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P.O. Box 1655  
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April 25, 2016

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

*Via Email and Federal Express*

Re: 313 Application – RES Cactus Flats Wind Energy, LLC

Dear John, Jenny and Stephanie:

Enclosed please find an application for appraised value limitation on qualified property submitted to Eden CISD by RES Cactus Flats, LLC on April 21, 2016, along with the schedules in Excel format. A CD containing these documents is also enclosed.

The Eden CISD Board elected to accept the application on April 21, 2016. The application was determined to be complete on April 25, 2016. We ask that the Comptroller's Office prepare the economic impact report for this development.

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

Sincerely,

A handwritten signature in black ink that reads "Audie Sciumbato". The signature is fluid and cursive, with a large initial "A" and a long, sweeping tail.

Audie Sciumbato, PhD

Encl.

KGWWT10K0D6ROR

cc: Chief Appraiser, Concho County Appraisal District  
Sam Gregson, Cummings Westlake, LLC

**RES CACTUS FLATS WIND ENERGY LLC**

**CHAPTER 313 APPLICATION  
FOR APPRAISED VALUE LIMITATION  
TO EDEN CISD**

*COMPTROLLER*

**TAB 1**

Pages 1 through 9 of application.



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Sam Gregson, Cummings Westlake, LLC



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

Economic Development  
and Analysis  
**Form 50-296-A**

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

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

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

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

When the Comptroller receives the notice and required information from the school district, the Comptroller will publish all submitted application materials on its website. The Comptroller is authorized to treat some application information as confidential and withhold it from publication on the Internet. To do so, however, the information must be segregated and comply with the other requirements set out in the Comptroller rules. For more information, see guidelines on Comptroller's website.

The Comptroller will independently determine whether the application has been completed according to the Comptroller's rules (34 TAC Chapter 9, Subchapter F). If the Comptroller finds the application is not complete, the Comptroller will request additional materials from the school district. Pursuant to 9.1053(a)(1)(C), requested information shall be provided within 20 days of the date of the request. When the Comptroller determines that the application is complete, it will send the school district a notice indicating so. The Comptroller will determine the eligibility of the project, issue a certificate for a limitation on appraised value to the school board regarding the application and prepare an economic impact evaluation by the 90th day after the Comptroller receives a complete application—as determined by the Comptroller.

The school board must approve or disapprove the application not later than the 150th day after the application review start date (the date the application is finally determined to be complete), unless an extension is granted. The Comptroller and school district are authorized to request additional information from the applicant that is reasonably necessary to issue a certificate, complete the economic impact evaluation or consider the application at any time during the application review period.

Please visit the Comptroller's website to find out more about the program at [www.texasahead.org/tax\\_programs/chapter313/](http://www.texasahead.org/tax_programs/chapter313/). There are links to the Chapter 313 statute, rules, guidelines and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

## SECTION 1: School District Information

### 1. Authorized School District Representative

April 21, 2016

Date Application Received by District

Kent

First Name

Superintendent

Title

Eden CISD

School District Name

113 West Bryan Street

Street Address

Mailing Address

Eden

City

325-869-4121

Phone Number

254-485-1165

Mobile Number (optional)

Coker

Last Name

Texas

State

325-869-5210

Fax Number

kent.coker@edencisd.net

Email Address

76937

ZIP

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

**SECTION 1: School District Information (continued)**

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

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

April 25, 2016

4. On what date did the district determine this application complete? .....
5. Has the district determined that the electronic copy and hard copy are identical? .....  Yes  No

**SECTION 2: Applicant Information**

**1. Authorized Company Representative (Applicant)**

<u>Brian</u> First Name	<u>Evans</u> Last Name
<u>Chief Development Officer</u> Title	<u>Renewable Energy Systems America Inc.</u> Organization
<u>11101 West 120th Avenue</u> Street Address	
<u>Broomfield</u> City	<u>Colorado</u> State
<u>303-439-4200</u> Phone Number	<u>80021</u> ZIP
	<u>brian.evans@res-americas.com</u> Business Email Address

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

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

<u>Michael</u> First Name	<u>Hutson</u> Last Name
<u>Project Manager</u> Title	<u>Renewable Energy Systems America inc.</u> Organization
<u>11101 West 120th Avenue</u> Street Address	
<u>Broomfield</u> City	<u>Colorado</u> State
<u>303-439-4708</u> Phone Number	<u>80021</u> ZIP
	<u>Michael.Hutson@res-americas.com</u> Business Email Address

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

**SECTION 2: Applicant Information (continued)**

**4. Authorized Company Consultant (If Applicable)**

Sam \_\_\_\_\_ Gregson \_\_\_\_\_  
 First Name Last Name  
 Senior Consultant \_\_\_\_\_  
 Title \_\_\_\_\_  
 Cummings Westlake LLC \_\_\_\_\_  
 Firm Name \_\_\_\_\_  
 713-266-4456 \_\_\_\_\_  
 Phone Number Fax Number  
 sgregson@cwlp.net \_\_\_\_\_  
 Business Email Address

**SECTION 3: Fees and Payments**

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

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

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

For the purpose of questions 2 and 3, "payments to the school district" include any and all payments or transfers of things of value made to the school district or to any person or persons in any form if such payment or transfer of thing of value being provided is in recognition of, anticipation of, or consideration for the agreement for limitation on appraised value.

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

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

**SECTION 4: Business Applicant Information**

1. What is the legal name of the applicant under which this application is made? RES Cactus Flats Wind Energy, LLC

2. List the Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits) 32058765176

3. List the NAICS code 221115

4. Is the applicant a party to any other pending or active Chapter 313 agreements?  Yes  No

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

**SECTION 5: Applicant Business Structure**

1. Identify Business Organization of Applicant (corporation, limited liability corporation, etc) \_\_\_\_\_

2. Is applicant a combined group, or comprised of members of a combined group, as defined by Tax Code §171.0001(7)?  Yes  No

2a. If yes, attach in **Tab 3** a copy of Texas Comptroller Franchise Tax Form No. 05-165, No. 05-166, or any other documentation from the Franchise Tax Division to demonstrate the applicant's combined group membership and contact information.

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

4. Are all applicant members of the combined group current on all tax payments due to the State of Texas?  Yes  No  N/A

5. If the answer to question 3 or 4 is no, please explain and/or disclose any history of default, delinquencies and/or any material litigation, including litigation involving the State of Texas. (If necessary, attach explanation in **Tab 3**)

**SECTION 6: Eligibility Under Tax Code Chapter 313.024**

1. Are you an entity subject to the tax under Tax Code, Chapter 171?  Yes  No
2. The property will be used for one of the following activities:
  - (1) manufacturing  Yes  No
  - (2) research and development  Yes  No
  - (3) a clean coal project, as defined by Section 5.001, Water Code  Yes  No
  - (4) an advanced clean energy project, as defined by Section 382.003, Health and Safety Code  Yes  No
  - (5) renewable energy electric generation  Yes  No
  - (6) electric power generation using integrated gasification combined cycle technology  Yes  No
  - (7) nuclear electric power generation  Yes  No
  - (8) a computer center that is used as an integral part or as a necessary auxiliary part for the activity conducted by applicant in one or more activities described by Subdivisions (1) through (7)  Yes  No
  - (9) a Texas Priority Project, as defined by 313.024(e)(7) and TAC 9.1051  Yes  No
3. Are you requesting that any of the land be classified as qualified investment?  Yes  No
4. Will any of the proposed qualified investment be leased under a capitalized lease?  Yes  No
5. Will any of the proposed qualified investment be leased under an operating lease?  Yes  No
6. Are you including property that is owned by a person other than the applicant?  Yes  No
7. Will any property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment?  Yes  No

**SECTION 7: Project Description**

1. In **Tab 4**, attach a detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information.
2. Check the project characteristics that apply to the proposed project:
 

<input checked="" type="checkbox"/> Land has no existing improvements	<input type="checkbox"/> Land has existing improvements ( <i>complete Section 13</i> )
<input type="checkbox"/> Expansion of existing operation on the land ( <i>complete Section 13</i> )	<input type="checkbox"/> Relocation within Texas

**SECTION 8: Limitation as Determining Factor**

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

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

# Application for Appraised Value Limitation on Qualified Property

## SECTION 9: Projected Timeline

- |   |   |
|---|---|
| 1. Application approval by school board .....   | November 2016   |
| 2. Commencement of construction .....   | 2017  |
| 3. Beginning of qualifying time period .....  | 2017  |
| 4. First year of limitation .....   | 2018  |
| 5. Begin hiring new employees .....   | 4Q 2017   |
| 6. Commencement of commercial operations .....  | 2018  |
| 7. Do you propose to construct a new building or to erect or affix a new improvement after your application review start date (date your application is finally determined to be complete)? ..... | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Note:</b> Improvements made before that time may not be considered qualified property.   |   |
| 8. When do you anticipate the new buildings or improvements will be placed in service? .....  | 1Q 2018   |

## SECTION 10: The Property

1. Identify county or counties in which the proposed project will be located Concho
2. Identify Central Appraisal District (CAD) that will be responsible for appraising the property Concho CAD
3. Will this CAD be acting on behalf of another CAD to appraise this property?  Yes  No
4. List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:
- |  |   |
|--|---|
| County: <u>Concho; \$0.833596; 100%</u><br><small>(Name, tax rate and percent of project)</small>                    | City: _____<br><small>(Name, tax rate and percent of project)</small>   |
| Hospital District: <u>Concho County HD; \$0.2800; 100%</u><br><small>(Name, tax rate and percent of project)</small> | Water District: <u>Lipan-Kickapoo WCD; \$0..149</u><br><small>(Name, tax rate and percent of project)</small> |
| Other (describe): _____<br><small>(Name, tax rate and percent of project)</small>                                    | Other (describe): _____<br><small>(Name, tax rate and percent of project)</small>                             |
5. Is the project located entirely within the ISD listed in Section 1?  Yes  No
- 5a. If no, attach in **Tab 6** additional information on the project scope and size to assist in the economic analysis.
6. Did you receive a determination from the Texas Economic Development and Tourism Office that this proposed project and at least one other project seeking a limitation agreement constitute a single unified project (SUP), as allowed in §313.024(d-2)?  Yes  No
- 6a. If yes, attach in **Tab 6** supporting documentation from the Office of the Governor.

## SECTION 11: Investment

**NOTE:** The minimum amount of qualified investment required to qualify for an appraised value limitation and the minimum amount of appraised value limitation vary depending on whether the school district is classified as Subchapter B or Subchapter C, and the taxable value of the property within the school district. For assistance in determining estimates of these minimums, access the Comptroller's website at [www.texasahead.org/tax\\_programs/chapter313/](http://www.texasahead.org/tax_programs/chapter313/).

