

UNDERWOOD

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July 30, 2018

John Villarreal
Stephanie Jones
Michelle Luera
Economic Development and Analysis Division
Texas Comptroller of Public Accounts
111 E. 17th St.
Austin, TX 78774

Via Email and Federal Express

Re: 313 Application – Maverick Creek Wind, Inc.

Dear John, Stephanie and Michelle:

Enclosed please find an application for appraised value limitation on qualified property submitted to Eden Cisd by Maverick Creek Wind, Inc. on July 26, 2018, along with the schedules in Excel format. A CD containing these documents is also enclosed.

The Eden Cisd Board elected to accept the application on July 26, 2018. The application was determined to be complete on July 30, 2018. We ask that the Comptroller's Office prepare the economic impact report for this development.

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

Sincerely,



Fred A. Stormer

Encl.

NO77VQ490D6JGY

Cc w/Encl.: Chief Appraiser, Concho County Appraisal District

Dan Splettstosser, Project Manager

Sam Gregson, Cummings Westlake

via US Mail

via email dan.splettstosser@res-group.com

via email sgregson@cwlp.net

MAVERICK CREEK WIND, LLC

CHAPTER 313 APPLICATION FOR APPRAISED VALUE LIMITATION TO EDEN CISD

COMPTROLLER

MAVERICK CREEK WIND, LLC

Chapter 313 Application to Eden CISD

Cummings Westlake, 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

July 26, 2018

Date Application Received by District

Misty

First Name

Gandy

Last Name

Superintendent

Title

Eden CISD

School District Name

113 West Bryan Street

Street Address

113 West Bryan Street

Mailing Address

Eden

City

325-869-4121

Phone Number

TX

State

325-869-5210

Fax Number

76937

ZIP

misty.gandy@edencisd.net

Email Address

Mobile Number (optional)

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)*

Fred	Stormer
First Name	Last Name
Shareholder	
Title	
Underwood Law Firm, P.C.	
Firm Name	
806-379-0306	806-379-0316
Phone Number	Fax Number
806-570-6299	fred.stormer@uwlaw.com
Mobile Number <i>(optional)</i>	Email Address

4. On what date did the district determine this application complete? July 30, 2018

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)*

Brian	Evans
First Name	Last Name
Chief Development Officer	Renewable Energy Systems America Inc.
Title	Organization
11101 West 120th Avenue	
Street Address	
11101 West 120th Avenue	
Mailing Address	
Broomfield	CO 80021
City	State ZIP
303-439-4200	303-439-4299
Phone Number	Fax Number
	brian.evans@res-americas.com
Mobile Number <i>(optional)</i>	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.

Dan	Splettstosser
First Name	Last Name
Project Manager	Renewable Energy Systems America Inc.
Title	Organization
111001 West 120th Avenue	
Street Address	
11101 West 120th Avenue	
Mailing Address	
Broomfield	CO 80021
City	State ZIP
303-429-4200	303-439-4299
Phone Number	Fax Number
970-481-2009	Dan.Splettstosser@res-group.com
Mobile Number <i>(optional)</i>	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)

Sam

Gregson

First Name

Last Name

Senior Consultant

Title

Cummings Westlake

Firm Name

713-266-4456

713-266-2333

Phone Number

Fax Number

sgregson@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? Maverick Creek Wind, LLC
2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) 32058653687
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
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
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 December 2018
 2. Commencement of construction September 2019
 3. Beginning of qualifying time period January 1, 2019
 4. First year of limitation 2021
 5. Begin hiring new employees December 2020
 6. Commencement of commercial operations December 2020
 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? December 2020

SECTION 10: The Property

1. Identify county or counties in which the proposed project will be located Concho County
2. Identify Central Appraisal District (CAD) that will be responsible for appraising the property Concho 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: Concho County; \$1.02023; 100% (Name, tax rate and percent of project)	City: (Name, tax rate and percent of project)
Hospital District: Concho County HD; \$.3241; 100% (Name, tax rate and percent of project)	Water District: Lipan Kickapoo WCD; \$0.0104; 100% (Name, tax rate and percent of project)
Other (describe): (Name, tax rate and percent of project)	Other (describe): (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 2018
 (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? 9
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 792.00
- b. 110% of the average weekly wage for manufacturing jobs in the county is **Manufacturing Wage Data is Not Available**
- c. 110% of the average weekly wage for manufacturing jobs in the region is 826.00
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? 42,973.00
10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? 43,000.00
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 <i>(if applicable)</i>
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 <i>(if applicable)</i>
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 <i>(if applicable)</i>
11	Maps that clearly show: a) Project vicinity b) Qualified investment including 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 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 <i>(if applicable)</i>
13	Calculation of three possible wage requirements with TWC documentation
14	Schedules A1, A2, B, C and D completed and signed Economic Impact <i>(if applicable)</i>
15	Economic Impact Analysis, other payments made in the state or other economic information <i>(if applicable)</i>
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 <i>(applicant)</i>

TAB 2

Proof of Payment of Application Fee

Please find on the attached page, copy of the check for the \$80,000 application fee to Eden Consolidated 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)

MAVERICK CREEK WIND, LLC

Chapter 313 Application to Eden CISD

Cummings Westlake, LLC

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.

The Maverick Creek Wind, LLC Wind Project (“Maverick Creek” or the “Project”) is a proposed wind energy generation project which may be constructed in one or more phases located in Concho County, Texas. The full Project is anticipated to consist of approximately 130 wind turbines which when operational will be capable of generating up to 504 MW, depending on final turbine technology selection. Additional Project facilities will include a Project Operations and Maintenance Facility, two project substations, and an approximately 17 miles of overhead transmission line to connect the project to the existing electrical grid. Six of the turbines are proposed to be sited in Brady ISD and 4 miles of the 17mile transmission line will be in Paint Rock ISD. While these assets are inside the Reinvestment Zone, these six turbines and the Paint Rock ISD transmission line are included in this project description so as to make the full Project description accurate but are not included in the description of Qualified Investment in Tab 7 nor are they included in the description of Qualified Property in Tab 8. Additionally, 7 proposed turbine sites and one alternate turbine site located in the in the southwest corner of the project are not located inside the reinvestment zone and are likewise not included in the Qualified Investment or Qualified property described un tabs 7 and 8. The investment in assets outside the Reinvestment Zone and in the Brady ISD and Paint Rock ISD is not included in the Schedules under Tab 14 of this Application

The Project is situated in central Concho County approximately between Eden and Paint Rock. The Project area is comprised primarily of rangeland, utilized for grazing and hunting and is well suited for a wind farm. The project will be located on approximately 50,000 acres of private land which will be leased under a 30-year wind lease. The project is planned to be interconnected to LCRA’s 345kV transmission system which is located north of the project area and runs east-west approximately 3 miles south of Paint Rock. There are two GNIR’s associated with this project, 20INR0045 and 20INR0046

A full suite of studies is underway to verify project viability including but not limited to environmental studies, cultural resource studies, biological studies, aviation studies, telecommunications studies and wind resource assessment studies and the Project is now in mid stages of development. Following an approximate 15-month construction process, and once operational the Project is anticipated to sell electricity into the Texas wholesale power market, and have an expected life exceeding 25 years. The proposed project will include, but is not limited to, the following:

- Planned up to 504 MW-AC in size;
- Approximately 130 Wind turbines;
- Underground Medium and high-voltage electric cabling;
- Two project substations which will include multiple high-voltage transformers,

switchgear, transmission equipment, telecommunications and SCADA equipment, among other things;

- High-voltage transmission line connecting the project to the grid (gen tie);
- Operations and maintenance (O&M) building including telecommunications and computing equipment, among other things;
- Meteorological equipment to measure weather conditions and wind speeds; and
- Associated equipment to safely operate, maintain and deliver electricity to the grid.

TAB 5

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

As one of the top renewable energy companies in the world, Renewable Energy Systems (RES) has been providing services in development, engineering, construction, and operations since 1982. RES has developed and/or built over 10 GW of renewable energy capacity worldwide, has an asset management portfolio exceeding 1 GW, and is active in a range of energy technologies including onshore wind, solar, energy storage, transmission, and demand side management (DSM).

Since 1997, RES has been active in the Americas where we developed and constructed our first wind project in the United States and today have over 7,500 MW of wind constructed in 13 states. We entered the Canadian renewable energy market in 2003, followed by the Chilean market in 2010. We started constructing our first solar project in 2010 and have since built over 280 MW in three states and one Canadian province. Continuing to provide innovative solutions for our clients, we are a leader in the energy storage market and in 2014 constructed our first 4 MW energy storage project in Ohio. While RES has constructed transmission lines for other projects, in 2013 we built an independent 214-mile/230kV transmission line.

The Applicant is a national wind and solar developer with the ability to locate projects of this type in other states within the United States and other regions within Texas with favorable wind characteristics. The Applicant is actively assessing and developing other projects that are competing for limited investment funds. With Texas wholesale electricity prices already below the international average, it is necessary to limit the property tax liabilities for a wind project in order to be able to offer electricity at prices that are marketable to Texas customers at competitive rates. Markets such as California that have state wide available subsidies for renewable energy projects, and which have higher average contracted power rates, offer an attractive incentive for developers to build projects in those markets over Texas.

The property tax liability of a project without tax incentives in Texas would reduce the return to investors and financiers to an unacceptable level at today's contracted power rates under a power purchase agreement (PPA). Therefore, the applicant would not be able to finance and build the project in Texas even with a signed PPA because of the low price in the PPA. Without the 313 Value Limitation, the applicant would be forced to walk away from this project and spend the potential investment in other states where the rate of return is higher.

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) Concho County | - 100% |
| 2) Concho County Hospital | - 100% |
| 3) Lipan Kickapoo WCD | - 100% |
| 4) Eden CISD | - 100% |

TAB 7

Description of Qualified Investment

The Maverick Creek Wind, LLC Wind Project (“Maverick Creek” or the “Project”) is a proposed wind energy generation project which may be constructed in one or more phases located in Eden CISD, Paint Rock ISD and Brady ISD in central Concho County, Texas. Only the investment in Eden CISD and inside the Reinvestment Zone is considered Qualified investment for this Project and is anticipated to consist of approximately 116 wind turbines which when operational will be capable of generating up to 450 MW, depending on final turbine technology selection. Additional Project facilities will include a Project Operations and Maintenance Facility, two project substations, and an approximately 13 miles of overhead transmission line to connect the project to the existing electrical grid.

The Project is situated in central Concho County approximately between Eden and Paint Rock. The Project area is comprised primarily of rangeland, utilized for grazing and hunting and is well suited for a wind farm. The project will be located on approximately 50,000 acres of private land which will be leased under a 30-year wind lease. The project is planned to be interconnected to LCRA’s 345kV transmission system which is located north of the project area and runs east-west approximately 3 miles south of Paint Rock.

A full suite of studies is underway to verify project viability including but not limited to environmental studies, cultural resource studies, biological studies, aviation studies, telecommunications studies and wind resource assessment studies and the Project is now in mid stages of development. Following an approximate 15-month construction process, and once operational the Project is anticipated to sell electricity into the Texas wholesale power market, and have an expected life exceeding 25 years. The proposed project will include, but is not limited to, the following:

- Planned up to 450 MW-AC in size;
- Approximately 116 Wind turbines;
- Underground Medium and high-voltage electric cabling;
- Two project substations which will include multiple high-voltage transformers, switchgear, transmission equipment, telecommunications and SCADA equipment, among other things;
- 13 miles of high-voltage transmission line connecting the project to the grid (gen tie);
- Operations and maintenance (O&M) building including telecommunications and computing equipment, among other things;
- Meteorological equipment to measure weather conditions and wind speeds; and
Associated equipment to safely operate, maintain and deliver electricity to the grid.

