



Application for Appraised Value Limitation on Qualified Property (Tax Code, Chapter 313, Subchapter B or C)

Form 50-296
(Revised May 2010)

INSTRUCTIONS: This application must be completed and filed with the school district. In order for an application to be processed, the governing body (school board) must elect to consider an application, but — by Comptroller rule — the school board may elect to consider the application only after the school district has received a completed application. Texas Tax Code, Section 313.025 requires that any completed application and any supplemental materials received by the school district must be forwarded within seven days to the Comptroller of Public Accounts.

If the school board elects to consider the application, the school district must:

- notify the Comptroller that the school board has elected to consider the application.

This notice must include:

- the date on which the school district received the application;
- the date the school district determined that the application was complete;
- the date the school board decided to consider the application; and
- a request that the comptroller prepare an economic impact analysis of the application;
- provide a copy of the notice to the appraisal district;
- must complete the sections of the application reserved for the school district and provide information required in the Comptroller rules located at 34 Texas Administrative Code (TAC) Section 9.1054; and
- forward the original completed application to the Comptroller in a three-ring binder with tabs separating each section of the documents, in addition to an electronic copy on CD. See 34 TAC Chapter 9, Subchapter F.

The governing body may, at its discretion, allow the applicant to supplement or amend the application after the filing date, subject to the restrictions in 34 TAC Chapter 9, Subchapter F.

When the Comptroller receives the notice and required information from the school district, the Comptroller will publish all submitted application materials on its Web site. The Comptroller is authorized to treat some application information as confidential and withhold it from publication on the Internet. To do so, however, the information must be segregated and comply with the other requirements set out in the Comptroller rules as explained in the Confidentiality Notice below.

The Comptroller will independently determine whether the application has been completed according to the Comptroller's rules (34 TAC Chapter 9, Subchapter F). If the Comptroller finds the application is not complete, the Comptroller will request additional materials from the school district. When the Comptroller determines that the application is complete, it will send the school district a notice indicating so. The Comptroller will determine the eligibility of the project, make a recommendation to the school board regarding the application and prepare an economic impact evaluation by the 90th day after the Comptroller receives a complete application—as determined by the Comptroller.

The school board must approve or disapprove the application before the 151st day after the application review start date (the date the application is finally determined to be complete), unless an extension is granted. The Comptroller and school district are authorized to request additional information from the applicant that is reasonably necessary to complete the recommendation, economic impact evaluation or consider the application at any time during the application review period.

Please visit the Comptroller's Web site to find out more about the program at <http://www.window.state.tx.us/taxinfo/proptax/hb1200/index.html>. There are links on this Web page to the Chapter 313 statute, rules and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION

Date application received by district

July 28, 2010

Authorized School District Representative

First Name

Joe

Last Name

Ripple

Title

Superintendent

School District Name

Brazosport ISD

Street Address

301 W. Brazoswood Dr., Clute TX 77531

Mailing Address

P.O. Drawer Z

City

Freeport

State

TX

ZIP

77542

Phone Number

979-730-7000

Fax Number

979-266-2486

Mobile Number (optional)

E-mail Address

jripple@brazosportisd.net

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

Will consultant be primary contact? Yes No



SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized School District Consultant (If Applicable)

First Name **Dan**

Last Name **Casey**

Title **Partner**

Firm Name **Moak, Casey & Associates**

Street Address **400 W. 15th Street, Suite 1410**

Mailing Address **same**

City **Austin**

State **TX**

ZIP **78701-1648**

Phone Number **512-485-7878**

Fax Number **512-485-7888**

Mobile Number (Optional)

E-mail Address **dcasey@moakcasey.com**

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

Signature (Authorized School District Representative)

Date

8/9/10

Has the district determined this application complete? Yes No

If yes, date determined complete. August 3, 2010

Have you completed the school finance documents required by TAC 9.1054(c)(3)? Yes No

SCHOOL DISTRICT CHECKLIST AND REQUESTED ATTACHMENTS

Checklist	Page X of 16	Check Completed
1 Date application received by the ISD	1 of 16	✓
2 Certification page signed and dated by authorized school district representative	2 of 16	✓
3 Date application deemed complete by ISD	2 of 16	✓
4 Certification pages signed and dated by applicant or authorized business representative of applicant	4 of 16	✓
5 Completed company checklist	12 of 16	✓
6 School finance documents described in TAC 9.1054(c)(3) (Due within 20 days of district providing notice of completed application)	2 of 16	✓

APPLICANT INFORMATION - CERTIFICATION OF APPLICATION

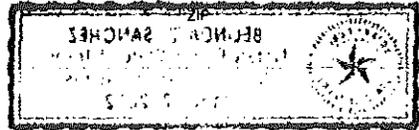
Authorized Business Representative (Applicant)

First Name: Chaney, Last Name: Moore, Title: Sr. Tax Specialist, Organization: The Dow Chemical Company, Street Address: 2301 N. Brazosport Blvd., Mailing Address: 2301 N. Brazosport Blvd., City: Freeport, State: TX, ZIP: 77541, Phone Number: 979.238.5576, Fax Number: 979.238.0207, Mobile Number (optional): 979.236.7479, Business e-mail Address: CTMoore@Dow.com

Will a company official other than the authorized business representative be responsible for responding to future information requests? [] Yes [x] No

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

Contact information fields for other official: First Name, Last Name, Title, Organization, Street Address, Mailing Address, City, State, Phone Number, Fax Number, Mobile Number (optional), E-mail Address



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

Will consultant be primary contact? [] Yes [] No



FEES AND PAYMENTS

Enclosed is proof of application fee paid to the school district.

For the purpose of this question, "payments to the school district" include any and all payments or transfers of things of value made to the school district or to any person or persons in any form if such payment or transfer of thing of value being provided is in recognition of, anticipation of, or consideration for the agreement for limitation on appraised value.

Please answer only either A OR B:

A. Will any "payments to the school district" that you may make in order to receive a property tax value limitation agreement result in payments that are not in compliance with Tax Code, 313.027(i)? Yes No

B. If "payments to the school district" will only be determined by a formula or methodology without a specific amount being specified, could such method result in "payments to the school district" that are not in compliance with Tax Code §313.027(i)? Yes No

BUSINESS APPLICANT INFORMATION

Legal Name under which application is made

The Dow Chemical Company

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

13812851288

NAICS code

325000 Chemical Manufacturing

Is the applicant a party to any other Chapter 313 agreements? Yes No

If yes, please list name of school district and year of agreement.

Brazosport ISD 2002

APPLICANT BUSINESS STRUCTURE

Registered to do business in Texas with the Texas Secretary of State? Yes No

Identify business organization of applicant (corporation, limited liability corporation, etc.)

Corporation

1. Is the applicant a combined group, or comprised of members of a combined group, as defined by Texas Tax Code Chapter 171.0001(7)? Yes No
If so, please attach documentation of the combined group membership and contact information.

2. Is the applicant current on all tax payments due to the State of Texas? Yes No

3. Are all applicant members of the combined group current on all tax payments due to the State of Texas? NA Yes No

If the answer to either question is no, please explain and/or disclose any history of default, delinquencies and/or any material litigation, including litigation involving the State of Texas. (Use attachment if necessary.)



ELIGIBILITY UNDER TAX CODE CHAPTER 313.024

- Are you an entity to which Tax Code, Chapter 171 applies?
The property will be used as an integral part, or as a necessary auxiliary part, in one of the following activities:
(1) manufacturing
(2) research and development
(3) a clean coal project, as defined by Section 5.001, Water Code
(4) an advanced clean energy project, as defined by Section 382.003, Health and Safety Code
(5) renewable energy electric generation
(6) electric power generation using integrated gasification combined cycle technology
(7) nuclear electric power generation
(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)
Are you requesting that any of the land be classified as qualified investment?
Will any of the proposed qualified investment be leased under a capitalized lease?
Will any of the proposed qualified investment be leased under an operating lease?
Are you including property that is owned by a person other than the applicant?
Will any property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment?

PROJECT DESCRIPTION

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

See Attached Description

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

See Attached Description

PROJECT CHARACTERISTICS (CHECK ALL THAT APPLY)

- New Jobs, Construct New Facility, New Business / Start-up, Expand Existing Facility, Relocation from Out-of-State, Expansion, Purchase Machinery & Equipment, Consolidation, Relocation within Texas

PROJECTED TIMELINE

Begin Construction 2011, Begin Hiring New Employees 2013, Construction Complete 2013, Fully Operational 2013, Purchase Machinery & Equipment 2011-2013

Do you propose to construct a new building or to erect or affix a new improvement after your application review start date (date your application is finally determined to be complete)?

Note: Improvements made before that time may not be considered qualified property.

When do you anticipate the new buildings or improvements will be placed in service? 2013

ECONOMIC INCENTIVES

Identify state programs the project will apply for:

State Source	Amount
None	
Total	

Will other incentives be offered by local units of government? Yes No

Please use the following box for additional details regarding incentives. (Use attachments if necessary.)

Tax Abatements with the County, Port, Drainage District, College and IDAs.

THE PROPERTY

Identify county or counties in which the proposed project will be located Brazoria County

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

Will this CAD be acting on behalf of another CAD to appraise this property? Yes No

List all taxing entities that have jurisdiction for the property and the portion of project within each entity

County: Brazoria 100% (Name and percent of project) City: Industrial District Agreement 100% (not in city limits) (Name and percent of project)

Hospital District: _____ (Name and percent of project) Water District: Velasco Drainage District 100% (Name and percent of project)

Other (describe): Port of Freeport 100% (Name and percent of project) Other (describe): Brazosport College 100% (Name and percent of project)

Is the project located entirely within this ISD? Yes No

If not, please provide additional information on the project scope and size to assist in the economic analysis.

INVESTMENT

NOTE: The minimum amount of qualified investment required to qualify for an appraised value limitation and the minimum amount of appraised value limitation vary depending on whether the school district is classified as rural, and the taxable value of the property within the school district. For assistance in determining estimates of these minimums, access the Comptroller's Web site at www.window.state.tx.us/taxinfo/proptax/hb1200/values.html.

At the time of application, what is the estimated minimum qualified investment required for this school district? \$30,000,000

What is the amount of appraised value limitation for which you are applying? \$30,000,000

What is your total estimated qualified investment? \$96,000,000

NOTE: See 313.021(1) for full definition. Generally, Qualified Investment is the sum of the investment in tangible personal property and buildings and new improvements made between beginning of the qualifying time period (date of application final approval by the school district) and the end of the second complete tax year.

What is the anticipated date of application approval? 1/2/2001

What is the anticipated date of the beginning of the qualifying time period? 1/2/2013

What is the total estimated investment for this project for the period from the time of application submission to the end of the limitation period? \$768,000,000

Describe the qualified investment. [See 313.021(1).]

Attach the following items to this application:

- (1) a specific and detailed description of the qualified investment you propose to make on the property for which you are requesting an appraised value limitation as defined by Tax Code §313.021,
(2) a description of any new buildings, proposed improvements or personal property which you intend to include as part of your minimum qualified investment and
(3) a map of the qualified investment showing location of new buildings or new improvements with vicinity map.

Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or 313.053 for rural school districts) for the relevant school district category during the qualifying time period? Yes No

Except for new equipment described in Tax Code §151.318(q) or (q-1), is the proposed tangible personal property to be placed in service for the first time:

- (1) in or on the new building or other new improvement for which you are applying? Yes No
(2) if not in or on the new building or other new improvement for which you are applying for an appraised value limitation, is the personal property necessary and ancillary to the business conducted in the new building or other new improvement? Yes No
(3) on the same parcel of land as the building for which you are applying for an appraised value limitation? Yes No

("First placed in service" means the first use of the property by the taxpayer.)

Will the investment in real or personal property you propose be counted toward the minimum qualified investment required by Tax Code §313.023, (or 313.053 for rural school districts) be first placed in service in this state during the applicable qualifying time period? Yes No

Does the investment in tangible personal property meet the requirements of Tax Code §313.021(1)? Yes No

If the proposed investment includes a building or a permanent, non-removable component of a building, does it house tangible personal property? Yes No

QUALIFIED PROPERTY

Describe the qualified property. [See 313.021 (2)] (If qualified investment describes qualified property exactly you may skip items (1), (2) and (3) below.)

Attach the following items to this application:

- (1) a specific and detailed description of the qualified property for which you are requesting an appraised value limitation as defined by Tax Code §313.021,
(2) a description of any new buildings, proposed improvements or personal property which you intend to include as part of your qualified property and
(3) a map of the qualified property showing location of new buildings or new improvements - with vicinity map.

Land

Is the land on which you propose new construction or improvements currently located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303? Yes No

If you answered "no" to the question above, what is the anticipated date on which you will submit proof of a reinvestment zone with boundaries encompassing the land on which you propose new construction or improvements?

Will the applicant own the land by the date of agreement execution? Yes No

Will the project be on leased land? Yes No

QUALIFIED PROPERTY (CONTINUED)

If the land upon which the new building or new improvement is to be built is part of the qualified property described by §313.021(2)(A), please attach complete documentation, including:

1. Legal description of the land
2. Each existing appraisal parcel number of the land on which the improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property
3. Owner
4. The current taxable value of the land. Attach estimate if land is part of larger parcel.
5. A detailed map (with a vicinity map) showing the location of the land

Attach a map of the reinvestment zone boundaries, certified to be accurate by either the governmental entity creating the zone, the local appraisal district, or a licensed surveyor. (With vicinity map)

Attach the order, resolution or ordinance establishing the zone, and the guidelines and criteria for creating the zone, if applicable.

Miscellaneous

Is the proposed project a building or new improvement to an existing facility? Yes No

Attach a description of any existing improvements and include existing appraisal district account numbers.

List current market value of existing property at site as of most recent tax year. N/A
(Market Value) (Tax Year)

Is any of the existing property subject to a value limitation agreement under Tax Code 313? Yes No

Will all of the property for which you are requesting an appraised value limitation be free of a tax abatement agreement entered into by a school district for the duration of the limitation? Yes No

WAGE AND EMPLOYMENT INFORMATION

What is the estimated number of permanent jobs (more than 1,600 hours a year), with the applicant or a contractor of the applicant, on the proposed qualified property during the last complete quarter before the application review start date (date your application is finally determined to be complete)? 0

The last complete calendar quarter before application review start date is the:

First Quarter Second Quarter Third Quarter Fourth Quarter of 2010
(year)

What were the number of permanent jobs (more than 1,600 hours a year) this applicant had in Texas during the most recent quarter reported to the TWC?
4,749

Note: For job definitions see TAC §9.1051(14) and Tax Code 313.021(3). If the applicant intends to apply a definition for "new job" other than TAC §9.1051(14)(C), then please provide the definition of "new job" as used in this application.

Total number of new jobs that will have been created when fully operational 10 new jobs, 26 additional jobs will be retained [Brazoria Count is an SIA per 313.051(a)1]

Do you plan to create at least 25 new jobs (at least 10 new jobs for rural school districts) on the land and in connection with the new building or other improvement? Yes No

Do you intend to request that the governing body waive the minimum new job creation requirement, as provided under Tax Code §313.025(f-1)? Yes No

If you answered "yes" to the question above, attach evidence documenting that the new job creation requirement above exceeds the number of employees necessary for the operation, according to industry standards. Note: Even if a minimum new job waiver is provided, 80% of all new jobs must be qualifying jobs pursuant to Texas Tax Code, §313.024(d).

What is the maximum number of qualifying jobs meeting all criteria of §313.021(3) you are committing to create? 8

If this project creates more than 1,000 new jobs, the minimum required wage for this project is 110% of the average county weekly wage for all jobs as described by 313.021(3)(E)(ii).

If this project creates less than 1,000 new jobs, does this district have territory in a county that meets the demographic characteristics of 313.051(2)? (see table of information showing this district characteristic at <http://www.window.state.tx.us/taxinfo/proptax/hb1200/values.html>)

If yes, the applicant must meet wage standard described in 313.051(b) (110% of the regional average weekly wage for manufacturing)

If no, the applicant shall designate one of the wage standards set out in §§313.021(5)(A) or 313.021(5)(B).

WAGE AND EMPLOYMENT INFORMATION (CONTINUED)

For the following three wage calculations please include on an attachment the four most recent quarters of data for each wage calculation. Show the average and the 110% calculation. Include documentation from TWC Web site. The final actual statutory minimum annual wage requirement for the applicant for each qualifying job — which may differ slightly from this estimate — will be based on information from the four quarterly periods for which data were available at the time of the application review start date (date of a completed application). See TAC §9.1051(7).

110% of the county average weekly wage for all jobs (all industries) in the county is 841.50

110% of the county average weekly wage for manufacturing jobs in the county is 1558.75

110% of the county average weekly wage for manufacturing jobs in the region is 959.39

Please identify which Tax Code section you are using to estimate the wage standard required for this project:

§313.021(5)(A) or §313.021(5)(B) or §313.021(3)(E)(ii), or §313.051(b)?

What is the estimated minimum required annual wage for each qualifying job based on the qualified property? 89,160.50

What is the estimated minimum required annual wage you are committing to pay for each of the qualifying jobs you create on the qualified property? 89,160.50

Will 80% of all new jobs created by the owner be qualifying jobs as defined by 313.021(3)? Yes No

Will each qualifying job require at least 1,600 of work a year? Yes No

Will any of the qualifying jobs be jobs transferred from one area of the state to another? Yes No

Will any of the qualifying jobs be retained jobs? Yes No

Will any of the qualifying jobs be created to replace a previous employee? Yes No

Will any required qualifying jobs be filled by employees of contractors? Yes No

If yes, what percent? _____

Does the applicant or contractor of the applicant offer to pay at least 80% of the employee's health insurance premium for each qualifying job? Yes No

Describe each type of benefits to be offered to qualifying jobholders. (Use attachments as necessary.)

See attached

ECONOMIC IMPACT

Is an Economic Impact Analysis attached (If supplied by other than the Comptroller's office)? Yes No

Is Schedule A completed and signed for all years and attached? Yes No

Is Schedule B completed and signed for all years and attached? Yes No

Is Schedule C (Application) completed and signed for all years and attached? Yes No

Is Schedule D completed and signed for all years and attached? Yes No

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

If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, please attach a separate schedule showing the amount for each year affected, including an explanation.

CONFIDENTIALITY NOTICE

**Property Tax Limitation Agreement Applications
Texas Government Code Chapter 313
Confidential Information Submitted to the Comptroller**

Generally, an application for property tax value limitation, the information provided therein, and documents submitted in support thereof, are considered public information subject to release under the Texas Public Information Act.

There is an exception, outlined below, by which information will be withheld from disclosure.

The Comptroller's office will withhold information from public release if:

- 1) it describes the specific processes or business activities to be conducted or the specific tangible personal property to be located on real property covered by the application;
- 2) the information has been segregated in the application from other information in the application; and
- 3) the party requesting confidentiality provides the Comptroller's office a list of the documents for which confidentiality is sought and for each document lists the specific reasons, including any relevant legal authority, stating why the material is believed to be confidential.

All applications and parts of applications which are not segregated and marked as confidential as outlined above will be considered public information and will be posted on the internet.

Such information properly identified as confidential will be withheld from public release unless and until the governing body of the school district acts on the application, or we are directed to do so by a ruling from the Attorney General.

Other information in the custody of a school district or the comptroller submitted in connection with the application, including information related to the economic impact of a project or the essential elements of eligibility under Texas Tax Code, Chapter 313, such as

the nature and amount of the projected investment, employment, wages, and benefits, will not be considered confidential business information and will be posted on the internet.

All documents submitted to the Comptroller, as well as all information in the application once the school district acts thereon, are subject to public release unless specific parts of the application or documents submitted with the application are identified as confidential. Any person seeking to limit disclosure of such submitted records is advised to consult with their legal counsel regarding disclosure issues and also to take the appropriate precautions to safeguard copyrighted material, trade secrets, or any other proprietary information. The Comptroller assumes no obligation or responsibility relating to the disclosure or nondisclosure of information submitted by respondents. A person seeking to limit disclosure of information must submit in writing specific detailed reasons, including any relevant legal authority, stating why that person believes the material to be confidential.

The following outlines how the Comptroller's office will handle requests for information submitted under the Texas Public Information Act for application portions and submitted records appropriately identified as confidential.

- This office shall forward the request for records and a copy of the documents at issue to the Texas Attorney General's office for an opinion on whether such information may be withheld from disclosure under the Texas Public Information Act.
- The Comptroller will notify the person who submitted the application/documents when the information is forwarded to the Attorney General's office.
- Please be aware that this Office is obligated to comply with an Attorney General's decision, including release of information ruled public even if it was marked confidential.