1. At the time of application, what is the estimated minimum qualified investment required for this school district? ..... 10,000,000.00
2. What is the amount of appraised value limitation for which you are applying? ..... 20,000,000.00
- Note:** The property value limitation amount is based on property values available at the time of application and may change prior to the execution of any final agreement.
3. Does the qualified investment meet the requirements of Tax Code §313.021(1)?  Yes  No
4. Attach a description of the qualified investment [See §313.021(1).] The description must include:
- a specific and detailed description of the qualified investment you propose to make on the property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (**Tab 7**);
  - a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your minimum qualified investment (**Tab 7**); and
  - a detailed map of the qualified investment showing location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period, with vicinity map (**Tab 11**).
5. Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or §313.053 for Subchapter C school districts) for the relevant school district category during the qualifying time period?  Yes  No

**SECTION 12: Qualified Property**

1. Attach a detailed description of the qualified property. [See §313.021(2)] (If qualified investment describes qualified property exactly, you may skip items a, b and c below.) The description must include:
  - 1a. a specific and detailed description of the qualified property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (Tab 8);
  - 1b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your qualified property (Tab 8); and
  - 1c. a map of the qualified property showing location of new buildings or new improvements with vicinity map (Tab 11).
2. Is the land upon which the new buildings or new improvements will be built part of the qualified property described by §313.021(2)(A)? .....  Yes  No
  - 2a. If yes, attach complete documentation including:
    - a. legal description of the land (Tab 9);
    - b. each existing appraisal parcel number of the land on which the new improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property (Tab 9);
    - c. owner (Tab 9);
    - d. the current taxable value of the land. Attach estimate if land is part of larger parcel (Tab 9); and
    - e. a detailed map showing the location of the land with vicinity map (Tab 11).
  3. Is the land on which you propose new construction or new improvements currently located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303? . . . .  Yes  No
    - 3a. If yes, attach the applicable supporting documentation:
      - a. evidence that the area qualifies as a enterprise zone as defined by the Governor's Office (Tab 16);
      - b. legal description of reinvestment zone (Tab 16);
      - c. order, resolution or ordinance establishing the reinvestment zone (Tab 16);
      - d. guidelines and criteria for creating the zone (Tab 16); and
      - e. a map of the reinvestment zone or enterprise zone boundaries with vicinity map (Tab 11)
    - 3b. If no, submit detailed description of proposed reinvestment zone or enterprise zone with a map indicating the boundaries of the zone on which you propose new construction or new improvements to the Comptroller's office within 30 days of the application date. What is the anticipated date on which you will submit final proof of a reinvestment zone or enterprise zone? ..... May 2016

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

1. In Tab 10, attach a specific and detailed description of all **existing property**. This includes buildings and improvements existing as of the application review start date (the date the application is determined to be complete by the Comptroller). The description must provide sufficient detail to locate all existing property on the land that will be subject to the agreement and distinguish existing property from future proposed property.
2. In Tab 10, attach a specific and detailed description of all **proposed new property that will not become new improvements** as defined by TAC 9.1051. This includes proposed property that: functionally replaces existing or demolished/removed property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property; or is otherwise ineligible to become qualified property. The description must provide sufficient detail to distinguish existing property (question 1) and all proposed new property that cannot become qualified property from proposed qualified property that will be subject to the agreement (as described in Section 12 of this application).
3. For the property not eligible to become qualified property listed in response to questions 1 and 2 of this section, provide the following supporting information in Tab 10:
  - a. maps and/or detailed site plan;
  - b. surveys;
  - c. appraisal district values and parcel numbers;
  - d. inventory lists;
  - e. existing and proposed property lists;
  - f. model and serial numbers of existing property; or
  - g. other information of sufficient detail and description.
4. Total estimated market value of existing property (that property described in response to question 1): ..... \$ 0.00
5. In Tab 10, include an appraisal value by the CAD of all the buildings and improvements existing as of a date within 15 days of the date the application is received by the school district.
6. Total estimated market value of proposed property not eligible to become qualified property (that property described in response to question 2): ..... \$ 0.00

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

**SECTION 14: Wage and Employment Information**

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

2. What is the last complete calendar quarter before application review start date:  
 First Quarter     Second Quarter     Third Quarter     Fourth Quarter of 2016  
 (year)

3. What were the number of permanent jobs (more than 1,600 hours a year) this applicant had in Texas during the most recent quarter reported to the Texas Workforce Commission (TWC)? ..... 0

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

4. What is the number of new qualifying jobs you are committing to create? ..... 5

5. What is the number of new non-qualifying jobs you are estimating you will create? ..... 0

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

6a. If yes, attach evidence in **Tab 12** documenting that the new qualifying job creation requirement above exceeds the number of employees necessary for the operation, according to industry standards.

7. Attach in **Tab 13** the four most recent quarters of data for each wage calculation below, including documentation from the TWC website. The final actual statutory minimum annual wage requirement for the applicant for each qualifying job — which may differ slightly from this estimate — will be based on information from the four quarterly periods for which data were available at the time of the application review start date (date of a completed application). See TAC §9.1051(21) and (22).

- a. Average weekly wage for all jobs (all industries) in the county is ..... 674.00
- b. 110% of the average weekly wage for manufacturing jobs in the county is ..... 529.00
- c. 110% of the average weekly wage for manufacturing jobs in the region is ..... 823.00

8. Which Tax Code section are you using to estimate the qualifying job wage standard required for this project? .....  §313.021(5)(A) or  §313.021(5)(B)

9. What is the minimum required annual wage for each qualifying job based on the qualified property? ..... 27,532.00

10. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? ..... 30,000.00

11. Will the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? .....  Yes     No

12. Do you intend to satisfy the minimum qualifying job requirement through a determination of cumulative economic benefits to the state as provided by §313.021(3)(F)? .....  Yes     No

12a. If yes, attach in **Tab 12** supporting documentation from the TWC, pursuant to §313.021(3)(F).

13. Do you intend to rely on the project being part of a single unified project, as allowed in §313.024(d-2), in meeting the qualifying job requirements? .....  Yes     No

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

**SECTION 15: Economic Impact**

1. Complete and attach Schedules A1, A2, B, C, and D in **Tab 14**. Note: Excel spreadsheet versions of schedules are available for download and printing at URL listed below.

2. Attach an Economic Impact Analysis, if supplied by other than the Comptroller's Office, in **Tab 15**. (not required)

3. If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, attach a separate schedule showing the amount for each year affected, including an explanation, in **Tab 15**.

APPLICATION TAB ORDER FOR REQUESTED ATTACHMENTS

TAB	ATTACHMENT
1	Pages 1 through 11 of Application
2	Proof of Payment of Application Fee
3	Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation <i>(if applicable)</i>
4	Detailed description of the project
5	Documentation to assist in determining if limitation is a determining factor
6	Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor <i>(if applicable)</i>
7	Description of Qualified Investment
8	Description of Qualified Property
9	Description of Land
10	Description of all property not eligible to become qualified property <i>(if applicable)</i>
11	<p>Maps that clearly show:</p> <ul style="list-style-type: none"> <li>a) Project vicinity</li> <li>b) Qualified investment including location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period</li> <li>c) Qualified property including location of new buildings or new improvements</li> <li>d) Existing property</li> <li>e) Land location within vicinity map</li> <li>f) Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size</li> </ul> <p><b>Note:</b> Electronic maps should be high resolution files. Include map legends/markers.</p>
12	Request for Waiver of Job Creation Requirement and supporting information <i>(if applicable)</i>
13	Calculation of three possible wage requirements with TWC documentation
14	Schedules A1, A2, B, C and D completed and signed Economic Impact <i>(if applicable)</i>
15	Economic Impact Analysis, other payments made in the state or other economic information <i>(if applicable)</i>
16	<p>Description of Reinvestment or Enterprise Zone, including:</p> <ul style="list-style-type: none"> <li>a) evidence that the area qualifies as a enterprise zone as defined by the Governor's Office</li> <li>b) legal description of reinvestment zone*</li> <li>c) order, resolution or ordinance establishing the reinvestment zone*</li> <li>d) guidelines and criteria for creating the zone*</li> </ul> <p><b>* To be submitted with application or before date of final application approval by school board</b></p>
17	Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative <i>(applicant)</i>

**TAB 2**

*Proof of Payment of Application Fee*

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

Proof of payment of filing fee received by the  
Comptroller of Public Accounts per TAC Rule  
§9.1054 (b)(5)

*(Page Inserted by Office of Texas Comptroller of Public  
Accounts)*

**TAB 3**

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

Texas Franchise Tax Extension Request

■ Tcode 13258 Annual

■ Taxpayer number		■ Report year		Due date	
954683730		2015		05/15/2015	
Taxpayer name RENEWABLE ENERGY SYSTEMS AMERICAS, INC. & SUBS					Secretary of State file number or Comptroller file number
Mailing address 9050 N CAPITAL OF TEXAS HIGHWAY, STE 390					0013471906
City AUSTIN		State TX	Country	ZIP Code 78759	Plus 4
Check box if this is a combined report <input checked="" type="checkbox"/>					Check box if the address has changed <input type="checkbox"/>

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

Note to mandatory Electronic Fund Transfer(EFT) payers:  
 When requesting a second extension do not submit an Affiliate List Form 05-165.

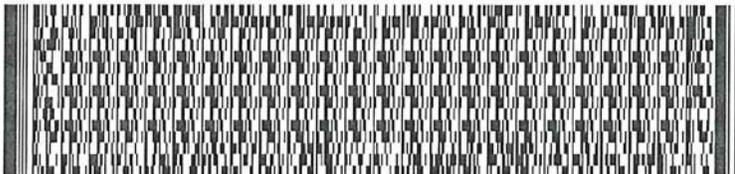
1. Extension payment (Dollars and cents) 1.

Print or type name JEFF KRONKE		Area code and phone number ( 512 ) 338 - 8577	
I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief.			
sign here 		Date 05/15/2015	
Mail original to: Texas Comptroller of Public Accounts P.O. Box 149348 Austin, TX 78714-9348			

If you have any questions regarding franchise tax, you may contact the Texas Comptroller's field office in your area or call 1-800-252-1381.  
 Instructions for each report year are online at [www.window.state.tx.us/taxinfo/taxforms/05-forms.html](http://www.window.state.tx.us/taxinfo/taxforms/05-forms.html).

Taxpayers who paid \$10,000 or more during the preceding fiscal year (Sept. 1 thru Aug. 31) are required to electronically pay their franchise tax.  
 For more information visit [www.window.state.tx.us/webfile/req\\_franchise.html](http://www.window.state.tx.us/webfile/req_franchise.html).

