualifying jobs in Subchapter B districts, 10 qualifying jobs in Subchapter C districts) — [X] Yes [ ] No

If yes, answer the following two questions:

C1a. Will the applicant request a job waiver, as provided under 313.025(f-1)? — [X] Yes [ ] No

C1b. Will the applicant avail itself of the provision in 313.021(3)(F)? — [ ] Yes [X] No

Schedule D: Other Incentives (Estimated)

Date 10/5/2017
Applicant Name Foard City Wind, LLC
ISD Name Crowell ISD

Form 50-296A
Revised May 2014

State and Local Incentives for which the Applicant intends to apply (Estimated)						
Incentive Description	**Taxing Entity (as applicable)**	**Beginning Year of Benefit**	**Duration of Benefit**	**Annual Tax Levy without Incentive**	**Annual Incentive**	**Annual Net Tax Levy**
Tax Code Chapter 311	County:	N/A	N/A	N/A	N/A	N/A
	City:	N/A	N/A	N/A	N/A	N/A
	Other:	N/A	N/A	N/A	N/A	N/A
Tax Code Chapter 312	County: Foard County	2020	10 Years	Avg. $2,657,000	100%	724,500
	City:	N/A	N/A	N/A	N/A	N/A
	City:	N/A	N/A	N/A	N/A	N/A
Local Government Code Chapters 380/381	County:	N/A	N/A	N/A	N/A	N/A
	City:	N/A	N/A	N/A	N/A	N/A
	Other:	N/A	N/A	N/A	N/A	N/A
Freeport Exemptions	N/A	N/A	N/A	N/A	N/A	N/A
Non-Annexation Agreements	N/A	N/A	N/A	N/A	N/A	N/A
Enterprise Zone/Project	N/A	N/A	N/A	N/A	N/A	N/A
Economic Development Corporation	N/A	N/A	N/A		N/A	
Texas Enterprise Fund	N/A	N/A	N/A		N/A	
Employee Recruitment	N/A	N/A	N/A		N/A	
Skills Development Fund	N/A	N/A	N/A		N/A	
Training Facility Space and Equipment	N/A	N/A	N/A		N/A	
Infrastructure Incentives	N/A	N/A	N/A		N/A	
Permitting Assistance	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
			TOTAL	Avg. $2,657,000		724,500

Additional information on incentives for this project:

Foard County Terms: 10 years at 100% abated with a PILOT payment of $2,100 per installed MW

TAB 15

Economic Impact Analysis, other payments made in the state or other economic information (if applicable)

None

TAB 16

Description of Reinvestment Zone or Enterprise Zone, including:

a) *Evidence that the area qualifies as a enterprise zone as defined by the Governor's office*
b) *Legal description of reinvestment zone**
c) *Order, resolution, or ordinance established the* reinvestment zone*
d) *Guidelines and criteria for creating the zone**

16 a) Not Applicable
16 b) Legal Description is Included in Order Establishing the Reinvestment Zone
16 c) See Attached
16 d) See Attached

FOARD COUNTY COMMISSIONERS COURT
ORDER DESIGNATING THE FOARD CITY WIND ENERGY REINVESTMENT ZONE

AN ORDER OF THE COMMISSIONERS COURT OF FOARD COUNTY, TEXAS MAKING CERTAIN FINDINGS OF FACT AND DESIGNATING THE FOARD CITY WIND ENERGY REINVESTMENT ZONE.

WHEREAS, on November 28, 2016 the Commissioners Court of Foard County, Texas (sometimes hereinafter referred to as the "Commissioners Court") adopted a resolution or order electing to participate in tax abatement and adopted guidelines and criteria for any tax abatement that is granted by the Commissioners Court; and

WHEREAS, the Commissioners Court, on July 24, 2017 beginning at 9:00 a.m., held a public hearing (the "July 24, 2017 Public Hearing") on the advisability of designating the following tracts of land (hereinafter referred to as the "Subject Lands") as a reinvestment zone pursuant to TEX. TAX CODE §312.401 in the Commissioners Courtroom located at 101 South Main Street, Crowell, Texas but final action on the designation of a reinvestment zone was tabled to the August 14, 2017 meeting of the Commissioners Court; and