COMPANY CHECKLIST AND REQUESTED ATTACHMENTS

	Checklist	Page X of 16	Check Completed
1	Certification pages signed and dated by Authorized Business Representative (applicant)	4 of 16	✓
2	Proof of Payment of Application Fee (Attachment)	5 of 16	✓
3	For applicant members, documentation of Combined Group membership under Texas Tax Code 171.0001(7) (if Applicable) (Attachment)	5 of 16	✓
4	Detailed description of the project	6 of 16	✓
5	If project is located in more than one district, name other districts and list percentage in each district (Attachment)	7 of 16	
6	Description of Qualified Investment (Attachment)	8 of 16	✓
7	Map of qualified investment showing location of new buildings or new improvements with vicinity map.	8 of 16	✓
8	Description of Qualified Property (Attachment)	8 of 16	✓
9	Map of qualified property showing location of new buildings or new improvements with vicinity map.	8 of 16	✓
10	Description of Land (Attachment)	9 of 16	✓
11	A detailed map showing location of the land with vicinity map.	9 of 16	✓
12	A description of all existing (if any) improvements (Attachment)	9 of 16	
13	Request for Waiver of Job Creation Requirement (if applicable) (Attachment)	9 of 16	
14	Calculation of three possible wage requirements with TWC documentation. (Attachment)	10 of 16	✓
15	Description of Benefits	10 of 16	✓
16	Economic Impact (if applicable)	10 of 16	
17	Schedule A completed and signed	13 of 16	✓
18	Schedule B completed and signed	14 of 16	✓
19	Schedule C (Application) completed and signed	15 of 16	✓
20	Schedule D completed and signed	16 of 16	✓
21	Map of Reinvestment Zone (Attachment) (Showing the actual or proposed boundaries and size, Certified to be accurate by either the government entity creating the zone, the local appraisal district, or a licensed surveyor, with vicinity map)*	9 of 16	✓
22	Order, Resolution, or Ordinance Establishing the Zone (Attachment)*	9 of 16	✓
23	Legal Description of Reinvestment Zone (Attachment)*	9 of 16	✓
24	Guidelines and Criteria for Reinvestment Zone(Attachment)*	9 of 16	✓

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



Application for Appraised Value Limitation on Qualified Property

APPLICANT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized Company Consultant (If Applicable)

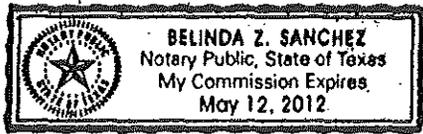
Form fields for Authorized Company Consultant: First Name, Last Name, Title, Firm Name, Street Address, Mailing Address, City, State, ZIP, Phone Number, Fax Number, Business email Address.

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application is true and correct to the best of my knowledge and belief. I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

Signature (Authorized Business Representative (Applicant)) [Handwritten Signature]

Date 7/20/10

GIVEN under my hand and seal of office this 20 day of July, 2010



(Notary Seal)

Belinda Z. Sanchez
Notary Public, State of Texas

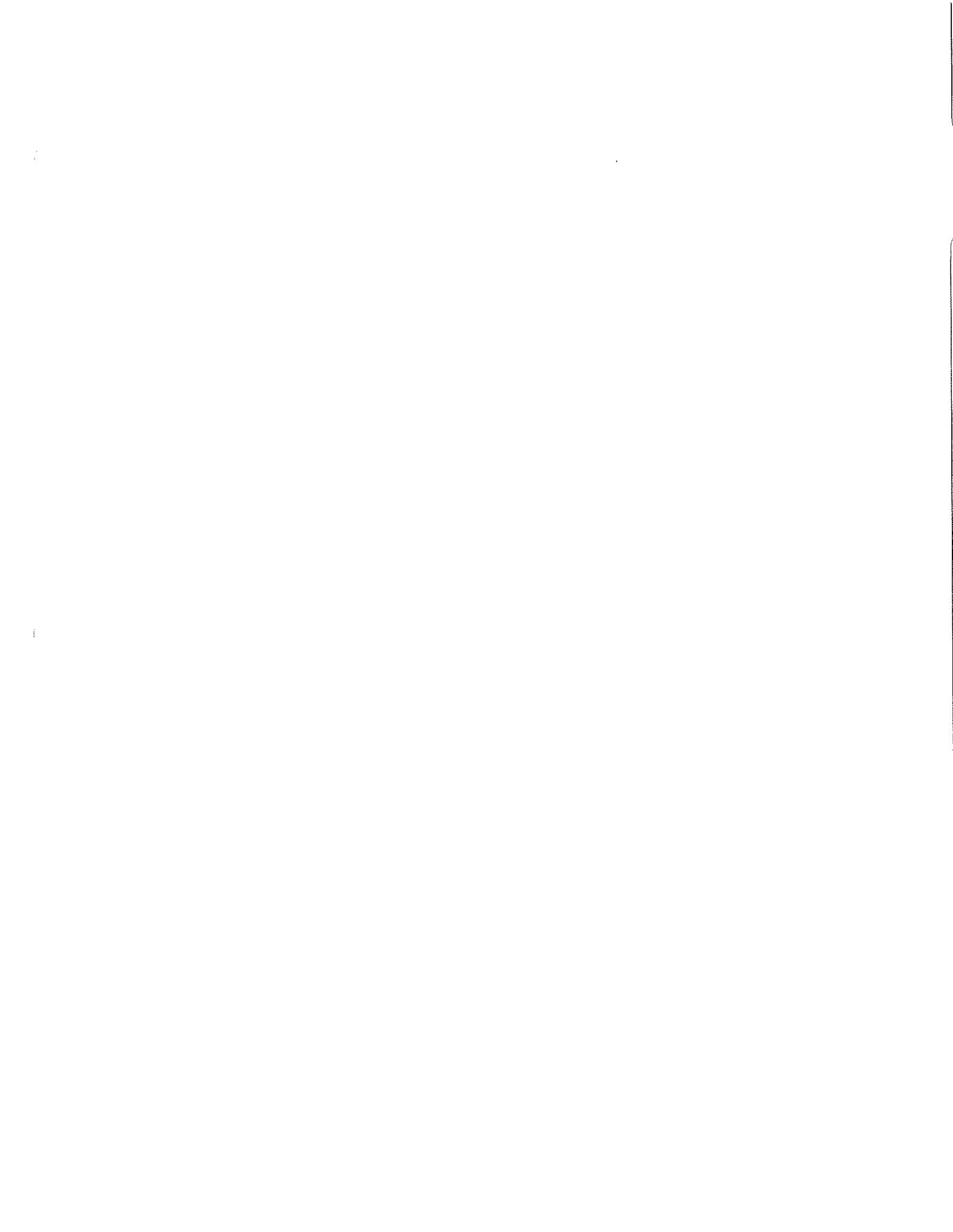
My commission expires 5-12-12

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



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)*



**TEXAS FRANCHISE TAX
EXTENSION REQUEST**

☐ Taxpayer number

13812851288

☐ Report year

2010

Due date

05/17/2010

Taxpayer name THE DOW CHEMICAL COMPANY					Secretary of State file number or Comptroller file number	
Mailing address 2030 DOW CENTER					TAX DEPARTMENT	
City MIDLAND	State MI	Country US	ZIP Code 48674	Plus 4	Check box if the address has changed <input type="checkbox"/>	
Check box if this is a combined report <input checked="" type="checkbox"/>						

1. Check this box if you will be using your 2008 Temporary Credit for Business Loss Carryforward for the report year for which you are requesting this extension (See instructions) 1.

2. Check this box if you will begin using your 1992 Temporary Credit for the report year for which you are requesting this extension (See instructions) 2.

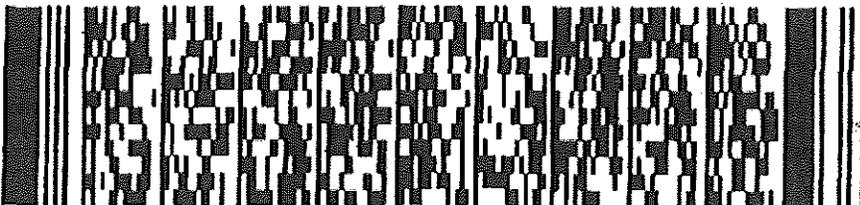
3. Extension payment (Dollars and cents) 3. 0.00

If this extension is for a combined group, you must also complete and submit Form 05-165.

Print or type name MARK W. KLOPFENSTEIN		Area code and phone number 989-638-6890
I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief		Mail original to: COMPTROLLER OF PUBLIC ACCOUNTS P.O. Box 149348 Austin, TX 78714-9348
Sign here <i>Mark Klopfenstein</i>	Date 4-28-10	

If you have any questions regarding franchise tax, you may contact the Texas State Comptroller's field office in your area or call (800) 252-1381, toll free nationwide. The Austin number is (512) 463-4600. For instructions on completing the franchise tax report forms, see Form 05-393.

Texas Comptroller Official Use Only



VE/DE	<input type="checkbox"/>
PM Date	



**TEXAS FRANCHISE TAX
EXTENSION AFFILIATE LIST**

■ Reporting entity taxpayer number

13812851288

■ Report year

2010

Reporting entity taxpayer name

THE DOW CHEMICAL COMPANY

LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. PROJECT ALPENA		<input checked="" type="checkbox"/>
2. DOW SOUTH AFRICA HOLDINGS (0877)	38-1285127	<input checked="" type="checkbox"/>
3. WARBLER 1 LLC (1081)	38-3594985	<input checked="" type="checkbox"/>
4. DOW TRENT LIMITED (1075)		<input checked="" type="checkbox"/>
5. DOW UK LIMITED (1076)		<input checked="" type="checkbox"/>
6. BUILDSCAPE LLC (1050)	59-3681220	<input checked="" type="checkbox"/>
7. ESSEX SPECIALTY PRODUCTS LLC (POST 2	22-2425568	<input checked="" type="checkbox"/>
8. CHEMARS III LLC (RFGL 1161)	76-0732339	<input checked="" type="checkbox"/>
9. DMM FINANCIAL LLC (RFGL 1159)	52-2144735	<input checked="" type="checkbox"/>
10. DW DEXCO INVESTMENT LLC (RFGL 1170)	38-1285124	<input checked="" type="checkbox"/>
11. TEXAS LNG HOLDINGS LLC (RFGL 1193)	13-4290705	<input checked="" type="checkbox"/>
12. DOW PACIFIC HOLDINGS B.V.		<input checked="" type="checkbox"/>
13. SPHERIC DEVELOPMENT LLC (RFGL 1240)	13-4356383	<input checked="" type="checkbox"/>
14. WALSDRODER PACKAGING LLC	20-5007928	<input checked="" type="checkbox"/>
15. GNS TECHNOLOGIES, LLC	27-0050101	<input checked="" type="checkbox"/>
16. DOW HOLDINGS LLC	38-3021197	<input checked="" type="checkbox"/>
17. DOW HYDROCARBONS AND RESOURCES LLC	38-3008322	<input type="checkbox"/>
18. HALTERMANN BRANCH		<input checked="" type="checkbox"/>
19. DOW CAPITAL INTERNATIONAL LLC	90-0404459	<input checked="" type="checkbox"/>
20. DOW ROOFING SYSTEMS LLC	32037816827	<input type="checkbox"/>
21. K-DOW PETROCHEMICALS US LLC	16115679215	<input checked="" type="checkbox"/>

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Texas Comptroller Official Use Only

VE/DE	<input type="checkbox"/>
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1. FILMTEC CORPORATION	13826338363	<input type="checkbox"/>
2. DOW DEUTSCHLAND INC (POST -00)	38-2750231	<input checked="" type="checkbox"/>
3. DOW FINANCIAL SERVICES INC	38-2900737	<input checked="" type="checkbox"/>
4. DOW ENVIRONMENTAL INC	94-3032723	<input checked="" type="checkbox"/>
5. ESSEX CHEMICAL CORPORATION	22-1569963	<input checked="" type="checkbox"/>
6. DOW PIPELINE COMPANY	17417110461	<input type="checkbox"/>
7. CAYUSE PIPELINE INC	17419639491	<input type="checkbox"/>
8. DOW INTRASTATE GAS COMPANY	72-0910103	<input checked="" type="checkbox"/>
9. RAVENWORKS LTD	38-2606901	<input checked="" type="checkbox"/>
10. DOW ENGINEERING INC	74-1691545	<input checked="" type="checkbox"/>
11. DOW ENGINEERING COMPANY	17416535577	<input checked="" type="checkbox"/>
12. GREAT WESTERN PIPELINE CO INC	38-2490880	<input checked="" type="checkbox"/>
13. MIDLAND PIPELINE CORPORATION	38-2051442	<input checked="" type="checkbox"/>
14. DC PARTNERSHIP MGMT INC	38-3021196	<input checked="" type="checkbox"/>
15. ROFAN SERVICES INC	13828538556	<input type="checkbox"/>
16. LIANA LIMITED	38-2720200	<input checked="" type="checkbox"/>
17. DOW CREDIT CORPORATION	13827063036	<input checked="" type="checkbox"/>
18. DOW CHEMICAL DELAWARE CORP	38-2342582	<input checked="" type="checkbox"/>
19. DOFINCO INC	38-2449438	<input checked="" type="checkbox"/>
20. DCOMCO INC	13820515461	<input type="checkbox"/>
21. DIAMOND CAPITAL MGMT INC	38-3082218	<input checked="" type="checkbox"/>

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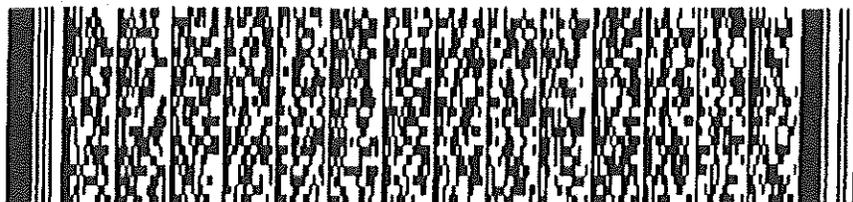
Reporting entity taxpayer name

THE DOW CHEMICAL COMPANY

LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. RAVEN GROUP LTD	17604561518	<input checked="" type="checkbox"/>
2. MYCOGEN CORPORATION	95-3802654	<input checked="" type="checkbox"/>
3. WENBEN INC	38-3259830	<input checked="" type="checkbox"/>
4. CENTEN AG INC	38-3355904	<input checked="" type="checkbox"/>
5. CD POLYMERS INC	38-3381083	<input checked="" type="checkbox"/>
6. CHEMARS INC	38-3374164	<input checked="" type="checkbox"/>
7. INTARSIA CORPORATION	38-3377901	<input checked="" type="checkbox"/>
8. DSL HOLDINGS INC	93-1233800	<input checked="" type="checkbox"/>
9. TCM TECHNOLOGIES INC	38-3388082	<input checked="" type="checkbox"/>
10. SENTRACHEM US INC	04-3337631	<input checked="" type="checkbox"/>
11. HAMPSHIRE HOLDINGS INC	04-3329141	<input checked="" type="checkbox"/>
12. HAMPSHIRE CHEMICAL CORPORATION	10431657443	<input type="checkbox"/>
13. IFCO INC	98-0133746	<input checked="" type="checkbox"/>
14. DOW GLOBAL TECHNOLOGIES INC	98-0133745	<input checked="" type="checkbox"/>
15. MYCOGEN PLANT SCIENCE INC	80-0050604	<input checked="" type="checkbox"/>
16. MYCOGEN CROP PROTECTION INC	13306687081	<input checked="" type="checkbox"/>
17. ANGUS CHEMICAL COMPANY	13631855577	<input type="checkbox"/>
18. CANSTATES HOLDINGS INC	73-1103605	<input type="checkbox"/>
19. FLEXIBLE PRODUCTS COMPANY	15808075400	<input type="checkbox"/>
20. AGRIGENETICS INC	13305928635	<input type="checkbox"/>
21. AGRIGENETICS MOLOKAI LLC (0177)	99-0355550	<input checked="" type="checkbox"/>

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1. RENZE SEEDS LLC	26-3359085	<input checked="" type="checkbox"/>
2. BRODBECK SEEDS LLC	26-3594839	<input checked="" type="checkbox"/>
3. PFISTER SEEDS LLC	27-0534228	<input checked="" type="checkbox"/>
4. MYCOGEN SEEDS-PUERTO RICO CORPORATIO	31-1283941	<input checked="" type="checkbox"/>
5. GENERAL LATEX AND CHEMICAL CORPORATI	04-1360675	<input checked="" type="checkbox"/>
6. DOW INTERNATIONAL HOLDINGS COMPANY	38-3657644	<input checked="" type="checkbox"/>
7. DENMERC INC. (POST 2002)	38-3418765	<input checked="" type="checkbox"/>
8. AVC HOLDINGS INC	83-0390646	<input checked="" type="checkbox"/>
9. DOW CUSTOMS & TRADE INC.	68-0582252	<input checked="" type="checkbox"/>
10. DOW DEUTSCHLAND MANAGEMENT, INC.	13-4314579	<input checked="" type="checkbox"/>
11. DML HOLDING INC.	13-4316190	<input checked="" type="checkbox"/>
12. GWN HOLDING, INC.	75-3213148	<input checked="" type="checkbox"/>
13. TEXAS TRIUMPH SEED CO., INC.	17511806451	<input checked="" type="checkbox"/>
14. DAIRYLAND SEED CO., INC.	13910298713	<input checked="" type="checkbox"/>
16. MONTEREY SEED COMPANY, INC.	17526639129	<input type="checkbox"/>
18. MYCOGEN FAR EAST ASIA CORPORATION	33-0614300	<input checked="" type="checkbox"/>
17. PARASITIX CORPORATION	33-0497436	<input checked="" type="checkbox"/>
18. UNION CARBIDE CORPORATION	11314217305	<input type="checkbox"/>
19. UCMG LLC (2074)	06-1557912	<input checked="" type="checkbox"/>
20. UNIÓN CARBIDE CHEMICALS & PLASTICS T	06-1258216	<input checked="" type="checkbox"/>
21. PENUELAS TECHNOLOGY PARK LLC (2118)	66-0622283	<input checked="" type="checkbox"/>

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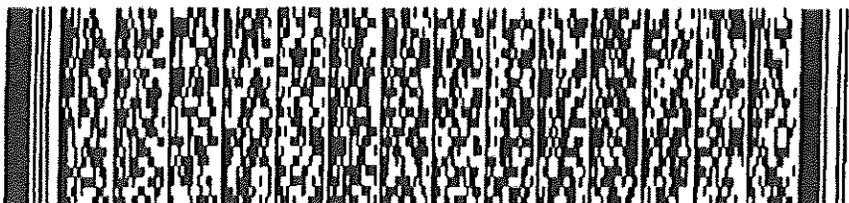
Reporting entity taxpayer name

THE DOW CHEMICAL COMPANY

LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. AMERCHOL CORPORATION	12221799054	<input checked="" type="checkbox"/>
2. UNION CARBIDE ETHYLENE OXIDE GLYCOLS	30113853961	<input checked="" type="checkbox"/>
3. BENEFIT CAPITAL MANAGEMENT CORPORATI	06-1204181	<input checked="" type="checkbox"/>
4. CALIDRIA CORPORATION	06-1102281	<input checked="" type="checkbox"/>
5. CATALYSTS ADSORBENTS & PROCESS SYSTE	19000180828	<input checked="" type="checkbox"/>
6. GLOBAL INDUSTRIAL CORPORATION	11327985344	<input type="checkbox"/>
7. UC FINCO INC.	06-1080439	<input checked="" type="checkbox"/>
8. SOUTH CHARLESTON SEWAGE TREATMENT	55-0462374	<input checked="" type="checkbox"/>
9. SEADRIFT PIPELINE CORPORATION	11361054973	<input type="checkbox"/>
10. UNION CARBIDE POLYOLEFINS DEVELOPMEN	30114205674	<input type="checkbox"/>
11. UNION CARBIDE SUBSIDIARY C, INC.	10610842279	<input checked="" type="checkbox"/>
12. UNION CARBIDE WIRE AND CABLE COMPANY	13-2613538	<input checked="" type="checkbox"/>
13. UCAR EMULSION SYSTEM INTERNATIONAL I	62-1561414	<input checked="" type="checkbox"/>
14. UCAR INTERAM INC	11325848742	<input type="checkbox"/>
15. UCAR LOUISIANA PIPELINE COMPANY	13-2815163	<input checked="" type="checkbox"/>
16. UCAR PIPELINE INC	11326135370	<input type="checkbox"/>
17. UMETCO MINERALS CORPORATION	06-1102283	<input checked="" type="checkbox"/>
18. UMETCO MINERALS EXPLORATION CORPORAT	13-2592312	<input checked="" type="checkbox"/>
19. UNION CARBIDE SUBSIDIARY Q INC.	06-1554525	<input checked="" type="checkbox"/>
20. UNION CARBIDE PAN AMERICA LTD	13-2585077	<input checked="" type="checkbox"/>
21. UNISON TRANSFORMER SERVICES INC	15506567922	<input checked="" type="checkbox"/>