Texas Comptroller Official Use Only



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



1062

Texas Franchise Tax Extension Affiliate List

■ Tcode 13298

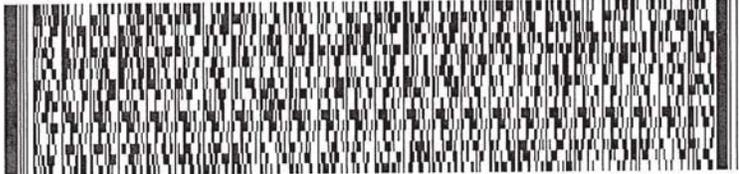
■ Reporting entity taxpayer number  ■ Report year  Reporting entity taxpayer name

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. IRON HORSE WIND ENERGY LLC	463821309	<input checked="" type="checkbox"/>
2. KEECHI WIND LLC	12608650268	<input type="checkbox"/>
3. LONGHORN SOUTH WIND PROJECT LLC	464115834	<input type="checkbox"/>
4. LOWER SNAKE WIND LLC	260706216	<input checked="" type="checkbox"/>
5. MOAPA SOLAR LLC	271006934	<input checked="" type="checkbox"/>
6. OKLAHOMA LAND PARTNERS LLC	262159163	<input checked="" type="checkbox"/>
7. ORIGIN WIND ENERGY LLC	262602125	<input checked="" type="checkbox"/>
8. PIONEER SOLAR LLC	263976977	<input checked="" type="checkbox"/>
9. PLEASANT VALLEY WIND LLC	270378724	<input checked="" type="checkbox"/>
10. PRITCHETT WIND LLC	264743479	<input checked="" type="checkbox"/>
11. RATTLESNAKE POWER LLC	12608649864	<input type="checkbox"/>
12. RES (CONSTRUCTION) GP LLC	17429931482	<input type="checkbox"/>
13. RES (CONSTRUCTION) LP LLC	742993152	<input checked="" type="checkbox"/>
14. RES ENERGY STORAGE HOLDINGS LLC	455516377	<input type="checkbox"/>
15. RES NORTH AMERICA LEASING LLC	753062064	<input checked="" type="checkbox"/>
16. RES PORTFOLIO HOLDINGS LLC	16115307866	<input type="checkbox"/>
17. RES STORAGE LLC	32044265901	<input type="checkbox"/>
18. RES UNDERGROUND SERVICES LLC	14524358802	<input type="checkbox"/>
19. ROCK CREEK WIND POWER LLC	273331782	<input checked="" type="checkbox"/>
20. SOUTHWEST LAND PARTNERS LLC	262601019	<input checked="" type="checkbox"/>
21. TEXAS GP HOLDINGS LLC	17430599427	<input type="checkbox"/>

Note: To file an extension request for a reporting entity and its affiliates, Form 05-164 (Texas Franchise Tax Extension Request) must be submitted with this affiliate list. The filing of this list by itself does not constitute a properly filed Extension Request.

Do not file this form when requesting a second extension.

Texas Comptroller Official Use Only



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1062

Texas Franchise Tax Extension Affiliate List

■ Tcode 13298

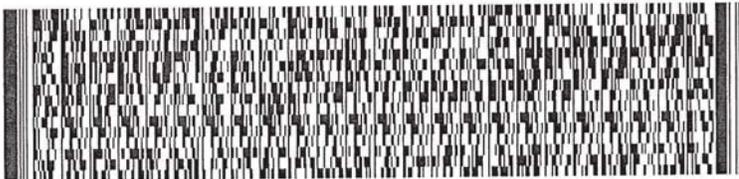
■ Reporting entity taxpayer number 954683730	■ Report year 2015	Reporting entity taxpayer name RENEWABLE ENERGY SYSTEMS AMERICAS, INC. & SUE
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LEGAL NAME OF AFFILIATE	AFFILIATE'S TEXAS TAXPAYER NUMBER (If none, enter FEI number)	CHECK BOX IF AFFILIATE DOES NOT HAVE NEXUS IN TEXAS
1. RES AMERICA CONSTRUCTION INC.	32002899410	<input type="checkbox"/>
2. RES AMERICA DEVELOPMENTS INC.	17429692852	<input type="checkbox"/>
3. RES AMERICA WIND OPERATIONS INC.	12080244457	<input type="checkbox"/>
4. RES AMERICA INVESTMENTS INC.	13202044551	<input type="checkbox"/>
5. RES AMERICA ENGINEERING INC.	263643624	<input checked="" type="checkbox"/>
6. RES EARTH AND CABLE LLC	12721352719	<input type="checkbox"/>
7. BATTERY UTILITY OF OHIO LLC	371730847	<input checked="" type="checkbox"/>
8. BLACKHAWK WIND LLC	264261474	<input checked="" type="checkbox"/>
9. BLUE SKY WIND LLC	753061040	<input checked="" type="checkbox"/>
10. BLUESTEM WIND ENERGY LLC	262704423	<input checked="" type="checkbox"/>
11. BORDER WINDS ENERGY LLC	454126872	<input checked="" type="checkbox"/>
12. CEDAR ELM WIND LLC	13837599573	<input type="checkbox"/>
13. CENTRAL PLAINS POWER LLC	753061023	<input checked="" type="checkbox"/>
14. CHEROKEE WIND ENERGY LLC	262601333	<input checked="" type="checkbox"/>
15. COTTONWOOD WIND LLC	13837599557	<input type="checkbox"/>
16. CROSSROADS WIND ENERGY LLC	262601430	<input checked="" type="checkbox"/>
17. CROSTIMBERS EDUCATION CENTER LLC	12607085094	<input type="checkbox"/>
18. DEERFIELD WIND ENERGY LLC	611751506	<input checked="" type="checkbox"/>
19. GLACIER RIDGE WIND FARM LLC	270329971	<input checked="" type="checkbox"/>
20. GRANITE WIND LLC	320207528	<input checked="" type="checkbox"/>
21. HIGH PLAINS POWER LLC	753061019	<input checked="" type="checkbox"/>

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Do not file this form when requesting a second extension.

Texas Comptroller Official Use Only



VE/DE	<input type="checkbox"/>	FM	<input type="checkbox"/>
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1062

Texas Franchise Tax Extension Affiliate List

■ Tcode 13298

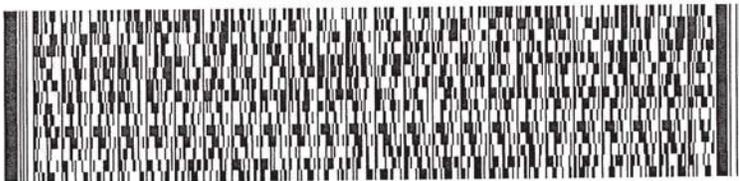
■ Reporting entity taxpayer number	■ Report year	Reporting entity taxpayer name
954683730	2015	RENEWABLE ENERGY SYSTEMS AMERICAS, INC. & SUE

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. TEXAS LAND PARTNERS LP	14319729969	<input type="checkbox"/>
2. TEXAS LP HOLDINGS LLC	542070767	<input checked="" type="checkbox"/>
3. WEBBERVILLE SOLAR LLC	32038323450	<input type="checkbox"/>
4. WESTERN OK WIND LEASING LLC	262159352	<input checked="" type="checkbox"/>
5. TURNING POINT SOLAR LLC	273348265	<input checked="" type="checkbox"/>
6. RES HAWAII LLC	320452180	<input checked="" type="checkbox"/>
7. CLINTON BATTERY UTILITY OF OHIO LLC	371766581	<input checked="" type="checkbox"/>
8. HUNTINGTON BEACH RELIABILITY LLC	611741060	<input checked="" type="checkbox"/>
9. INGLEWOOD GRID RELIABILITY LLC	371766659	<input checked="" type="checkbox"/>
10. NIGUEL GRID RELIABILITY LLC	383941320	<input checked="" type="checkbox"/>
11. PLEASANT GROVE GRID RELIABILITY LLC	371767635	<input checked="" type="checkbox"/>
12. VICTOR GRID RELIABILITY LLC	383941271	<input checked="" type="checkbox"/>
13. SHINGLE SPRINGS GRID RELIABILITY LLC	611743645	<input checked="" type="checkbox"/>
14. WEBER GRIG RELIABILITY LLC	364796139	<input checked="" type="checkbox"/>
15. WILEY BATTERY UTILITY LLC	364794835	<input checked="" type="checkbox"/>
16. NORTHERN ILLINOIS BATTERY STORAGE HOL	371774386	<input checked="" type="checkbox"/>
17. WEST CHICAGO BATTERY STORAGE LLC	671749842	<input checked="" type="checkbox"/>
18. JOLIET BATTERY STORAGE LLC	300846646	<input checked="" type="checkbox"/>
19.		<input type="checkbox"/>
20.		<input type="checkbox"/>
21.		<input type="checkbox"/>

Note: To file an extension request for a reporting entity and its affiliates, Form 05-164 (Texas Franchise Tax Extension Request) must be submitted with this affiliate list. The filing of this list by itself does not constitute a properly filed Extension Request.

Do not file this form when requesting a second extension.

Texas Comptroller Official Use Only



VE/DE	<input type="checkbox"/>	FM	<input type="checkbox"/>
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1062

**TAB 4**

Detailed Description of the Project

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

The Cactus Flats Wind Project (“Cactus Flats” or the “Project”) is a proposed wind energy generation project located in Concho County, Texas. The Project is anticipated to consist of 43 to 75 wind turbines which when operational will be capable of generating up to 150 MW, depending on final turbine technology selection. Additional Project facilities will include a Project Operations and Maintenance Facility, a main project substation, and an approximate 2.5-mile transmission line to connect the project to the existing electrical grid.

The Project is situated in southwestern Concho County approximately 10 miles from the city of Eden. The Project area is comprised primarily of rangeland, utilized for grazing and hunting and is well suited for a wind farm. The project will be located on approximately 25,000 acres of private land which will be leased under a 30-year wind lease. The project is planned to be interconnected to AEP’s 138kV system which intersects the southwest portion of the project area.

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

- Planned up to 150 MW-AC in size;
- Approximately 43 to 75 Wind Turbines;
- Underground Medium and high-voltage electric cabling;
- Project substation which will include a high-voltage transformer, switchgear, transmission equipment, telecommunications and SCADA equipment, among other things;
- High-voltage transmission line connecting the project to the grid (gen tie);
- Operations and maintenance (O&M) building including telecommunications and computing equipment, among other things;
- Meteorological equipment to measure weather conditions and wind speeds; and
- Associated equipment to safely operate, maintain and deliver electricity to the grid.

**TAB 5**

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

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

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

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

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

**TAB 6**

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

- |   |        |
|---|--------|
| 1) Concho County                          | - 100% |
| 2) Eden Consolidated Ind. School District | - 100% |
| 3) Lipan-Kickapoo UGWD                    | - 100% |

**TAB 7**

*Description of Qualified Investment*

The Cactus Flats Wind Project (“Cactus Flats” or the “Project”) is a proposed wind energy generation project located in Concho County, Texas. The Project is anticipated to consist of 43 to 75 wind turbines which when operational will be capable of generating up to 150 MW, depending on final turbine technology selection. Additional Project facilities will include a Project Operations and Maintenance Facility, a main project substation, and an approximate 2.5-mile transmission line to connect the project to the existing electrical grid.

The Project is situated in southwestern Concho County approximately 10 miles from the city of Eden. The Project area is comprised primarily of rangeland, utilized for grazing and hunting and is well suited for a wind farm. The project will be located on approximately 25,000 acres of private land which will be leased under a 30-year wind lease. The project is planned to be interconnected to AEP’s 138kV system which intersects the southwest portion of the project area.

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

- Planned up to 150 MW-AC in size;
- Approximately 43 to 75 Wind Turbines;
- Underground Medium and high-voltage electric cabling;
- Project substation which will include a high-voltage transformer, switchgear, transmission equipment, telecommunications and SCADA equipment, among other things;
- High-voltage transmission line connecting the project to the grid (gen tie);
- Operations and maintenance (O&M) building including telecommunications and computing equipment, among other things;
- Meteorological equipment to measure weather conditions and wind speeds; and
- Associated equipment to safely operate, maintain and deliver electricity to the grid.