WHEREAS, notice of the July 24, 2017 Public Hearing was published in the Foard County News, a newspaper of general circulation in the area where the Subject Lands are located, on July 7, 2017, which publication date is not later than the seventh day before the July 24, 2017 Public Hearing, and evidence of such publication is shown by the publisher's affidavit and clipping from said newspaper which is attached to this order as Exhibit A; and

WHEREAS, notice of the July 24, 2017 Public Hearing was also delivered in writing to the presiding officer of the governing body of each of the following taxing entities: the Crowell Independent School District, the Foard County Hospital District and the Rolling Plains Groundwater Conservation District, as shown by the notice letter and return receipts which are attached hereto as Exhibit B; and

WHEREAS, the Crowell Independent School District, the Foard County Hospital District and the Gateway Groundwater Conservation District are the only taxing units, other than Foard County, that include the Subject Lands in their boundaries; and

WHEREAS, the Subject Lands are those parcels or tracts of land, all located in Foard County, Texas and are more particularly described by reference to their abstract and survey names as follows:

Abstract Nos.	Section Names
1	Isaac Aldridge
5	S. Armour
15	J. Bowie
16	N. Box
81	B. Epperson
83	E.T. R.R. CO., No. 1

Abstract Nos.	Section Names
127	D. M. Hallmark
129	N. A. Horton
130	P. Hinds
158	H. & T. C. R.R. CO. Survey Block A, No. 525
206	H. & T. C. RR. CO. Survey, No. 345
217	H. & T. C. RR. CO. Survey, Block A
250	H. & T. C. R.R. CO. Survey, Block A, No. 449
255	H. & T. C. R.R. CO. Survey, Block A, No. 459
256	H. & T. C. R.R. CO. Survey Block A, No. 461
268	H. & T. C. R.R. CO. Survey, Block A, No. 487
272	H. & T. C. R.R. CO. Survey, Block A, No. 495
274	H. & T. C. R.R. CO. Survey Block A, No. 499
338	H. & T. C. R.R. CO. Survey, Block No. 44
379	H. & T. B. R.R. CO. Survey, No. 1
393	A. Killough
418	Abb Luce Sr. (including Henry Trust land)
433	J. Montez
457	J.Oswalt
488	J. M. Seaton
492	H. Sanches
494	W. J. Sims
497	East half of J. Sinclair (near J.V. Barker)
534	Sul. Fork Iron Works Co. Survey, No. 1
552	E. Taylor
637	Mathew Earl
915	C. Duffel
921	J. Eubank
931	J. Greening Survey, No. 524
965	L. Johnsoon
971	H. Kenner
972	H. Kenner (No. 498)
974	W. Kinsey
994	J. Meason
1056	M. K. Womack, No. 460
1124	H. Kenner
1128	G. McLarty
1193	J. Greening
1194	J. Greening
1214	L. Thompson
1254	E.T. R.R. CO., No. 2

Abstract Nos.	Section Names
1352	C. Robason
1368	G. Little
1369	G. Little
1390	H. & T. B. R.R. CO. Survey, No. 1
1407	J. Olds
1431	G. Armstrong
1477	C. Duffel
1496	J. Hill Survey, No. 498
1504	Christopher Knolle
71	L. David
157	H. & T. C. R.R. CO. Survey Block A,No. 523(south 50%, approx 315ac)
159	H. & T. C. RR. CO. Survey, No. 527
267	H. & T. C. R.R. CO. Survey, Block A, No. 485
273	H. & T. C. R.R. CO. Survey, Block A, No. 497
330	H. & T. C. RR. CO. Survey, No. 11
331	H. & T. C. RR. CO. Survey,No. 13 (East 50% of abstract, approx 250ac)
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535	Sul. Fork Iron Works Co. Survey, No. 1
815	L. Hart
864	C. Barnett
960	V. Johnson
961	C. Johnson
1045	J. Wishon (H. & T. C. RR. CO. Survey, No. 10)
1181	S. Bishop
1226	H. & T. C. RR. CO. Survey, No. 12 (I. Wishon)
1275	M. Womack
1284	W. Long
1317	Sul. Fork Iron Works Co. Survey, No. 2 (I. Wishon)
1388	H. & T. C. RR. CO. Survey, No. 528
1489	G. Crowell (H. & T. C. RR. CO. Survey, No. 486)
1531	T. Welch (H. & T. C. RR. CO. Survey, No. 528)