TAB 8**Description of Qualified Property**

The Maverick Creek Wind, LLC Wind Project (“Maverick Creek” or the “Project”) is a proposed wind energy generation project which may be constructed in one or more phases located in Eden Cisd, Paint Rock ISD and Brady ISD in central Concho County, Texas. Only the investment in Eden Cisd and inside the Reinvestment Zone is considered Qualified investment for this Project and is anticipated to consist of approximately 116 wind turbines which when operational will be capable of generating up to 450 MW, depending on final turbine technology selection. Additional Project facilities will include a Project Operations and Maintenance Facility, two project substations, and an approximately 13 miles of overhead transmission line to connect the project to the existing electrical grid.

The Project is situated in central Concho County approximately between Eden and Paint Rock. The Project area is comprised primarily of rangeland, utilized for grazing and hunting and is well suited for a wind farm. The project will be located on approximately 50,000 acres of private land which will be leased under a 30-year wind lease. The project is planned to be interconnected to LCRA’s 345kV transmission system which is located north of the project area and runs east-west approximately 3 miles south of Paint Rock.

A full suite of studies is underway to verify project viability including but not limited to environmental studies, cultural resource studies, biological studies, aviation studies, telecommunications studies and wind resource assessment studies and the Project is now in mid stages of development. Following an approximate 15-month construction process, and once operational the Project is anticipated to sell electricity into the Texas wholesale power market, and have an expected life exceeding 25 years. The proposed project will include, but is not limited to, the following:

- Planned up to 450 MW-AC in size;
- Approximately 116 Wind turbines;
- Underground Medium and high-voltage electric cabling;
- Two project substations which will include multiple high-voltage transformers, switchgear, transmission equipment, telecommunications and SCADA equipment, among other things;
- 13 miles of high-voltage transmission line connecting the project to the grid (gen tie);
- Operations and maintenance (O&M) building including telecommunications and computing equipment, among other things;
- Meteorological equipment to measure weather conditions and wind speeds; and
Associated equipment to safely operate, maintain and deliver electricity to the grid.

TAB 9

Description of Land

Not applicable. The land on which the new buildings and new improvements will be built, is not being claimed as part of the qualified property described by §313.021(2)(A).

MAVERICK CREEK WIND, LLC

Chapter 313 Application to Eden CISD

Cummings Westlake, LLC

TAB 10

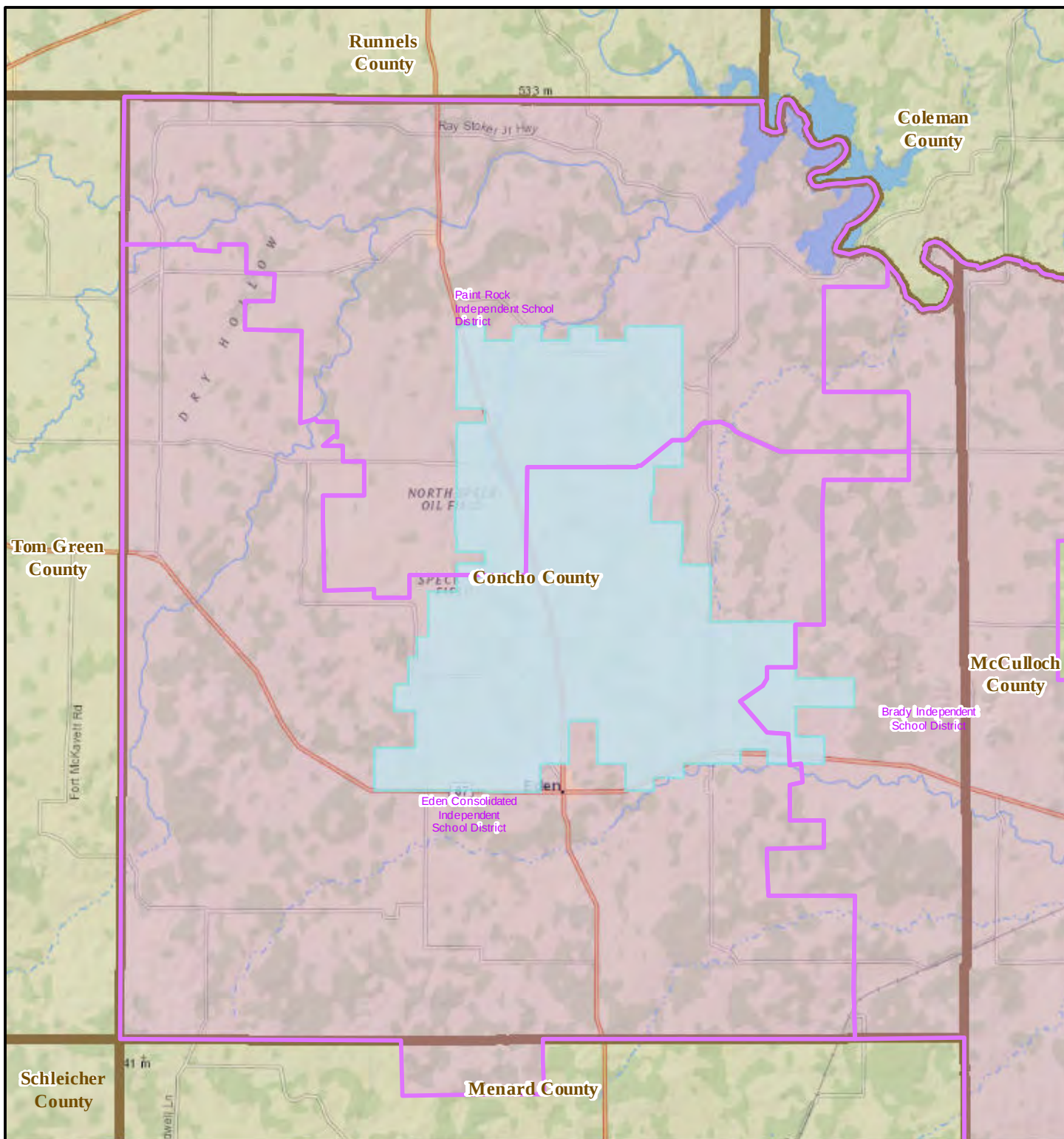
Description of all property not eligible to become qualified property (if applicable)

None

TAB 11

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



RES Maverick Creek
Wind Energy, LLC.
Concho County, Texas

- Independent School District Boundary
- Maverick Creek Proposed Reinvestment Zone
- County Boundary

0 4
Miles

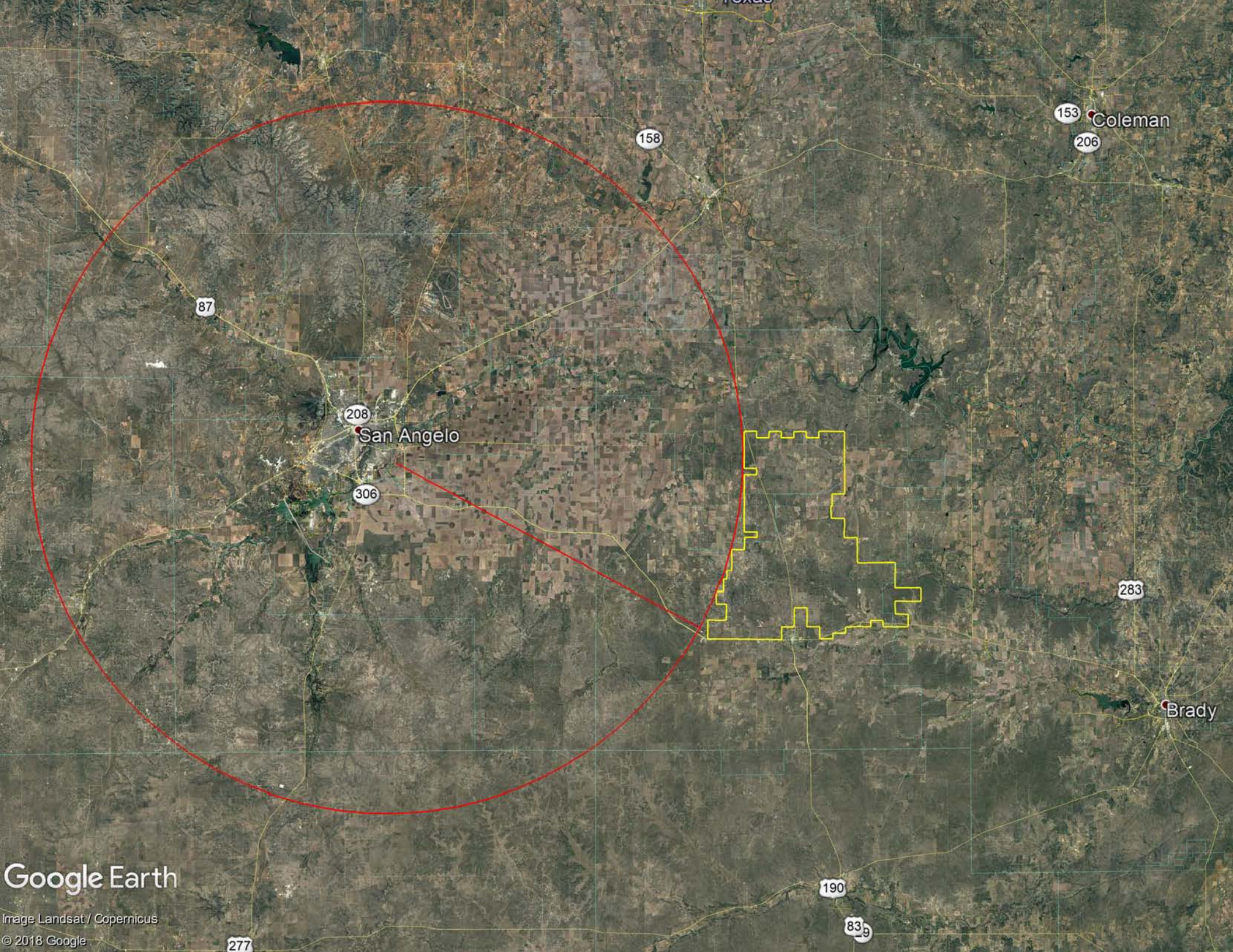
Renewable Energy Systems



11101 W. 120th Ave., Suite 400 Broomfield, CO, 80021
Phone: (303) 429-4200 Fax: (303) 429-4299

COORDINATE SYSTEM: NAD 1983 StatePlane Texas Central FIPS 4203 Feet
DRAWN BY: AF DATE: 28/06/2018