*NOTE* - The map in TAB 11 shows the proposed project area with the preliminary turbine substation and transmission line locations. The exact placement of these panels and inverters is subject to ongoing planning, soil studies, and engineering and will be determined before construction begins.

**TAB 8**

*Description of Qualified Property*

(See Tab 7)

**TAB 9**

Description of Land

**CACTUS FLATS REINVESTMENT ZONE**  
**LEGAL DESCRIPTION**

**DAVID BUNGER JR. AND WIFE, LORNA BUNGER**

TRACT ONE

BEING all of Survey No. 67, Block 8, H. & T.C. Ry. Co., Abstract No. 415, Concho County, Texas.

TRACT TWO

BEING 320 acres of land, more or less, located in the Southwest part of Concho County, Texas, the same comprising all of the North one-half (N/2) of H.C. Bunger Survey No. 68, Abstract No. 1687.

TRACT THREE

BEING all of the South one-half (S/2) of Survey No. 68, Abstract No. 1687, Original Grantee H.C. Bunger, Certificate 41/5188, Block 8, H. & T.C. R.R. Co., Concho County, Texas.

The above described land is the identical land heretofore conveyed by Mrs. Fannie E. Bunger unto Mrs. Cora Bunger Farnsworth by Gift Deed dated April 5, 1946, and recorded in Volume 63, Page 386, Deed Records, Concho County, Texas, and said deed and the record thereof are both here referred to for all purposes.

TRACT FOUR

BEING the West one-half (W/2) of H. & T.C. RR. Co. Survey No. 73, Certificate 41/5191, Block 8, Abstract No. 418, Patent 366, Volume 7, containing 320 acres of land, more or less, and being the identical land conveyed by H.C. Bunger, et ux, to Antonia Bunger by General Warranty Deed dated October 23, 1929, and duly recorded in Volume 37, Page 317, Deed Records, Concho County, Texas; and said Deed together with the record thereof are both here referred to and made a part hereof for all purposes.

TRACT FIVE

BEING 128.7 acres of land out of the East one-half (E/2) of H. & T.C. RR Co. Survey No. 73, Certificate 41/ 5191, Block 8, Abstract No. 418, described by metes and bounds as follows, to-wit:

BEGINNING at a st md in the center of the Fort McKavett Road for the N.W. cor of this part of said Survey No. 73, and which is also the N.E. corner of the above described Tract No. Four;

THENCE E. 947 vrs to st md for N.E. cor this Survey;

THENCE S. 455 vrs to st md;

THENCE W. 715 vrs;

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY  
BY RES CACTUS FLATS WIND ENERGY, LLC TO EDEN CISD*

THENCE S. 0 30 E. 1262 vrs to the center of the public road on the N. line of a tract of land heretofore owned by Mrs. Belle C. Wilson;

THENCE W. 235 1/2 vrs to the S.W. corner of this tract;

THENCE N. 0 30 W. 1714 vrs to the PLACE OF BEGINNING.

The above described Tract is the identical land conveyed by Bina Wilson , a widow, to Antonio Bunger, by General Warranty Deed dated June 10, 1944, duly recorded in Volume 57, Page 556, Deed Records, Concho County, Texas; and said deed and the record thereof are both here referred to and made a part hereof for all purposes.

**TRACT SIX**

BEING 57 acres of land out of the S.E. corner of the South one-half (S/2) of Survey No. 72, H. C. Bunger, Abstract No. 1685, described by metes and bounds as follows, to-wit:

BEGINNING at the S.E. corner of said Survey No. 72;

THENCE N. along the E. line of said Survey, 475 vrs to a corner;

THENCE W. and parallel with the S. line of said Survey, 677.3 vrs to a corner;

THENCE S. and parallel with the E. line of said Survey, 475 vrs to cor in S. line;

THENCE E. along said S. line, 677.3 vrs TO THE BEGINNING; and being the identical land conveyed by H.F. Bunger, a single man, to Mrs. Antonio Bunger, by General Warranty Deed dated April 8, 1946, duly recorded in Volume 63, Page 393, Deed Records, Concho County, Texas; and said deed together with the record thereof are both here referred to and made a part hereof for all purposes;

**TRACT SEVEN**

BEING 57 acres of land out of the Northeast corner of the South one-half (S/2) of H.C. Bunger Survey No. 72, Abstract No. 1685, described by metes and bounds as follows, to-wit:

BEGINNING at a point in the East line of said Survey No. 72, 475 vrs N. of the S.E. corner of said Survey No. 72;

THENCE N. with said E. line, 475 vrs to the N.E. corner of the S. 323 acres of said Survey No. 72, and being the N.E. corner of the land in said Survey formerly belonging to Mrs. Fannie E. Bunger;

THENCE W. and parallel with the E. line of said Survey, 677.3 vrs to a corner;

THENCE S. and parallel with E. line of said Survey, 475 vrs to corner, same being the N.W. corner of a 57 acre tract formerly deeded to H.F. Bunger;

THENCE E. and parallel with the S. line of said Survey, 677.3 vrs to the PLACE OF BEGINNING; and being the identical land conveyed by Mrs. F.E. Bunger to Antonio Bunger, by General Warranty Deed dated April 4, 1946, and duly recorded in Volume 63, Page 382, Deed Records, Concho County, Texas, and said deed together with the record thereof are both here referred to and made a part hereof for all purposes; SAVE AND EXCEPT the following described forty (40) acre tract of land heretofore conveyed by Judy Bunger Crawford et al unto Thomas J. Salvato et ux by deed dated June 4, 1982, and duly recorded in Volume 131, Page 654, Deed Records, Concho County, Texas:

BEING 40 acres of land out of the N.E. corner of the South one-half (S/2) of Survey No. 72, Abstract No. 1685, in the name of H.C. Bunger, and said 40 acres is further described as being the North 40 acres out of the North 57 acre tract of two certain 57 acre tracts owned by Judy Bunger Crawford et al, out of the East part of the South one-half (S/2) of said H.C. Bunger Survey No. 72, and said 40 acre tract being described by metes and bounds as follows, to-wit:

BEGINNING at a point in middle of lane for the N.E. corner of the South one-half (S/2) of said Survey No. 72, said point being the S.E. corner of the North one-half (N/2) of said Survey No. 72, owned by the estate of Will Lapp, deceased, for the N.E. corner of this tract;

THENCE S. along the middle of said lane a distance of 332.3 vrs to point for the S.E. corner of this tract, said point being located fifteen (15) feet E, of stake set in E. fence line of said North 57 acre tract;

THENCE W. and parallel with the N. line of the South one-half (S/2) of said Survey No. 72, a distance of 681.84 vrs to stk set in E. fence line of a 209 acre tract of land owned by George Bunger which is also the W. fence line of said North 57 acre tract, for the S.W. corner of this tract;

THENCE N. along the common fence line between said George Bunger tract and said North 57 acre tract, a distance of 332.3 vrs to fence corner post in S. line of the North one-half (N/2) of said Survey No. 72, owned by Estate of Will Lapp, deceased, for the N.E. corner of said George Bunger 209 acres and for the N.W. corner of said N. 57 acre tract for the N.W. corner of this tract;

THENCE E. along N. line of South one-half (S/2) of said Survey No. 72, and the S. line of the North one-half (N/2) of said Survey owned by Will Lapp, deceased estate, and along common fence line between said Will Lapp Estate tract and said N. 57 acre tract, a distance of 681.84 vrs to the PLACE OF BEGINNING.

TRACT EIGHT

BEING 209.5 acres, more or less, the same comprising all of the South One-half (S/2) of H. & T.C. Ry. Co. Survey No. 72, Block 8, Certificate 41/5190, Abstract No. 1685, which was patented by the State of Texas to H. Bunger on February 16, 1923, by Patent No. 141, Volume 17A, for 323.5 acres of land; SAVE AND EXCEPT the following two tracts of land, to-wit:

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY  
BY RES CACTUS FLATS WIND ENERGY, LLC TO EDEN CISD*

- a. 57 acres of land out of the S.E. corner of S/2 Survey No. 72, H. & T.C. Ry. Co. Certificate 41/5190, Abstract No. 1685, and being the identical land conveyed by Mrs. Frances E. Bunger to H. F. Bunger by Gift Deed dated April 4, 1946, and which Deed is duly recorded in Volume 63, Page 384, Deed Records, Concho County, Texas; and
- b. 57 acres of land out of the N.E. corner of S/2 Survey No. 72, H. & T.C. Ry. Co., Certificate 41/5190, Abstract No. 1685, and being the identical land conveyed by Mrs. Frances E. Bunger to Antonio Bunger by Deed dated April 4, 1946, and recorded in Volume 63, Page 382, Deed Records, Concho County, Texas.

**JUDY BUNGER CRAWFORD**

**TRACT ONE**

BEING all of the West one-half (W/2) of H. & T.C. Ry. Co. Survey No. 75, Certificate 41/5192, Abstract No. 419, Block 8, Concho County, Texas, containing 325 acres, more or less.

**TRACT TWO**

BEING all of the South one-half (S/2) of H. & T.C. Ry. Co. Survey No. 66, Certificate 41/5187, Abstract No. 1686, Block 8, Concho County, Texas, containing 320 acres, more or less.

**TRACT THREE**

BEING 321.33 acres in Concho County, Texas known as the West one-half (W/2) of Section 74, Block 8, H. & T.C. R.R. Co., Certificate 47/5191, Abstract No. 1684, and more particularly described by metes and bounds as follows and incorporated herein:

BEING 321.33 acres in Concho County, Texas known as the West one-half (W/2) of Section 74, Block 8, H. & T.C. R.R. Co., Certificate 47/5191, Abstract No. 1684, and more particularly described as follows:

BEGINNING at a 1" iron pipe locate at the N. W. corner of Survey No. 75, at the N. E. corner of Survey No. 66, and at the S. E. corner of Survey No. 67, all in the name of H. & T.C. R.R. Co., Block 8 for the S. W. corner of this Survey and from which an Old Axle at fence corner located at the patented S. E. corner of Survey No. 62, same Block, bears West, 1904.5 varas;

THENCE with the North line of said Survey No. 75, East 952.25 varas to a point under N-S fence for the S. E. corner of this Survey, and being located at the Patented S. W. corner of the East one-half (E/2) of said Survey No. 74;

THENCE with said fence and with the patented West line of said East one-half (E/2) Survey No. 74, North 1905.0 varas to a fence corner located at the Patented N. W. corner of said East one-half (E/2), Survey No. 74 and in the South line of Survey No. 73, Block 8, H. & T.C. R.R. Co., being the N. E. corner of this Survey;

THENCE fence and the South line of said Survey No. 73, West 952.25 varas to a fence corner located at the S. W. corner of said Survey No. 73 at the N. E. corner of said Survey No. 67 and at the S. E. corner of Survey No. 68, Block 8, H. & T.C. R.R. Co., being the N. W. corner of this Survey;

THENCE with the East line of said Survey No. 67, South 1905.0 varas to the PLACE OF BEGINNING.