WHEREAS, the Subject Lands are not in the taxing jurisdiction of a municipality; and

WHEREAS, the Commissioners Court, on January 23, 2017 and March 27, 2017, adopted orders (the "Prior Reinvestment Zone Orders") designating various portions of the Subject Lands as a reinvestment zone; and

WHEREAS, the Commissioners Court has determined that the Prior Reinvestment Zone Orders should be repealed by this order and replaced by the designation of reinvestment zone contained in this order; and

WHEREAS, based upon the information available to it, including information presented at the July 24, 2017 Public Hearing and at prior meetings of the Commissioners Court, the Commissioners Court has determined, and hereby finds and concludes:

(1) that the erection of wind powered electric generating facilities on the Subject Lands is feasible and practical and would be a benefit to the Subject Lands and to Foard County, Texas during the course of, and after the expiration of, a tax abatement agreement entered by Foard County, Texas pursuant to Chapter 312 of the Texas Tax Code;

(2) that the designation of the Subject Lands as a reinvestment zone will attract major investment in the zone that will be a benefit to the Subject Lands and will contribute to the economic development of Foard County, Texas;

(3) that the designation of the Subject Lands as a reinvestment zone is consistent with the County's Tax Abatement Guidelines and Criteria;

(4) that this order was approved by a majority of the Commissioners Court at a meeting held on the date set forth below, which meeting was open to the public, was preceded by proper notice, as required by Chapter 551 of the Texas Government Code (the Open Meetings Act) and the other notices relating to the July 24, 2017 Public Hearing which are described above, and at which a quorum of the members of the Commissioners Court were present;

(5) that the action of the Commissioners Court in approving this order followed the July 24, 2017 Public Hearing on the advisability of designating the Subject Lands as a reinvestment zone referred to above at which all persons desiring to speak on the subject were allowed to do so;

(6) that all recitals set forth above are hereby adopted as additional findings of fact and conclusions of law by the Commissioners Court; and

(7) that the following orders should be enacted in lieu of the Prior Reinvestment Zone Orders:

IT IS ORDERED, BY THE COMMISSIONERS COURT OF FOARD COUNTY, TEXAS:

1. That the Prior Reinvestment Zone Orders are hereby repealed and will be replaced by the designation of reinvestment zone contained in Paragraph 2 of this order.

2. That the Subject Lands located in Foard County, Texas be, and such tracts hereby are, designated as the Foard City Wind Energy Reinvestment Zone and are hereby declared eligible for property tax abatement as authorized by the County's Tax Abatement Guidelines and Criteria and Chapter 312 of the Texas Tax Code.

3. The designation of the Foard City Wind Energy Reinvestment Zone provided by this order shall be effective for a period of five (5) years from the date of this order; provided that such designation may be renewed by appropriate action of the Commissioners Court at a future date.

PASSED AND APPROVED on the 14th day of August, 2017.

Mark Christopher

Mark Christopher, County Judge

ATTEST:

Debra Hopkins

Debra Hopkins, County Clerk

R. Hammonds

Ricky Hammonds, Commissioner, Precinct 1

Rockne Wisdom

Rockne Wisdom, Commissioner, Precinct 2

Larry Wright

Larry Wright, Commissioner, Precinct 3

Anthony Hinsley

Anthony Hinsley, Commissioner, Precinct 4

EXHIBIT A

to

ORDER DESIGNATING THE FOARD CITY WIND ENERGY REINVESTMENT ZONE

PUBLISHER'S AFFIDAVIT

"I solemnly swear that this notice, a clipping of which is attached to this affidavit, was published in the Foard County News, a newspaper published in Foard County, Texas, on July 7th, 2017.

Lisa Hopkins

PUBLISHER

SWORN TO AND SUBSCRIBED BEFORE ME BY Chelsea Hopkins ON THIS THE 18 DAY OF July, 2017.