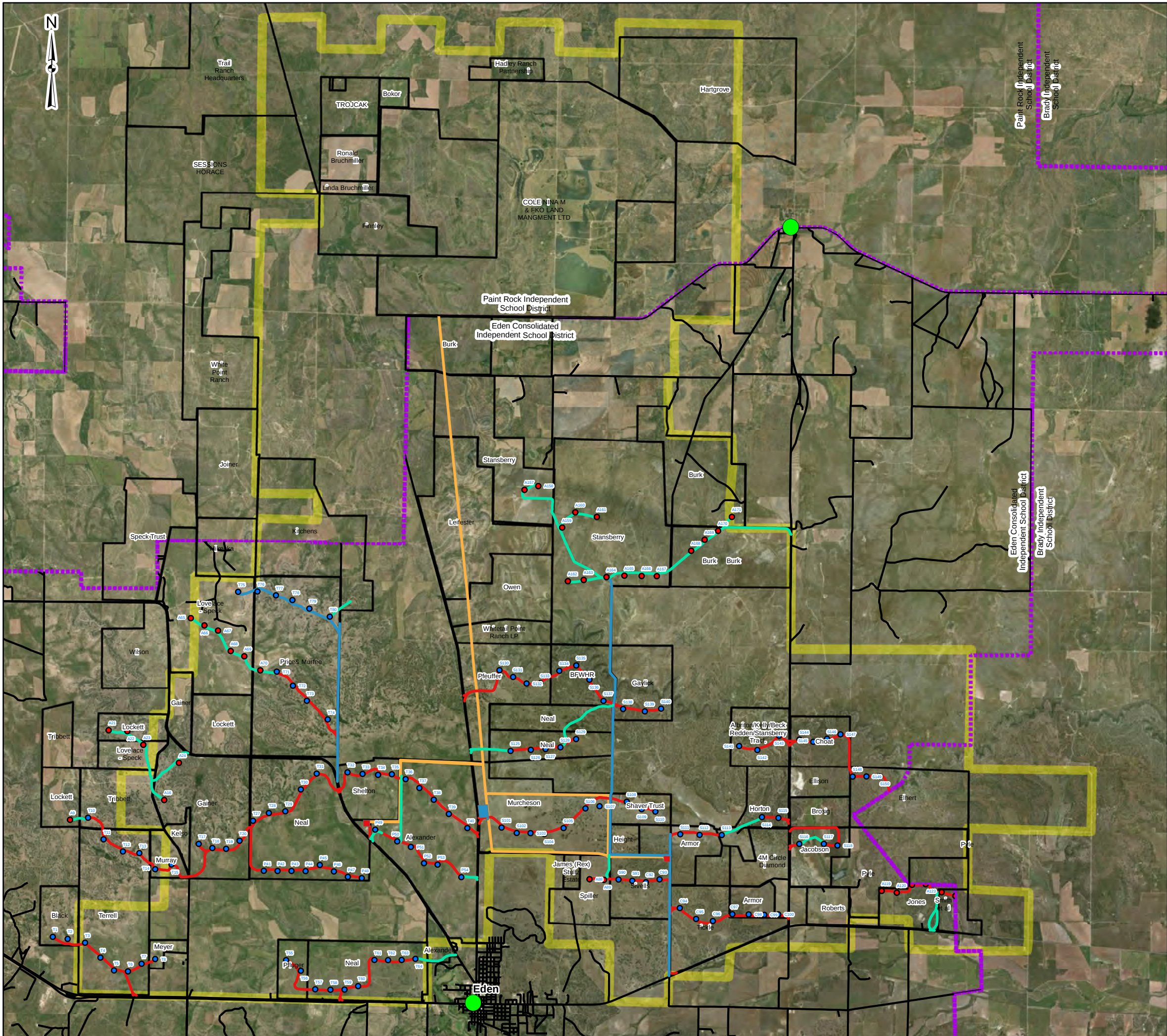
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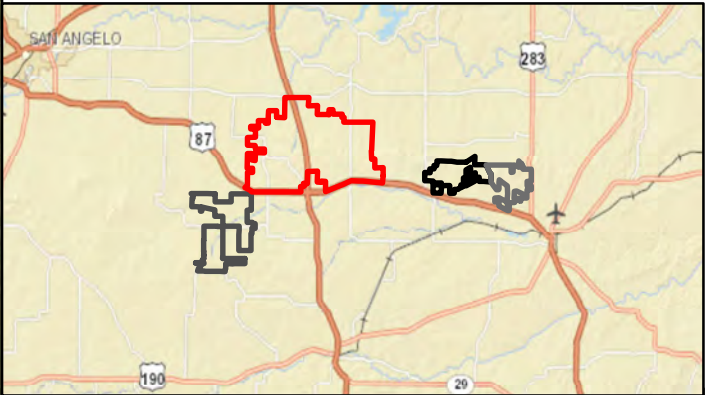
Google Earth

Image Landsat / Copernicus

© 2018 Google



- Alternates
- PUSArts316
- POI
- Laydown Yard
- Project Substation
- Alternate New Road
- New Road
- Proposed HV
- Road Improvements
- O&M Building
- Roads
- Landowners20180716
- CISD boundary
- Reinvestment Zone



SCALE		1:102,691	
0	2,200	4,400	8,800
		m	
		FORMAT	A3
DATE	18/07/2018	COORD	NAD 1927 UTM Zone 14N
PROJECT		Maverick Creek	



powering change

11101 W. 120th Ave., Suite 400
Broomfield, CO 80021
Phone: (303) 429-4200
Fax: (303) 429-4299

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TAB 12

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

See Attached



CUMMINGS WESTLAKE

PROPERTY TAX ADVISORS

July 26, 2018

Ms. Misty Gandy
Superintendent
Eden Consolidated Independent School District
113 West Bryan Street
Eden, TX 76837

Re: Chapter 313 Jobs Waiver Request

Dear Superintendent Gandy,

Maverick Creek Wind, LLC requests that the Eden Consolidated 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.

Maverick Creek Wind, LLC requests that the Board of Trustees make such a finding and waive the job creation requirement for 10 permanent jobs. In line with industry standards for job requirements, Maverick Creek Wind, LLC has committed to create nine total jobs for the project

Wind projects create a large number of full and part-time, but temporary jobs during the construction phase of the project but require a relatively small number of highly skilled technicians to operate and maintain the project after commercial operation commences. The industry standard for employment is typically one full-time employee for approximately every 15 turbines. This number will vary depending on the operations and maintenance requirements of the turbines selected as well as the support and technical assistance offered by the turbine manufacturer. The permanent employees of a wind project maintain, and service wind turbines, underground electrical connections, substations and other infrastructure associated with the safe and reliable operation of the project. In addition to the onsite employees, there may be managers or technicians who support the project from offsite locations.

Sincerely,

Sam Gregson
Senior Consultant
Cummings Westlake, LLC

12837 Louetta Road, Suite 201 | Cypress, Texas 77429-5611

P: 713.266.4456 W: cwlp.net

TAB 13

Calculation of three possible wage requirements with TWC documentation

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

**MAVERICK CREEK WIND LLC
TAB 13 TO CHAPTER 313 APPLICATION**

**CONCHO COUNTY
CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES**

QUARTER	YEAR	AVG WEEKLY WAGES*		ANNUALIZED
FIRST	2017	\$	733	\$ 38,116
SECOND	2017	\$	727	\$ 37,804
THIRD	2017	\$	863	\$ 44,876
FOURTH	2017	\$	845	\$ 43,940
AVERAGE		\$	792	\$ 41,184

**CONCHO COUNTY
CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS**

QUARTER	YEAR	AVG WEEKLY WAGES*		ANNUALIZED
FIRST	N/A	\$	-	\$ -
SECOND	N/A	\$	-	\$ -
THIRD	N/A	\$	-	\$ -
FOURTH	N/A	\$	-	\$ -
AVERAGE		\$	-	\$ -
X			110%	110%
		\$	-	\$ -

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

YEAR	AVG WEEKLY WAGES*		ANNUALIZED
2016	\$	751	\$ 39,066
X		110%	
		\$	826
		\$	42,973

* 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	Concho County	Total All	00	0	10	Total, all industries	\$733
2017	2nd Qtr	Concho County	Total All	00	0	10	Total, all industries	\$727
2017	3rd Qtr	Concho County	Total All	00	0	10	Total, all industries	\$863
2017	4th Qtr	Concho County	Total All	00	0	10	Total, all industries	\$845

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

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 4/12/2018
 Applicant Name MAVERICK CREEK WIND, LLC
 ISD Name EDEN CISD

Form 50-296A

Revised May 2014

PROPERTY INVESTMENT AMOUNTS								
(Estimated Investment in each year. Do not put cumulative totals.)								
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	Column A New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property	Column B New investment made during this year in buildings or permanent nonremovable components of buildings that will become Qualified Property	Column C Other new investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Column D Other new investment made during this year that may become Qualified Property [SEE NOTE]	Column E 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)		Not eligible to become Qualified Property			[This row will be shaded blue. Do not enter data in this row. It is a placeholder for the total investment made during the qualifying time period.]	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	2019-2020	2019	300,000,000	0	0	0	-300,000,000
	QTP2	2020-2021	2020	197,000,000	1,000,000	0	0	198,000,000
Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]				497,000,000	1,000,000	0	0	498,000,000
Total Qualified Investment (sum of green cells)				498,000,000	Enter amounts from TOTAL row above in Schedule A2			

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 4/12/2018
 Applicant Name MAVERICK CREEK WIND, LLC
 ISD Name EDEN CISD

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		497,000,000	1,000,000	0	0	498,000,000	
Each year prior to start of value limitation period** Insert as many rows as necessary	0	2019-2020	2019	0	0	0	0	0	
	0	2020-2021	2020	0	0	0	0	0	
Value limitation period***	1	2021-2022	2021	0	0	0	0	0	
	2	2022-2023	2022	0	0	0	0	0	
	3	2023-2024	2023	0	0	0	0	0	
	4	2024-2025	2024	0	0	0	0	0	
	5	2025-2026	2025	0	0	0	0	0	
	6	2026-2027	2026	0	0	0	0	0	
	7	2027-2028	2027	0	0	0	0	0	
	8	2028-2029	2028	0	0	0	0	0	
	9	2029-2030	2029	0	0	0	0	0	
	10	2030-2031	2030	0	0	0	0	0	
Total investment made through limitation				497,000,000	1,000,000	0	0	498,000,000	
Continue to maintain viable presence	11	2031-2032	2031			0		0	
	12	2032-2033	2032			0		0	
	13	2033-2034	2033			0		0	
	14	2034-2035	2034			0		0	
	15	2035-2036	2035			0		0	
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2036-2037	2036			0		0	
	17	2037-2038	2037			0		0	
	18	2038-2039	2038			0		0	
	19	2039-2040	2039			0		0	
	20	2040-2041	2040			0		0	
	21	2041-2042	2041			0		0	
	22	2042-2043	2042			0		0	
	23	2043-2044	2043			0		0	
	24	2044-2045	2044			0		0	
	25	2045-2046	2045			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