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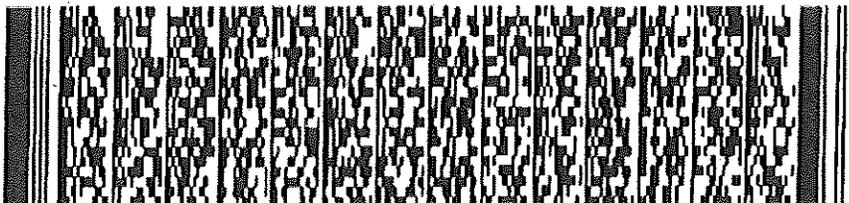
Reporting entity taxpayer name

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LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. UNION CARBIDE ASIA PACIFIC INC	06-1252149	<input checked="" type="checkbox"/>
2. UNION CARBIDE INTER AMERICA INC (DEL	13-6103754	<input checked="" type="checkbox"/>
3. CHEMICALS MARINE FLEET INC	06-1080440	<input checked="" type="checkbox"/>
4. BLUE CREEK COAL COMPANY INC	06-1102285	<input checked="" type="checkbox"/>
5. UNION CARBIDE MIDDLE EAST LTD	13-6103756	<input checked="" type="checkbox"/>
6. MORTELL COMPANY	13615054858	<input checked="" type="checkbox"/>
7. AMERICAN MORTELL CORPORATION	17413956735	<input checked="" type="checkbox"/>
8. FORBANCO INC	38-2513537	<input checked="" type="checkbox"/>
9. DOW CHEMICAL TELECOMMUNICATIONS CORP	38-2039834	<input checked="" type="checkbox"/>
10. AUSTRALIA & NEW ZEALAND EXPLOR CO	13-2675493	<input checked="" type="checkbox"/>
11. DOW INTERNATIONAL TECHNOLOGY CORPORA	32-0198434	<input checked="" type="checkbox"/>
12. POLY-CARB, INC.	34-1130940	<input checked="" type="checkbox"/>
13. U.S. LABORATORIES, INC.	17511806451	<input checked="" type="checkbox"/>
14. CHEMTECH PORTFOLIO II INC	38-6082028	<input checked="" type="checkbox"/>
15. DOWBRANOS INC	13826259411	<input checked="" type="checkbox"/>
16. DOW AGROSCIENCES INTERNATIONAL LTD	35-1781710	<input checked="" type="checkbox"/>
17. CHEMTECH PORTFOLIO INC	15218697793	<input checked="" type="checkbox"/>
18. DOW AGROSCIENCES LLC	13517811181	<input type="checkbox"/>
19. CHEMTECH II LP	98-0134598	<input checked="" type="checkbox"/>
20. PHYTOGEN SEED COMPANY LLC	13307841430	<input type="checkbox"/>
21. DOW TECHNOLOGY INVESTMENTS LLC	26-0564994	<input checked="" type="checkbox"/>

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1. KDP UC LLC	32038010941	<input checked="" type="checkbox"/>
2. CALVIN CAPITAL LLC	80-0259683	<input checked="" type="checkbox"/>
3. DOW NETHERLANDS HOLDING LLC	77-0708504	<input checked="" type="checkbox"/>
4. DOW INTERNATIONAL TECHNOLOGY CORPORA	32-0198434	<input checked="" type="checkbox"/>
6. MYCOSUB BH INC	33-0345918	<input checked="" type="checkbox"/>
8. MYCOSUB BA INC	33-0345919	<input checked="" type="checkbox"/>
7. ROHM AND HAAS COMPANY	23-1028370	<input checked="" type="checkbox"/>
8. AGROFRESH INC.	36-4064051	<input type="checkbox"/>
9. ROHM AND HAAS CHEMICALS LLC	75-3175238	<input type="checkbox"/>
10. ROHM AND HAAS CAPITAL CORPORATION	51-0261234	<input checked="" type="checkbox"/>
11. CVD INCORPORATED	06-1113497	<input checked="" type="checkbox"/>
12. ROHM AND HAAS INVESTMENT HOLDINGS IN	23-2849256	<input checked="" type="checkbox"/>
13. ROHM AND HAAS INTERNATIONAL HOLDINGS	20-1591794	<input checked="" type="checkbox"/>
14. ROHM AND HAAS LATIN AMERICA INC.	51-0240844	<input checked="" type="checkbox"/>
15. ROH MONOMER HOLDING COMPANY	51-0406654	<input checked="" type="checkbox"/>
16. ROHM AND HAAS ELECTRONIC MATERIALS C	51-0107908	<input checked="" type="checkbox"/>
17. ROHM AND HAAS ELECTRONIC MATERIALS C	52-2069283	<input checked="" type="checkbox"/>
18. ROHM AND HAAS SOUTHEAST ASIA INC.	51-0255710	<input checked="" type="checkbox"/>
19. ROHM AND HAAS ELECTRONIC MATERIALS L	04-3252691	<input type="checkbox"/>
20. ROHM AND HAAS ELECTRONIC MATERIALS H	52-2046864	<input checked="" type="checkbox"/>
21. SILICON VALLEY CHEMICAL LABORATORIES	77-0258051	<input checked="" type="checkbox"/>

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1. ROHM AND HAAS TEXAS INCORPORATED	17417037615	<input checked="" type="checkbox"/>
2. MORTON INTERNATIONAL INC.	36-4140798	<input checked="" type="checkbox"/>
3. GLC TRUCKING COMPANY	95-3783831	<input checked="" type="checkbox"/>
4. MORTON INTERMEDIATE COMPANY	20-2003547	<input checked="" type="checkbox"/>
5.		<input type="checkbox"/>
6.		<input type="checkbox"/>
7.		<input type="checkbox"/>
8.		<input type="checkbox"/>
9.		<input type="checkbox"/>
10.		<input type="checkbox"/>
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Project Description

This project will build a new 1.802 B lb/yr chlorine facility utilizing membrane cell technology. The facility will be located in Block B-800 at Freeport, Tx. Ops. Membrane Cell MET is defined based on Asahi ML60NCH high current density (HCD) cells. A membrane cell module/train is defined as a set of electrolyzers with single anolyte & catholyte circulation systems. Cl7 will consist of 2 trains with each train made up of 10 membrane electrolyzers. The membrane cell process utilizes a selective membrane that separates the Chlorine and Sodium ions. The membrane allows the Sodium ion to 'migrate' across the membrane while keeping the Chlorine gas and salt (brine) solution in a compartment on the other side of the membrane. The solution produced by the membrane cell process is nominally 33-35 weight %. Evaporation is utilized to raise the concentration up to the nominal 50 weight % solution suitable for shipments.

The scope of this project includes the design of the ISBL portion of a membrane plant which includes brine purification, electrolyzers and circulation systems, Chlorine Cooling, Drying, and Compression, Hydrogen, anolyte dechlorination, anolyte treatment, Cl2 vent scrubber, 32% caustic evaporation, 50% caustic storage, anhydrous HCL headers, Stratton Ridge anolyte systems and utilities .

The project also includes, as an integral part, and necessary auxiliary part of the manufacturing process, surface equipment, valves, and instrumentation to control the mining of the salt cavern which is also located on the property and within the reinvestment zone.

The salt cavern operation is used to produce brine which is necessary feed stock for chlorine production for the Chlorine 7 Plant. As a part of the process, depleted brine from the production of chlorine is recycled from the Chlorine Plant to the Stratton Ridge Salt Dome site, The depleted brine will be pumped at high pressures into the salt cavern to dissolve the salt. The depleted brine dissolves the salt, and the resulting product will become raw brine. The raw brine will then be treated on the manufacturing site to remove the solids and hardness. The resulting product, treated brine will then be pumped to the main chlorine plant for final processing, completing the manufacturing process,



ATTACHMENT 5

N/A

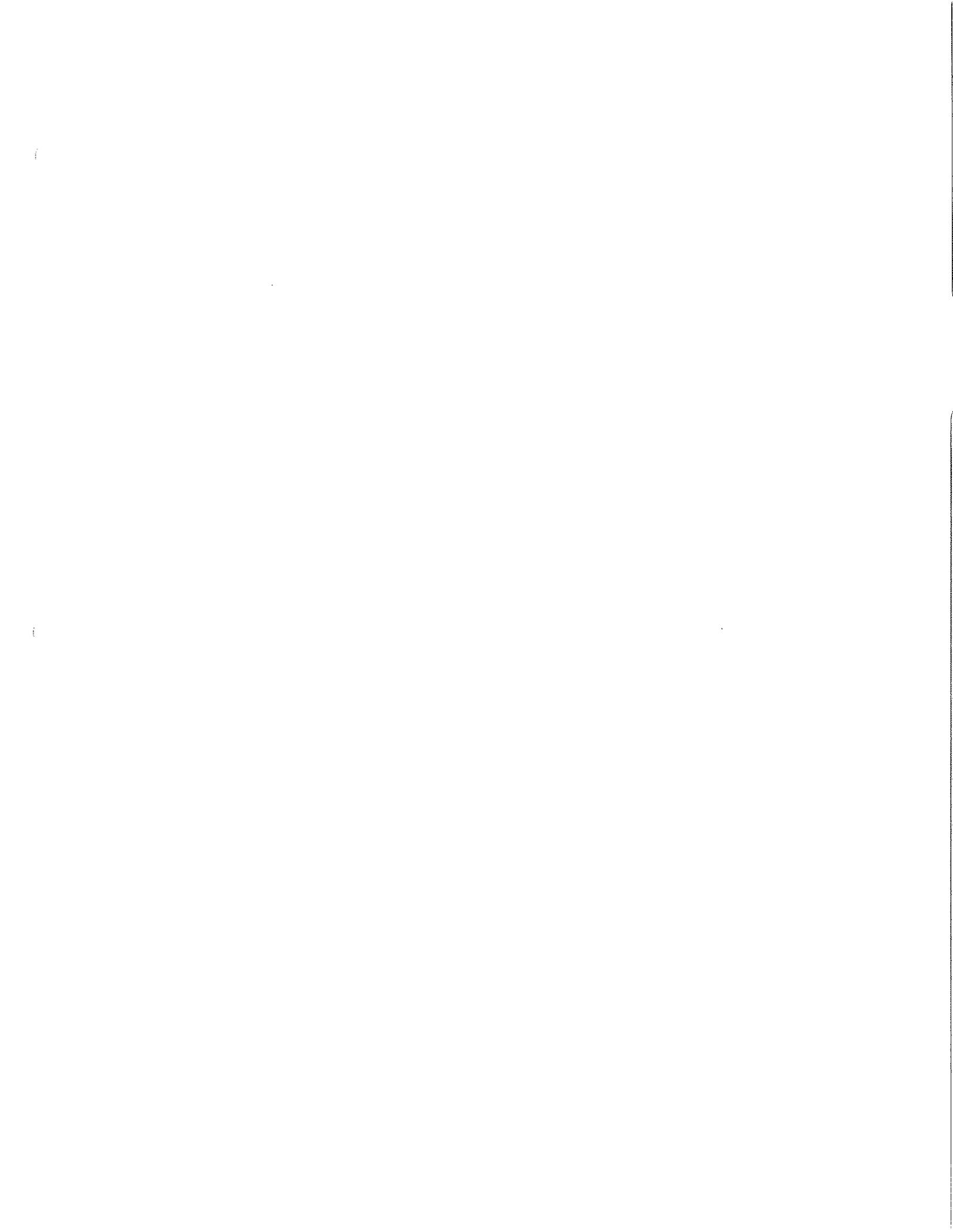


Qualified Investment

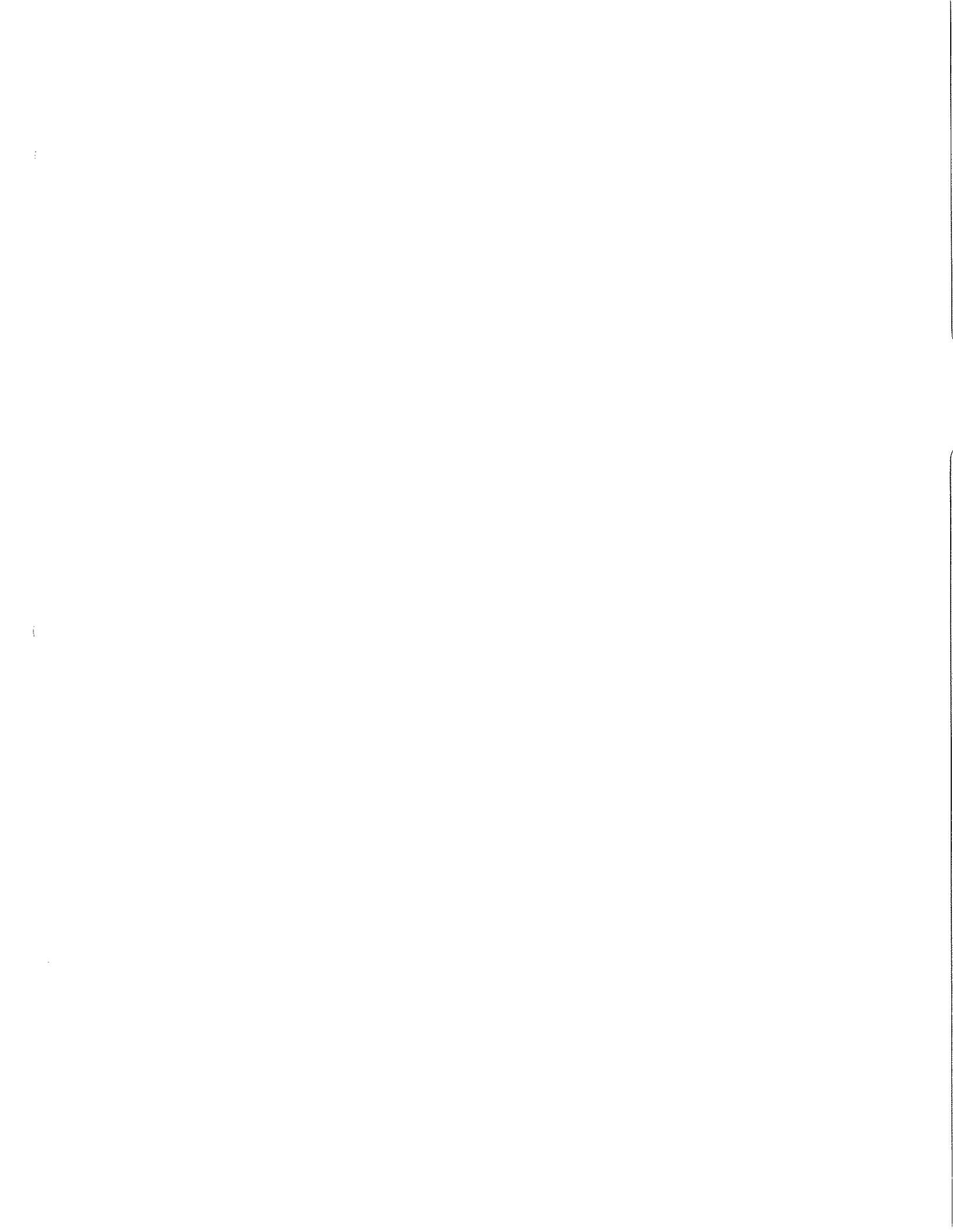
This project will build a new 1,802 B lb/yr chlorine facility utilizing membrane cell technology. The facility will be located in Block B-800 at Freeport, Tx. Ops. Membrane Cell MET is defined based on Asahi ML60NCH high current density (HCD) cells. A membrane cell module/train is defined as a set of electrolyzers with single anolyte & catholyte circulation systems. Cl7 will consist of 2 trains with each train made up of 10 membrane electrolyzers.

The scope of this project includes the design of the ISBL portion of a membrane plant which includes brine purification, electrolyzers and circulation systems, Chlorine Cooling, Drying, and Compression, Hydrogen, anolyte dechlorination, anolyte treatment, Cl2 vent scrubber, 32% caustic evaporation, 50% caustic storage, anhydrous HCL headers, Stratton Ridge anolyte systems and utilities .

The project also includes, as an integral part, and necessary auxiliary part of the manufacturing process, surface equipment, valves, and instrumentation to control the mining of the salt cavern which is also located on the property and within the reinvestment zone.



CONFIDENTIAL



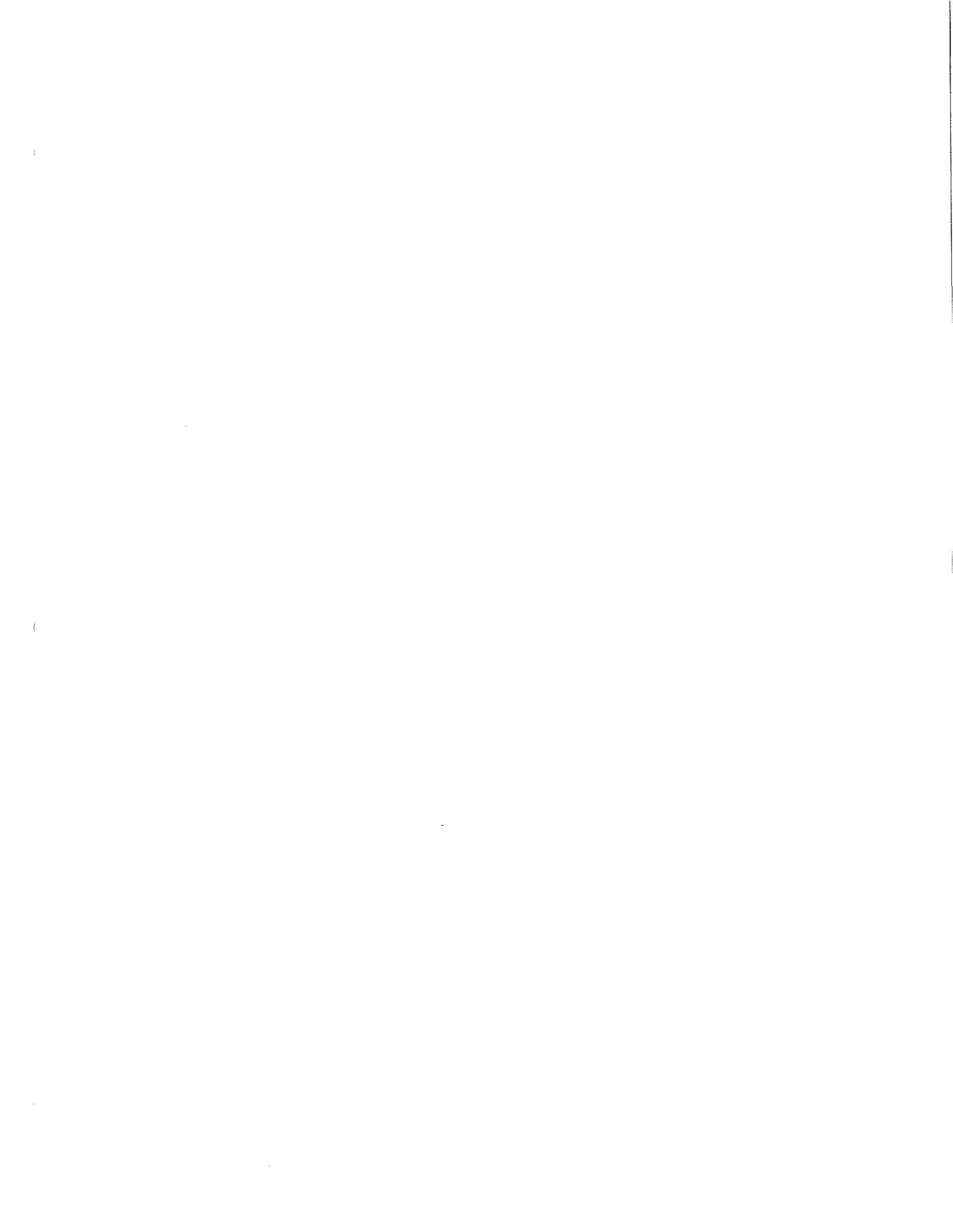
Qualified Property

This project will build a new 1.802 B lb/yr chlorine facility utilizing membrane cell technology. The facility will be located in Block B-800 at Freeport, Tx. Ops. Membrane Cell MET is defined based on Asahi ML60NCH high current density (HCD) cells. A membrane cell module/train is defined as a set of electrolyzers with single anolyte & catholyte circulation systems. Cl7 will consist of 2 trains with each train made up of 10 membrane electrolyzers.