NOTARY PUBLIC
STATE OF TEXAS
CHELSEA HOPKINS
Notary Public
STATE OF TEXAS
ID#130599654
My Comm. Exp. Mar. 29, 2020

Chelsea Hopkins

NOTARY PUBLIC, STATE OF TEXAS

NOTICE OF PUBLIC HEARING

The Commissioners Court of Foard County, Texas will hold a public hearing at 9:00 a.m. on July 24, 2017 in the Commissioner's Courtroom at 101 S. Main Street, Crowell, Texas, and will take action as a result of that public hearing, on the proposed designation of the following tracts or parcels of land in Foard County, Texas as the Foard City Wind Energy Reinvestment Zone:

Abstract Nos.	Section Names
1	Isaac Aldridge
5	S. Armour
15	J. Bowie
16	N. Box
81	B. Epperson
83	E.T. R.R. CO., No. 1
127	D. M. Hallmark
129	N. A. Horton
130	P. Hinds
158	H. & T. C. R.R. CO. Survey Block A, No. 525
206	H. & T. C. RR. CO. Survey, No. 345
217	H. & T. C. RR. CO. Survey, Block A
250	H. & T. C. R.R. CO. Survey, Block A, No. 449
255	H. & T. C. R.R. CO. Survey, Block A, No. 459
256	H. & T. C. R.R. CO. Survey Block A, No. 461
268	H. & T. C. R.R. CO. Survey, Block A, No. 487
272	H. & T. C. R.R. CO. Survey, Block A, No. 495
274	H. & T. C. R.R. CO. Survey Block A, No. 499
338	H. & T. C. R.R. CO. Survey, Block No. 44
379	H. & T. B. R.R. CO. Survey, No. 1
393	A. Killough
418	Abb Luce Sr. (including Henry Trust land)
433	J. Montez
457	J.Oswalt
488	J. M. Seaton
489	G. Crowell & J. Cue
492	H. Sanches
494	W. J. Sims
497	East half of J. Sinclair (near J.V. Barker)
534	Sul. Fork Iron Works Co. Survey, No. 1
552	E. Taylor
637	Mathew Earl
915	C. Duffel
921	
931	J. Greening Survey, No. 524

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972	H. Kenner (No. 498)
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994	J. Meason
1056	M. K. Womack, No. 460
1124	
1128	G. McLarty
1193	J. Greening
1194	J. Greening
1214	L. Thompson
1217	H. & T. C. RR. CO. Survey B, No. 84 (A-943 J. Shearer)
1254	E.T. R.R. CO., No. 2
1352	C. Robason
1368	G. Little
1369	G. Little
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1431	G. Armstrong
1477	C. Duffel
1496	J. Hill Survey, No. 498
1504	Christopher Knolle
71	L. David
74	Day Land & Cattle, No. 1 (East 10% of abstract, approx 120ac)
157	H. & T. C. R.R. CO. Survey Block A,No. 523(south 50%, approx 315ac)
159	H. & T. C. RR. CO. Survey, No. 527
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Abstract Nos.	Section Names
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1489	G. Crowell (H. & T. C. RR. CO. Survey, No. 486)
1531	T. Welch (H. & T. C. RR. CO. Survey, No. 528)

EXHIBIT B

to

ORDER DESIGNATING THE FOARD CITY WIND ENERGY REINVESTMENT ZONE

JAY A. CANTRELL
A Professional Corporation
ATTORNEY AT LAW

Telephone: (940) 766-3305
Fax No. (940) 322-3462

807 Eighth Street, Suite 810
Wichita Falls, Texas 76301-3319

email: jay@jaycantrell.com

June 28, 2017

Mr. John Thomas, President
Board of Trustees
Crowell Independent School District
P.O. Box 239
Crowell, Texas 79227

Via Certified Mail
Return Receipt Requested
Return Receipt No.
7016 0910 0002 3109 0847

Mr. Mike Shaw, President
Foard County Hospital District
P.O. Box 355
Crowell, Texas 79227

Via Certified Mail
Return Receipt Requested
Return Receipt No.
7016 0910 0002 3109 0854

Mr. Johnny Kjas, President
Board of Trustees
Gateway Groundwater Conservation District
109 W. 11th Street
Quanah, Texas 79252

Via Certified Mail
Return Receipt Requested
Return Receipt No.
7016 0910 0002 3109 0861