4/12/2018

Applicant Name

MAVERICK CREEK WIND, LLC

ISD Name

EDEN CISD

Form 50-296A

Revised May 2014

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property			Estimated Taxable Value		
				Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements"	Market Value less any exemptions (such as pollution control) and before limitation	Final taxable value for I&S after all reductions	Final taxable value for M&O after all reductions
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2019-2020	2019	0	0	0	0	0	0
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2020-2021	2020	0	0	150,000,000	150,000,000	150,000,000	150,000,000
Value Limitation Period	1	2021-2022	2021	0	0	490,000,000	490,000,000	490,000,000	20,000,000
	2	2022-2023	2022	0	0	455,700,000	455,700,000	455,700,000	20,000,000
	3	2023-2024	2023	0	0	423,801,000	423,801,000	423,801,000	20,000,000
	4	2024-2025	2024	0	0	394,135,000	394,135,000	394,135,000	20,000,000
	5	2025-2026	2025	0	0	366,546,000	366,546,000	366,546,000	20,000,000
	6	2026-2027	2026	0	0	340,888,000	340,888,000	340,888,000	20,000,000
	7	2027-2028	2027	0	0	317,026,000	317,026,000	317,026,000	20,000,000
	8	2028-2029	2028	0	0	294,834,000	294,834,000	294,834,000	20,000,000
	9	2029-2030	2029	0	0	274,196,000	274,196,000	274,196,000	20,000,000
	10	2030-2031	2030	0	0	255,002,000	255,002,000	255,002,000	20,000,000
Continue to maintain viable presence	11	2031-2032	2031	0	0	242,252,000	242,252,000	242,252,000	242,252,000
	12	2032-2033	2032	0	0	230,139,000	230,139,000	230,139,000	230,139,000
	13	2033-2034	2033	0	0	218,632,000	218,632,000	218,632,000	218,632,000
	14	2034-2035	2034	0	0	207,700,000	207,700,000	207,700,000	207,700,000
	15	2035-2036	2035	0	0	197,315,000	197,315,000	197,315,000	197,315,000
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2036-2037	2036	0	0	187,449,000	187,449,000	187,449,000	187,449,000
	17	2037-2038	2037	0	0	178,077,000	178,077,000	178,077,000	178,077,000
	18	2038-2039	2038	0	0	169,173,000	169,173,000	169,173,000	169,173,000
	19	2039-2040	2039	0	0	160,714,000	160,714,000	160,714,000	160,714,000
	20	2040-2041	2040	0	0	152,678,000	152,678,000	152,678,000	152,678,000
	21	2041-2042	2041	0	0	145,044,000	145,044,000	145,044,000	145,044,000
	22	2042-2043	2042	0	0	137,792,000	137,792,000	137,792,000	137,792,000
	23	2043-2044	2043	0	0	130,902,000	130,902,000	130,902,000	130,902,000
	24	2044-2045	2044	0	0	125,000,000	125,000,000	125,000,000	125,000,000
	25	2045-2046	2045	0	0	125,000,000	125,000,000	125,000,000	125,000,000

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 4/12/2018
Applicant Name MAVERICK CREEK WIND, LLC
ISD Name EDEN CISD

Form 50-296A

Revised May 2014

	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Construction		Non-Qualifying Jobs	Qualifying Jobs	
				Column A	Column B	Column C	Column D	Column E
				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 <i>Insert as many rows as necessary</i>	0	2019-2020	2019	200 FTE	43,000	0	0	0
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2020-2021	2020	200 FTE	43,000			
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2021-2022	2021	N/A	N/A	0	9	43,000
	2	2022-2023	2022	N/A	N/A	0	9	43,000
	3	2023-2024	2023	N/A	N/A	0	9	43,000
	4	2024-2025	2024	N/A	N/A	0	9	43,000
	5	2025-2026	2025	N/A	N/A	0	9	43,000
	6	2026-2027	2026	N/A	N/A	0	9	43,000
	7	2027-2028	2027	N/A	N/A	0	9	43,000
	8	2028-2029	2028	N/A	N/A	0	9	43,000
	9	2029-2030	2029	N/A	N/A	0	9	43,000
	10	2030-2031	2030	N/A	N/A	0	9	43,000
Years Following Value Limitation Period	11 through 25	2031-2045	2031-2045	N/A	N/A	0	9	43,000

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) ☒ Yes ☐ No
If yes, answer the following two questions:
- C1a. Will the applicant request a job waiver, as provided under 313.025(f-1)? ☒ Yes ☐ No
- C1b. Will the applicant avail itself of the provision in 313.021(3)(F)? ☐ Yes ☒ No

Schedule D: Other Incentives (Estimated)

Date 4/12/2018
 Applicant Name MAVERICK CREEK WIND, LLC
 ISD Name EDEN CISO

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: Concho County	2020	10 Years	\$ 3,685,200	\$ 2,685,200.00	\$ 1,000,000
	City:	N/A	N/A	N/A	N/A	N/A
	Other: Concho County Hosp. District	2020	10 Years	\$ 1,170,690	\$ 795,690	\$ 375,000
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				\$ 4,855,890		\$ 1,375,000

Additional information on incentives for this project:

County Terms: Maverick Creek Wind, LLC applied for and received an abatement of all County Ad Valorem Tax and will make an Annual PILOT Payment of \$2,275/Installed Megawatt for 10 Years
Concho County Hospital District: Maverick Creek Wind, LLC applied for and received 100% abatement of all ad valorem taxes and will make annual PILOT payment to the District based on \$725 per installed

MAVERICK CREEK WIND, LLC

Chapter 313 Application to Eden CISD

Cummings Westlake, LLC

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) Will be submitted once Concho County creates the Reinvestment Zone

16 c) Will be submitted once Concho County creates the Reinvestment Zone

16 d) See Attached

Survey Name	Block Number	Survey Number	Abstract Number	County
T&NO RR CO	72	155	A-905	Concho
BLUME, P	72	291	A-49	Concho
T&NO RR CO	72	135	A-895	Concho
HEIDELBERG, H	72	314	A-335	Concho
T&NO RR CO	72	129	A-892	Concho
STEINBRINK, W	72	336	A-717	Concho
H&GN RR CO	71	93	A-496	Concho
HT&B RR CO	71	355 1/2	A-377	Concho
BUSCHMAR, F	72	284	A-47	Concho
BUSCHMAR, F	72	283	A-46	Concho
T&NO RR CO	72	154	A-1118	Concho
FRANTZ, HRS C	72	305	A-155	Concho
FRANTZ, HRS C	72	304	A-154	Concho
T&NO RR CO	72	136	A-1707	Concho
T&NO RR CO	72	136	A-1651	Concho
T&NO RR CO	72	136	A-1653	Concho
STEINBRINK, L	72	328	A-715	Concho
HEGAR, O	72	327	A-345	Concho
T&NO RR CO	72	128	A-1802	Concho
SCHRADER, D	71	350	A-732	Concho
SCHRADER, D	71	349	A-733	Concho
H&GN RR CO	71	94	A-1330	Concho
T&NO RR CO	72	153	A-904	Concho
HEGAR, O	72	292	A-346	Concho
GLENN, G R	72	293	A-312	Concho
T&NO RR CO	72	137	A-896	Concho
WEBER, J	72	315	A-934	Concho
WEBER, J	72	316	A-933	Concho
T&NO RR CO	72	127	A-891	Concho
SCHRADER, F	72	337	A-731	Concho
CONANAT, G A & S	72	338	A-1246	Concho
H&GN RR CO	71	95	A-497	Concho
HT&B RR CO	71	357	A-378	Concho
HASTEDT, F		281	A-1362	Concho
T&NO RR CO	72	152	A-1122	Concho
REMMLER, G	72	303	A-695	Concho
REMMLER, G	72	302	A-696	Concho
T&NO RR CO	72	138	A-1259	Concho
EL&RR RR CO	72	3	A-1044	Concho
EL&RR RR CO	72	4	A-1816	Concho
T&NO RR CO	72	126	A-1760	Concho
PAPPE, F	71	348	A-675	Concho
PAPPE, F	71	347	A-676	Concho
H&GN RR CO	71	96	A-1366	Concho
H&GN RR CO	71	96	A-1499	Concho

T&NO RR CO	72	151 A-903	Concho
VON WANSKY, L	72	294 A-922	Concho
VON WANSKY, L	72	295 A-923	Concho
T&NO RR CO	72	139 A-897	Concho
ANDERSON, P	72	317 A-15	Concho
T&NO RR CO	72	125 A-890	Concho
KOETHER, C		339 A-545	Concho
KOETHER, C	72	340 A-544	Concho
T&NO RR CO	72	97 A-874	Concho
SCHUESSLEY, HRS J	72	359 A-801	Concho
SCHUESSLEY, HRS J	72	360 A-734	Concho
PFANNSTIEL, J D	72	280 A-672	Concho
PFANNSTIEL, J D	72	279 A-651	Concho
T&NO RR CO	72	150 A-1147	Concho
METZLER, H	72	301 A-608	Concho
PLANTS & BACON	72	300 A-1332	Concho
T&NO RR CO	72	140 A-1143	Concho
ANDERSON, P	72	324 A-17	Concho
T&NO RR CO	72	124 A-1188	Concho
WESSINGER, J	72	346 A-932	Concho
WESSINGER, J	72	345 A-931	Concho
T&NO RR CO	72	149 A-902	Concho
LEHMANN, C	72	296 A-588	Concho
LEHMANN, C	72	297 A-587	Concho
T&NO RR CO	72	141 A-898	Concho
WINKEL, HRS L	72	319 A-936	Concho
WINKEL, HRS L	72	320 A-935	Concho
T&NO RR CO	72	123 A-889	Concho
HAHN, C	72	341 A-323	Concho
HAHN, C	72	342 A-324	Concho
T&NO RR CO	72	99 A-875	Concho
SCHARTZ, C	72	278 A-728	Concho
PLANTS & BACON	72	4 A-1195	Concho
T&NO RR CO	72	148 A-1142	Concho
SFIW CO	72	11 A-1130	Concho
SFIW CO	72	12 A-1858	Concho
T&NO RR CO	72	142 A-1187	Concho
NIEBELING, C	72	322 A-665	Concho
NIEBELING, C	72	321 A-666	Concho
T&NO RR CO	72	122 A-1189	Concho
BECKEL, C	72	344 A-39	Concho
BECKEL, C	72	343 A-40	Concho
T&NO RR CO	72	100 A-1680	Concho
TT RR CO	72	17 A-1516	Concho
TT RR CO	72	15 A-1515	Concho
BECKEL, C	72	343 A-40	Concho
LERGE, D	72	2004 A-598	Concho

LERGE, D	72	2003 A-597	Concho
T&NO RR CO	72	147 A-901	Concho
SFIW CO	72	10 A-1853	Concho
SFIW CO	72	9 A-1129	Concho
T&NO RR CO	72	143 A-899	Concho
MC GREGOR, P	72	3 A-1177	Concho
T&NO RR CO	72	121 A-888	Concho
GIBSON, J H	72	110 A-1758	Concho
GIBSON, J H	72	109 A-315	Concho
T&NO RR CO	72	101 A-876	Concho
SCHWERDFEGER, F	72	1951 A-1204	Concho
SCHWERDFEGER, F	72	1950 A-1203	Concho
THEIS, M	72	2002 A-867	Concho
THEIS, M	72	2001 A-868	Concho
T&NO RR CO	72	159 A-907	Concho
STEINTRAGER, H	72	1994 A-776	Concho
STEINTRAGER, H	72	1995 A-777	Concho
STEINTRAGER, H	72	1993 A-775	Concho
STEINTRAGER, H	72	1996 A-778	Concho
T&NO RR CO	72	146 A-1145	Concho
BACON, H J	72	2 A-1141	Concho
T&NO RR CO	72	144 A-1448	Concho
GREISLE, J	72	1977 A-298	Concho
GREISLE, J	72	1978 A-299	Concho
T&NO RR CO	72	120 A-1190	Concho
MC GREGOR, P	72	1 A-1176	Concho
T&NO RR CO	72	102 A-1108	Concho
GIBSON, J H	72	1 A-317	Concho
PLANTS & BACON	72	3 A-1196	Concho
HABENICHT, H	72	2000 A-362	Concho
T&NO RR CO	72	160 A-1158	Concho
HABENICHT, H	72	1997 A-361	Concho
GRAMAN, H	72	1998 A-304	Concho
T&NO RR CO	72	145 A-900	Concho
WEDEMIER, W	72	1981 A-968	Concho
WEDEMIER, W	72	1982 A-967	Concho
T&NO RR CO	72	119 A-887	Concho
GLEISSNER, L	72	1979 A-308	Concho
GLEISSNER, L	72	1980 A-307	Concho
T&NO RR CO	72	103 A-878	Concho
T&NO RR CO	72	104 A-1104	Concho
GARLAND, G H	72	1970 A-1857	Concho
H&GN RR CO	71	77 A-489	Concho
SCHUETZ, A	71	1894 A-740	Concho
SCHUETZ, A	71	1895 A-819	Concho
H&TC RR CO	70	60 A-1899	Concho
H&TC RR CO	70	60 A-1676	Concho