The scope of this project includes the design of the ISBL portion of a membrane plant which includes brine purification, electrolyzers and circulation systems, Chlorine Cooling, Drying, and Compression, Hydrogen, anolyte dechlorination, anolyte treatment, Cl2 vent scrubber, 32% caustic evaporation, 50% caustic storage, anhydrous HCL headers, Stratton Ridge anolyte systems and utilities .

The project also includes, as an integral part, and necessary auxiliary part of the manufacturing process, surface equipment, valves, and instrumentation to control the mining of the salt cavern which is also located on the property and within the reinvestment zone.

CONFIDENTIAL





The Dow Chemical Company
2301 N. Brazosport Blvd,
Freeport, Texas 77541-3257

V-3300 SPIN ANOLYTE 0.23 ACRE CHLORINE 7

ALL THAT CERTAIN 0.23 ACRE TRACT of land lying and situated and being out of Tract 143 of the Brazos Coast Investment Company Subdivision No. 14 in the Peter Bertrand Labor 5, Abstract 42, Brazoria County, Texas.

B-830 ELECTRICAL SWITCH STATION 0.37 ACRE CHLORINE 7

ALL THAT CERTAIN 0.37 ACRE TRACT of land lying and situated and being out of Tracts 201 and 202 of the Brazos Coast Investment Company Subdivision No. 14 in the J.E.A. Phelps Labor 4, Abstract 116, Brazoria County, Texas

B-1030 138KV GIS 0.40 ACRE CHLORINE 7

ALL THAT CERTAIN 0.40 ACRE TRACT of land lying and situated and being a part of Tracts 206, 207 and 251 of the Brazos Coast Investment Company Subdivision No. 14 in the J.E.A. Phelps Labor 4, Abstract 116, Brazoria County, Texas.

B-8 11.97 ACRE CHLORINE 7

ALL THAT CERTAIN 11.97 ACRE TRACT of land lying and situated and being a part of Tracts 200, 201, 202, 203, 206, 207, 208 and 209 of the Brazos Coast Investment Company Subdivision No. 14 in the J.E.A. Phelps Labor 4, Abstract 116, Brazoria County, Texas.

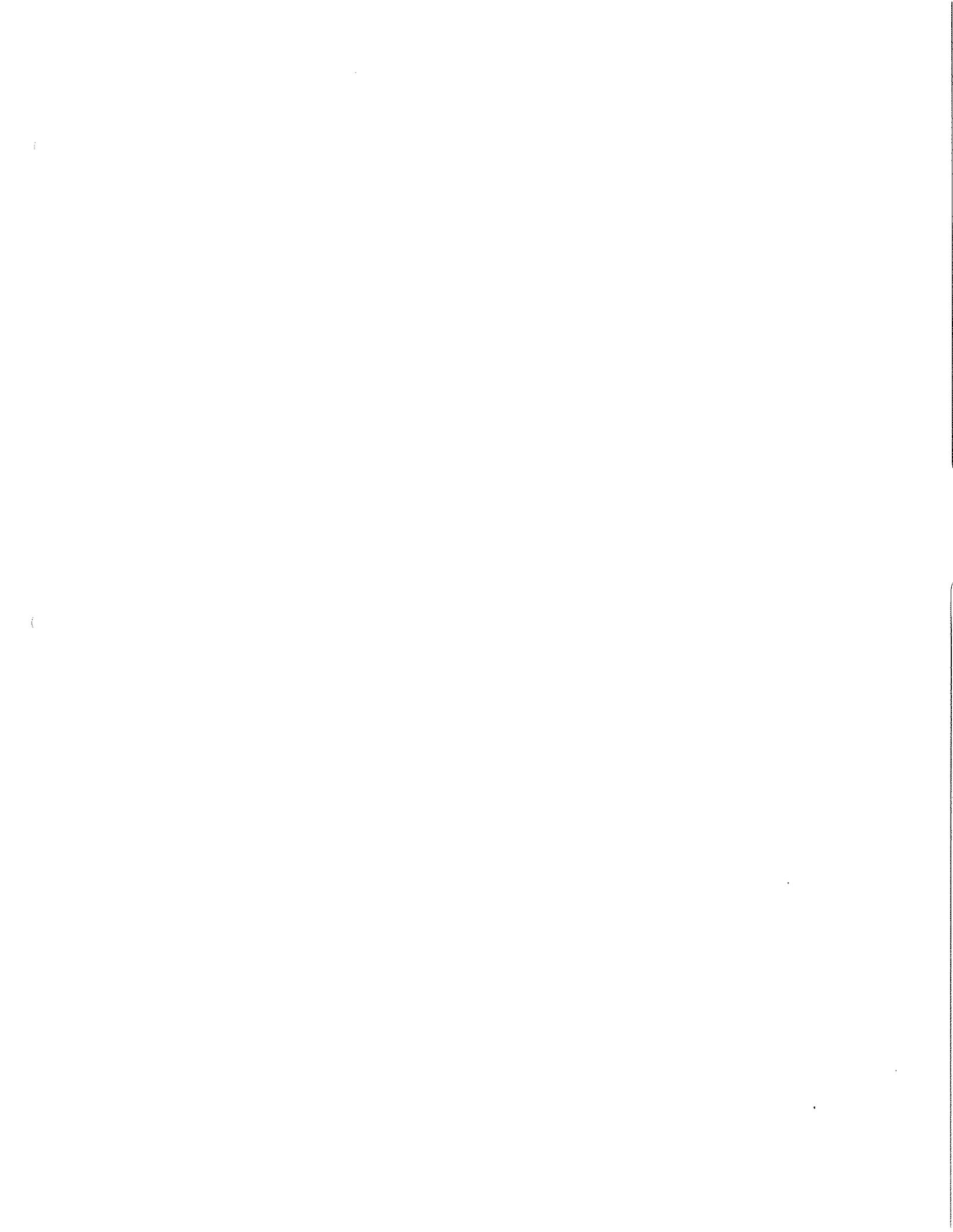


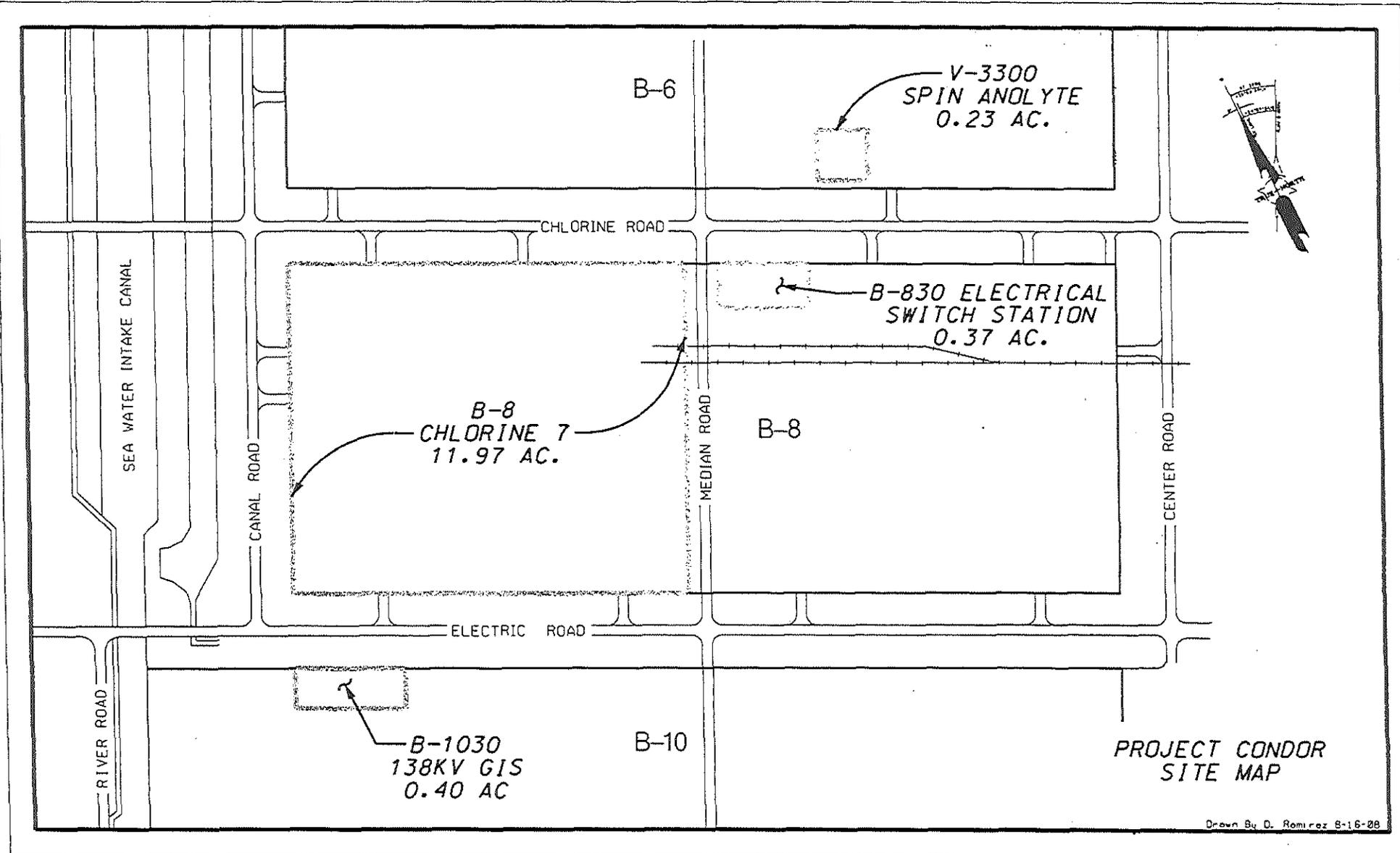
The Dow Chemical Company

2301 N. Brazosport Blvd.
Freeport, Texas 77541-3257

STRATTON RIDGE SPILL CONTAINMENT 1.14 ACRE CHLORINE 7

ALL THAT CERTAIN 1.14 ACRE TRACT of land lying and situated and being a part of Tract 7 in the Jared E. Groce 5 League Grant, Abstract 66, Brazoria County, Texas.





B-6

V-3300
SPIN ANALYTE
0.23 AC.

CHLORINE ROAD

B-830 ELECTRICAL
SWITCH STATION
0.37 AC.

B-8
CHLORINE 7
11.97 AC.

B-8

MEDIAN ROAD

CENTER ROAD

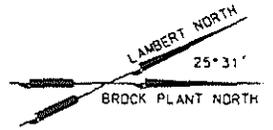
ELECTRIC ROAD

B-10

B-1030
138KV GIS
0.40 AC

PROJECT CONDOR
SITE MAP

BRAZORIA COUNTY
TEXAS



STRATTON RIDGE
CHLORINE 7
1.14 AC

MARLIN
PONDS

MISSOURI PACIFIC RAILROAD (100' WIDE)

F. M. 523 RIGHT-OF-WAY

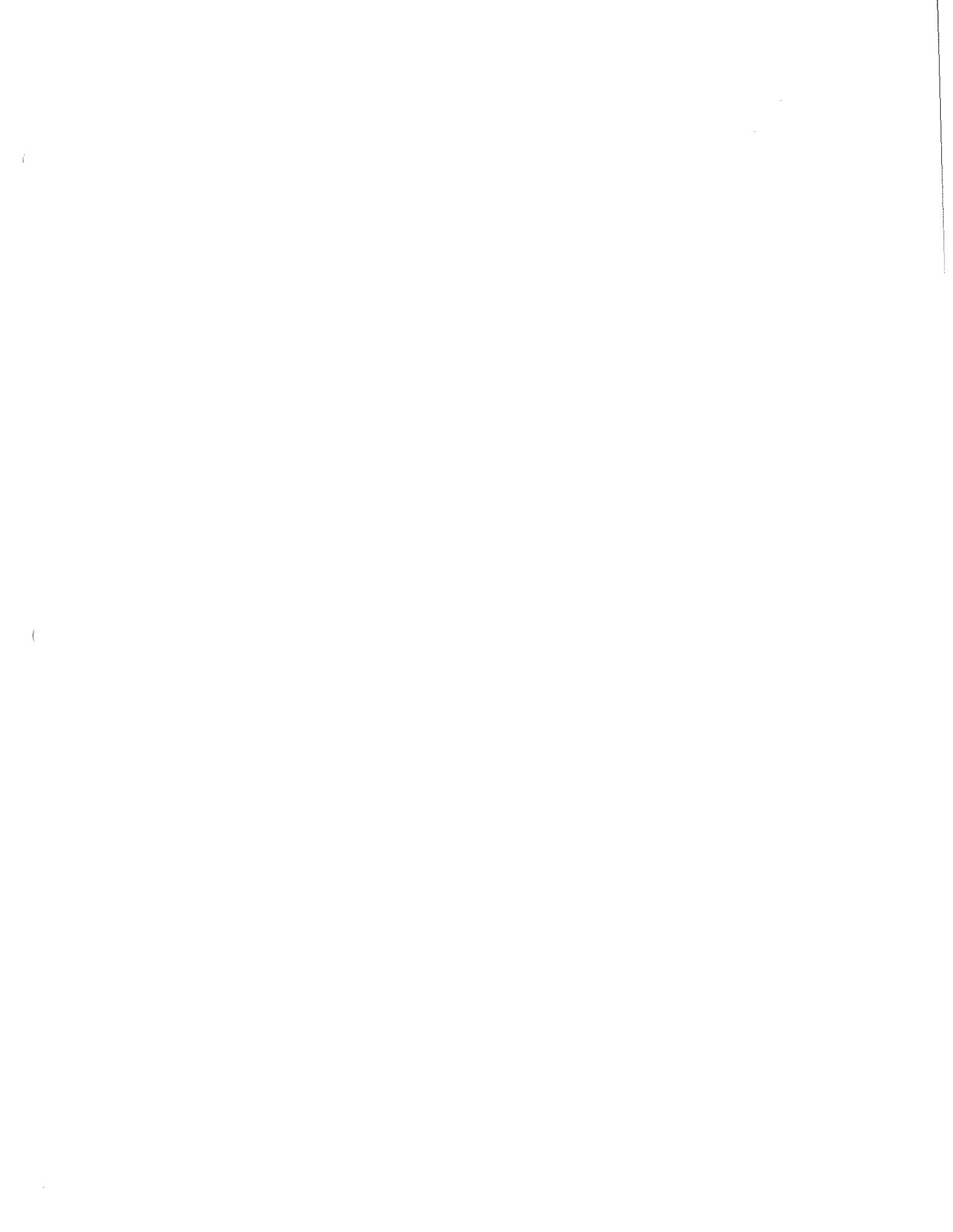
JARED E. GROCE 5 LEAGUES
A-66

PROJECT CONDOR
SITE MAP

Drawn By D. Ramirez 8-16-98

ATTACHMENT 12

N/A



ATTACHMENT 13

N/A



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
2009	2nd Qtr	Brazoria County	Private	00	0	10	Total, All Industries	\$807
2009	3rd Qtr	Brazoria County	Private	00	0	10	Total, All Industries	\$797
2009	4th Qtr	Brazoria County	Private	00	0	10	Total, All Industries	\$882
2010	1st Qtr	Brazoria County	Private	00	0	10	Total, All Industries	\$880
2010	1st Qtr	Brazoria County	Private	31	2	31-33	Manufacturing	\$1,801
2009	4th Qtr	Brazoria County	Private	31	2	31-33	Manufacturing	\$1,549
2009	3rd Qtr	Brazoria County	Private	31	2	31-33	Manufacturing	\$1,428
2009	2nd Qtr	Brazoria County	Private	31	2	31-33	Manufacturing	\$1,457

All Industries

\$ 33660/4

\$ 841.50 AWW
x 52 weeks

\$ 43,758
x 1.10

\$ 48,133.80

Manufacturing

\$ 6235/4

\$ 1558.75
x 52 weeks

\$ 81,055
x 1.10

\$ 89,160.50

**2008 Manufacturing Wages by Council of Government Region
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
Texas	\$20.61	\$42,872
1. Panhandle Regional Planning Commission	\$18.23	\$37,916
2. South Plains Association of Governments	\$14.81	\$30,799
3. NORTEX Regional Planning Commission	\$17.78	\$36,982
4. North Central Texas Council of Governments	\$22.60	\$47,011
5. Ark-Tex Council of Governments	\$15.50	\$32,239
6. East Texas Council of Governments	\$16.07	\$33,431
7. West Central Texas Council of Governments	\$16.30	\$33,904
8. Rio Grande Council of Governments	\$14.93	\$31,048
9. Permian Basin Regional Planning Commission	\$17.51	\$36,422
10. Concho Valley Council of Governments	\$14.07	\$29,274
11. Heart of Texas Council of Governments	\$17.19	\$35,749
12. Capital Area Council of Governments	\$24.50	\$50,969
13. Brazos Valley Council of Governments	\$14.93	\$31,052
14. Deep East Texas Council of Governments	\$15.42	\$32,066
15. South East Texas Regional Planning Commission	\$24.60	\$51,161
16. Houston-Galveston Area Council	\$21.80	\$45,353 × 110%
17. Golden Crescent Regional Planning Commission	\$18.72	\$38,932 <u>\$49,088.3</u>
18. Alamo Area Council of Governments	\$16.50	\$34,330
19. South Texas Development Council	\$13.76	\$28,631
20. Coastal Bend Council of Governments	\$22.61	\$47,037
21. Lower Rio Grande Valley Development Council	\$13.05	\$27,145
22. Texoma Council of Governments	\$17.99	\$37,415
23. Central Texas Council of Governments	\$16.47	\$34,255
24. Middle Rio Grande Development Council	\$13.85	\$28,810

Source: Texas Occupational Employment and Wages

Data published: 9 June 2009

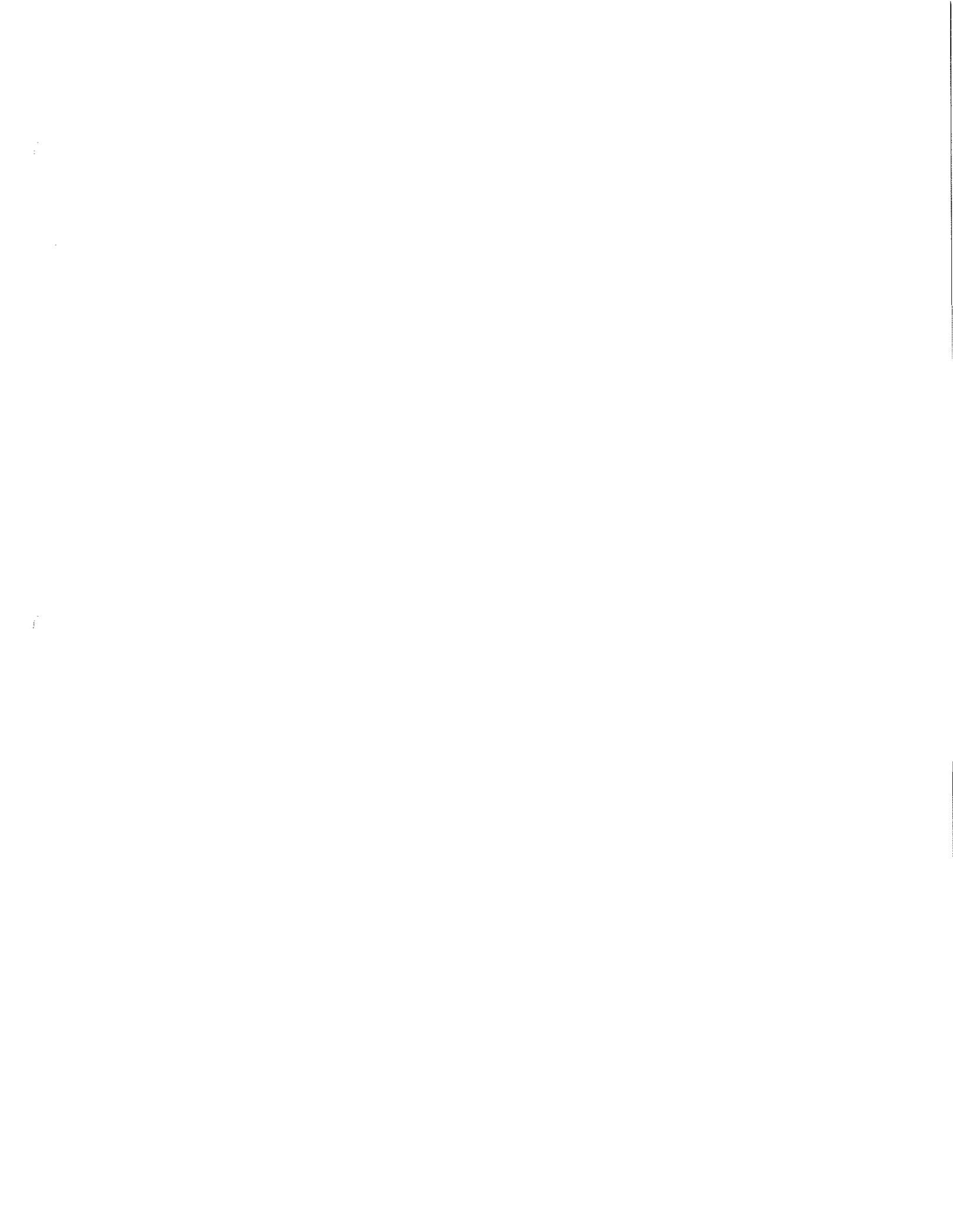
Data published annually, next update will be June 2010.