Re: Notice of Public Hearing by the County Commissioners of Foard County, Texas on the Designation of Reinvestment Zone

Gentlemen:

I represent Foard County in connection with its consideration of a request for tax abatement for a proposed wind farm to be located within the County. On Monday, July 24, 2017 the Commissioners Court will conduct a public hearing on whether it should designate the parcels of land shown on the enclosed notice as a reinvestment zone under Chapter 312 of the Texas Tax Code. Designation of an area as a reinvestment zone is required by the Texas Tax Code before a county can a consider, and act on, a request for tax abatement in that area. The hearing will be at the following date, time and location:

Date:	Monday, July 24, 2017
Time:	9:00 a.m.
Location:	Commissioners Courtroom, Foard County Courthouse, 101 S. Main Street, Crowell, Texas.

As you know, the County previously conducted two hearings on the designation of different portions of the tracts described on the enclosed notice as a reinvestment zone. The July 24 hearing is being conducted so that the Commissioners can consider designation of all tracts on the enclosed list as a reinvestment zone at one public hearing. No tracts other than those that were the subject of the two prior hearings are being considered for designation in a reinvestment zone.

Following the public hearing the Commissioners will take action on the designation of a reinvestment zone.

If you have any questions on this matter, please do not hesitate to contact me or the County Judge.

Sincerely,

Jay A. Cantrell

Enclosure - Notice of Public Hearing (with list of parcels being considered to be designated as a reinvestment zone)

Copy via *First Class Mail* to:

Ms. Pam Norwood, Superintendent
Crowell Independent
P.O. Box 239
Crowell, Texas 79227
(w/enclosure)

Ms. Denise Holley, Administrator
Crowell County Hospital District
P.O. Box 355
Crowell, Texas 79227
(w/enclosure)

Mr. Jack Campsey, Manager
Gateway Groundwater Conservation District
109 W. 11th Street
Quanah, Texas 79252
(w/enclosure)

NOTICE OF PUBLIC HEARING

The Commissioners Court of Foard County, Texas will hold a public hearing at 9:00 a.m. on July 24, 2017 in the Commissioner's Courtroom at 101 S. Main Street, Crowell, Texas, and will take action as a result of that public hearing, on the proposed designation of the following tracts or parcels of land in Foard County, Texas as the Foard City Wind Energy Reinvestment Zone:

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637	Mathew Earl
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921	
931	J. Greening Survey, No. 524

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TAX ABATEMENT GUIDELINES AND CRITERIA

FOARD COUNTY, TEXAS

PURPOSE

The purpose of this document is to establish guidelines and a uniform policy of Tax Abatement for owners or lessees of Eligible Property seeking a Tax Abatement Agreement with Foard County, Texas (the "County").

SECTION 1. DEFINITIONS

As used in in these guidelines and criteria, any term not defined herein but which is defined in Chapter 312 or other provisions of the Texas Tax Code shall have the meaning assigned to it in the Texas Tax Code. The following terms shall have the respective meanings assigned to them below:

A. "Base Year Value" means the assessed value on the Eligible Property as of January 1 of the year in which a Tax Abatement Agreement is executed.

B. "Commissioners Court" shall refer to the Commissioners Court of Foard County, Texas.

C. "Eligible Property" means real property, including leasehold estates, improvements to real property and leasehold estates and tangible personal property for which Tax Abatement is permitted under applicable law.

D. "Tax Abatement Agreement" means a contractual agreement between a property owner and/or lessee and the County with respect to the full or partial exemption from *ad valorem* taxes of certain property in a Reinvestment Zone designated by the County for economic development purposes in accordance with Chapter 312 of the Texas Tax Code.

SECTION 2. GENERAL CRITERIA

A. <u>Criteria.</u> In order to be eligible for designation as a Reinvestment Zone and receive Tax Abatement, the planned improvements:

1. Must include the addition of Eligible Property;

2. Must add at least $150,000.00 of Eligible Property to the County's tax rolls;

3. Must be reasonably expected to have an increase in positive net economic benefit

to the County of at least $150,000.00 over the life of any Tax Abatement, computed to include (but not limited to) new sustaining payroll and/or capital improvement and other economic benefits to the County; and

4. Must not be expected to solely or primarily have the effect of transferring employment from one part of the County to another.