DODSON, J P		6 A-1568	Concho
BS&F		2 A-1070	Concho
GIBSON, J H	72	2 A-1156	Concho
GIBSON, J H	72	2 A-1170	Concho
GIBSON, J H	72	1 A-318	Concho
GIBSON, J H	72	2 A-1057	Concho
GC&SF RR CO	72	7 A-1046	Concho
GC&SF RR CO	72	8 A-1545	Concho
PLANTS, G S	72	1 A-1197	Concho
I RR CO	72	15 A-1556	Concho
I RR CO	72	14 A-1146	Concho
I RR CO	72	16 A-1668	Concho
I RR CO	72	11 A-504	Concho
I RR CO	72	8 A-1642	Concho
I RR CO	72	7 A-1641	Concho
MC GREGOR, P	72	4 A-1172	Concho
I RR CO	72	5 A-507	Concho
I RR CO	72	3 A-508	Concho
I RR CO	72	1 A-509	Concho
ACH&B	71	2 A-1810	Concho
POLK, B	71	2 A-1771	Concho
ROBBINS, L	71	2 A-1677	Concho
WEBER, C	71	1897 A-946	Concho
DODSON, P G		1 A-1841	Concho
BS&F		2 A-1069	Concho
NICHOLS, W H		2 A-1055	Concho

Reinvestment Zone only includes
portion of property located
outside Goodfellow AFB 25 mile
boundary

ROBBINS, L		1 A-1367	Concho
ROSE, M A		1 A-1059	Concho
ELLIS, F M		13 A-1844	Concho
BS&F		2 A-1805	Concho
GIBSON, J H	72	1 A-319	Concho
GIBSON, J H	72	2 A-1706	Concho
GIBSON, J H	72	1 A-320	Concho
GIBSON, J H	72	2 A-1199	Concho
I RR CO	72	13 A-511	Concho
I RR CO	72	12 A-1139	Concho
I RR CO	72	6 A-1103	Concho
I RR CO	72	6 A-1505	Concho
I RR CO	72	4 A-1815	Concho
I RR CO	72	4 A-1138	Concho
I RR CO	72	2 A-1181	Concho

Reinvestment Zone only includes
portion of property located
outside Goodfellow AFB 25 mile
boundary

ACH&B	71	1 A-18	Concho
I RR CO	71	2 A-1808	Concho
H&TC RR CO	70	62 A-1796	Concho
BEST, HRS, J J	70	1802 A-51	Concho
BEST, HRS, J J	70	1801 A-52	Concho
H&TC RR CO	70	31 A-469	Concho
GC&SF RR CO		5 A-1294	Concho
GC&SF RR CO	72	6 A-1732	Concho
T&NO RR CO	72	174 A-1705	Concho
METZ, E	72	2068 A-635	Concho
METZ, E	72	2067 A-634	Concho
GIBSON, J H	72	1 A-321	Concho
MASSEY, J V	72	82 A-1901	Concho
REYNOLDS, G W	72	12 1/2 A-1545	Concho
I RR CO	72	9 A-510	Concho
I RR CO	72	6 A-1140	Concho
S&M	72	80 A-1327	Concho
T&NO RR CO	72	105 A-879	Concho
I RR CO	72	28 A-1053	Concho
I RR CO	71	27 A-521	Concho
I RR CO	71	1 A-1094	Concho
WAGNER, J	70	1898 A-972	Concho
WAGNER, J	70	1899 A-971	Concho
T&NO RR CO	72	175 A-880	Concho
T&NO RR CO	72	176 A-1734	Concho
WEINRICH, J C	72	2069 A-965	Concho
WEINRICH, J C	72	2070 A-966	Concho
T&NO RR CO	72	173 A-914	Concho
FREI, R	72	2066 A-183	Concho
FREI, R	72	2065 A-184	Concho
GIBSON, J H	72	2 A-1724	Concho
I RR CO	72	10 A-1137	Concho
I RR CO	72	10 A-1506	Concho
S&M	72	79 A-1060	Concho
T&NO RR CO	72	106 A-1180	Concho
SCHULTZ, A M	72	1941 A-813	Concho
SCHULTZ, A M	72	1940 A-814	Concho
FISHER & MILLER	71	2822 A-159	Concho
REEB, A	71	1901 A-699	Concho
BITTER, P	71	1900 A-64	Concho
FISHER & MILLER	70	2803 A-1758	Concho
KOCHEN, L	70	1796 A-580	Concho
KOCHEN, L	70	1795 A-579	Concho

Reinvestment Zone only includes
portion of property located
outside Goodfellow AFB 25 mile
boundary

H&TC RR CO	9	45 A-442	Concho
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GIBBS, J M		3 A-1295	Concho
TC RR CO		7 A-1368	Concho
TC RR CO		8 A-1735	Concho
COUGHERT, HRS M	72	2073 A-760	Concho
MENZ, C	72	2074 A-636	Concho
BS&F	72	69 A-1750	Concho
MC GREGOR, A M	72	6 A-1173	Concho
T&NO RR CO	72	172 A-1749	Concho
FISHER & MILLER	72	2840 A-163	Concho
HERBST, H W	72	2022 A-363	Concho

***IN THE COMMISSIONERS COURT
OF
CONCHO COUNTY, TEXAS***

**ORDER CREATING CONCHO COUNTY
REINVESTMENT ZONE No. 2, MAVERICK CREEK**

WHEREAS, on the 24th day of July, 2018, came on for consideration the Designation of a Reinvestment Zone pursuant to Chapter 312 of the Texas Tax Code, and

WHEREAS, attached to this Order are the following descriptive documents:

1. A description of the project and property to be contained within the Concho County Reinvestment Zone No. 2, Maverick Creek, said description being incorporated herein by reference as Exhibits A and B.
2. A Map of the location within the County of Concho where said Reinvestment Zone No. 2 tract is located, incorporated herein by reference as Exhibit C.

The Maps and Legal Description attached to this Order are intended to more fully and accurately describe the geographic region included within the Reinvestment Zone to be known as Concho County Reinvestment Zone No. 2, Maverick Creek. The project description, attached hereto as Exhibit A and the Legal Description attached hereto as Exhibit B, are true and correct documents which reflect the actual territory intended for inclusion in the Reinvestment Zone created by this Order. A map of the project is attached hereto as Exhibit C.

WHEREAS, prior to the creation of the Concho County Reinvestment Zone No. 2, Maverick Creek, the Commissioners court made a determination that the application filed by Maverick Creek, meets the applicable guidelines and criteria adopted by the Commissioners Court, and that a tax abatement agreement between the County and Maverick Creek Wind, LLC, would be in compliance with the established guidelines and criteria for tax abatement, and

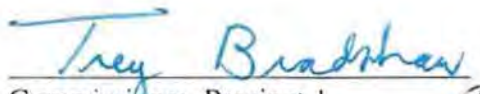
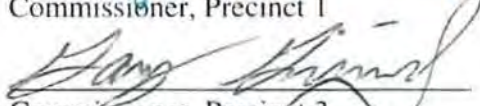
WHEREAS, the Commissioners Court did conduct a public hearing, after due notice, as required by law, prior to the creation of a reinvestment zone, as required by Chapter 312 of the Texas Tax Code. After receiving public comment, the Commissioners Court hereby determines that the designation of an area as a reinvestment zone would contribute to the retention or expansion of primary employment in Concho County, Texas, and would contribute to the economic development of the County.

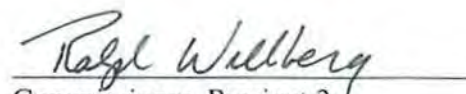
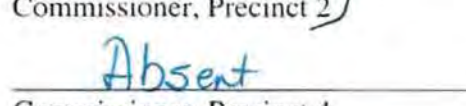
THEREFORE, PREMISES CONSIDERED, the Commissioners Court of Concho County, Texas does hereby create the Concho County Reinvestment Zone No. 2, Maverick Creek, as described more fully in the attachments to this Order, which are incorporated herein by reference and are to be filed in the minutes of the Commissioners Court with this Order.

It is further ORDERED by the Commissioners Court that the County Judge is hereby authorized to execute, on behalf of Concho County, Texas, such documents as may be necessary to facilitate and implement this Order.

Dated: Adopted on July 24, 2018.


County Judge, Concho County, Texas


Commissioner, Precinct 1

Commissioner, Precinct 3


Commissioner, Precinct 2

Commissioner, Precinct 4

Attest:




County Clerk, Concho County, Texas

EXHIBIT A PROJECT DESCRIPTION

The Maverick Creek Wind, LLC Wind Project (“Maverick Creek” or the “Project”) is a proposed wind energy generation project which may be constructed in one or more phases located in Concho County, Texas. The Project is anticipated to consist of approximately 65 – 130 wind turbines which when operational will be capable of generating up to 504 MW, depending on final turbine technology selection. Additional Project facilities will include a Project Operations and Maintenance Facility, two project substations, and an approximately 17 miles of overhead transmission line to connect the project to the existing electrical grid.

The Project is situated in central Concho County approximately between Eden and Paint Rock. The Project area is comprised primarily of rangeland, utilized for grazing and hunting and is well suited for a wind farm. The project will be located on approximately 50,000 acres of private land which will be leased under a 30-year wind lease. The project is planned to be interconnected to LCRA’s 345kV transmission system which is located north of the project area and runs east-west approximately 3 miles south of Paint Rock.

A full suite of studies is underway to verify project viability including but not limited to environmental studies, cultural resource studies, biological studies, aviation studies, telecommunications studies and wind resource assessment studies and the Project is now in mid stages of development. Following an approximate 15-month construction process, and once operational the Project is anticipated to sell electricity into the Texas wholesale power market, and have an expected life exceeding 25 years. The proposed project will include, but is not limited to, the following:

- Planned up to 504 MW-AC in size;
- Approximately 65 to 130 Wind turbines;
- Underground Medium and high-voltage electric cabling;
- Two project substations which will include multiple high-voltage transformers, switchgear, transmission equipment, telecommunications and SCADA equipment, among other things;
- High-voltage transmission line connecting the project to the grid (gen tie);
- Operations and maintenance (O&M) building including telecommunications and computing equipment, among other things;
- Meteorological equipment to measure weather conditions and wind speeds; and
- Associated equipment to safely operate, maintain and deliver electricity to the grid.