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.

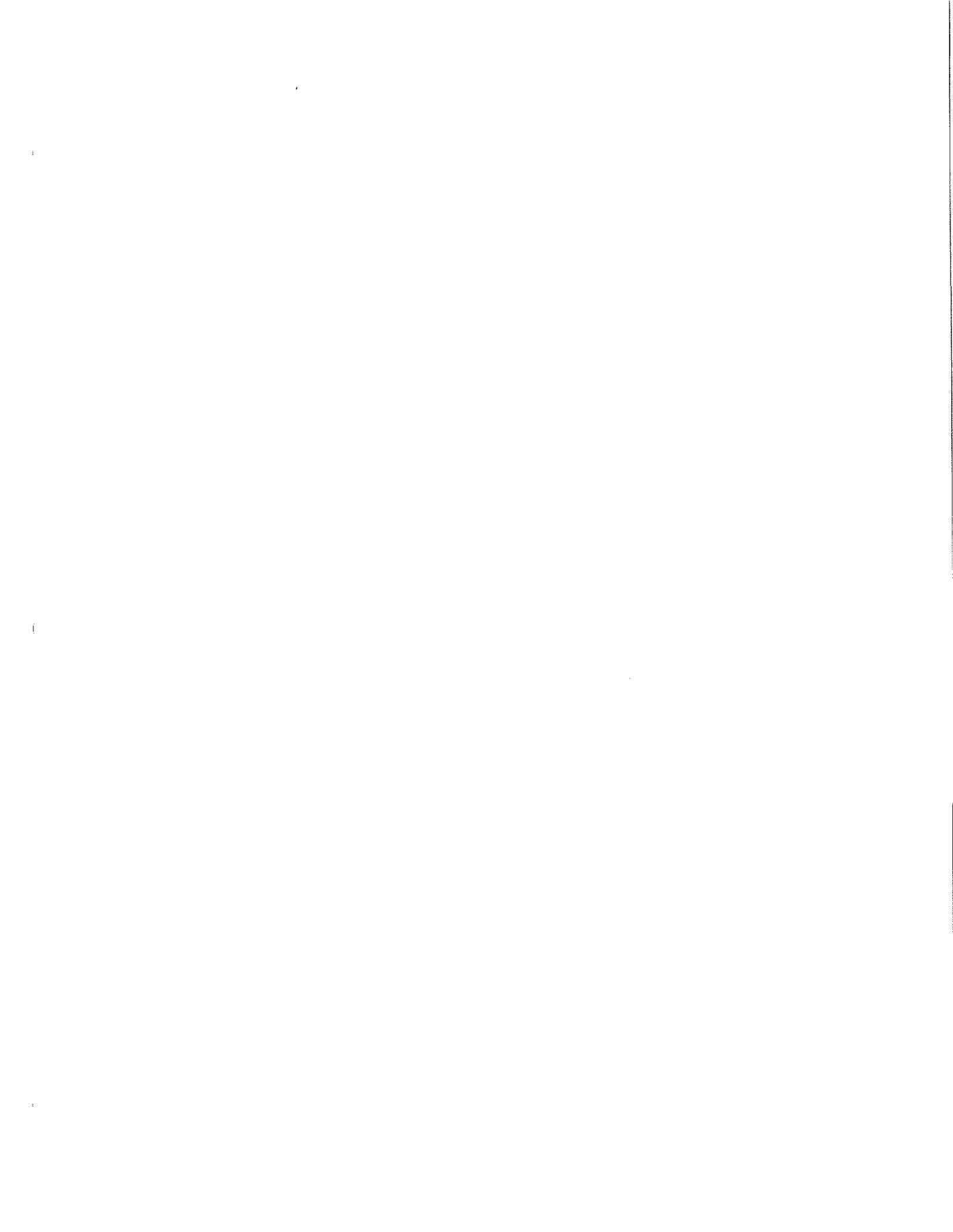
$$45,353 \% 52 \text{ weeks} \times 110\% = 959.39$$



ATTACHMENT 15

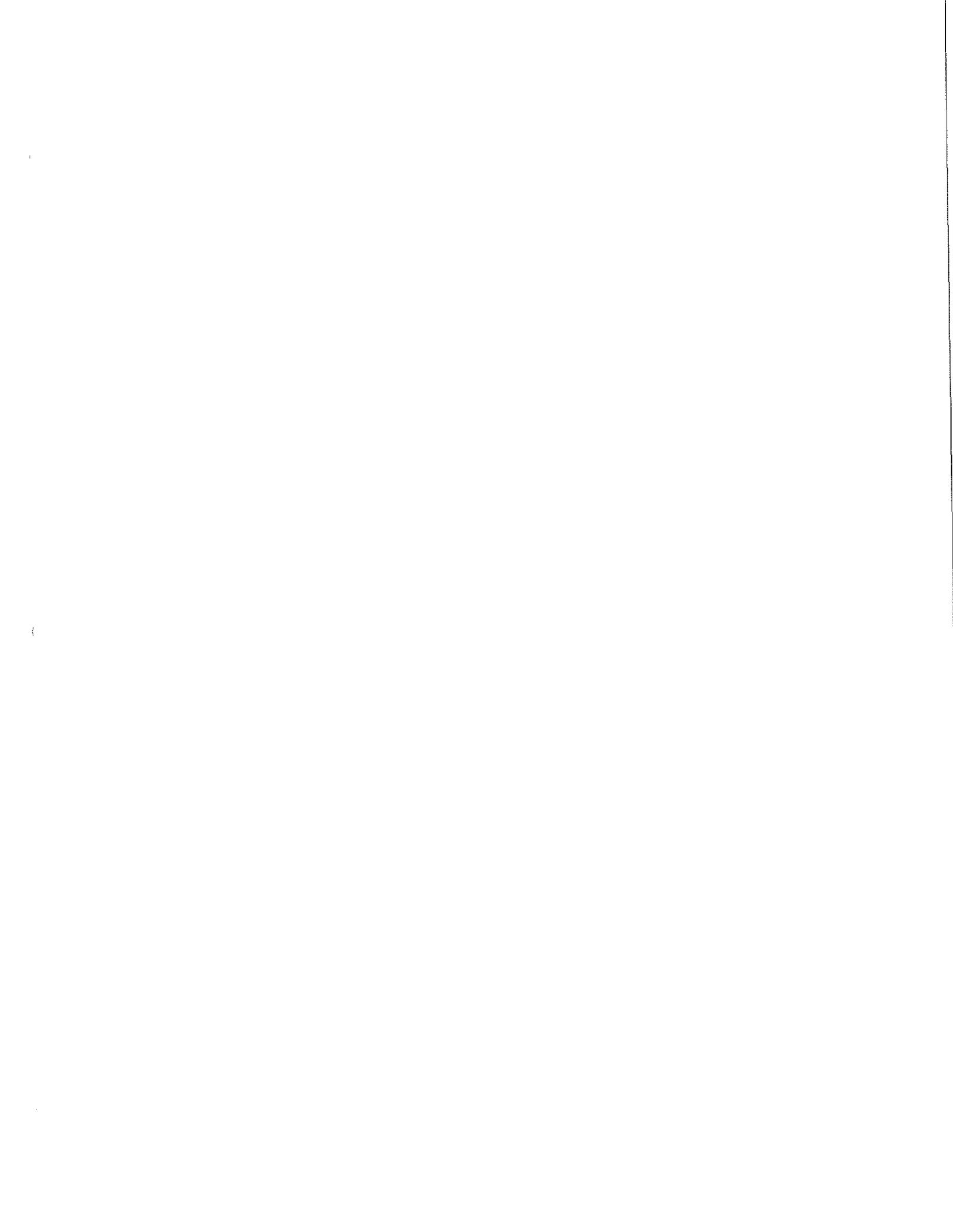
Benefits

The Dow Chemical Company offers Medical and Dental Insurance, Life Insurance, 401K Savings Plan, Pension Plan, Vacation & Holiday Pay, Employee Stock Purchase Plan, Family & Personal Counseling Services.



ATTACHMENT 16

N/A



PROPERTY INVESTMENT AMOUNTS
 (Estimated investment in each year. Do not put consecutive zeros.)

The year preceding the first complete tax year of the qualifying time period (assuming no deferral)	Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property)	Year (School Year YYYY-YYYY)	Tax Year (If in actual tax year follow YYYY)	Column A: Tangible Personal Property (The amount of new investment placed in service during the year)	Column B: Building or Permanent Improvement Investment (The amount of building investment)	Column C: Sum of A and B (Qualifying investment during the qualifying time period)	Column D: Other investment that is not qualified investment but investment affecting economic impact and job value	Column E: Total Investment (A+E+D)
2010-2011				\$ 375,000,000	\$ 8,000,000	\$ 383,000,000	\$ 10,000,000	\$ 393,000,000
2011-2012				\$ 267,000,000		\$ 267,000,000	\$ 10,000,000	\$ 277,000,000
2012-2013								
2013-2014								
2014-2015								
2015-2016								
2016-2017								
2017-2018								
2018-2019								
2019-2020								
2020-2021								
2021-2022								
2022-2023								
2023-2024								
2024-2025								
2025-2026								
2026-2027								
2027-2028								
2028-2029								

Qualifying Time Period usually begins with the final board approval of the application and extends generally for the following two complete tax years.

Column A: This represents the total dollar amount of qualified investment in tangible personal property that the applicant considers qualified investment, as defined in Tax Code §413.021(1)(A)-(D). For the purposes of this investment, please list amount invested each year, not cumulative totals.

Column B: For the years outside the qualifying time period, the number should simply represent the planned investment in tangible personal property. Induce estimates of investment for "placeholder" property that is part of original agreement but scheduled for probable replacement during limitation period. The total dollar amount of planned investment each year in buildings or nonremovable component of buildings that the applicant considers qualified investment under Tax Code §413.021(1)(E).

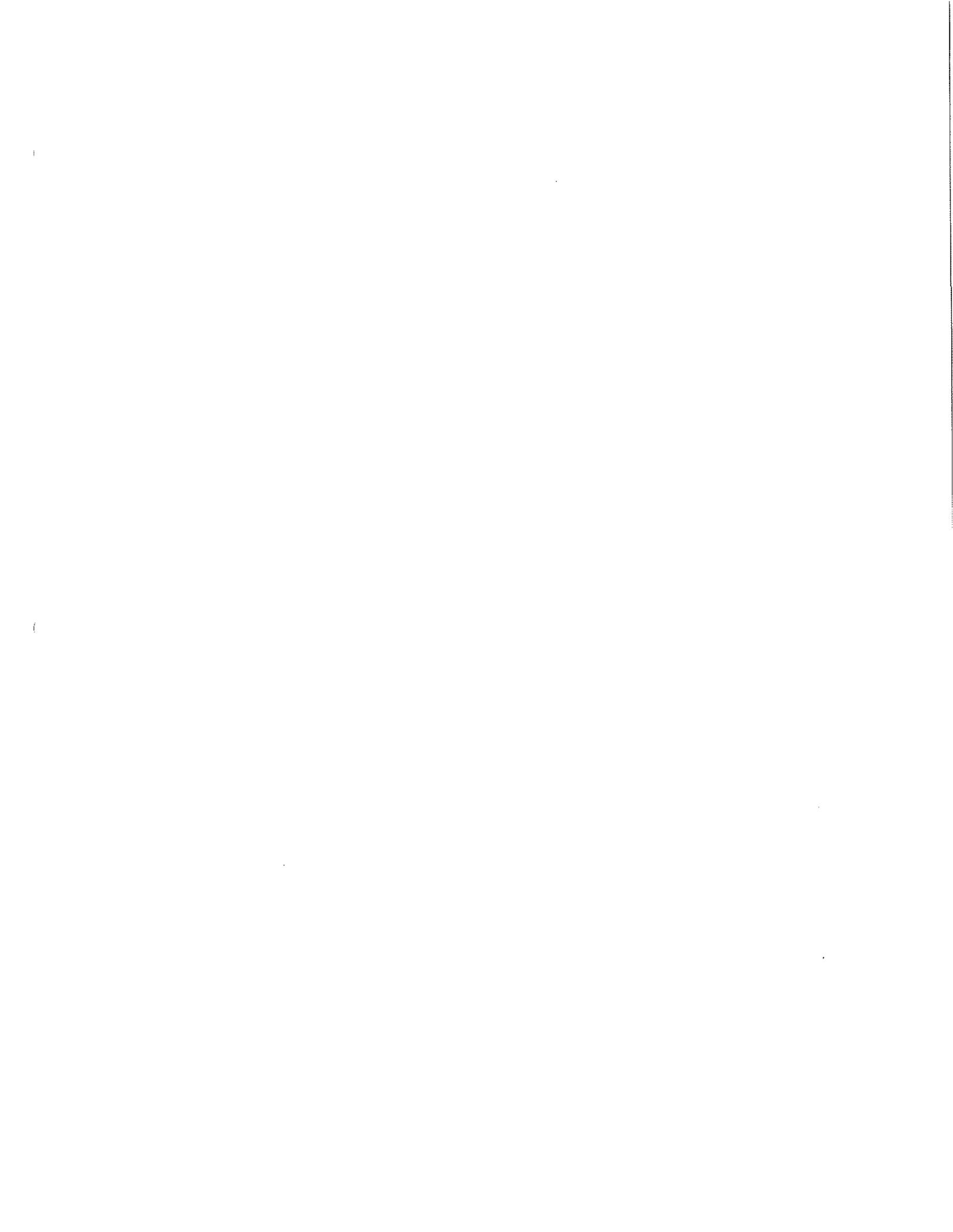
Column C: For the years outside the qualifying time period, this number should simply represent the planned investment in new buildings or nonremovable components of buildings. Do not value other investment that may not be qualified investment but that may affect economic impact and total value for planning, construction and operation of the facility. The most significant examples for many projects would be land. Other examples may be items such as professional services, etc.

Column D: Note: Land can be used as part of investment during the "pre-year 1" time period. It cannot be part of qualifying investment.

Notes: For advanced clean energy projects, nuclear projects, projects with deferred qualifying time periods, and projects with lengthy application review periods, insert additional rows as needed. This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years; if original estimates have not changed, enter those amounts for future years.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE: 7/2/10



Schedule B (Rev. May 2010): Estimated Market And Taxable Value

The Dow Chemical Company

Brazosport ISD

Applicant Name

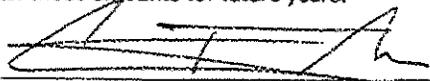
ISD Name

Form 50-296

					Qualified Property			Reductions from Market Value	Estimated Taxable Value		
		Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new building or "in or on the new improvement"	Exempted Value	Final taxable value for I&S - after all reductions	Final taxable value for M&O--after all reductions	
		pre- year 1	2012-2013	2012	\$52,450	\$ 4,000,000	\$ 183,500,000	\$ 5,000,000	\$182,552,450	\$ 182,552,450	
		pre- year 2	2013-2014	2013	\$52,450	\$ 4,000,000	\$ 317,000,000	\$ 10,000,000	\$311,052,450	\$311,052,450	
	Complete tax years of qualifying time period	1	2014-2015	2014	\$52,450	\$ 8,000,000	\$ 736,000,000	\$ 22,000,000	\$722,052,450	\$ 722,052,450	
		2	2015-2016	2015	\$52,450	\$ 7,680,000	\$ 706,560,000	\$ 21,120,000	\$693,172,450	\$ 693,172,450	
	Tax Credit Period (with 50% cap on credit)	Value Limitation Period	3	2016-2017	2016	\$52,450	\$ 7,372,800	\$ 678,297,600	\$ 20,275,200	\$665,447,650	\$ 30,000,000
			4	2017-2018	2017	\$52,450	\$ 7,077,888	\$ 651,165,696	\$ 19,464,192	\$638,831,842	\$ 30,000,000
			5	2018-2019	2018	\$52,450	\$ 6,794,772	\$ 625,119,068	\$ 18,685,624	\$613,280,666	\$ 30,000,000
			6	2019-2020	2019	\$52,450	\$ 6,522,982	\$ 600,114,305	\$ 17,938,199	\$588,751,538	\$ 30,000,000
			7	2020-2021	2020	\$52,450	\$ 6,262,062	\$ 576,109,733	\$ 17,220,671	\$565,203,574	\$ 30,000,000
			8	2021-2022	2021	\$52,450	\$ 6,011,580	\$ 553,065,344	\$ 16,531,845	\$542,597,529	\$ 30,000,000
			9	2022-2023	2022	\$52,450	\$ 5,771,117	\$ 530,942,730	\$ 15,870,571	\$520,895,726	\$ 30,000,000
			10	2023-2024	2023	\$52,450	\$ 5,540,272	\$ 509,705,021	\$ 15,235,748	\$500,061,995	\$ 30,000,000
Credit Settle-Up Period	Continue to Maintain Viable Presence	11	2024-2025	2024	\$52,450	\$ 5,318,661	\$ 489,316,820	\$ 14,626,318	\$480,061,613	\$ 480,061,613	
		12	2025-2026	2025	\$52,450	\$ 5,105,915	\$ 469,744,147	\$ 14,041,265	\$460,861,247	\$ 460,861,247	
		13	2026-2027	2026	\$52,450	\$ 4,901,678	\$ 450,954,381	\$ 13,479,615	\$442,428,895	\$ 442,428,895	
Post- Settle-Up Period		14	2027-2028	2027	\$52,450	\$ 4,705,611	\$ 432,916,206	\$ 12,940,430	\$424,733,837	\$ 424,733,837	
Post- Settle-Up Period		15	2028-2029	2028	\$52,450	\$ 4,517,386	\$ 415,599,558	\$ 12,422,813	\$407,746,582	\$ 407,746,582	

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.