B. Value Eligible for Abatement. Only the increase in the fair market value of the property over the Base Year Value directly resulting from the development, redevelopment and improvements specified in a Tax Abatement Agreement will be eligible for tax abatement, and then only to the extent that such increase exceeds any reduction to the fair market value of the other property of the applicant located within the County.

C. Consistent Abatement Terms. It is the goal of the County to grant Tax Abatements on the same terms and conditions as the other taxing units having jurisdiction of the property. However, nothing herein shall limit the discretion of the Commissioners Court to consider, adopt, modify or refine any Tax Abatement request.

D. Effect of These Guidelines and Criteria. The adoption of these guidelines and criteria by the Commissioners Court does not:

1. Limit the discretion of the Commissioners Court to decide whether to enter into a Tax Abatement Agreement;

2. Shall not limit the ability of the Commissioners Court to waive any particular guideline or criteria, if, in the judgment of the Commissioners Court, such waiver is necessary to facilitate economic development, is required to effectively compete with other communities and is otherwise consistent with applicable law;

3. Limit the discretion of the Commissioners Court to delegate to its employees or any officer of the County the authority to determine whether or not the Commissioners Court should consider a particular application or request for Tax Abatement; or

4. Create any property, contract or other legal right in any person to have the Commissioners Court consider or grant a specific application or request for Tax Abatement.

SECTION 3. TAX ABATEMENT AUTHORIZED

A. Eligible Facilities. Upon application, Eligible Property may be considered by the Commissioners Court for tax abatement as hereinafter provided.

B. Creation of New Value. Tax abatement may only be granted for the additional value of

Eligible Property made subsequent to Base Year Value which value may be created in the form of improvement(s) made to existing real property, the addition of fixed personal property or the purchase and installation of new equipment.

C. Eligible Property. Tax Abatement may be extended to the value of new, expanded, or modernized buildings, structures, fixed machinery and new equipment, site improvements, and related fixed improvements necessary to the operation and administration of the business or endeavors proposed by the property owner to the extent that tax abatement is permitted with respect to such items by Chapter 312 of the Texas Tax Code.

D. Ineligible Property. Non-taxable property shall be ineligible for tax abatement.

E. Factors to be Considered in Determining Whether to Grant Tax Abatement. The following factors, among others, will be considered in determining whether to grant a Tax Abatement Agreement:

(1) Value of existing improvements, if any;

(2) Type and value of proposed improvements or new equipment;

(3) Productive life of proposed improvements or new equipment;

(4) Number of existing jobs to be retained by proposed improvements or new equipment;

(5) Number and type of new jobs to be created by proposed improvements or new equipment;

(6) Amount of local payroll to be created;

(7) Whether the new jobs to be created will be filled by persons residing or projected to reside within affected taxing jurisdiction;

(8) Amount by which property tax base valuation will be increased during and after the term of a Tax Abatement Agreement;

(9) The costs to be incurred, by the County to provide any infrastructure required for the improvements or new equipment;

(10) The amount of *ad valorem* taxes to be paid to the County during the Tax Abatement period considering (a) the existing values, (b) the percentage of new value abated, (c) the period of the Tax Abatement Agreement, and (d) the value after expiration of the Tax Abatement

Agreement;

(11) The population growth of the County that occurs directly as a result of new improvements or new equipment;

(12) The types and values of public improvements, if any, to be made by applicant seeking a Tax Abatement Agreement;

(13) Whether the proposed improvements compete with existing businesses to the detriment of the local economy,

(14) The impact on the business opportunities of existing business;

(15) The attraction of other new businesses to the area;

(16) The overall compatibility with the zoning ordinances and comprehensive plan for the area;

(17) Whether the project obtains has the necessary permits from the applicable governmental agencies.

Each request for a Tax Abatement Agreement shall be reviewed on its merits utilizing the factors provided above. After such review, Tax Abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation in the sole and absolute discretion of the Commissioners Court.