**TRACT FOUR**

BEING all of the North one-half (N/2) of Survey No. 66, Block 8, H. & T.C. Ry. Co., Abstract No. 1686, Concho County, Texas.

**JERRY R. CUNNINGHAM OR NANCY S. CUNNINGHAM, TRUSTEE OF THE JERRY R. CUNNINGHAM REVOCABLE TRUST DECLARATION DATED JUNE 30, 2004, AND NANCY S. CUNNINGHAM OR JERRY R. CUNNINGHAM, TRUSTEE OF THE NANCY S. CUNNINGHAM REVOCABLE TRUST DECLARATION DATED JUNE 30, 2004**

BEING all that certain tract of land situated in Concho County, Texas comprising a total of 450.304 acres of land out of and a part of the following Surveys:

J.E. Henderson Survey No. 32, Block 8, Abstract No. 1892 - 196.515 acres, H. & T.C. R.R. Co. Survey No. 33, Block 8, Abstract No. 398 - 253.789 acres. Said 450.304 acres being out of a 6013.45 acre parent tract conveyed by Jerry L. Tinkler and Cara C. Huffman to S&S Miller Ranch, L.P., by Deed recorded July 29, 2003 in Volume 209, Page 103, et seq., of the Concho County Official Public Records, of which, 4.271 acres out of said 450.304 acre tract being in Concho County Road No. 2275.

**JOHN EDWARD DAVIS AND WM. KEITH DAVIS**

*(The Reinvestment Zone shall only include those portions situated in Concho County, Texas)*

BEING 2539.59 acres in Menard and Concho Counties, Texas, containing 1591.022 acres in Menard County with approximately 321.499 acres out of the H. & O.B. Railroad Company Survey No. 69, Abstract No. 429; 250.535 acres out of the T. Green Survey No. 4, Abstract No. 1404; 250.413 acres out of the T. Green Survey No. 3, Abstract No. 1403; 182.088 acres out of the T. Green Survey No. 5, Abstract No. 1405; 233.288 acres out of the Fred Speck Survey No. 70, Abstract No. 1720; 171.777 acres out of the Fred Speck Survey No. 6, Abstract No. 1801; 83.521 acres out of the T. Green Survey No. 2, Abstract No. 1402; 69.200 acres out of the I. & G.N. Railroad Company Survey No. 6, Abstract No. 1255; 21.451 acres out of the A.G. Nason Survey No. 8, Abstract No. 1101; 6.123 acres out of the F. Wilhelm Survey No. 112 ½, Abstract No. 1888; and 1.127 acres out of the B. & B. Survey No. 7, Abstract No. 125; and 948.568 acres in Concho County with approximately 258.487 acres out of the T. Green Survey No. 4, Abstract No. 1618; 257.848 acres out of the T. Green Survey No. 3, Abstract No. 1617; 188.058 acres out of the T. Green Survey No. 5, Abstract No. 1619; 153.946 acres out of the Fred Speck Survey No. 6, Abstract No. 1818; and 90.229 acres out of the T. Green Survey No. 2, Abstract No. 1616; and being a combination of portions of those certain tracts described as 1210.7 acres in a deed to Richard W. Davis recorded in Volume 148, Page 442 of the Menard County Official Public Records, 1216.8 acres in a deed to J.A. & Nancy Davis recorded

in Volume 198, Page 589 of the Concho County Official Public Records, and 1024.49 acres in a deed to J.A. Davis recorded in Volume 138, Page 644 of the Menard County Official Public Records.

BEGINNING at an 8" cedar "T" corner post, fence bears east, in common line of the H. & T.C. Railroad Company Survey No. 65, Abstract No. 414 and said Survey No. 2, and the south line of that certain tract described in a deed Rudloff Family Partnership, Ltd, L.L.P., recorded in Volume 197, Page 770 of the Concho County Official Public Records for the N.W. corner of that certain tract described as 306.94 acres in a deed to Steven M. Norman recorded in Volume 167, Page 21 of the Menard County Official Public Records, the N.E. corner of said 1216.8 acres, and the N.E. corner hereof;

THENCE along a fence for the west line of said 306.94 acres, the east line of said 1216.8 acres, and the east line hereof S 01°00'10" W a distance of 1748.92 feet to an 8" cedar "T" corner post, fence bears northeast, and S 00°56'31" W a distance of 1730.99 feet to a railroad tie "T" corner post, fence bears east, for the N.W. corner of that certain tract described as 300.76 acres in a deed to T.R. Norman recorded in Volume 167, Page 21 of the Menard County Official Public Records, and the S.W. corner of said 306.94 acres;

THENCE along a fence for the west line of said 300.76 acres, the east line of said 1216.8 acres, and the east line hereof S 00°57'11" W a distance of 2117.85 feet to a calculated point, S 00°44'57" W a distance of 1029.90 feet to a 2" galvanized pipe found for a common corner said Surveys No. 2 and No. 69, and S 00°42'51" W a distance of 1827.15 feet to a 2" galvanized pipe found for the common corner of said Surveys No. 112 ½ and No. 2 for the S.W. corner of said 300.76 acres, a re-entrant corner of said 1216.8 acres, and a re-entrant corner hereof;

THENCE along a fence for the common line of said Surveys No. 2 and No. 112 1/2 , the south line of said 300.76 acres, a northerly line of said 1218.6 acres, and a northerly line hereof S 89°31'27" E a distance of 320.29 feet to a 2" galvanized pipe found for the common corner of the Owen Baker Survey No. 112, Abstract No. 1817 and said Survey No. 112 ½ for the N.W. corner of that certain tract described as 670.31 acres in a deed to Kaddo F. Kothmann recorded in Volume 136, Page 150 of the Menard County Official Public Records, an easterly corner of said 1216.8 acres, and an easterly corner hereof;

THENCE along a fence for the common line of said Surveys No. 112 and No. 112 ½ for the west line of said 670.31 acres, an easterly line of said 1216.8 acres, and an easterly line hereof S 00°20'07" W a distance of 825.90 feet to a 120d nail found for the N.E. corner of said 1024.49 acres, the S.E. corner of said 1216.8 acres, and the most easterly S.E. corner hereof;

THENCE along a fence for an occupational northerly line of said 1024.49 acres, a southerly line of said 1216.8 acres, and a southerly line hereof N 89°23'45" W a distance of 4665.33 feet to a 3" pipe "T" corner post, fence bears northeast, and N 89°24'48" W a distance of 839.65 feet to a 3" pipe "L" corner post for a re-entrant corner hereof;

THENCE along a fence for a division line of said 1024.49 acres for an easterly line hereof S 24°52'31" W a distance of 800.68 feet to a 2.5" pipe angle post,

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY  
BY RES CACTUS FLATS WIND ENERGY, LLC TO EDEN CISD*

S 13°31'26" W a distance of 214.85 feet to a 2.5" pipe angle post,  
S 09°40'09" E a distance of 1318.74 feet to a 2.5" pipe angle post,  
S 08°26'22" E a distance of 790.08 feet to a ½" steel stake,  
S 29°23'46" W a distance of 1140.86 feet to a ½" steel stake,  
S 63°27'17" E a distance of 86.99 feet to a ½" steel stake,  
S 29°08'26" W a distance of 76.02 feet to a ½" steel stake,  
S 63°45'46" W a distance of 87.84 feet to a ½" steel stake,  
S 29°53'35" W a distance of 255.66 feet to a 2.5" pipe angle post, and  
S 18°09'29" W a distance of 16.43 feet to a 3" pipe 4-way corner post for an easterly corner of that certain tract described as 1705.673 acres in a deed to Victoria Davis Ray recorded in Volume 138, Page 644 of the Menard County Official Public Records, a re-entrant corner of said 1024.90 acres, and the most southerly S.E. corner hereof;

THENCE along a fence for a northerly line of said 1705.673 acres, a southerly line of said 1024.49 acres, and a southerly line hereof N 87°19'50" W a distance of 418.23 feet to a ½" steel stake found for a re-entrant corner of said 1705.673 acres, a southerly corner of said 1024.49 acres, and a southerly corner hereof;

THENCE along a fence for an easterly line of said 1705.673 acres, a westerly line of said 1024.49 acres, and a westerly line hereof N 05°33'51" W a distance of 145.10 feet to a calculated point,  
S 89°03'33" W a distance of 138.98 feet to a calculated point,  
N 00°00'00" W a distance of 22.39 feet to a calculated point,  
N 42°41'57" E a distance of 850.31 feet to a calculated point,  
N 22°42'06" E a distance of 29.66 feet to a calculated point,  
N 02°43'50" W a distance of 1499.61 feet to a calculated point,  
N 02°24'00" W a distance of 2394.64 feet to a calculated point, and  
N 02°12'40" W a distance of 741.82 feet to a calculated point at a "T" fence intersection, fence bears east, for the N.E. corner of said 1705.673 acres, the S.E. corner of said 1210.7 acres, the most westerly S.W. corner of said 1216.8 acres, and a re-entrant corner hereof;

THENCE along a fence for a northerly line of said 1705.673 acres, a southerly line of said 1210.7 acres, and a southerly line hereof, N 89°28'10" W a distance of 2118.53 feet to a 4" cedar "T" corner post, fence bears north,

N 89°26'53" W a distance of 744.33 feet to a 120d nail found, and

N 89°27'55" W a distance of 1615.19 feet to a 120d nail found by an "L" corner post in the common line of said Speck Survey No.6 and said Survey No. 70 for the most northerly N.W. corner of said 1705.673 acres, a re-entrant corner of said 1210.7 acres, and a re-entrant corner hereof;

THENCE along a fence for the common line of said Speck Survey No. 6 and said Survey No. 70, the west line of said 1705.673 acres, an easterly line of said 1210.7 acres, and an easterly line hereof S 00°48'08" W a distance of 583.27 feet to a 1.25" galvanized iron pipe found in the west line of said Survey No. 70 for the S.E. corner of said Speck Survey No. 6, a re-entrant corner of said 1705.673 acres, a southerly corner of said 1210.7 acres, and a southerly corner hereof;

THENCE along a fence for the south line of said Speck Survey No. 6, a northerly line of said Survey No. 70, a northerly line of said 1705.673 acres, a southerly line of said 1210.7 acres, and a southerly line hereof, N 89°29'39" W a distance of 24.92 feet to a 1.25" galvanized iron pipe found for the N.E. corner of the Fred Speck Survey No. 130, Abstract No. 1721, the most westerly N.W. corner of said Survey No. 70, and the most westerly N.W. corner of said 1705.673 acres;

THENCE along a fence for the common line of said Speck Survey No. 6 and said Survey No. 130, a northerly line of said 1705.673 acres, a southerly line of said 1210.7 acres, and a southerly line hereof, S 89°38'53" W a distance of 208.00 feet to a 2" pipe "T" corner post, fence bears south, in an occupational easterly line of that certain tract described as 2260.49 acres in a deed to Dora Wright recorded in Volume 153, Page 149 of the Menard County Official Public Records and Volume 174, Page 65 of the Concho County Official Public Records for the most westerly N.W. corner of said 1705.673 acres, a southwesterly corner of said 1210.7 acres, and a southwesterly corner hereof;