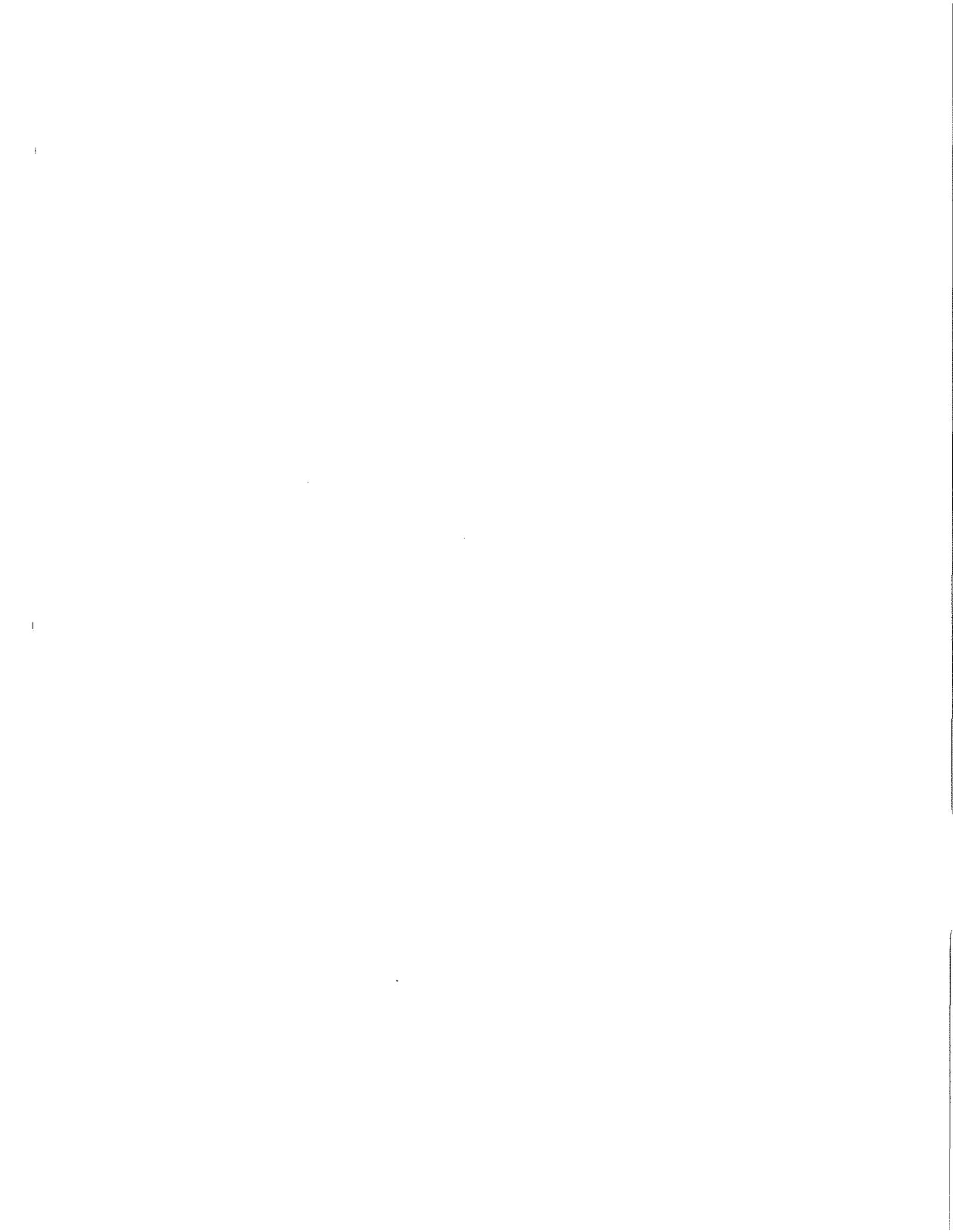
This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.



SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

7/2/10

DATE



Schedule C- Application: Employment Information

Applicant Name
ISD Name

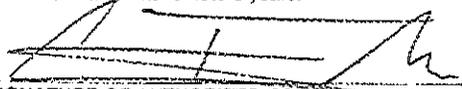
The Dow Chemical Company
Brazosport ISD

Form 50-296

		Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Construction		New Jobs		Qualifying Jobs	
					Column A: Number of Construction FTE's or man- hours (specify)	Column B: Average annual wage rates for construction workers	Column C: Number of new jobs applicant commits to create (cumulative)	Column D: Average annual wage rate for all new jobs.	Column E: Number of qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column F: Average annual wage of qualifying jobs
		pre- year 1	2012-2013	2012	\$ 480,000	\$ 54,010				
		pre- year 2	2013-2014	2013	\$ 1,920,000	\$ 55,526				
	Complete tax years of qualifying time period	1	2014-2015	2014	\$ 768,000	\$ 57,082	10	\$ 107,880	8	\$ 107,880
		2	2015-2016	2015			10	\$ 107,880	8	\$ 107,880
	Value Limitation Period	3	2016-2017	2016			10	\$ 110,038	8	\$ 110,038
		4	2017-2018	2017			10	\$ 112,238	8	\$ 112,238
		5	2018-2019	2018			10	\$ 114,483	8	\$ 114,483
		6	2019-2020	2019			10	\$ 116,773	8	\$ 116,773
		7	2020-2021	2020			10	\$ 119,108	8	\$ 119,108
		8	2021-2022	2021			10	\$ 121,490	8	\$ 121,490
		9	2022-2023	2022			10	\$ 123,920	8	\$ 123,920
		10	2023-2024	2023			10	\$ 126,399	8	\$ 126,399
	Credit Settle-Up Period	11	2024-2025	2024			10	\$ 128,927	8	\$ 128,927
		12	2025-2026	2025			10	\$ 131,505	8	\$ 131,505
		13	2026-2027	2026			10	\$ 134,135	8	\$ 134,135
	Post- Settle-Up Period	14	2027-2028	2027			10	\$ 136,818	8	\$ 136,818
	Post- Settle-Up Period	15	2028-2029	2028			10	\$ 139,554	8	\$ 139,554

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

This schedule must be submitted with the original application and any application for tax credit. When using this schedule for any purpose other than the original application, replace original estimates with actual appraisal district data for past years and update estimates for current and future years. If original estimates have not changed, enter those amounts for future years.


SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

7/2/10
DATE



Schedule D: (Rev. May 2010): Other Tax Information

Applicant Name

The Dow Chemical Company

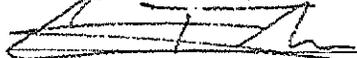
ISD Name

Brazosport ISD

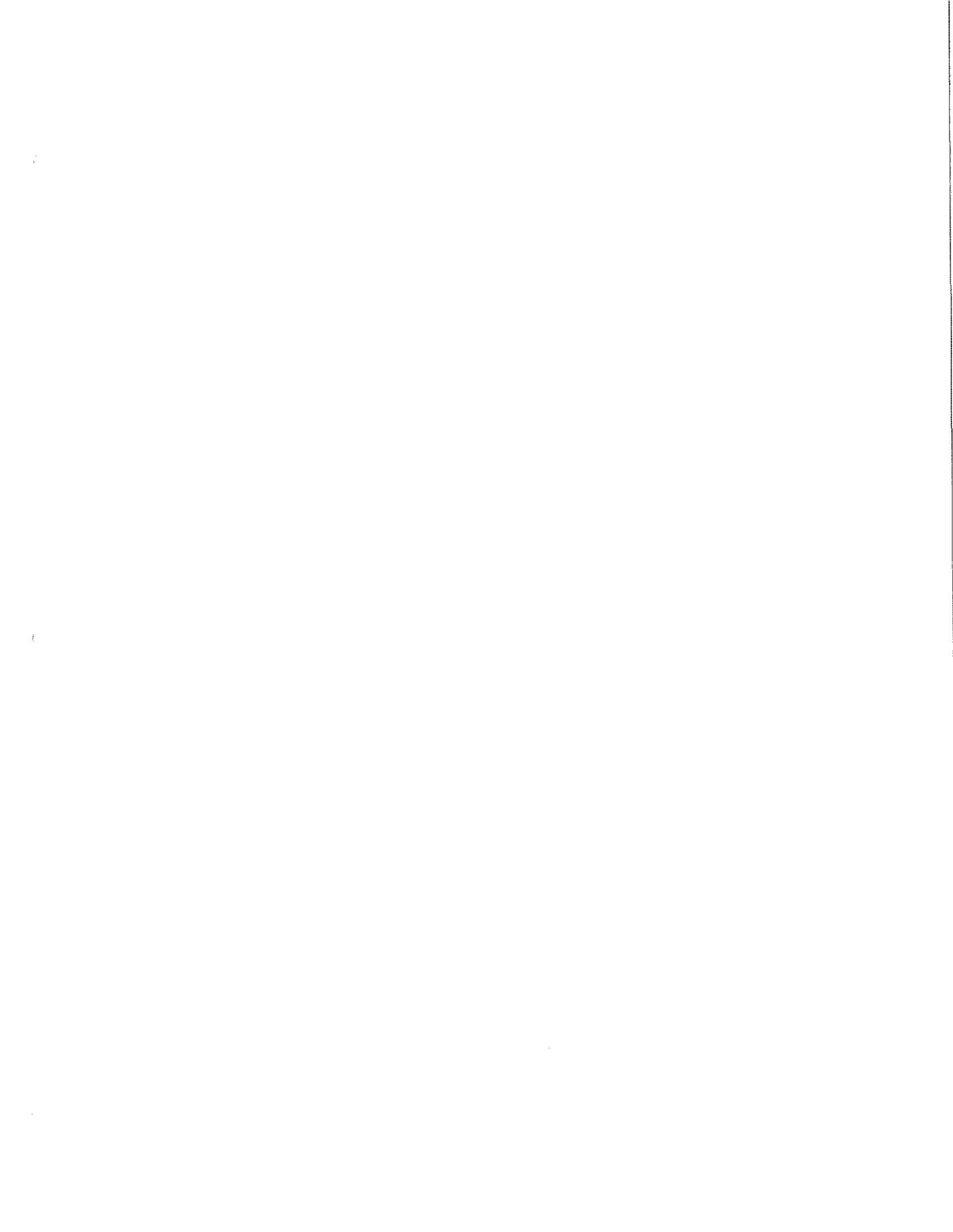
Form 50-296

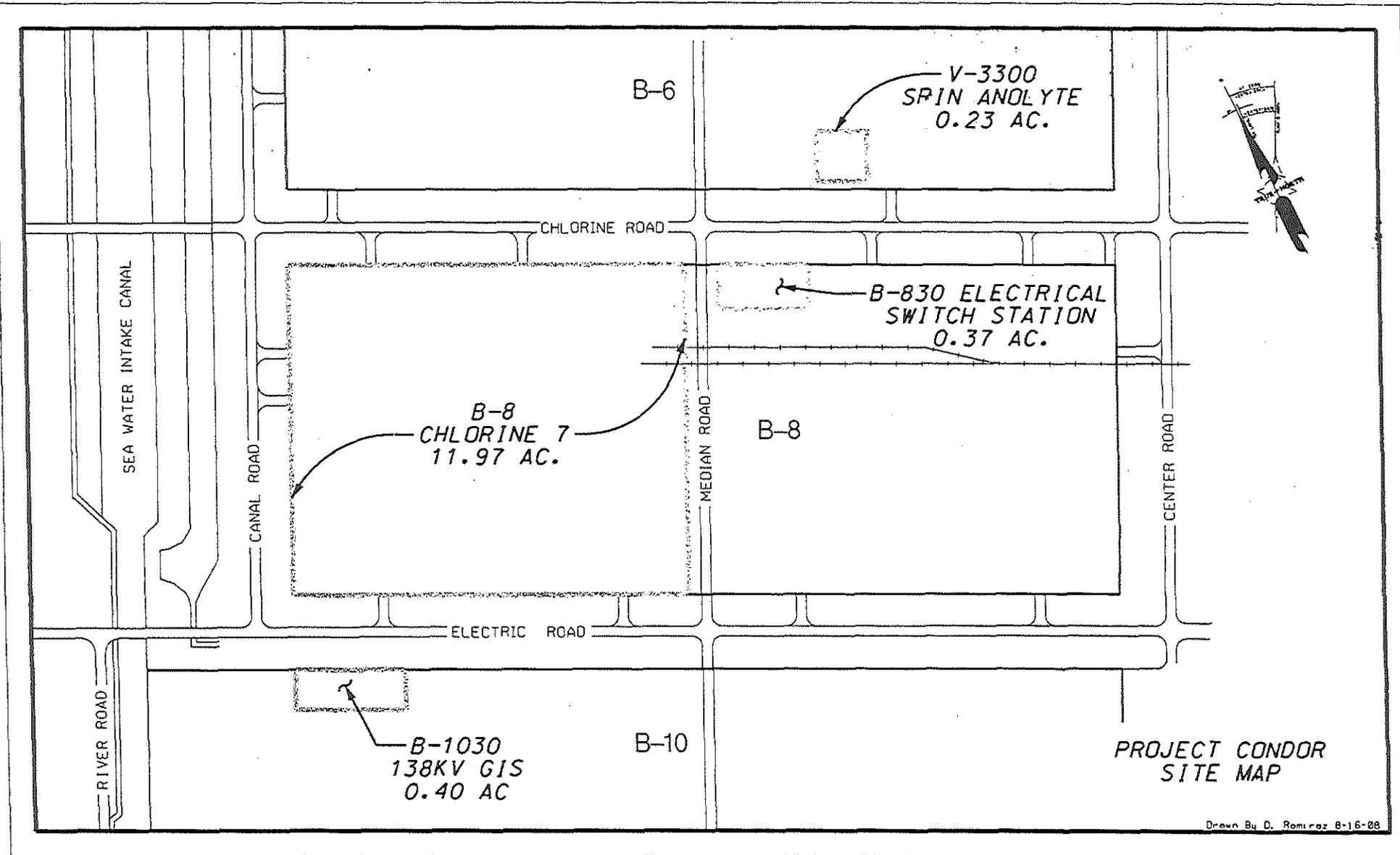
					Sales Tax Information		Franchise Tax	Other Property Tax Abatements Sought			
					Sales Taxable Expenditures		Franchise Tax	County	City (Industrial District Agreement)	Drainage	College
		Year	School Year (YYYY-YYYY)	Tax/Calendar Year YYYY	Column F: Estimate of total annual expenditures* subject to state sales tax	Column G: Estimate of total annual expenditures* made in Texas NOT subject to sales tax	Column H: Estimate of Franchise tax due from (or attributable to) the applicant	Fill in percentage exemption requested or granted in each year of the Agreement	Fill in percentage exemption requested or granted in each year of the Agreement	Fill in percentage exemption requested or granted in each year of the Agreement	Fill in percentage exemption requested or granted in each year of the Agreement
			2011-2012	2011	16469000	366531000	\$ -				
		Pre Year 1	2012-2013	2012	11481000	255519000	\$ 5,031,897	0%	0%	0%	0%
The year preceding the first complete tax year of the qualifying time period (assuming no		Pre Year 2	2013-2014	2013	4128000	91872000	\$ 13,965,464				
Complete tax years of qualifying time period		1	2014-2015	2014			\$ 15,372,795	100%	100%	100%	100%
		2	2015-2016	2015			\$ 16,565,900	100%	100%	100%	100%
Tax Credit Period (with 50% cap on credit)	Value Limitation Period	3	2016-2017	2016			\$ 16,930,649	100%	100%	100%	100%
		4	2017-2018	2017			\$ 11,612,213	100%	100%	100%	100%
		5	2018-2019	2018			\$ 12,966,453	100%	100%	100%	100%
		6	2019-2020	2019			\$ 13,000,000	100%	100%	100%	100%
		7	2020-2021	2020			\$ 13,000,000	100%	100%	100%	100%
		8	2021-2022	2021			\$ 13,000,000	0%	0%	0%	0%
		9	2022-2023	2022			\$ 13,000,000	0%	0%	0%	0%
		10	2023-2024	2023			\$ 13,000,000	0%	0%	0%	0%
Credit Settle-Up Period	Continue to Maintain Viable Presence	11	2024-2025	2024			\$ 13,000,000	0%	0%	0%	0%
		12	2025-2026	2025			\$ 13,000,000	0%	0%	0%	0%
		13	2026-2027	2026			\$ 13,000,000	0%	0%	0%	0%
Post- Settle-Up Period		14	2027-2028	2027			\$ 13,000,000	0%	0%	0%	0%
Post- Settle-Up Period		15	2028-2029	2028			\$ 13,000,000	0%	0%	0%	0%

*For planning, construction and operation of the facility.


SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

7/2/10
DATE





PROJECT CONDOR
SITE MAP

Drawn By D. Romero 8-16-08

BRAZORIA COUNTY
TEXAS

LAMBERT NORTH
25° 31' ✓
BROCK PLANT NORTH

STRATTON RIDGE
CHLORINE 7
1.14 AC

MARLIN
PONDS

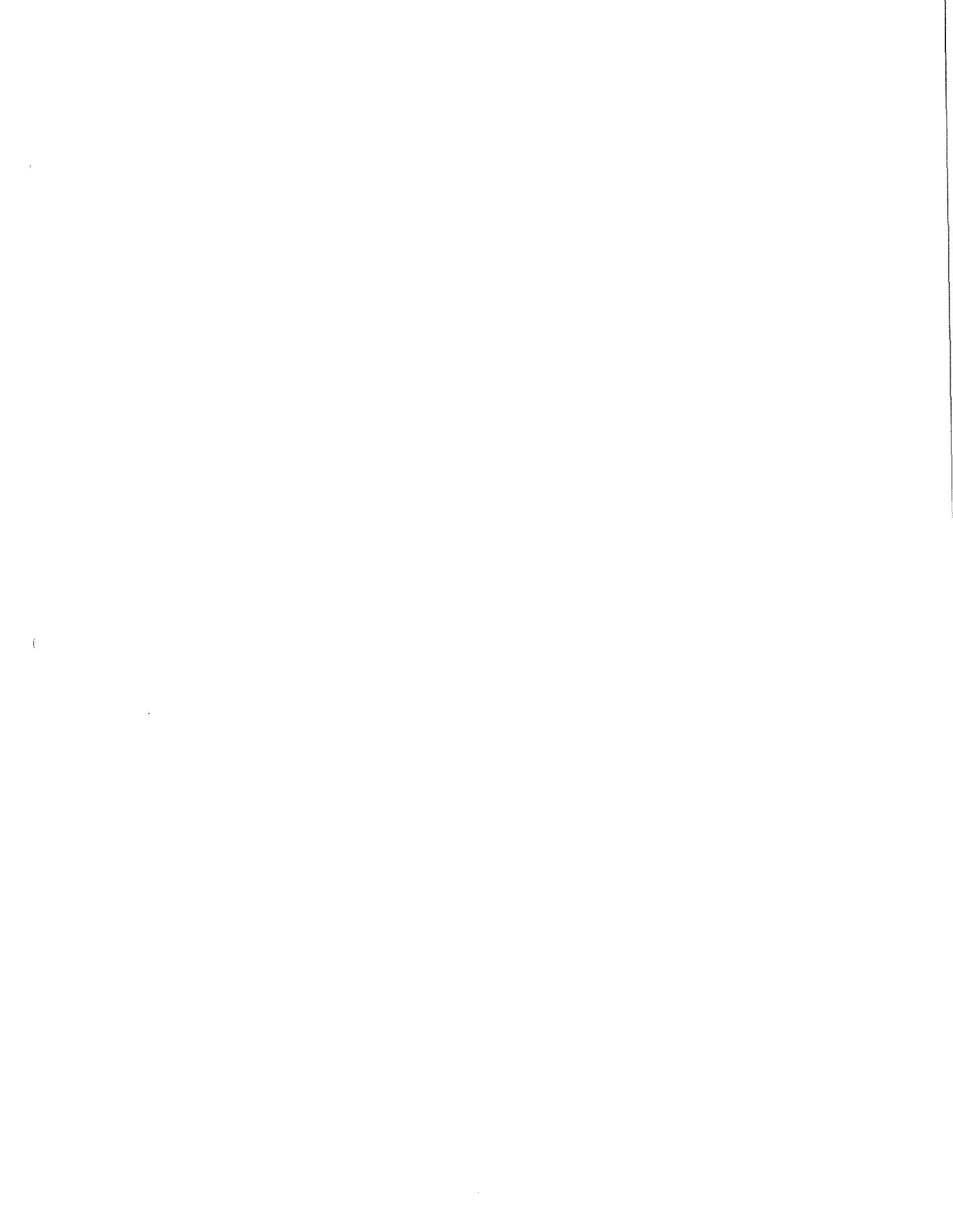
MISSOURI PACIFIC RAILROAD (100' WIDE)

F. M. 523 RIGHT-OF-WAY

JARED E. GROCE 5 LEAGUES
A-66

PROJECT CONDOR
SITE MAP

Drawn By: D. Ramirez 8-16-88



Date: 6/8/2010

THE REGULAR COMMISSIONERS COURT SESSION OF BRAZORIA COUNTY, TEXAS

ORDER NO. VIII.A.1.b.

RE: Amending Court Order 56 dated October 23, 2007 approving the Dow Chemical Company Tax Abatement Application: Order Granting Tax Abatement and Variance

On October 23, 2007, the Court approved the Dow Chemical Company Tax Abatement Application. A variance was granted from the provision of Section 2(g) of the Brazoria County Guidelines and Criteria for granting tax abatement to allow the term of abatement to be effective January 1, 2011.

On May 18, 2010, a request was received from Dow Chemical requesting that the Chlorine 7 project Abatement start date be delayed until January 1, 2014. (See Exhibit "A").

Therefore, this Court hereby orders that Order No. 56 dated October 23, 2007 be amended and corrected to reflect the effective date of the Tax Abatement Agreement be January 1, 2014.