EXHIBIT B
LEGAL DESCRIPTION OF PROJECT AREA
SEE ATTACHED LEGAL DESCRIPTION

Survey Name	Block Number	Survey Number	Abstract Number	County
T&NO RR CO	72	155	A-905	Concho
BLUME, P	72	291	A-49	Concho
T&NO RR CO	72	135	A-895	Concho
HEIDELBERG, H	72	314	A-335	Concho
T&NO RR CO	72	129	A-892	Concho
STEINBRINK, W	72	336	A-717	Concho
H&GN RR CO	71	93	A-496	Concho
HT&B RR CO	71	355 1/2	A-377	Concho
BUSCHMAR, F	72	284	A-47	Concho
BUSCHMAR, F	72	283	A-46	Concho
T&NO RR CO	72	154	A-1118	Concho
FRANTZ, HRS C	72	305	A-155	Concho
FRANTZ, HRS C	72	304	A-154	Concho
T&NO RR CO	72	136	A-1707	Concho
T&NO RR CO	72	136	A-1651	Concho
T&NO RR CO	72	136	A-1653	Concho
STEINBRINK, L	72	328	A-715	Concho
HEGAR, O	72	327	A-345	Concho
T&NO RR CO	72	128	A-1802	Concho
SCHRADER, D	71	350	A-732	Concho
SCHRADER, D	71	349	A-733	Concho
H&GN RR CO	71	94	A-1330	Concho
T&NO RR CO	72	153	A-904	Concho
HEGAR, O	72	292	A-346	Concho
GLENN, G R	72	293	A-312	Concho
T&NO RR CO	72	137	A-896	Concho
WEBER, J	72	315	A-934	Concho
WEBER, J	72	316	A-933	Concho
T&NO RR CO	72	127	A-891	Concho
SCHRADER, F	72	337	A-731	Concho
CONANAT, G A & S	72	338	A-1246	Concho
H&GN RR CO	71	95	A-497	Concho
HT&B RR CO	71	357	A-378	Concho
HASTEDT, F		281	A-1362	Concho
T&NO RR CO	72	152	A-1122	Concho
REMMER, G	72	303	A-695	Concho
REMMER, G	72	302	A-696	Concho
T&NO RR CO	72	138	A-1259	Concho
EL&RR RR CO	72	3	A-1044	Concho
EL&RR RR CO	72	4	A-1816	Concho
T&NO RR CO	72	126	A-1760	Concho
PAPPE, F	71	348	A-675	Concho
PAPPE, F	71	347	A-676	Concho
H&GN RR CO	71	96	A-1366	Concho
H&GN RR CO	71	96	A-1499	Concho

T&NO RR CO	72	151 A-903	Concho
VON WANSKY, L	72	294 A-922	Concho
VON WANSKY, L	72	295 A-923	Concho
T&NO RR CO	72	139 A-897	Concho
ANDERSON, P	72	317 A-15	Concho
T&NO RR CO	72	125 A-890	Concho
KOETHER, C		339 A-545	Concho
KOETHER, C	72	340 A-544	Concho
T&NO RR CO	72	97 A-874	Concho
SCHUESSLEY, HRS J	72	359 A-801	Concho
SCHUESSLEY, HRS J	72	360 A-734	Concho
PFANNSTIEL, J D	72	280 A-672	Concho
PFANNSTIEL, J D	72	279 A-651	Concho
T&NO RR CO	72	150 A-1147	Concho
T&NO RR CO	72	201 A-600	Concho

LERGE, D	72	2003 A-597	Concho
T&NO RR CO	72	147 A-901	Concho
SFIW CO	72	10 A-1853	Concho
SFIW CO	72	9 A-1129	Concho
T&NO RR CO	72	143 A-899	Concho
MC GREGOR, P	72	3 A-1177	Concho
T&NO RR CO	72	121 A-888	Concho
GIBSON, J H	72	110 A-1758	Concho
GIBSON, J H	72	109 A-315	Concho
T&NO RR CO	72	101 A-876	Concho
SCHWERDFEGER, F	72	1951 A-1204	Concho
SCHWERDFEGER, F	72	1950 A-1203	Concho
THEIS, M	72	2002 A-867	Concho
THEIS, M	72	2001 A-868	Concho
T&NO RR CO	72	159 A-907	Concho
STEINTRAGER, H	72	1994 A-776	Concho
STEINTRAGER, H	72	1995 A-777	Concho
STEINTRAGER, H	72	1993 A-775	Concho
STEINTRAGER, H	72	1996 A-778	Concho
T&NO RR CO	72	146 A-1145	Concho
BACON, H J	72	2 A-1141	Concho
T&NO RR CO	72	144 A-1448	Concho
GREISLE, J	72	1977 A-298	Concho
GREISLE, J	72	1978 A-299	Concho
T&NO RR CO	72	120 A-1190	Concho
MC GREGOR, P	72	1 A-1176	Concho
T&NO RR CO	72	102 A-1108	Concho
GIBSON, J H	72	1 A-317	Concho
PLANTS & BACON	72	3 A-1196	Concho
HABENICHT, H	72	2000 A-362	Concho
T&NO RR CO	72	160 A-1158	Concho
HABENICHT, H	72	1997 A-361	Concho
GRAMAN, H	72	1998 A-304	Concho
T&NO RR CO	72	145 A-900	Concho
WEDEMIER, W	72	1981 A-968	Concho
WEDEMIER, W	72	1982 A-967	Concho
T&NO RR CO	72	119 A-887	Concho
GLEISSNER, L	72	1979 A-308	Concho
GLEISSNER, L	72	1980 A-307	Concho
T&NO RR CO	72	103 A-878	Concho
T&NO RR CO	72	104 A-1104	Concho
GARLAND, G H	72	1970 A-1857	Concho
H&GN RR CO	71	77 A-489	Concho
SCHUETZ, A	71	1894 A-740	Concho
SCHUETZ, A	71	1895 A-819	Concho
H&TC RR CO	70	60 A-1899	Concho
H&TC RR CO	70	60 A-1676	Concho

STATE OF TEXAS

COUNTY OF CONCHO

BE IT REMEMBERED, THAT THE COMMISSIONER'S COURT OF CONCHO COUNTY, TEXAS, met in Regular Term on this the 10th of July, 2018, at Paint Rock, Texas, in the District Courtroom, Second Floor, after proper notice to the public for the proper length of time, being Notice #5747, with the following members present, to-wit:

David Dillard, County Judge, presiding;
Trey Bradshaw, Commissioner, Precinct #1;
Ralph Willberg, Commissioner, Precinct #2;
Gary Gierisch, Commissioner, Precinct #3;
Aaron B. Browning, Jr., Commissioner, Precinct #4;
Phyllis F. Lovell, County Clerk and Ex-Officio Clerk of
Commissioners' Court, and

Shawn Walston, County Treasurer; Bryan Clayton, County Attorney; Chad Miller, Sheriff, Concho County Sheriff Department; Bob Bass, Allison, Bass & Magee, L.L.P; Sam Gregson, RES; Danny Splettstosser, RES; Kelly Parsons; Jenifer Gierisch; Mark Mathis. Barr Roofing; Karen Loveless; when following business was transacted, to-wit:

Judge Dillard called the meeting to order at 10:05 a.m. and gave the invocation.

CONSIDER AND TAKE POSSIBLE ACTIONS TO ADOPT CRITERIA AND GUIDELINES FOR FUTURE ABATEMENT OF TAXES, PURSUANT TO CHAPTER 312 OF THE TEXAS TAX CODE

Mr. Bass was present to advise the County that the criteria adopted is to be renewed every 2 years. The Criteria and Guidelines were previously adopted in 2016 needs to be renewed. On this date the criteria shall be adopted and renewed for 2018. Mr. Bass stated this needs to be put on the calendar for renewal every two years. For any evaluation for the Tax Abatement, economic development proposal it gives you an independent or neutral scorecard to determine if the applicant meets a number of criteria to warrant consideration. Judge Dillard moved to adopt the revised Criteria and Guidelines for future tax abatements. It was duly seconded by Commissioner Willberg to approve adopting the revised Criteria and Guidelines for future tax abatements. Motion carried unanimously. See Exhibit "A".

CONSIDER AND AUTHORIZE PUBLICATION OF NOTICE IN NEWSPAPER OF GENERAL CIRCULATION A PUBLIC HEARING ON THE CREATION OF A REINVESTMENT ONE FOR PURPOSES OF TAX ABATEMENT TO PROVIDE ECONOMIC DEVELOPMENT WITHIN THE COUNTY

Danny Splettstosser informed the court that the new reinvestment zone will be located in the center of the county. It will be located north of Eden and consist of 160 wind turbines. It will be located east and west of US 83 with 80 turbines on each side of the highway. It will be 504 megawatts at \$500M plus. The project development period is 1 year. There are 400 landowners to host the turbines. There will be substations and 15 miles of transmission lines. It will continue to develop this year and early into next year. RES Maverick Creek Wind Project will have several employees. There are large utility companies and large banks that will be the major financial support of the project. Construction is scheduled to start late 2019 (July) with completion in late 2020. The project will mobilize two full crews.

Mr. Bass stated he has received the application and fees from RES Maverick Creek Wind Project for this project. The analysis was modified very slightly. The PILOT is for a maximum of 10 years - this gives a better return than the traditional staggered abatement. He added cautions over time, the turbines will begin to play out. Mr. Bass added in 15 years there will be a decline in the revenue stream. Do not get accustomed after ten years. Mr. Bass has made arrangement with the Eden Echo to carry the ad timely and publish 7 days before the public hearing for the July 24, 2018 Commissioner Court Meeting.

Commissioner Gierisch moved that notice of public hearing on the creation of a reinvestment zone for purposes of tax abatement to provide economic development be published in a newspaper of general circulation in accordance with Chapter 312 of the Texas Tax Code duly seconded by Commissioner Bradshaw to authorize the notice of public hearing on the creation of a reinvestment zone for purposes of tax abatement to

provide economic development be published in a newspaper of general circulation in accordance with Chapter 312 of the Texas Code. Motion carried unanimously. See Exhibit "B".

The road use agreement worked up and dated as noted on the maps will upgrade roads and new roads will be built where needed. The roads will be kept and maintained by RES Maverick Creek Wind Project. County Roads and road numbers will be identified before the project begins. The project is almost 15 miles across.

CONSIDER AND TAKE POSSIBLE ACTION TO GIVE NOTICE TO OTHER TAXING JURISDICTIONS OF TAX ABATEMENT PURSUANT TO CHAPTER 312, TEXAS TAX CODE

Notice will be given to other taxing jurisdictions of tax abatement with notices provided by Mr. Bass and noted the taxing jurisdictions that will receive them. Motion was made by Commissioner Browning that the County provide notice to other taxing jurisdiction in Concho County of the terms of the tax abatement agreement entered today with Maverick Creek Wind, LLC, as required by Chapter 312 of the Texas Tax Code duly seconded by Commissioner Bradshaw to give notice to other taxing jurisdiction in Concho County of the terms of the tax abatement agreement entered today with Maverick Creek Wind, LLC, as required by Chapter 312 of the Texas Tax Code. Motion carried unanimously.

CONSIDER/DISCUSS/APPROVE INTERLOCAL AGREEMENT FOR INMATE HOUSING RATE AT \$40.00 WITH RUNNELS COUNTY SHERIFF DEPARTMENT AND CONCHO COUNTY SHERIFF DEPARTMENT

Motion was made by Commissioner Gierisch duly seconded by Commissioner Browning to approve the Interlocal Agreement for Inmate Housing rate at \$40.00 with Runnels County Sheriff Department and Concho County Sheriff Department and allow Judge Dillard to sign on behalf of Concho County. Motion carried unanimously. See Exhibit "C".

RATIFY OFFICIAL BOND FOR STEPHEN JONES - CONSTABLE

Motion was made by Commissioner Browning duly seconded by Commissioner Willberg to ratify the vote to approve the Official Bond for Stephen Jones as Constable as voted at the June 12, 2018 Commissioner Court Meeting. Motion carried unanimously.

CONSIDER/DISCUSS/APPROVE ROOF DAMAGE ISSUES

Mr. Mark Mathis was present will Barr Roofing from Abilene. He informed the commissioner of the damage on the roof and damage concerning boards and rafters with excessive water damage. It was agreed to publish an ad in the Eden Echo for sealed bids on the roof and damage repair. It will run for two weeks with bids due by 5:00 p.m. on July 20, 2018 and submitted to the County Clerk's Office. The sealed bids will be opened at the July 24, 2018 regular commissioner court meeting.