F. Denial of Tax Abatement. Neither the designation of a reinvestment zone nor the approval of a Tax Abatement Agreement shall be authorized if it is determined, based upon information presented to the Commissioners Court, that:

(1) There would be substantial adverse effect on the provision of government services or tax base;

(2) The applicant has insufficient financial capacity;

(3) The activities of the applicant would be in violation of any applicable law or governmental regulations; or

(4) the designation of a Reinvestment Zone or the approval of a Tax Abatement Agreement would not be in the best interests of the County or its citizens for any other reason, as determined by the Commissioners Court in its sole and absolute discretion.

H. Taxability. From the beginning of the period of tax abatement provided in a Tax Abatement Agreement to the end of the tax abatement period, taxes shall be payable as follows:

(1) The value of Ineligible Property shall be fully taxable; and

(2) The Base Year Value of existing Eligible Property as determined each year shall be fully taxable; and

(3) The additional value of new Eligible Property shall be fully taxable at the end of the Tax Abatement period specified in the Tax Abatement Agreement.

SECTION 4. APPLICATION PROCESS

A. Who May Request Abatement. Any present or potential owner of taxable property in the County may request the creation of a Reinvestment Zone and Tax Abatement by filing a written application with the County Judge of Foard County.

B. Contents of Application; Administrative Fee. The application shall consist of a general description of the new improvements to be undertaken or the new equipment to be added; a descriptive list of the improvements or new equipment for which a Tax Abatement Agreement is requested; a list of the kind, number and location of all proposed improvements of a property and new equipment; a map and property description; and a time schedule for undertaking and completing the proposed improvements. In the case of modernization, a statement of the assessed value of the facilities, separately stated for real and personal property, shall be given for the tax year immediately preceding the application. The County may require such financial and other information as deemed appropriate for evaluating the financial capacity and other factors pertaining to the applicant, to be attached to the application. Unless waived or reduced by the Commissioners Court, the completed application must be accompanied by the payment of a nonrefundable application fee of $1,000.00 for administrative costs associated with the processing of the Tax Abatement request. All checks in payment of the administrative fee shall be made payable to the County.

C. If a City Has Granted Abatement. If a city within the County designates a Reinvestment Zone within its corporate limits and enters into or proposes to enter into an Abatement Agreement with a present or potential owner of a taxable property, such present or potential owner of taxable property may request Tax Abatement by the County by following the same application process described in Section 4(A) hereof.

SECTION 5. AGREEMENT

A. Terms. The Commissioners Court shall memorialize the approval of any Tax Abatement Agreement by the adoption of an order or resolution authorizing execution of the Tax Abatement Agreement and making findings of fact and conclusions of law consistent with its action, The Tax Abatement Agreement may contain any other provisions deemed necessary by the Commissioners Court and shall include those provisions required by applicable law including the following:

(1) A list of the kind, number and location of all proposed improvements to the property;

(2) Provide access to and authorize inspection of the property by the taxing unit to insure compliance with the Tax Abatement Agreement;

(3) Limit the use of the property consistent w ith the taxing unit's development goals;

(4) Provide for recapturing property tax revenues that are lost if the owner fails to make improvements as provided by the Tax Abatement Agreement;

(5) Include each term that was agreed upon with the property owner and. require the owner to annually certify compliance with the terms of the Tax Abatement Agreement to each taxing unit;

(6) Allow the taxing unit to cancel or modify the Tax Abatement Agreement at any time if the property owner fails to comply with the terms of the Tax Abatement Agreement; and

(7) All other terms and conditions not inconsistent with applicable law which are, in the judgment of the Commissioners Court, necessary or prudent.

SECTION 6. RECAPTURE OF ABATEMENT ON DEFAULT BY OWNER

A. Termination of Tax Abatement Agreement on Default. In the event that the applicant or its assignee (1) allows its ad valorem taxes owed the County to become delinquent and fails to timely and property follow the legal procedures for their protest and/or contest; or (2) violates any of the terms and conditions of the Tax Abatement Agreement and fails to cure within any applicable cure period, the Tax Abatement Agreement then maybe terminated and all taxes previously abated by virtue of the Tax Abatement Agreement will be recaptured and paid within thirty (30) days of the termination.

B. Notice; Cure Period. Should the County determine that the applicant or its assignee is in default according to the terms and conditions of its Tax Abatement Agreement, the County shall notify the company or individual in writing at the address stated in the Tax Abatement Agreement, and if such is not cured within the time set forth in such notice (the "Cure Period"), then the Tax Abatement Agreement may he terminated.