THENCE along a fence for an occupational easterly line of said 2260.49 acres, an occupational westerly line of said 1210.7 acres, and a westerly line hereof N 00°32'55" E a distance of 79.08 feet to a 4.5" pipe "L" corner post for an occupational easterly corner of said 2260.49 acres, a re-entrant corner of said 1210.7 acres, and a re-entrant corner hereof;

THENCE along a fence for an occupational northerly line of said 2260.49 acres, an occupational southerly line of said 1210.7 acres, and a southerly line hereof N 88°15'35" W a distance of 1905.81 feet to a 10" cedar "T" corner post, fence bears west, for an occupational re-entrant corner of said 2260.49 acres, the occupational S.W. corner of said 1210.7 acres, and the S.W. corner hereof;

THENCE along an occupational easterly line of said 2260.49 acres, an occupational westerly line of said 1210.7 acres, and a westerly line hereof N 00°30'59" E a distance of 1730.54 feet to a calculated point in the occupational common line of said Survey No. 6 for a re-entrant corner of said 2260.49 acres, the most westerly N.W. corner of said 1210.7 acres, and the occupational most westerly N.W. corner hereof;

THENCE along the occupational common line of said Survey No. 6, a southerly line of said 2260.49 acres, a northerly line of said 1210.7 acres, and a northerly line hereof N 89°59'12" E a distance of 566.69 feet to a ½" iron pipe found for an easterly corner of said 2260.49 acres, a re-entrant corner of said 1210.7 acres, and a re-entrant corner hereof;

THENCE along an easterly line of said 2260.49 acres, a westerly line of said 1210.7 acres, and a westerly line hereof N 00°11'39" E a distance of 6755.44 feet to a calculated point in the common line of the H. & T.C. Railroad Company Survey No. 49, Abstract No. 406 and said Speck Survey No. 6, the south line of that certain "Tract 1" described in a deed to Ralph M. Ebeling, Jr., recorded in Volume 188, Page 614 of the Concho County Official Public Records for the N.E.

corner of said 2260.49 acres, the most northerly N.W. corner of said 1210.7 acres, and the most northerly N.W. corner hereof;

THENCE along a fence for the common line of said Speck Survey No. 6 and said Survey No. 49, the south line of said "Tract 1", the north line of said 1210.7 acres, and the north line hereof  
S 89°54'33" E a distance of 1983.13 feet to a 2" galvanized iron pipe for the common corner of said Speck Survey No. 6 and said Survey No. 5;

THENCE along a fence for the common line of said Survey No. 5 and said Survey No. 49, the south line of said "Tract 1", the north line of said 1210.7 acres, and the north line hereof S 89°58'58" E @ 11135.58 feet passing a fence intersection for a common corner of the G.A. Conant Survey No. 64, Abstract No. 1257 and said Survey No. 49, the S.E. corner of said "Tract 1", and the S.W. corner of that certain "Tract 6" described in a deed to Ralph M. Ebeling, Jr., recorded in Volume 188, Page 614 of the Concho County Official Public Records for a total distance for this course of 2430.90 feet to a 1.25" galvanized iron pipe for the common corner of said Surveys No.5 and No.4;

THENCE along a fence for the common line of said Survey No. 4 and said Survey No.64, the south line of said "Tract 6", the north line of said 1210.7 acres, and the north line hereof S 89°53'21" E @ approximately 1672.38 feet passing the N.E. corner of said 1210.7 acres, and the N.W. corner of said 1216.8 acres for a total distance for this course of 3344.77 feet to a 2" galvanized iron pipe for the common corner of said Surveys No.4 and said Survey No. 3;

THENCE along a fence for the common line of said Survey No. 3 and said Survey No. 64, the south line of said "Tract 6", the north line of said 1216.8 acres, and the north line hereof S 89°52'26" E @ 642.58 feet passing a fence intersection for a common corner of said Surveys No. 64 and No. 65, the S.E. corner of said "Tract 6", and the S.W. corner of said "Rudloff" tract for a total distance for this tract of 3343.26 feet to a 1.5" galvanized angle iron for the common corner of said Surveys No. 3 and No. 2;

THENCE along a fence for the common line of said Survey No. 2 and said Survey No. 65, the south line of said "Rudloff" tract, the north line of said 1216.8 acres, and the north line hereof  
N 89°36'34" E a distance of 1198.83 feet to the POINT OF BEGINNING, having an area of 2539.59 acres.

**THE EDEN RANCH TRUST FOR NANCY HOPKINS**

BEING 722.611 acres in Concho County, Texas, out of the H. & T.C. Railroad Company Block 8, and containing approximately 305.022 acres out of Survey No. 35, Abstract No. 399; 225.216 acres out of the Sherman Conant Survey No. 30, Abstract No. 1149; 87.448 acres out of the Sherman Conant Survey No. 34, Abstract No. 1263; 73.594 acres out of Survey No. 31, Abstract No. 397; 18.840 acres out of the Sherman Conant Survey No. 36, Abstract No. 1264; and 12.491 acres out of Survey No. 29, Abstract No. 395, and being out of that certain parent tract described as 3116.673 acres in

a deed to Harlan Lary Priour recorded in Volume 215, Page 13 of the Concho County Official Public Records.

BEGINNING at a calculated point in the road bed of County Road 2275, and in the west line of said parent tract for the S.W. corner hereof, from which a ½" steel stake bears S 89°59'57" E a distance of 21.15 feet;

THENCE in the road bed of County Road 2275 with the west line of said parent tract, and the west line hereof N 00°03'08" E a distance of 1729.03 feet to a calculated point in the common line of said Surveys No. 30 and No. 31, from which a stone mound with 60d nail found bears S 89°40'29" E a distance of 1861.11 feet, N 00°28'39" E a distance of 5267.35 feet to a calculated point in the common line of said Surveys No. 29 and No. 30, from which a stone mound with 60d nail found bears S 89°47'43" E a distance of 1862.50 feet, and N 00°35'54" E a distance of 289.01 feet to a calculated point for the S.W. corner of a northerly 719.511 acre (net) partition tract of said parent tract and that certain tract described as 1832.214 acres in a deed to Edna E. Priour Trust recorded in Volume 218, Page 79 of said Official Public Records, and the N.W. corner hereof, from which a ½" steel stake bears N 89°57'57" E a distance of 22.79 feet;

THENCE along a division line of said parent tract for the south line of said northerly 719.511 (net) acres, and the north line hereof N 90°00'00" E a distance of 4623.42 feet to a ½" steel stake for the N.W. corner of a 116.939 acre partition tract of said parent tract and said 1832.214 acres, and the N.E. corner hereof;

THENCE along a division line of said parent tract for the west line of said 116.939 acres, and the east line hereof S 05°12'39" W @ 2785.70 passing the S.W. corner of said 116.939 acres, and the N.W. corner of a 212.766 acre partition tract of said parent tract for a total distance for this course of 7315.48 feet to a ½" steel stake for the S.W. corner of said 212.766 acres, and the S.E. corner hereof;

THENCE along a division line of said parent tract for the south line hereof N 89°59'57" W a distance of 4007.52 feet to the POINT OF BEGINNING, having an area of 722.611 acres, and with 3.100 acres lying in County Road 2275 for a total of 719.511 net acres, of which 253.637 acres lies within "Trust" lands.

**THOMAS F. JEFFCOAT AND KATHLEEN M. JEFFCOAT**

BEING 714.454 acres in Concho County, Texas, out of the H. & T.C. Railroad Company Block 8, and containing approximately 503.313 acres out of the Sherman Conant Survey No. 36, Abstract No. 1264, and 211.141 acres out of Survey No. 29, Abstract No. 396, and being out of that certain parent tract described as 731.037 acres in a deed to Gary D. Priour recorded in Volume 265, Page 1 of the Concho County Official Public Records, and being further described as follows:

BEGINNING at a calculated point in the intersection of County Road 2264 and County Road 2275 in the North line of said Block 8, the common line of the Mrs. P. Cropper Survey No. 107,  
*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY  
BY RES CACTUS FLATS WIND ENERGY, LLC TO EDEN CISD*

Abstract No. 1564 and said Survey No. 29, and the South line of that certain tract described as 2105.72 acres in a deed to Earl R. Bruno, et al, recorded in Volume 152, Page 37 of the Concho County Deed Records for the N.E. corner of that certain tract described as 6511.51 acres in a deed to Bill Upton, et ux (Eloise), described in Volume 138, Page 117 of said Deed Records, the N. W. corner of said parent tract, and the N.W. corner hereof, from which ½" steel stakes found bear S 19°59'27" E a distance of 103.44 feet, and S 63°23'43" E a distance of 132.25 feet;

THENCE in the road bed of County Road 2264 along the North line of said Block 8, the common line of said Surveys No. 107 and No. 29, the South line of said 2105.72 acres, the North line of said parent tract, and the North line hereof S 89°50'05" E a distance of 6232.71 feet to a calculated point for the N.W. corner of a 16.583 acre partition tract of said parent tract, and the N.E. corner hereof, from which a ½" steel stake bears S 00°26'41" W a distance of 62.08 feet;

THENCE along a fence for a division line of said parent tract, the West line of said 16.583 acres, and the East line hereof S 00°26'51" W a distance of 672.50 feet to a 3/8" steel stake found, S 00°31'07" W a distance of 1054.88 feet to a 3/8" steel stake found, S 00°26'19" W a distance of 1013.58 feet to a 3/8" steel stake found, S 00°27'40" W a distance of 1108.21 feet to a 3/8" steel stake found, and S 00°24'14" W a distance of 1130.71 feet to a 3/8" steel stake found in a northerly line of that certain tract described as 116.939 acres in a deed to Lary Priour recorded in Volume 266, Page 451 of said Official Public Records, and the South line of said parent tract for the S.W. corner of said 16.583 acres, and the S.E. corner hereof;

THENCE along a northerly line of said 116.939 acres, the South line of said parent tract, and the South line hereof N 90°00'00" W @ 1621.78 feet passing the N.E. corner of that certain tract described as 722.611 acres in a deed to Wesley Hopkins (Trustee) recorded in Volume 265, Page 358 of said Official Public Records, and the N.W. corner of said 116.939 acres for a total distance of 6245.20 feet to a calculated point in the road bed of County Road 2275, and the East line of said 6511.51 acres for the N.W. corner of said 722.611 acres, the S.W. corner of said parent tract, and the S.W. corner hereof, from which a ½" steel stake bears N 89°58'57" E a distance of 22.79 feet;

THENCE in the road bed of County Road 2275 for the East line of said 6511.51 acres, the West line of said parent tract, and the West line hereof N 00°35'44" E a distance of 4997.97 feet to the POINT OF BEGINNING, having an area of 714.454 acres.

**CHAS. & SOPHIE KOTHMANN RANCHES, LTD., a Texas limited partnership**  
*(The Reinvestment Zone shall only include those portions situated in Concho County, Texas)*

**TRACT ONE**

BEING 619.98 acres of land, more or less, out of Newsom Gwatney Survey No. 10, Menard County Abstract No. 1387, Concho County Abstract No. 1607, as described in "PARCEL NINE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas.