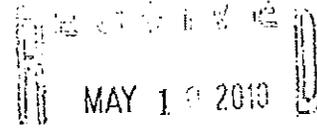
It is therefore so ordered.



The Dow Chemical Company
2301 N. Brazosport Blvd.
Freeport, Texas 77541-3257

May 18, 2010

Via Hand Delivery



CIVIL DIVISION

Commissioners Court, Brazoria County
111 East Locust Street
Angleton, Texas 77515
Attn: County Judge

RE: Tax Abatement Agreement – The Dow Chemical Company Reinvestment Zone No. 15

Dear Judge King:

As you may know, the Chlorine 7 project which is the basis for the above referenced abatement agreement has been delayed for several reasons. We are currently working on an arrangement to allow this project to again move forward. One consideration key to the successful reactivation of this project is the ability to fully utilize the abatement that was originally executed in February of 2008.

To this end we respectfully request that Section 4.01, Term of the Abatement, be modified to make the Tax Abatement effective January 1, 2014.

Thank you in advance for prompt action on this request as we are currently pursuing the reactivation of this project.

If you have further questions please contact Steve Hazlewood at 979-238-1519.

Sincerely yours,

Gary Hockstra
Vice President & Site Director – Texas Operations
The Dow Chemical Company

cc: Dude Payne, Precinct 1 Commissioner, Brazoria County
Mary Shine, Civil Division, District Attorney Office, Brazoria County

EXHIBIT A

SPECIAL SESSION - OCTOBER 23, 2007

ORDER NO. 56 RE: THE DOW CHEMICAL COMPANY TAX ABATEMENT APPLICATION: ORDER GRANTING TAX ABATEMENT AND VARIANCE

Motion by Commissioner Payne, seconded by Commissioner Sebesta that the application for tax abatement of THE DOW CHEMICAL COMPANY attached hereto be granted in accordance with the Guidelines and Criteria for Granting Tax Abatement in a Reinvestment One created in Brazoria County; that the subject location described in the attached application be designated a reinvestment zone for tax abatement purposes in accordance with the guidelines and criteria of Brazoria County and applicable law; that a variance be granted from the provision of Section 2(g) of the Brazoria County Guidelines and Criteria for granting tax abatement to allow the term of abatement to be effective with the January 1, 2011; and further that the County Judge is authorized to execute a tax abatement with THE DOW CHEMICAL COMPANY in accordance with the guidelines and criteria.

Motion carried, all present voting aye.

ORDER NO. 57 RE: CONSIDER APPROVAL OF 2007-2008 INDIGENT HEALTHCARE CONTRACT WITH THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON

Motion by Commissioner Harris, seconded by Commissioner Payne that the attached proposed 2007-2008 contract with the University of Texas Medical Branch at Galveston for indigent healthcare be approved.

Further, that a certified copy of this order be delivered to the Director of the Brazoria County Health Department.

Motion carried, all present voting aye.

ORDER NO. 58 RE: OPEN PUBLIC HEARING REGARDING HUD/WELFARE FUNDS

Motion by Commissioner Payne, seconded by Commissioner Rhodenbaugh that the following action be taken by the Court:

Open Public Hearing regarding HUD/WELFARE Grant funds as follows:

HUD/Welfare Funds:

Consider request from Commissioner Pct. 3 to reallocate \$13,997.08 from the 2006 CR 129 Road Improvement Project to the 2007 CR 128 Road Improvement Project.

Consider request from Village of Surfside Beach to reallocate \$40,000.00 from their 2006 Surfside Beach Sewer Tap and Connection Project to West Columbia for an emergency Water Pump Rehabilitation Project.

Motion carried, all present voting aye.

ORDER NO. 59 RE: CLOSE PUBLIC HEARING REGARDING HUD/WELFARE FUNDS

Motion by Commissioner Harris, seconded by Commissioner Sebesta that the following action be taken by the Court:

Close Public Hearing regarding HUD/Welfare Grant funds as follows:

DATE October 23, 2007

THE COMMISSIONERS COURT OF BRAZORIA COUNTY, TEXAS

~~REGULAR~~ SPECIAL SESSION

ORDER NO. 50

RE: THE DOW CHEMICAL COMPANY TAX ABATEMENT APPLICATION:
ORDER GRANTING TAX ABATEMENT AND VARIANCE

MOTION BY Commissioner Payne, SECONDED BY
Commissioner Sebesta, that the following action be taken by the Court:

that the application for tax abatement of THE DOW CHEMICAL COMPANY attached hereto be granted in accordance with the Guidelines and Criteria for Granting Tax Abatement in a Reinvestment Zone created in Brazoria County; that the subject location described in the attached application be designated a reinvestment zone for tax abatement purposes in accordance with the guidelines and criteria of Brazoria County and applicable law; that a variance be granted from the provision of Section 2(g) of the Brazoria County Guidelines and Criteria for granting tax abatement to allow the term of abatement to begin effective January 1, 2011; and further that the County Judge is authorized to execute a tax abatement with THE DOW CHEMICAL COMPANY in accordance with the guidelines and criteria.

VOTING

AYE

NAY

County Judge King
Commissioner Payne
Commissioner Sebesta
Commissioner Harris
Commissioner Rhodenbaugh

<input checked="" type="checkbox"/>	<input type="checkbox"/>



The Dow Chemical Company

2301 N. Brazosport Blvd,
Freeport, Texas 77541-3257

V-3300 SPIN ANOLYTE 0.23 ACRE CHLORINE 7

ALL THAT CERTAIN 0.23 ACRE TRACT of land lying and situated and being out of Tract 143 of the Brazos Coast Investment Company Subdivision No. 14 in the Peter Bertrand Labor 5, Abstract 42, Brazoria County, Texas.

B-830 ELECTRICAL SWITCH STATION 0.37 ACRE CHLORINE 7

ALL THAT CERTAIN 0.37 ACRE TRACT of land lying and situated and being out of Tracts 201 and 202 of the Brazos Coast Investment Company Subdivision No. 14 in the J.E.A. Phelps Labor 4, Abstract 116, Brazoria County, Texas

B-1030 138KV GIS 0.40 ACRE CHLORINE 7

ALL THAT CERTAIN 0.40 ACRE TRACT of land lying and situated and being a part of Tracts 206, 207 and 251 of the Brazos Coast Investment Company Subdivision No. 14 in the J.E.A. Phelps Labor 4, Abstract 116, Brazoria County, Texas.

B-8 11.97 ACRE CHLORINE 7

ALL THAT CERTAIN 11.97 ACRE TRACT of land lying and situated and being a part of Tracts 200, 201, 202, 203, 206, 207, 208 and 209 of the Brazos Coast Investment Company Subdivision No. 14 in the J.E.A. Phelps Labor 4, Abstract 116, Brazoria County, Texas.

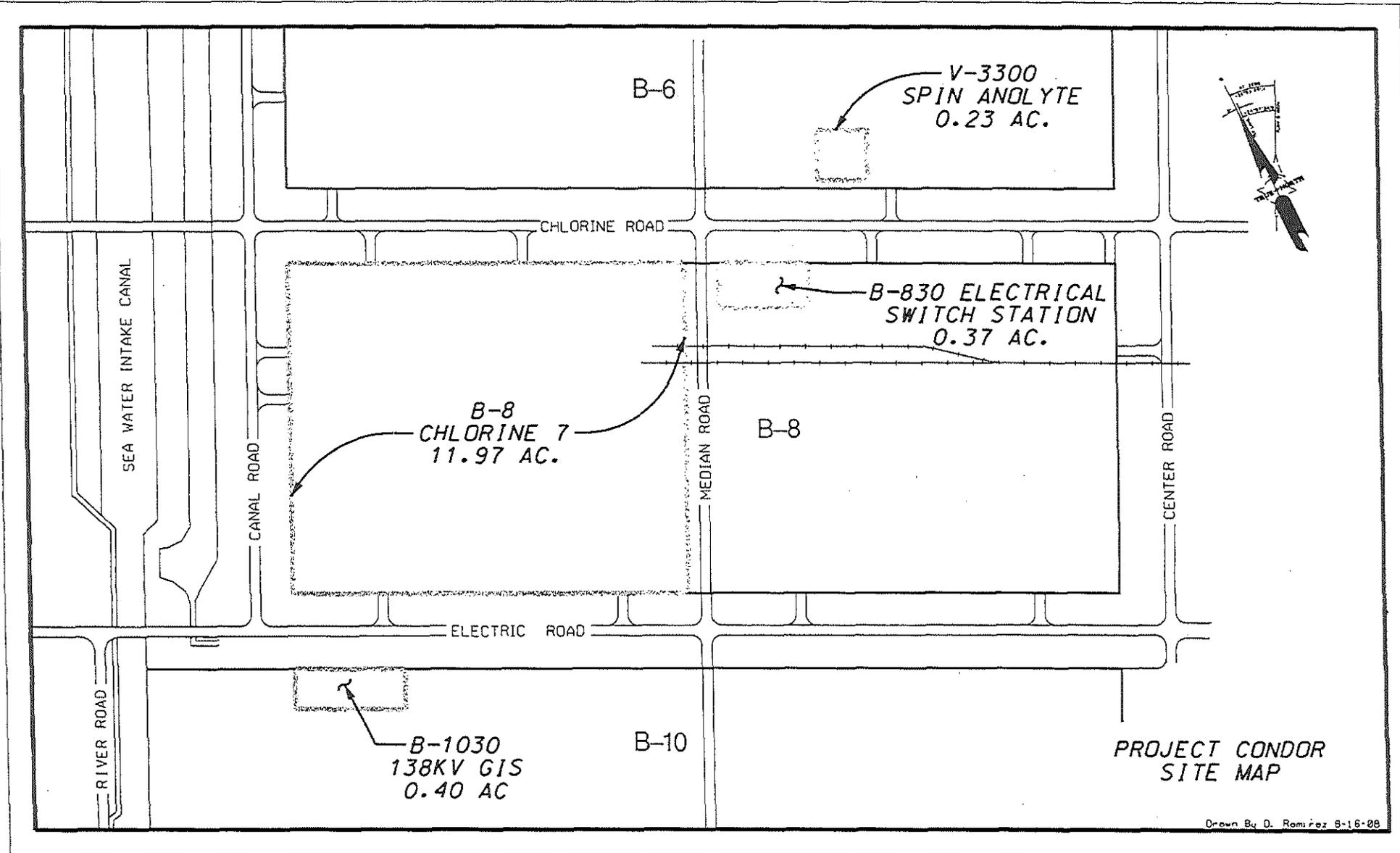


The Dow Chemical Company

2301 N. Brazosport Blvd.
Freeport, Texas 77541-3257

STRATTON RIDGE SPILL CONTAINMENT 1.14 ACRE CHLORINE 7

ALL THAT CERTAIN 1.14 ACRE TRACT of land lying and situated and being a part of Tract 7 in the Jared E. Groce 5 League Grant, Abstract 66, Brazoria County, Texas.



B-6

V-3300
SPIN ANALYTE
0.23 AC.

CHLORINE ROAD

B-830 ELECTRICAL
SWITCH STATION
0.37 AC.

B-8
CHLORINE 7
11.97 AC.

B-8

MEDIAN ROAD

CENTER ROAD

SEA WATER INTAKE CANAL

CANAL ROAD

ELECTRIC ROAD

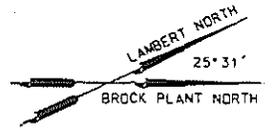
RIVER ROAD

B-10

B-1030
138KV GIS
0.40 AC

PROJECT CONDOR
SITE MAP

BRAZORIA COUNTY
TEXAS



STRATTON RIDGE
CHLORINE 7
1.14 AC

MARLIN
PONDS

MISSOURI PACIFIC RAILROAD (100' WIDE)

F. M. 523 RIGHT-OF-WAY

JARED E. GROCE 5 LEAGUES
A-66

PROJECT CONDOR
SITE MAP

Drawn By D. Ramirez 8-15-88





The Dow Chemical Company
2301 N. Brazosport Blvd,
Freeport, Texas 77541-3257

V-3300 SPIN ANOLYTE 0.23 ACRE CHLORINE 7

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B-8 11.97 ACRE CHLORINE 7

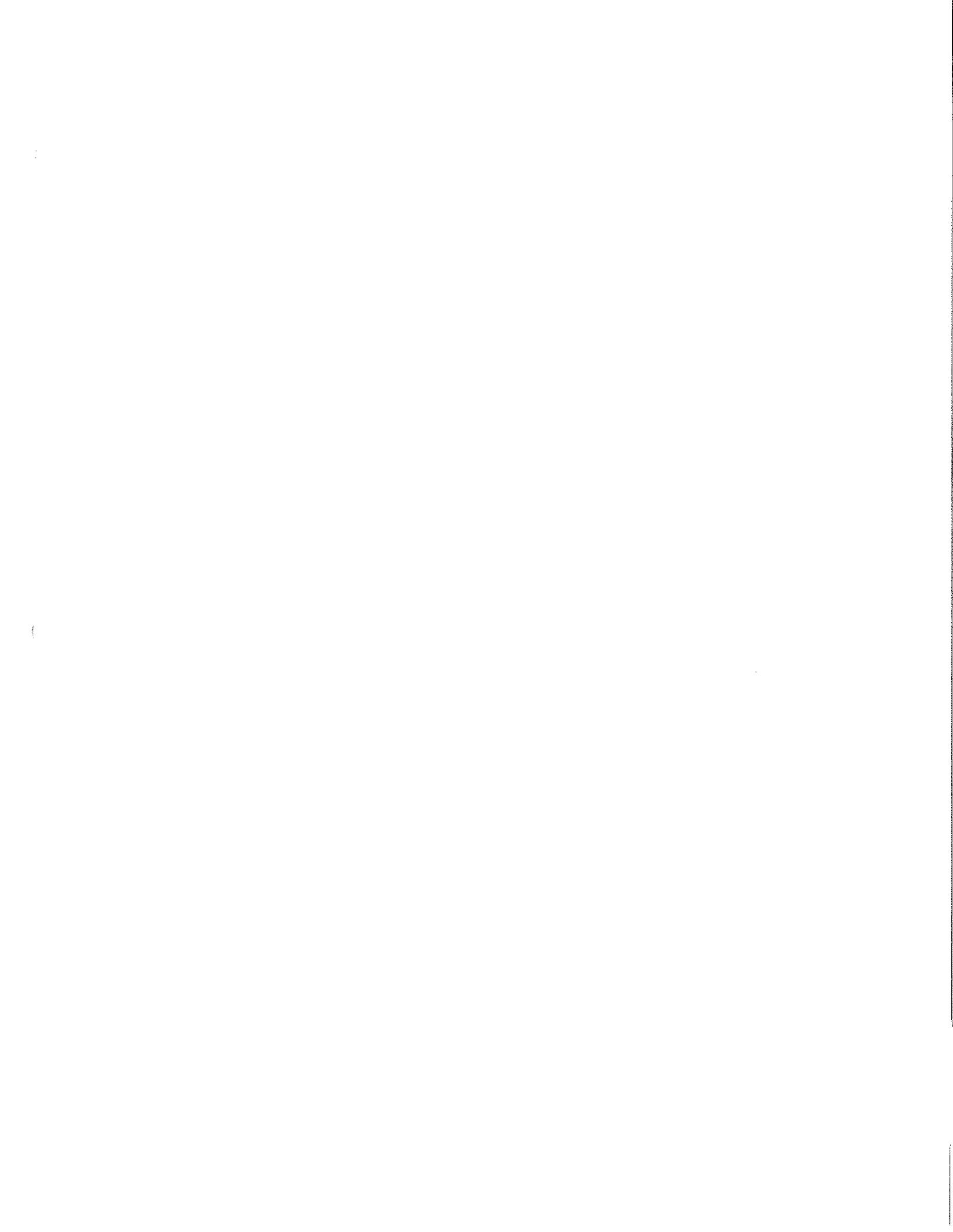
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Mali Hanley

From: BeckyB@brazoria-county.com
Sent: Thursday, August 26, 2010 1:08 PM
To: Mali Hanley
Subject: TAX ABATEMENT GUIDELINES -Revised-Adopted 04-25-06 .doc
Attachments: TAX ABATEMENT GUIDELINES -Revised-Adopted 04-25-06 .doc

**GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT
IN A REINVESTMENT ZONE CREATED IN BRAZORIA COUNTY**

WHEREAS, the creation and retention of job opportunities that bring new wealth are the highest civic priority; and

WHEREAS, new jobs and investment will benefit the area economy, provide needed opportunities, strengthen the real estate market and generate tax revenue to support local services; and

WHEREAS, the communities within Brazoria County must compete with other localities across the nation currently offering tax inducements to attract new plant and modernization projects; and

WHEREAS, any tax incentives offered in Brazoria County would reduce needed tax revenue unless strictly limited in application to those new and existing industries that bring new wealth to the community; and

WHEREAS, the abatement of property taxes, when offered to attract primary jobs in industries which bring in money from outside a community instead of merely recirculating dollars within a community, has been shown to be an effective method of enhancing and diversifying an area of economy; and

WHEREAS, Texas law requires any eligible taxing jurisdiction to establish Guidelines and Criteria as to eligibility for tax abatement agreements prior to granting of any future tax abatement, and said Guidelines and Criteria to be unchanged for a two year period unless amended by a three-quarters vote;

Now, therefore, be it resolved that Brazoria County does hereby propose for consideration and adoption these Guidelines and Criteria for granting tax abatement in reinvestment zones in Brazoria County.

DEFINITIONS Section 1

- (a) "Abatement" means the full or partial exemption from ad valorem taxes on certain real property in a reinvestment zone designated by Brazoria County for economic development purposes.
- (b) "Eligible jurisdiction" means Brazoria County and any municipality or school district or other local taxing jurisdictions eligible to abate taxes according to Texas law, the majority of which is located in Brazoria County that levies ad valorem taxes upon and provides services to reinvestment zone designated by Brazoria County.
- (c) "Agreement" means a contractual agreement between a property owner and/or lessee and Brazoria County for the purpose of tax abatement.
- (d) "Base year value" means the assessed value of eligible property January 1 preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the agreement.
- (e) "Deferred maintenance" means the improvements necessary for continued operations which do not improve productivity or alter the process technology.

- (f) "Distribution Center Facility" means buildings and structures, including machinery and equipment, used or to be used primarily to receive, store, service, or distribute goods or materials owned by the facility operator where a majority of the goods or services are distributed to points at least 50 miles from its location in Brazoria County.
- (g) "Employee" for the purposes of the economic qualifications of Section 2(h)(2) of these Guidelines and Criteria shall include all persons directly employed by the owner of the planned improvement at the abated facility site/reinvestment zone together with any independent contractor or employee of independent contractors employed on a full-time (40 hours per week equivalent) basis at the facility site/reinvestment zone continuously for the duration of the abatement agreement. An employee must reside within Brazoria County in order to qualify under the economic qualification of Section 2(h)(2), provided, that a variance may be allowed by Commissioners Court to this residence requirement. The officers of a corporation shall be "employees" under this definition.
- (h) "Expansion" means the addition of buildings, structures, machinery or equipment for purposes of increasing production capacity.
- (i) "Facility" means property improvements completed or in the process of construction which together comprise an integral whole.
- (j) "Manufacturing Facility" means 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.
- (k) "Modernization" means the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing, or repairing.
- (l) "New Facility" means a 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 Brazoria County.
- (n) "Productive Life" means the number of years a property improvement is expected to be in service. After a cessation of production, the productive life of property improvements may be deemed to end, at County's election, on the date of cessation of production either upon (1) a determination by the County that it is unlikely the improvement(s) will be reactivated as an integral part of a producing facility, and/or (2) the expiration of eighteen (18) continuous or non-consecutive months of non-production in any twenty-four (24) month period following the date the property improvement(s) cease to be in active service as part of a facility operating in a producing capacity.
- (o) "Regional Entertainment Facility" means buildings and structures, including machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside at least 50 miles from its location in Brazoria County.

- (p) "Research Facility" means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.
- (q) "Regional Service Facility" means buildings and structures, including machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate at least 50 miles from the facility's location in Brazoria County.
- (r) "Economic Development" means participation in or support of an organized program or entity which for the purpose of its' mission, engages in activities designed to encourage employment opportunities development/commercial and manufacturing business/industry to locate and/or expand in Brazoria County, thus expanding and diversifying the tax base as well as increasing the economic strength and stability of Brazoria County.
- (s) "Qualified Vendors and Services" means those vendors and services that meet the company's individual stated requirements, which can include but are not limited to: safety, financial condition, environmental record, quality or ability to perform.
- (t) "Brazoria County Vendor and Services" means a company that employs Brazoria County residents and pays Brazoria County taxes.