C. Assignment to Non-taxable Entity; Recapture. In the event all or any portion of a property for which tax abatement granted under a Tax Abatement Agreement is assigned to a non-taxable entity, the County shall be entitled to recapture all property tax abated under that Tax Abatement Agreement unless the Commissioners Court and the applicant have agreed to some compromised provision with respect to the recapture of taxes abated under these circumstances.

SECTION 7. ADMINISTRATION

A. Appraisal During Abatement Period. The Chief Appraiser of the Foard County Appraisal District will annually determine an assessment of the real and personal property which is the subject of a Tax Abatement Agreement. Each year, the company or individual receiving tax abatement shall furnish the appraiser with such information as required by applicable law. Once value has been established. the Chief Appraiser will notify the Commissioners' Court of the amount of the assessment in the manner required by the Texas Tax Code.

B. Inspections. The County may execute a contract with firms or other jurisdiction(s) to inspect the property which is the subject of a Tax Abatement Agreement to determine if the terms and conditions of the Tax Abatement Agreement are being met. The Abatement Agreement shall stipulate that employees and/or designated representatives of the County will have access to such property during the term of the Tax Abatement Agreement for that purpose. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such maimer as to not unreasonably interfere with the construction and/or operation of the owner's business. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

SECTION 8. ASSIGNMENT

A Tax Abatement Agreement may be transferred and assigned by the holder to a new owner or lessee upon the approval by resolution of the Commissioners Court, or in accordance with the terms of an existing Tax Abatement Agreement. No assignment or transfer shall be approved if the parties to the existing Tax Abatement Agreement, the current or new owner or new lessee owes, to the federal or state government or any taxing jurisdiction within the County, past due taxes, penalities, interests, attorney's fees or other charges. Approval shall not be unreasonably delayed or withheld. Notice shall be given to the Commissioners Court thirty (30) days in advance of any transfer or assignment. Notwithstanding any of the provisions in this Section 8, the County shall not, under any circumstances, be required to approve an assignment to a non-taxable entity of all or any portion of the property which is the subject of a Tax Abatement Agreement.

SECTION 9. SUNSET PROVISION

These Guidelines and Criteria are effective upon the date of their adoption, and shall supersede and replace any and all prior guidelines and criteria for the County. These Guidelines and Criteria shall remain in force for two (2) years, unless amended within that two year period by three quarters vote of the Commissioners Court; provided, however, no modification or elimination of the Guidelines and Criteria shall affect any existing Tax Abatement Agreement that has been previously approved.

ADOPTED AND APPROVED on the 28th day of November, 2016.

APPROVED:

Mark Christopher, County Judge

ATTEST:

Debra Hopkins, County Clerk

Ricky Hammonds, Commissioner
Precinct 1

Rockne Wisdom, Commissioner
Precinct 2

Larry Wright, Commissioner
Precinct 3

Anthony Hinsley, Commissioner
Precinct 4

TAB 17

Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative (applicant)

See Attached

SECTION 16: Authorized Signatures and Applicant Certification

After the application and schedules are complete, an authorized representative from the school district and the business should review the application documents and complete this authorization page. Attach the completed authorization page in **Tab 17**. **NOTE:** If you amend your application, you will need to obtain new signatures and resubmit this page, Section 16, with the amendment request.

1. Authorized School District Representative Signature

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.

print here Pam Norwood
Print Name *(Authorized School District Representative)*

Superintendent
Title

sign here P. Norwood
Signature *(Authorized School District Representative)*

12-11-17
Date

2. Authorized Company Representative (Applicant) Signature and Notarization

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 and schedules 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.

print here Paul Rapp
Print Name *(Authorized Company Representative (Applicant))*

Vice President
Title

sign here Paul Rapp
Signature *(Authorized Company Representative (Applicant))*

8 November 2017
Date

GIVEN under my hand and seal of office this, the

8th day of November, 2017

Notary Public in and for the ~~State of Texas~~ Province of British Columbia, Canada

(Notary Seal)

My Commission expires: unlimited

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.

SHANNON D. WEBBER
Notary Public in and for the
Province of British Columbia, Canada.
My commission is unlimited as to time.