TRACT TWO

BEING 301.07 acres of land, more or less, out of N. W. Gwatney Survey No. 11, Menard County Abstract No. 1357, Concho County Abstract No. 1606, as described in "PARCEL NINE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas.

TRACT THREE

BEING 108.18 acres of land, more or less, out of Fred Speck Survey No. 6, Menard County Abstract No. 1801, Concho County Abstract No. 1888, as described in "PARCEL NINE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas.

TRACT FOUR

BEING 338.18 acres of land, more or less, out of Fred Speck Survey No. 7, Menard County Abstract No. 1800, Concho County Abstract No. 1887, as described in "PARCEL NINE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas; and 30.43 acres of land, more or less, out of Fred Speck Survey No. 7, Menard County Abstract No. 1800, as described in "PARCEL TEN, TRACT ONE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas, and as described in "PARCEL ONE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 255, Page 144, Official Public Records Concho County, Texas; and 128.30 acres of land, more or less, out of Fred Speck Survey No. 7, Menard County Abstract No. 1800, as described in "PARCEL TEN, TRACT TWO" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas; and 173.64 acres of land, more or less, out of Fred Speck Survey No. 7, Menard County Abstract No. 1800, as described in "PARCELELEVEN" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas.

TRACT FIVE

BEING 26.06 acres of land, more or less, out of J. Hughes Survey No. 20, Menard County Abstract No. 1777, as described in "PARCEL NINE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas; and 136.73 acres of land, more or less, out of J. Hughes Survey No. 20, Menard County Abstract No. 1777 as described in "PARCEL TEN, TRACT ONE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas, and as described in "PARCEL ONE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 255, Page 144, Official Public Records Concho County, Texas; said 136.73 acres of land, more or less, out of Survey No. 20, J. Hughes, Original Grantee, Menard County Abstract No. 1777, Concho County Abstract No. 1865 as further described in "PARCEL ONE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 255, Page 144, Official Public Records Concho County, Texas.

TRACT SIX

BEING 162.79 acres of land, more or less, out of P. Easley, Original Grantee, Menard County Abstract No. 1764 as described in "PARCEL TEN, TRACT ONE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas; same said tract being 162.79 acres of land, more or less, out of Survey No. 20, P. Easley, Original Grantee, Menard County Abstract No. 1764, Concho County Abstract No. 1863 as described in "PARCEL ONE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 255, Page 144, Official Public Records Concho County, Texas.

**TRACT SEVEN**

BEING 373.586 acres of land, more or less, out of the E.L.&R.R. Railroad Co. Survey No. 127, Menard County Abstract No. 923, Concho County Abstract No. 1613, as described in "PARCEL TWELVE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas; SAVE AND EXCEPT 27.171 acres out of the E.L. & R.R. Railroad Co. Survey No. 127, Abstract No. 923 in Menard County, Texas and being out of and a part of that certain tract described as "Tract 1" in a deed from Earl Lynn Haley to Billy Dale, recorded November 4, 1994 in Vol. 146, Pg. 289 of the Concho County Deed Records.

**TRACT EIGHT**

BEING 297.41 acres of land, more or less, out of C.C.S.D. & R. G. N. G. Ry. Co. Survey No. 19, Concho County Abstract No. 1610 as described in "PARCEL ONE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 255, Page 144, Official Public Records Concho County, Texas; and 24.78 acres of land, more or less, out of C.C.S.D. & R. G. N. G. Ry. Co. Survey No. 19, Concho County Abstract No. 1610, as described in "PARCEL NINE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 220, Page 205, Official Public Records Menard County, Texas.

**TRACT NINE**

BEING 69.244 acres out of A B. & M. Survey No. 92, Abstract No. 1862 in Concho County, as described in "PARCEL THREE" in that certain Special Warranty Deed dated June 11, 2008, recorded in Volume 255, Page 144, Official Public Records Concho County, Texas.

**CALVIN B. MCGOWAN**

**TRACT ONE**

BEING a 3011.12 acre tract of land comprised of the following:

643.01 acres in Survey No. 42, Abstract No. 1185; 643.26 acres in Survey No. 55, Abstract No. 409; 296.95 acres in Survey No. 58, Abstract No. 1183; 482.30 acres in Survey No. 43, Abstract No. 403; 643.41 acres in Survey No. 54, Abstract No. 1182; and 302.19 acres in Survey No. 59, Abstract No. 411, all in H. & T.C. R.R. Co. Block 8, Concho County, Texas; said 3011.12 acre tract, also being part of the land described in Deed from P.A. Roche and wife to Mrs. Cora Loftin Henderson dated May 9, 1895 and recorded in Volume O, Page 325 of the Deed Records of Concho County, Texas, is described by metes and bounds as follows:

BEGINNING at a 1 ¼" iron pipe in stone mound found 2 feet North of a fence corner post from which a point for the N.W. corner of said Survey No. 42 and the S.W. corner of Survey No. 41 of Block 8 bears N.69°14'17"W. 38.16 feet;

THENCE South of the North line of Survey No. 42 and along or near the fenced South line of a "6263.58" acre tract described in Deed from Hy-Land Joint Venture to Eugene O. Beck, et al recorded in Volume 130, Page 408 of the Deed Records of Concho County, S.89°33'41"E. 5255.94 to a ½" iron rod in a 2" iron pipe set in the East line of Survey No. 42 and the West line of Survey No. 55 from which an old stone mound found for the S.E. corner of Survey No. 42, S.W. corner of Survey No. 55, N.W. corner of Survey No. 54 and N.E. corner of Survey No. 43 bears S.0°25'03"W. 5305.98 feet;

THENCE South of the North line of Survey No. 55 and continuing along or near said fenced South line, S.89°28'34"E., at 5290.17 feet cross the East line of Survey No. 55 from which a ½" iron rod set in an old stone mound found for the S.E. corner of Survey No. 55, S.W. corner of Survey No. 58, N.W. corner of Survey No. 59 and N.E. corner of Survey No. 54 bears S.0°24'06"W. 5286.02 feet, in all 5295.99 feet to a 1 ¼" galvanized iron pipe marked "SW 57" found on the South side of a fence corner post;

THENCE South of the North line of Survey No. 58, S.89°26'17"E. 2425.02 feet to a point for the N.E. corner of the tract described herein from which a 1 ¼" galvanized iron pipe marked "SE 57" found on the South side of a fence post for the patented S.W. corner of A.J. Caffey Survey No. 2, Abstract No. 1932 bears S.89°26'17"E. 2867.66 feet;

THENCE South, at 5276.36 feet cross the South line of Survey No. 58 and the North line of Survey No. 59 from which a ½" iron rod set in an old stone mound found for the S.E. corner of Survey No. 58, the N.E. corner of Survey No. 59, and the N.W. corner of Survey No. 70 of Block 8 bears S.89°40'04"E. 2823.39 feet, in all 10569.28 feet to a point in the South line of Survey No. 59 and North line of Survey No. 60 of Block 8 from which a ½" iron rod set in an old stone mound found for the S.E. corner of Survey No. 59, the S.W. corner of Survey No. 70, the N.W. corner of Survey No. 69, and the N.E. corner of Survey No. 60 of Block 8 bears S.89°41'17"E. 2792.54 feet;

THENCE with the South line of Survey No. 59, N.89°41'17"W. 544.77 feet to a point in the fence;

THENCE along or near said fence, N.0°16'20"E. 5.09 feet to a 4" iron pipe post;

THENCE along or near a fence, N.89°57'12"W. 1100.30 feet to a point in or near said fence in the South line of Survey No. 59;

THENCE with the South line of Survey No. 59 and North line of Survey No. 60 and a tract described in Deed from Aubrey W. Harrell to F.R. Owens dated February 15, 1974 and recorded in Volume 116, Page 245 of the Deed Records, N.89°41'17"W., at 861.71 feet and S.W. corner of Survey No. 59, N.W. corner of Survey No. 60, the N.E. corner of Survey No. 53 and S.E. corner of Survey No. 54, and continuing at 6147.8 pass a 4" iron pipe post at or near the N.W. corner of said

Harrell to Owens tract, in all 6159.21 feet to a point for the S.W. corner of Survey No. 54, N.W. corner of Survey No. 53, N.E. corner of Survey No. 44, and S.E. corner of Survey No. 43 of Block 8 and S.E. corner of a "160" acre tract described in Deed from J.E. Henderson to James E. Henderson, Jr. dated August 8, 1963 and recorded in Volume 88, Page 279 of said Deed Records from which a point for the S.E. corner of said Survey No. 44 bears S.0°29'06"W. 5297.48 feet; from said S.E. corner of Survey No. 44 a found set rock bears S.40°49'W. 72.78 feet and brass disk marked "4JEP 1968" bears S.36°06'45"W. 66.39 feet;

THENCE with the East line of Survey No. 43 and the West line of Survey No. 54, N.0°29'06"E. 1319.44 feet to a point for the N.E. corner of said "160" acre tract;

THENCE with the North line of said "160" acre tract, N.89°41'17"W. 23.93 feet to a point in a fence;

THENCE along or near said fence, N.0°16'48"E. 3.71 feet to a 3/8" iron rod found at a fence post;

THENCE along or near said fence, N.89°42'11"W. 5256.72 feet to a 1/2" iron rod set on the West side of a fence corner post from which the N.W. corner of said "160" acre tract bears S.80°52'15"W. 14.20 feet;

THENCE along or near a fence N.0°16'54"E. 3976.22 feet to a 1 1/4" galvanized iron pipe marked "NE 38" found in an old stone mound 2.5 feet West of a fence for the N.W. corner of Survey No. 43, S.W. corner of Survey No. 42, S.E. corner of Survey No. 39 and N.E. corner of Survey No. 38 of Block 8;

THENCE along or near a fence, N.0°50'11"E., at 228.56 feet a 1/2" iron rod found on the South side of a large fence post at or near a N.E. corner of a "2105.72" acre tract described in Deed from Henderson to Pelitjean dated March 19, 1974 and recorded in Volume 117, Page 32 of the Deed Records and the S.E. corner of the land described in Deed from Denis Ranch to A.H. Denis III, et al dated July 10, 1992 and recorded in Volume 154, Page 436 of the Official Public Records of Concho County, Texas bears N.89°09'49"W. 1.50 feet, in all 5313.15 feet to the POINT OF BEGINNING and containing 3011.12 acres of land.