Judge Dillard recessed at 11:06 a.m. to allow the commissioners to look at the roofing issues and damage on the third floor and to look over the bills and read the minutes.

Judge Dillard reconvened at 11:49 a.m.

APPROVE MINUTES FROM PREVIOUS MEETING

Motion was made by Commissioner Bradshaw duly seconded by Commissioner Willberg to approve the minutes of the previous meeting with corrections. Motion carried 4-0-1 with Commissioner Willberg abstaining.

RECEIVE COUNTY TREASURER'S REPORT

Ms. Walston presented the Receipt Register, County & District Clerk, Justice of Peace, Concho Central Appraisal District reports. See Exhibit "D".

Ms. Walston presented the Cash Position Financial Report for June, 2018. Motion was made by Commissioner Browning duly seconded by Commissioner Bradshaw to approve the Cash Position Financial Report for June, 2018 as presented. Motion carried unanimously. See Exhibit "E".

Ms. Walston presented the Trial Balance Sheet for June, 2018. Motion was made by Commissioner Bradshaw duly seconded by Commissioner Browning to approve the Trial Balance Sheet for June, 2018 as presented. Motion carried unanimously. See Exhibit "F"

Motion was made by Commissioner Gierisch duly seconded by Commissioner Browning to approve the July 1, through July 15, 2018 payroll which includes 25 overtime hours in the amount of \$347.90 and the total payroll being \$50,533.74. Motion carried unanimously. See Exhibit "G".

APPROVE ALL ACCOUNTS

Motion was made by Commissioner Willberg duly seconded by Commissioner Bradshaw to pay all accounts due and owing by Concho County, with the corrections for Water Works to precinct #2, with the total being \$126,804.70. Motion carried unanimously. See Exhibit "H"

RECEIVE COMMISSIONERS' ROAD REPORTS

All road reports were received. See Exhibit "I".

CONSIDER BURN BAN

It was determined to leave the burn ban in effect - no action taken.

REPORTS, INFORMATION AND FUTURE AGENDA ITEMS

Ms. Walston informed that the 4th Bond Payment is due on July 24, 2018, she added 2 with interest and 1 without interest. It will be on the next agenda.

Ms. Walston stated she had received the TAC Health Insurance rates for FY 2019. It will increase less the \$8000.00 per year and the life insurance rate will go from .238% to .286%. She added this is the first time the life insurance rate has increased in a number of years. The County will receive a Surplus Distribution from 2015 Fiscal Year in the amount of \$9,462.00.

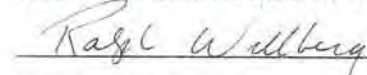
Ms. Walston will place the ad in the Eden Echo for sealed bids to replace or repair the roof for the Courthouse.

Judge Dillard stated Mr. Bass will be sending out another packet and he will mail it to the commissioners for their review.

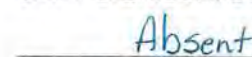
THERE BEING NO FURTHER BUSINESS OR ACTIONS to come before this regular session of the Commissioners' Court, said session was adjourned by County Judge Dillard on this the 10th day of July, 2018 at 12:05 p.m.


DAVID DILLARD, COUNTY JUDGE


TREY BRADSHAW, COMM., PRECINCT #1


RALPH WILLBERG, COMM., PRECINCT #2


GARY GIERISCH, COMM., PRECINCT #3


AARON B. BROWNING, JR., COMM., PRECINCT #4




Phyllis F. Lovell, County Clerk and Ex-Officio
Clerk of Commissioners' Court Of Concho
County, Texas

Concho County State of Texas

Tax Abatement Guidelines and Criteria

The purpose of this document is to establish guidelines, and a uniform policy of tax abatement for owners or lessees of eligible facilities willing to execute tax abatement contracts designed to provide long term significant positive economic impact to the community by utilizing the area contractors and work force to the maximum extent feasible, and by developing, redeveloping, and improving property.

In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement:

1. Must be reasonably expected to have an increase in positive net economic benefit to Concho County of at least Ten Million Dollars (\$10,000,000.00) over the life of the abatement, computed to include (but not limited to) new sustaining payroll and /or capital improvement. The creation of (number and type) new jobs will also factor into the decision to grant an abatement; and
2. Must not be expected to solely or primarily have the effect of merely transferring employment from one area of Concho County to another.

In addition to the criteria set forth above, the Concho County Commissioners Court reserves the right to negotiate a tax abatement agreement in order to compete favorably with other communities.

Only that increases in the fair market value of the property directly resultant from the development, redevelopment, and improvement specified in the contract will be eligible for abatement and then only to the extent that such increase exceeds any reduction in the fair market value of the other property of the Applicant located within the jurisdiction creating the reinvestment zone.

All abatement contracts will be for a term no longer than allowed by law.

It is the goal of Concho County to grant tax abatements on terms and conditions beneficial to the economic interests of the residents of Concho County and to other taxing units having jurisdiction of the property. However, nothing herein shall limit the discretion of the Concho County Commissioners Court to consider, adopt, modify or decline any tax abatement request.

This policy is effective as of _____, 2016 and shall at all times be kept current with regard to the needs of Concho County and reflective of the official views of the County Commissioners Court and shall be reviewed every two years.

The adoption of these guidelines and criteria by the Concho County Commissioners Court does not:

1. Limit the discretion of the governing body to decide whether or not to enter into a specific tax abatement agreement;
2. Limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for tax abatement;
3. Create or deny any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for tax abatement;

Section 1

Definitions

- A. "Abatement" means the full or partial exemption from ad valorem taxes of certain property in a reinvestment zone designated by Concho County for economic development purposes.
- B. "Affected jurisdiction" means CONCHO County and any municipality or school district, the majority of which is located in CONCHO County that levies ad valorem taxes upon and provides services to property located within the proposed or existing reinvestment zone designated by CONCHO County.
- C. "Agreement" means a contractual agreement for tax abatement between a Property Owner and/or Lessee and Concho County.
- D. "Base year value" means the assessed value on the eligible property as of January 1 preceding the execution of the agreement, plus any agreed upon value of eligible property improvements made after January 1, but before the execution of the Agreement.
- E. "Economic Life" means the number of years a property is expected to be in service in a facility.
- F. "Eligible facilities" means new, expanded, or modernized buildings and structures, including fixed machinery and equipment, which is reasonably likely as a result of granting abatement to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development of Concho County, but does not include facilities which are intended to be primarily to provide goods or services to residents for existing businesses located in Concho County, such as, but not limited to, restaurants and retail sales establishments, eligible facilities may include, but shall not be limited to hotels and office buildings.
- G. "Expansion" means the addition of building structures, machinery, equipment, or payroll for purposes of increasing production capacity.

H. "Deferred maintenance" means improvements necessary for continued operation which do not improve productivity or alter the process technology."

I. "Facility" means property improvement completed or in process of construction which together comprise an interregional whole.

J. "Manufacturing Facility" means products, buildings and structures, including machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change, including the generation of electrical energy.

K. "Modernization" means a complete or partial demolition of facilities and the complete or partial reconstruction or installation of a facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery, or equipment, or both.

L. "New facility" means property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.

M. "Other Basic Industry" means buildings and structures including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services, which serve a market primarily outside of CONCHO County, resulting in the creation of new permanent jobs bringing in new wealth.

N. "Productive life" means the number of years a property improvement is expected to be in service in a facility.

Section 2

Abatement Authorized

A. Eligible facilities: Upon application, eligible facilities as defined herein shall be considered for tax abatement as hereinafter provided.

B. Creation of New Values: Abatement may only be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between Concho County and the property owner or applicant, including a Lessee, subject to such limitations as Concho County may require.

C. New and existing facilities: Abatement may be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between Concho County and the Property Owner or Lessee, subject to such limitations as Concho County may require.

D. Eligible property: Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements and related fixed improvements necessary to the operation and administration of the facility.

E. Ineligible Property: The following types of property shall be fully taxable and ineligible for tax abatement: land, supplies, tools, furnishings, and other forms of movable personal property, housing, deferred maintenance, property to be rented or leased except as provided in Section 2 F, property which has a productive life of less than ten years, but does not include spare parts associated with eligible facilities; property owned or used by the State of Texas or its political subdivisions or by any organization owned, operated or directed by a political subdivision of the State of Texas; or any other property for which abatement is not allowed by state law.

F. Owned / leased facilities: If a leased facility is permitted by state law to be granted abatement, the abatement agreement shall be applicable to the taxable value of the leased improvement, and where appropriate, shall be executed with both the Lessor and the Lessee.

G. Economic Qualifications: In order to be eligible for designation as a reinvestment zone and receive tax abatement, the planned improvement:

1. Must be reasonably expected to have an increase in positive net benefit to Concho County of at least Ten Million Dollars (\$10,000,000.00) over the life of the abatement, computed to include (but not limited to) new sustaining payroll and / or capital improvement. The creation of (number and type) new jobs will also factor into the decision to grant an abatement; and
2. Must not be expected to solely or primarily have the effect of merely transferring employment from one area of Concho County to another.

H. Standards for Tax Abatement : The following factors, among other, shall be considered in determining whether to grant tax abatement:

1. Value of existing improvements, if any;
2. Type and value of proposed improvements;
3. Productive life of proposed improvements; Number of existing jobs to be retained by proposed improvements;
4. Number and type of new jobs to be created by proposed improvements;
5. Amount of local payroll to be created;
6. Whether the new jobs to be created will be filled by persons residing or projected to reside within affected taxing jurisdiction;
7. Amount which property tax base valuation will be increased during term of abatement and after abatement, which shall include a definitive commitment that

such valuation shall not, in any case, be less than Ten Million Dollars (\$10,000,000.00.)

8. The costs to be incurred by Concho County to provide facilities directly resulting from the new improvements;
9. The amount of ad valorem taxes to be paid to Concho County during the abatement period considering:
 - a. the existing values;
 - b. the percentage of new value abated;
 - c. the abatement period; and
 - d. the value after expiration of the abatement period.
10. The population growth of Concho County that occurs directly as a result of new improvements;
11. The types and values of public improvements, if any, to be made by Applicant seeking abatement;
12. Whether the proposed improvements compete with existing businesses to the detriment of the local economy;
13. The impact on the business opportunities of existing businesses;
14. The attraction of other new businesses to the area;
15. The overall compatibility with the zoning ordinances and comprehensive plan for the area;
16. Whether the project obtains all necessary permits from the applicable environmental agencies.

Each eligible facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

Construction in Progress. If a qualifying facility has not been placed in service within one year after execution of the abatement Agreement, the applicant may apply for a one year extension of

the term of abatement, to be granted or denied in accordance with the Agreement. Said extension must be applied for prior to the expiration of the one year anniversary of execution of the abatement Agreement.

- I. Denial of Abatement: Neither a reinvestment zone nor abatement agreement shall be authorized if it is determined 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. Planned or potential use of the property would constitute a hazard to public health, safety or morals;
 - 4. Violation of other codes or laws; or
 - 5. Any other reason deemed appropriate by Concho County.
- J. Taxability: From the execution of the abatement to the end of the agreement period, taxes shall be payable as follows:
 - 1. The value of ineligible property as provided in Section 2 E shall be fully taxable; and
 - 2. The base year value of existing eligible property as determined each year shall be fully taxable.

The additional value of new eligible property shall be fully taxable at the end of the abatement period.