ABATEMENT AUTHORIZED Section 2

- (a) Authorized Facility. A facility may be eligible for abatement if it is a: Manufacturing Facility, Research Facility, Distribution Center or Regional Service Facility, Regional Entertainment Facility, or Other Basic Industry.
- (b) Creation of New Value. Abatement may only be granted for the additional value of eligible property improvements made subsequent to and specified in an abatement agreement between Brazoria County and the property owner or lessee, subject to such limitations as Brazoria County may require.
- (c) New and Existing Facilities. Abatement may be granted for new facilities and improvements to existing facilities for purposes of modernization or expansion.
- (d) Eligible Property. Abatement may be extended to the value of buildings, structures, fixed machinery and equipment, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility.
- (e) Ineligible Property. The following type of property shall be fully taxable and ineligible for abatement: land, inventories, supplies, tools, furnishings, and other forms of movable personal property; vehicles, vessels, aircraft, housing, hotel accommodations, retail facilities, deferred maintenance investments, property to be rented or leased except as provided in Section 2(f), property owned or used by the State of Texas or its political subdivisions or by any organizations owned, operated or directed by a political subdivision of the State of Texas.
- (f) Owned/Lease Facilities. If a leased facility is granted abatement, the agreement shall be executed with the lessor and the lessee. Publicly owned land leased to private entities shall be eligible if otherwise

qualified.

- (g) Value and Term of Abatement. Abatement shall be granted effective with the January 1 valuation date immediately following the date of the Commissioners Court Order granting the abatement and approving the abatement application. One hundred percent of the value (or such percentage of value that shall be set by Commissioners' Court order) of new eligible properties shall be abated for seven years or one-half (1/2) the productive life of the improvement whichever is less. The abatement may be extended through an initial agreement and a subsequent agreement may be required to comply with state law regarding the term of the reinvestment zone.

If a modernization project includes facility replacement, the abated value shall be the value of the new unit(s) less the value of the old unit(s).

- (h) Economic Qualification. In order to be eligible for designation as a reinvestment zone and to qualify for tax abatement the planned improvement:

- (1) must be reasonably expected to increase and must actually increase the value of the property in the amount of \$1 million or more;
- (2) must prevent the loss of employment, retain or create employment for at least 10 people on a full-time (40 hours per week equivalent) basis in Brazoria County for the duration of the abatement period at the abated facility site described in the tax abatement application. The proposed number of employees to be employed at the abated facility as stated in the abatement application for the property that is the subject of the tax abatement agreement (including the projected creation or retention of employment) must be maintained for the duration of the abatement period at the abated facility site. For purposes of this subsection, in order for a planned improvement to be considered as preventing the loss of employment or retaining employment, the abated facility/project must be necessary in order to retain or keep employment at levels as indicated in the application and in order to retain the proposed number of employees at the abated facility as indicated in the application. The owner/applicant seeking to qualify on the basis of retention or preventing loss of employment must provide a detailed statement as an attachment to its application affirmatively representing compliance with this sub-section and explaining the necessity of this project to prevent loss of employment. Any variance from the requirements of this sub-section is subject to approval of Commissioners Court in accordance with the variance section of these Guidelines & Criteria.
- (3) must be not expected to solely or primarily have the effect of transferring employment from one part of the county to another part of the county. A variance may be requested relative to this provision which approval shall be at the sole discretion of the County.
- (4) must be necessary because capacity cannot be provided efficiently utilizing existing improved property;

Additionally, the owner of the project:

- (5) must provide for and pay, at the time of filing an application for tax abatement, a non-refundable

application fee of \$1,000. A part of the application fee will be dedicated by Brazoria County to economic development programs authorized by Local Government Code, Section 381.004.

- (6) must file a plan statement with application demonstrating willingness and planned efforts to use qualified Brazoria County vendors and services where applicable in the construction and operations of the facility. Brazoria County vendors and services must be competitive with non-county vendors and services regarding price, quality, safety, availability and ability perform.
 - (7) will annually, for the term of the abatement, contribute .000165 of the value reported in "Part IV Section F" of the abatement application (estimated value of abated improvements at the conclusion of the abatement period). Air carriers receiving abatement will contribute an amount equal to .000165 of the estimated value of the personal property of the air carrier indicated in its Application. Each project will contribute no more than \$15,000 nor less than \$1,000 annually to be used specifically to fund economic development in Brazoria County as authorized by Local Government Code, Section 381.004. The annual contribution shall be paid to Brazoria County through the County Auditor's Office on or before January 1 of each year of the tax abatement contract term.
 - (8) must not file with the Brazoria County Appraisal District a valuation or taxpayer protest or notice of protest pursuant to the Texas Property Tax Code during the abatement period legally protesting or challenging the valuation of the abated improvements of a manufacturing facility pursuant to an appraisal method that produces a valuation of improvements based on each improvement's value as a separate item of personal property rather than the improvements' value as integral fixtures of a producing manufacturing facility. An owner's legal protest or challenge to the improvements' value pursuant to the Texas Property Tax Code must be based on and use historically approved or accepted appraisal methods and techniques allowed by law (Texas Property Tax Code) and acceptable to the Chief Appraiser of the Brazoria County Appraisal District. The filing of a valuation protest or challenge or notice of protest based on or using the unacceptable appraisal method mentioned in this sub-section or based on or using appraisal methods or techniques that are unacceptable to the Chief Appraiser (including the one mentioned in this subsection) shall cause the tax abatement agreement to be subject to termination and recapture of all previously abated taxes.
 - (9) must not be a defendant in any litigation by the County seeking recovery or recapture of previously abated taxes.
- (i) Taxability. From the execution of the abatement contract 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;
 - (2) the base year value of existing eligible property as determined each year shall be fully taxable; and
 - (3) the additional value of new eligible property shall be taxable in the manner described in Section 2(g).

APPLICATION Section 3

- (a) Any present or potential owner of taxable property in Brazoria County may request the creation of a reinvestment zone and tax abatement by filing a written request with Brazoria County. The application shall be filed with the administrative head of the governing body and the applicant shall furnish a copy to each member of the governing body.
- (b) The application shall consist of a completed application form accompanied by: a general description of the proposed use and the general nature and extent of the modernization, expansion or new improvements which will be a part of the facility; a map and property description; a time schedule for undertaking and completing the planned improvements. In the case of modernizing, 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 shall require such financial and other information as Brazoria County deems appropriate for evaluating the financial capacity and other factors of the applicant.
- (c) Upon receipt of a completed application, the County Judge shall notify in writing the presiding officer of the legislative body of each eligible jurisdiction. Before acting upon the application, Brazoria County Commissioners' Court shall hold a public hearing at which interested parties shall be entitled to speak and present written materials for or against the approval of the tax abatement. The public hearing shall also afford the applicant and the designated representative of any eligible jurisdiction opportunity to show cause why the abatement should or should not be granted. Notice of the public hearing shall be clearly identified on a Brazoria County notice to be posted at least 30 days prior to the hearing.
- (d) After receipt of an application for creation of a reinvestment zone and application for abatement, the Tax Abatement Review Committee (TARC) shall prepare a feasibility study setting out the impact of the proposed reinvestment zone and tax abatement. The feasibility study shall include, but not be limited to, an estimate of the economic effect of the creation of the zone and the abatement of taxes and the benefit to the eligible jurisdiction and the property to be included in the zone.
- (e) If upon written request for a legal opinion or interpretation from the Commissioners' Court or its members, the legal counsel for Brazoria County determines that the application does not appear to comply with the written language of the Guidelines and Criteria, a public hearing on said application if already set, shall be postponed for a period of at least thirty days from the scheduled date of public hearing to allow time for further review by the Commissioners' Court or any duly appointed review committee, or if an initial setting has not been made, the hearing on such application shall be set on the Commissioners' Court agenda no sooner than sixty (60) days from the time the Court enters an order to set the public hearing date.

The applicant shall file a supplement or addendum to its application to show cause why the application should be approved and shall present reasons at the public hearing on the same.

Provided that any final decision or interpretation as to the intent and meaning or policy of any provision or its written language; any final decision as to whether or not an application complies or does not comply with the guidelines and criteria; and any final decision as to whether to grant or deny tax abatement shall be made by the Commissioners' Court at its sole discretion.

- (f) Brazoria County shall not establish a reinvestment zone for the purpose of abatement if it finds that the

request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed modernization, expansion or new facility.

- (g) Variance. Requests for variance from the provisions of Subsections (a) (b) (e) (g), (h) (1), (h) (2) and/or (h) (3) of Section 2 and from the Section 1 (g) employee residence requirement may be made in written form to the County Judge with a copy forwarded to the TARC. Such requests shall include a complete description of the circumstances explaining why the applicant should be granted a variance. Approval of a request requires a four-fifths (4/5) vote of the Commissioners Court.
- (h) Special Variance: Air Carriers. A special variance from all applicable provisions of these guidelines and criteria, with the exception of Section 2 (h) (5) and (h) (7) may be granted allowing abatement or partial abatement of ad valorem taxes on the personal property of a certificated or non-certificated air carrier that owns or leases taxable real property in Brazoria County provided that the personal property has a value of at least \$10,000,000. Approval of a request for this variance requires a three-fourth (3/4) vote of the Commissioners Court.

PUBLIC HEARING Section 4

- (a) Neither a reinvestment zone nor abatement agreement shall be authorized if it is determined that:
 - (1) there would be a substantial adverse affect on the provision of government service or tax base;
 - (2) the applicant has insufficient financial capacity;
 - (3) planned or potential use of the property would constitute hazard to public safety, health or morals; or,
 - (4) violation of other codes or laws.

AGREEMENT Section 5

- (a) After approval, Brazoria County Commissioners' Court shall formally pass a resolution and execute an agreement with the owner of the facility and/or lessee as required which shall include:
 - (1) estimated value to be abated and the base year value;
 - (2) percent of value to be abated each year as provided in Section 2(g);
 - (3) the commencement date and the termination date of abatement;
 - (4) the proposed use of the facility; nature of construction, time schedule, map, property description and improvement list as provided in Application, Section 3 (b);
 - (5) contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture, administration and assignment as provided in Sections 2(a), 2(f), 2(g), 2(h) 6, 7, and 8;
 - (6) size of investment and average number of jobs involved for the period of abatement; and

- (7) provision that Owner shall annually furnish information necessary for Brazoria County's evaluation of Owner's compliance with the terms and conditions of the tax abatement agreement and these guidelines and criteria (in the form of an annual report/statement of compliance), together with an additional provision that Brazoria County may, at its election, request and obtain information from Owner as is necessary for the County's evaluation of Owner's compliance with the terms and conditions of the tax abatement agreement and these guidelines and criteria.

Such agreement shall be executed within sixty (60) days after the applicant has forwarded all necessary information and documentation to Brazoria County.

RECAPTURE Section 6

- (a) In the event the facility contemplated herein is completed and begins producing product or service, but the company fails to maintain the level of employment (including the projected creation or retention of employment) stated in the abatement application for the property that is the subject of the abatement agreement, the county may elect to: 1. Declare a default and terminate the abatement agreement without recapturing prior years' abated taxes; 2. Declare a default, terminate the agreement and order a recapture of all or part of the previous years' abated taxes; or 3. Set specific terms and conditions for the continuation of the abatement exemption for the duration of the term of the agreement under its present terms or alter the amount of the abatement for the remaining term of the agreement.
- (b) Should Brazoria County determine that the company or individual is in default according to the terms and conditions of its agreement, Brazoria County shall notify the company or individual in writing at the address stated in the agreement and if such is not cured within sixty (60) days from the date of such notice ("Cure Period"), then the agreement may be terminated.
- (c) In the event that the company or individual (1) allows its ad valorem taxes owed the 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", the agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within sixty (60) days of the termination.
- (d) Failure to provide any requested statement or information pursuant to the provisions described in Section 5(a)(7) without just cause within sixty (60) days of the request for the information or the presentation of any false or misleading statement may, at the County's option, be construed as a default by the Owner and cause for immediate termination of the tax abatement agreement and recapture of all previously abated taxes, if after written notice of default, the Owner has not cured such default prior to the expiration of thirty (30) days from such written notice. The cure period provisions of sub-sections (b) and (c) above are not applicable to a default and termination under this paragraph.

ADMINISTRATION Section 7

- (a) The Chief Appraiser of the County shall 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 assessor with such information as may be necessary for the abatement. Once value has

been established, the Chief Appraiser shall notify the eligible jurisdictions which levies taxes on the amount of the assessment.

- (b) The agreement shall stipulate that TARC of Brazoria County will have access to 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 twenty-four (24) hours prior notice and will only be conducted in such 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 company or individual and in accordance with their safety standards.
- (c) Tax Abatement Review Committee:

The Commissioners' Court shall appoint a standing Tax Abatement Review Committee (TARC) for purposes of (i) reviewing the tax abatement application and preparing the feasibility study report required by Section 3(d) of these guidelines; (ii) conducting annual inspections and/or evaluations of the abated facilities to insure compliance with the terms/conditions of the tax abatement agreement.
- (d) The Tax Abatement Review Committee shall be comprised of, but not limited to, a representative appointed by each Commissioners' Court member. The County Auditor, County Treasurer, District Attorney representative, and County Tax Assessor Collector shall serve as ex-officio members of the Committee to advise on abatement qualifications and procedures. The County Judge and the Commissioner of the Precinct in which a proposed abated facility will be located will serve on the Committee during the period when the Committee is preparing the feasibility study report and conducting the annual inspection and/or evaluation of the facility.
- (e) Upon completion of construction, the owner of an abated facility must submit a written report/statement of compliance annually during the life of the abatement to the Brazoria County Commissioners' Court and the Tax Abatement Review Committee clearly detailing the status of the facility and how it is complying with the abatement guidelines. The Committee shall annually evaluate each abated facility and report possible violations to the contract and agreement to the Brazoria County Commissioners' Court. A form of annual report that may be used by the owner is attached as Attachment A to these Guidelines & Criteria, and the owner's annual report shall, at a minimum, contain the information shown in the Attachment A form.
- (f) The County shall timely file with the Texas Department of Commerce and the Property Tax Division of the State Comptroller's office all information required by the Tax Code.

ASSIGNMENT Section 8

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same facility upon the approval by resolution of Brazoria 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 Brazoria County. No assignment or transfer shall be approved if the new parties to the existing agreement, the new owner or new lessee are liable to Brazoria County or any eligible jurisdiction for delinquent taxes or other obligations. Approval shall not be unreasonably withheld.

PROVISIONS REGARDING CITY-INITIATED ABATEMENTS Section 9

- (a) This section is applicable to tax abatement applications for property located in a reinvestment zone designated by a city and applications by applicants who have previously entered into a tax abatement agreement with a city regarding that property.
- (b) All provisions of these Guidelines & Criteria are applicable to city-initiated reinvestment zones and abated areas within a city's territorial limits unless otherwise stated herein or provided by law.
- (c) An applicant shall file a tax abatement application on the County's application form together with all attachments and statements described in the application instructions and in subsection (d) herein below.
- (d) Upon receipt of a tax abatement application applicable to property within a city-designated reinvestment zone subject to a city's tax abatement agreement, the application shall be reviewed for approval as to (a) correct application form, (b) represented compliance with economic value estimates and employment criteria of Section 2(h) of the Guidelines & Criteria, (c) legal description requirements, (d) attachment of a correct copy of the city's ordinance designating the area as a reinvestment zone and granting abatement and (e) attachment of a correct copy of the fully executed tax abatement agreement between the city and the applicant.
- (e) After review (and subject to approval of the matters in (d) above), the public hearing on the tax abatement shall be scheduled at the Commissioners Court meeting that next follows the one at which the Order Setting Hearing Date is entered, unless otherwise ordered by Commissioners Court. If there are any compliance problems with the application (including any problems to be resolved or amendments to the application to be made prior to the public hearing), the County Judge and Precinct Commissioners shall be advised of these compliance problems/matters to be resolved in a memo from the Civil Division-District Attorney's Office transmitting the Order Setting Hearing Date. No hearing shall be set on any application that fails to attach both the ordinance designating reinvestment zone and the copy of the fully executed tax abatement agreement between the city and the applicant, or which is deficient as to application form or legal description. In such case the applicant shall be informed of the necessity of attaching those documents or making necessary corrections, and there will be no further processing of the application until the same are received.
- (f) The notice provisions of Section 2(c) are not applicable to an application under this section.
- (g) The percentage of property value abated and the term of abatement shall be the same as that stated in the city's tax abatement agreement unless otherwise specifically ordered in the Commissioners Court order granting abatement.

SUNSET PROVISION Section 10

- (a) These Guidelines and Criteria are effective upon the date of their adoption and will remain in force for two years, at which time all reinvestment zones and tax abatement contracts created pursuant to its provisions will be reviewed by Brazoria County to determine whether the goals have been achieved. Based on that review, the Guidelines and Criteria will be modified, renewed or eliminated, provided that such actions shall not affect existing contracts or applications for tax abatement filed prior to the expiration of said Guidelines and Criteria. Applications for abatement filed prior to the expiration of the Guidelines and Criteria shall be governed by the provisions of these Guidelines and Criteria regardless of any subsequent modification or amendment.

- (b) This policy is mutually exclusive of existing Industrial District Contracts and owners of real property in areas deserving of special attention as agreed by the eligible jurisdictions.
- (c) These guidelines and policies for Tax Abatement shall be effective April 25, 2006, and shall remain in force until April 25, 2008, unless amended or superseded, modified, renewed, or eliminated by Commissioners' Court prior to that date.

ATTACHMENT

A

(TO THE BRAZORIA COUNTY GUIDELINES & CRITERIA FOR GRANTING TAX
ABATEMENT)

ANNUAL REPORT FORM

ANNUAL REPORT
 PURSUANT TO SECTION 5(a)(7) AND 7(e) OF
 THE BRAZORIA COUNTY GUIDELINES &
 CRITERIA ON TAX ABATEMENT

RE: TAX ABATEMENT AGREEMENT

_____ (Company/Owner Name)

REINVESTMENT ZONE (RZ) NO. _____ (Number of RZ, if applicable)

1. Commencement and/or completion date of the contemplated improvements described in the tax abatement agreement.

Date of commencement of construction: _____

Date of completion all contemplated improvements: _____

2. Number of permanent employees, contract employees and temporary contract employees currently employed by you at the tax abated facility location or construction site as of the date of this Report. (See definitions below).

<u>Reside Within</u> <u>Brazoria County</u>	<u>Reside Outside Of</u> <u>Brazoria County</u>
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Permanent Employees:	_____	_____
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* Permanent Contract Employees	_____	_____
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(* List contract employees employed on a full-time, 40 hours per week equivalency basis and who are expected to be employed on a full-time basis for the duration of the abatement period. Do not include temporary contract employees.)

**Temporary Contract Employees	_____	_____
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(**List temporary contract employees who are employed for a temporary period ending prior to expiration of the tax abatement term)

3. Status of construction of the contemplated improvements, percentage of construction completed and Owner's estimate of taxable value of constructed improvements on the date of the Report.

Percentage of construction completed: _____

Estimated value of Improvements: _____

As of _____

4. Status of production of the completed facility and the productive service capacity of the improvements. (only applicable to a completed facility that has previously commenced production)

Is the abated facility currently producing the product or similar product described in the tax abatement agreement? **Check One**
() Yes or () No

If the answer to the above question is "No", please state the date or time period when production ceased and attach a narrative explanation of the reason for cessation of production as Attachment B. _____

If production at this abated facility is shut down, please state the expected date or time period, if any, at which/during which you expect the facility to resume production operations. If you do not expect to resume production at this abated facility, please state "plant closed" in the blank space. _____

State your estimate of the expected productive life of the abated facility and its improvements as measured from the beginning date of production until the expected permanent cessation of production (or in other words, the total number of years, if any, that you expect the abated facility improvements to be in service as part of the operations of a producing facility, including in your total any previous years of production prior to the date of this report.) _____

5. Include a narrative of your use of Brazoria County vendors and services and attach the same as Attachment A to this Report.

Is the narrative on use of Brazoria County vendors and Services attached? **Check One**
() Yes or () No

To the best of my knowledge, the above information and estimates are true and correct.

Owner: _____

By: _____

Printed Name: _____

Title/Position _____

Date: _____