Section 3

Application

- A. Any present or potential owner of taxable property in Concho County may request the creation of a reinvestment zone and tax abatement by filing a written application with the County Judge.
- B. The application shall consist of a written request for tax abatement, accompanied by:
 - 1. An analysis of the economic impact such an abatement will have on Concho County, including:
 - a. Estimated tax revenues annually for the term of the requested abatement, taking into account any requested abatement.

- b. A comparison between an abatement of taxes and any requested “payment in lieu of taxes” (PILOT) in terms of benefit to the County over the proposed term of the abatement period.
 - c. A statement of the expected residual taxable value of the proposed project at the end of the abatement term requested, and the remaining taxable life expectancy of the proposed project.
 - 2. A general description of the proposed use and the general nature and extent of the modernization, expansion or new improvements to be undertaken.
 - 3. A descriptive list and approximate taxable value of the improvements which will be a part of the facility;
 - 4. A site map and property description, including a complete legal description of the property, and a map/property description of any requested;
 - 5. A time schedule for undertaking and completing the planned improvements. In the case of modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately preceding the application. The application form may require such financial and other information as the County deems appropriate for evaluating the financial capacity and other factors of the applicant.
 - 6. Certification from the Concho County Appraisal District verifying that no taxes are past due on applicant’s property located in the proposed reinvestment zone
 - 7. Disclosure of any environmental permits required or additional environmental impacts.
 - 8. A \$1,000.00 non-refundable application fee.
- C. In the case of modernization, a statement of the assessed value of the facility, 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.
- D. All checks in payment of the administrative fee shall be made payable to Concho County. In addition to the application fee, which shall be applied to any fee charged by legal or financial analysis of the application, the applicant shall also agree to pay reasonable consulting and attorney fees as may be incurred by Concho County in the examination of the application as well as the preparation and negotiation of any tax abatement agreement. Such fee reimbursement shall not exceed \$10,000.00.

- E. Concho County shall give notice as provided by the Property Tax Code, i.e. written notice, to the presiding officer of the governing body of each taxing unit in which the property to be subject of the agreement is located not later than the seventh day before the public hearing and publication in a newspaper of general circulation within such taxing jurisdiction not later than the seventh day before the public hearing. Before acting upon Application, Concho County shall, through public hearing, afford the Applicant and the designated representative of any governing body referenced hereinabove opportunity to show cause why the abatement should or should not be granted.
- F. If a city within Concho 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 taxable property, such present or potential owner of taxable property may request tax abatement by Concho County, but shall follow the same application process described in Section 3(A), *et seq*, hereof. No other notice or hearing shall be required except compliance with the Open Meetings Act, unless the Commissioners Court deems them necessary in a particular case.
- G. Variance. Although a variance is not favored, exceptional circumstances may support a request for variance from the provisions of Section II, in which case such request for a variance may be made in an application or other written form to the Commissioners' Court. Such request shall include all the items listed in Section 3(B) and may include a complete description of the circumstances which prompt the applicant to request a variance. The approval process for a variance request shall be identical to that for a standard application and may be supplemented by such additional requirements as may be deemed necessary by the Commissioners' Court. To the full extent permitted by applicable law, the Commissioners' Court shall have the authority to enter into an abatement agreement with terms and conditions that vary from the terms and conditions in these Guidelines, but only so long as the Commissioners' Court determines that such variances are in the best interests of Concho County. Any terms or conditions contained in an abatement Agreement approved by the Commissioners' Court that vary from the terms and conditions in these Guidelines shall automatically be deemed to have been granted an approved variance by the Commissioners' Court, shall be binding and enforceable as agreed to in the abatement Agreement, and shall control in the event of any inconsistency or conflict with these Guidelines. A variance granted to any applicant shall not be deemed a variance for any subsequent applicant.
- H. Confidentiality Required. Information that is provided to the County in connection with an application or request for Tax Abatement and that describes the specific processes or business activities to be conducted or the equipment or other property to be located on the property for which Tax Abatement is sought may be deemed as confidential and not subject to public disclosure only if specifically identified by the Applicant, and segregated from the remaining portions of the Application. Once the Tax Abatement Agreement is executed, all attachments to the Abatement Agreement shall become public. All information in the custody of a taxing unit after the Agreement is executed is Public Record, and not confidential.

Section 4

Agreement

A. After approval, the Commissioners Court of Concho County shall formally pass a Resolution and execute an agreement with the owner of the facility and Lessee as required which shall:

1. Include a list of the kind, number, location of all proposed improvements to the property and if this is not defined at the time of the agreement, then to be supplemented after construction of the facilities;
2. Provide access to and authorize inspection of the property by the taxing unit to ensure compliance with the agreement
3. Limit the use of the property consistent with the taxing unit's developmental goals as stated in Section 1H of the Concho County Tax Abatement Guidelines and Criteria;
4. Provide for recapturing property tax revenues that are lost if the owner fails to make improvements as provided by the agreement;
5. Include each term that was agreed upon with the property owner and require the owner of the facility to annually certify compliance with the terms of the agreement to each taxing unit; and
6. Allow the taxing unit to cancel the agreement after notice of default and opportunity to cure if the property owner fails to comply with the terms of the agreement.

B. The owner of the facility and Lessee shall also agree to the following:

1. A specified number of permanent full time jobs at facility shall be created, and the owner and Lessee shall make reasonable efforts to employ persons who are residents of Concho County in such jobs provided, however, that there shall be no obligation to employ residents who are not:
 - a. equally or more qualified than nonresident applicants;
 - b. available for employment on terms and / or salaries comparable to those required by nonresident applicants; or
 - c. able to become qualified with 72 hours training provided by Owner.
2. Each person employed in such job shall perform a portion, if not all, of their work in Concho County.

3. Owner shall agree that it and its contractors, if any, will use reasonably commercial efforts to maximize its use of goods and services available through Concho County businesses in the construction, operation, and maintenance of the improvements and the project; provided, however, that there shall be no requirement to use goods and services provided by Concho County residents that are not:
 - a. of similar quality to those provided by nonresidents; or
 - b. made available on terms and conditions (including pricing) comparable to those offered by nonresidents. Comparable price shall be defined as less than or equal to 105% of the nonresident price for equivalent quality, conditions and terms.
4. Owner or its construction contractor, if any, shall designate a coordinator of local services who will act as liaison between any individuals, businesses, and contractors residing or doing business in Concho County who are interested in obtaining information about providing goods or services related to the construction of the project.
5. Additionally, Owner or its construction contractor, if any, shall advertise in local newspapers in Concho County for local contractors to perform work on the construction of the project.
6. Owner shall agree to maintain a viable presence (as below defined) within the reinvestment zone for a period of time, as set by the Concho County Commissioners Court, not to exceed twenty (20) years from the date that the abatement agreement first takes effect. For purposes hereof, "Maintain a Viable Presence" means (i) the operation of the Eligible Facilities, as the same may from time to time be expanded, upgraded, improved, modified, changed, remodeled, repaired, restored, reconstructed, reconfigured and/or reengineered, and (ii) the retention of not fewer than three (3) Qualifying Jobs as defined by Texas Tax Code Section 313.021(3)(E) to be located and performed, in part, within Concho County.
7. On May 1st of each year that the agreement shall be in effect, Owner shall certify to the County Judge of Concho County, and to the governing body of each taxing unity, that Owner is in compliance with each applicable term set forth above.

C. Such agreement shall normally be executed within sixty (60) days after the Applicant has forwarded all necessary information and documentation to the Commissioners Court.

Section 5

Recapture

- A. In the event that the company or individual:
 - 1. Allows its ad valorem taxes owed Concho County to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or
 - 2. Violates any of the terms and conditions of the abatement agreement and fails to cure during the cure period;
 - 3. The agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within thirty (30) days of the termination.
- B. Should Concho County determine that the company or individual is in default according to the terms and conditions of its agreement, Concho County shall notify the company or individual in writing at the address stated in the agreement, and if such is not cured within thirty (30) days from the date of such notice (cure period) then the agreement may be terminated.
- C. In the event that the applicant's facility is completed and begins producing products or services, but subsequently discontinues producing a product or service for any reason for a period of one year during the abatement period, other than because of fire, explosion, or other casualty, accident, or natural disaster, then the agreement shall terminate and so shall the abatement of the taxes for the calendar year during which the applicant's facility no longer produces. The taxes otherwise abated for that calendar year shall be paid to the County within sixty (60) days from the date of termination.

Section 6 Administration

- A. The Chief Appraiser of the Concho County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser will notify the Commissioners Court of Concho County of the amount of the assessment.
- B. The Agreement shall stipulate that employees and/or designated representatives of Concho County will have access to the applicant's facilities within the reinvestment zone during the term of the abatement to inspect the facility to determine if the terms and conditions of the Agreement are being met. All inspections will be made only after the giving of reasonable notice and will only be conducted in a manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the applicant, and in accordance with its safety standards.

- C. Upon completion of construction, the designated representative of Concho County shall annually evaluate each facility receiving abatement to insure compliance with the agreement. A formal report shall be made to the Commissioners Court.
- D. Timely Filing. The County shall timely file, with the appropriate person, agency, department, or board of the State of Texas, all information required by the Tax Code.

Section 7

Assignment

- A. Abatement may be transferred and assigned by the holder to a new owner or lessee of the same facility only upon the approval by resolution of the Commissioners Court of Concho County subject to the financial capacity of the assignee and provided that all conditions and obligations in the abatement agreement are guaranteed by the execution of a new contractual agreement with Concho County. No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations.
- B. An assignment shall not serve to extend the termination date of the abatement Agreement with the original Applicant, owner or lessee. An assignment may not alter venue provisions of the original agreement
- C. Approval of an assignment in conformity with this section shall not be unreasonably withheld.

Section 9

Venue

Any abatement agreement shall be conditioned upon venue for any disputes which may arise under the abatement agreement to be retained in courts of appropriate jurisdiction within Concho County, Texas, or appeals to Texas courts of appellate jurisdiction, or the United States District Court for the Northern District of Texas, San Angelo Division, and United States courts of appellate jurisdiction.

Section 10

Sunset Provision

These guidelines and criteria are effective upon the date of their adoption and will remain in force for two years unless amended by three quarters vote of the Commissioners Court of Concho County, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on the review, the guidelines and criteria will be modified, renewed, or eliminated.

ADOPTED _____, 2016.

CONCHO COUNTY COMMISSIONERS' COURT

JUDGE DAVID DILLARD

COMM. TREY BRADSHAW

COMM. RALPH WILLBERG

COMM. GARY GIERISCH

COMM. AARON BROWNING, Jr.

ATTEST:

COUNTY CLERK

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

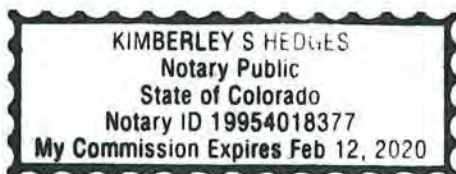
I am the authorized representative for the school district to which this application is being submitted. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code.

print
hereMisty Gandy
Print Name (Authorized School District Representative)Superintendent
Titlesign
hereMisty Gandy
Signature (Authorized School District Representative)7/26/18
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
hereBrian Evans
Print Name (Authorized Company Representative (Applicant))Chief Development Officer
Titlesign
here[Signature]
Signature (Authorized Company Representative (Applicant))7/18/18
Date

(Notary Seal)

GIVEN under my hand and seal of office this, the

18th day of July, 2018Kimberley S. Hedges
Notary Public in and for the State of Texas

My Commission expires: February 12, 2020

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.