**TRACT TWO**

BEING a 1.12 acre tract of land comprised of a 0.04 acre in Survey No. 60, Abstract No. 1184 and 1.08 acres in Survey No. 53, Abstract No. 408 of H. & T.C. R.R. Co. Block 8, Concho County, Texas; said 1.12 acre tract, also being in a part of the land described in Deed from Aubrey W. Harrell to F.R. Owens dated February 15, 1974 and recorded in Volume 116, Page 245 of the Deed Records of Concho County, Texas, is described by metes and bounds as follows:

BEGINNING at a point in the North line of Survey No. 60 and South line of Survey No. 59 of said Block 8 from which a 1/2" iron rod set in an old stone mound found for the N.E. corner of Survey No. 60 bears S.89°41'17"E. 4437.61 feet;

THENCE with the North line of Survey No. 60, N.89°41'17"W., at 861.71 feet pass the N.W. corner of Survey No. 60 and S.W. corner of Survey No. 59 from which a set ½" iron rod in old stone mound found for the N.W. corner of Survey No. 59 and N.E. corner of Survey No. 54 of Block 8 bears N.0°25'18"E. 5293.72 feet, and continuing with the South line of Survey No. 54 and North line of Survey No. 53 at 6147.8 feet pass a 4" iron pipe post, in all 6159.21 feet to a point for the West corner of this 1.12 acre tract at the N.W. corner of Survey No. 53 and S.W. corner of Survey No. 54 from which an old stone mound found for the N.W. corner of Survey No. 54 bears N.0°29'06"E. 5293.33 feet and a point for the S.W. corner of Survey No. 53 bears S.0°29'06"W. 5297.48 feet; from said S.W. corner of Survey No. 53 a found set rock bears S.40°49'W. 72.78 feet and a brass disk marked "4JEP 1968" bears S.36°06'45"W. 66.39 feet;

THENCE along or near a fence, S.89°05'42"E. 722.31 feet to a fence post;

THENCE continuing along or near said fence, S.89°33'22"E. 2551.07 feet to a fence post;

THENCE continuing along or near said fence, S.89°57'12"E. 2885.90 feet to the POINT OF BEGINNING and containing 1.12 acres of land.

TRACT THREE

BEING a 0.65 acre tract of land in and a part of Survey No. 43, Abstract No. 403 of H. & T.C. R.R. Co. Block 8, Concho County, Texas; said 0.65 acre tract, also being a part of a "160" acre tract described in Deed from J.E. Henderson to James E. Henderson, Jr. dated August 8, 1963 and recorded in Volume 88, Page 279 of the Deed Records of Concho County, Texas, is described by metes and bounds as follows:

BEGINNING at a point for the S.E. corner of this 0.65 acre tract at the S.E. corner of Survey No. 43, S.W. corner of Survey No. 54, N.W. corner of Survey No. 53 and N.E. corner of Survey No. 44 of H. & T.C. R.R. Co. Block 8 from which a point for the S.E. corner of Survey No. 44 bears S.0°29'06"W. 5297.48 feet; from said S.E. corner of Survey No. 44 a found set rock bears S.40°49'W. 72.78 feet and a brass disk marked "4JEP 1968" bears S.36°06'45"W. 66.39 feet;

THENCE with the East line of said Survey No. 43 and said "160" acre tract, N.0°29'06"E. 1319.44 feet to a point for the N.E. corner of said "160" acre tract from which an old stone mound found for the N.E. corner of Survey No. 43 bears N.0°29'06"E. 3973.89 feet;

THENCE with the North line of said "160" acre tract, N.89°41'17"W. 23.93 feet to a point in a fence from which a 3/8" iron rod found at a fence corner bears N.0°16'48"E. 3.71 feet;

THENCE along or near said fence, S.0°16'48"W. 1319.24 feet to a fence corner post;

THENCE along or near a fence S.89°05'42"E. 19.21 feet to the POINT OF BEGINNING and containing 0.65 acre of land.

Parcel 2

BEING the East 3,012.89 acres of the Courtney/J.E. Henderson Ranch in the Southwest part of Concho County, Texas, more fully described in the following three tracts:

TRACT ONE

BEING 3006.86 acres of land comprised of the following:

639.90 acres in G.C.& S.F. R.R. Co. Survey No. 1, Abstract No. 1081; 343.77 acres in Survey No. 58, Abstract No. 1183; 341.15 acres in Survey No. 59, Abstract No. 411; 401.54 acres in Survey No. 60, Abstract No. 1184; 638.23 acres in Survey No. 69, Abstract No. 416; and 642.27 acres in Survey No. 70, Abstract No. 1438, all in H. & T.C. R.R. Co. Block 8, Concho County, Texas; said 3006.86 acres, also being a part of the land described in Deed from P.A. Roche and wife to Mrs. Cora Loftin Henderson dated May 9, 1895 and recorded in Volume O, Page 325 of the Deed Records of Concho County, Texas, is described by metes and bounds as follows:

BEGINNING at a 1" pinched galvanized iron pipe on East side of a fence corner post found for the patented S.E. corner of a "126 2/3" acre tract in A.J. Caffey Survey No. 2, Abstract No. 1697 and accepted for the N.E. corner of said Survey No. 1;

THENCE S.0°34'19"W. 5259.03 feet to a point for the N.E. corner of Survey No. 70 and accepted for the S.E. corner of said Survey No. 1 from which a 4" iron pipe post bears S.48°43'56"E. 48.08 feet and a ½" iron rod set in an old stone mound found for the S.E. corner of Survey No. 58, the N.E. corner of Survey No. 59, and the N.W. corner of Survey No. 70 of H.& T.C. R.R. Co. Block 8 and accepted for the S.W. corner of Survey No. 1 bears N.89°39'57"W. 5288.87 feet;

THENCE with the East line of Survey No. 70 and West line of Survey No. 71 Block 8, S.0°21'21"W., at 5289.80 feet a point for the S.E. corner of Survey No. 70 from which a ½" iron rod set at a fence corner post for the patented N.W. corner of the North part of Survey No. 72 of Block 8 bears N.17°36'04"E. 43.39 feet and a ½" iron rod set in an old stone mound found for the S.W. corner of Survey No. 70, the N.W. corner of Survey No. 69, the N.E. corner of Survey No. 60, and the S.E. corner of Survey No. 59 of Block 8 bears N.89°41'17"W. 5286.84 feet, and continuing with the East line of Survey No. 69 and West line of Survey No. 72 of Block 8 at 6716.89 feet a point 2 feet West of a fence corner post, and continuing along or near a fence in all 10550.50 feet a ½" iron rod set at a fence corner post from which a point in a caliche road for the S.E. corner of Survey No. 69 bears S.0°21'21"W. 30.70 feet;

THENCE along or near the fenced North line of a caliche road, N.89°37'12"W., at 5288.86 feet cross the West line of Survey No. 69 and East line of Survey No. 60, in all 5338.79 feet to a fence post on the West side of a gate;

THENCE along or near the fenced North line of said caliche road, N.89°47'19"W. 3277.71 feet to a 4" iron pipe post from which a point for the S.E. corner of the West 240 acres of Survey No. 60 described in Deed from Aubrey W. Harrell to F.R. Owens dated February 15, 1974 and recorded in Volume 116, Page 245 of the Deed Records bears N.89°47'19"W. 1.58 feet and S.0°25'18"E. 35.35 feet;

THENCE along or near a fence, N.0°16'20"E. 607.08 feet to a point in the East line of said West 240 acres;

THENCE with the East line of the 240 acre tract, N.0°25'18"E., crossing a rock and cement water tank, in all 4653.02 feet to a point in the North line of Survey No. 60;

THENCE with the North line of Survey No. 60 and South line of Survey No. 59, S.89°41'17"E. 532.65 feet to a point for corner from which the aforementioned S.E. corner of Survey No. 59 bears S.89°41'17"E. 2792.54 feet;

THENCE North, at 5292.92 feet cross the North line of Survey No. 59 and South line of Survey No. 58 from which a ½" iron rod set in an old stone mound found for the N.W. corner of Survey No. 59, the N.E. corner of Survey No. 54, the S.E. corner of Survey No. 55, and S.W. corner of Survey No. 58 of Block 8 bears N.89°40'04"W. 2647.82 feet and the aforementioned S.E. corner of Survey No. 58 bears S.89°40'04"E. 2823.39 feet, in all 10569.28 feet to a point in or near a fence from which a 1 ¼" galvanized pipe marked "SW 57" found on the South side of a fence corner post bears N.89°26'17"W. 2425.02 feet;

THENCE along or near a fence, S.89°26'17"E., at 2859.13 feet cross the East line of Survey No. 58 and West line of Survey No. 1, in all 2867.66 feet to a 1 ¼" galvanized iron pipe marked "SE 57" on the South side of a fence post for the patented S.W. corner of "523.9" acres of A.J. Caffey Survey No. 2, Abstract No. 1932 from which a found 3/8" iron rod bears S.16°14'W. 1.6 feet;

THENCE along or near a fence and with the patented South line of Survey No. 2, S.89°36'12"E., at 2265.67 feet the patented S.E. corner of said "523.9" acres and patented S.W. corner of the aforesaid "126 2/3" acre tract from which a 3/8" iron rod bears N.0°23'48"E. 0.84 feet, in all 5297.24 feet to the POINT OF BEGINNING and containing 3006.86 acres of land.

**TRACT TWO**

BEING a 0.65 acre tract in and a part of Survey No. 60, Abstract No. 1184 of H. & T.C. R.R. Co. Block 8, Concho County, Texas; said 0.65 acre tract, also being a part of the West 240 acres of Survey No. 60 described in Deed from Aubrey W. Harrell to F.R. Owens dated February 15, 1974 and recorded in Volume 116, Page 245 of the Deed Records of Concho County, Texas, is described by metes and bounds as follows:

BEGINNING at a point in the North line of Survey No. 60 for the N.E. corner of said West 240 acres from which a ½" iron rod set in an old stone mound found for the N.E. corner of Survey No. 60 bears S.89°41'17"E. 3325.19 feet;

THENCE with the East line of said 240 acres, S.0°25'18"W., crossing a rock and cement water tank, in all 4653.02 feet to a point in or near a fence for the South corner of this 0.65 acre tract from which a 4" iron pipe post bears S.0°16'20"W. 607.08 feet;

THENCE along or near said fence, N.0°16'20"E. 4653.02 feet to a point in the North line of said 240 acres and the North line of Survey No. 60 from which a 4" iron pipe post bears N.0°16'20"E. 5.09 feet;

THENCE with said North line, S.89°41'17"E. 12.12 feet to the POINT OF BEGINNING and containing 0.65 acre of land.

**TRACT THREE**

BEING a 5.38 acre tract comprised of 2.20 acres in E.M. Caffey Survey No. 2, Abstract No. 1696; 2.98 acres in Survey No. 71, Abstract No. 417; and 0.20 acres in the North part of Survey No. 72, Abstract No. 1923 of H. & T.C. R.R. Co. Block 8, all in Concho County, Texas; said 5.38 acre tract is described by metes and bounds as follows:

BEGINNING at a 1" pinched galvanized iron pipe on the East side of a fence post found for the patented S.E. corner of a "126 2/3" acre tract in A.J. Caffey Survey No. 2, Abstract No. 1697 and accepted for the N.E. corner of G.C. & S.F. R.R. Co. Survey No. 1, Abstract No. 1081;

THENCE along or near a fence, S.0°10'38"W. 5290.50 feet to a 4" iron pipe post at the Southwest corner of a lane;

THENCE continuing along or near a fence, S.0°36'49"W. 5216.92 feet to a ½" iron rod set at a fence corner post for the patented N.W. corner of the North part of Survey No. 72;

THENCE along or near a fence, S.0°51'28"W. 1468.59 feet to a point 2.0 feet West of a fence corner post for the South corner of this 5.38 acre tract in the West line of Survey No. 72;

THENCE with the West line of Survey No. 72 and the East line of Survey No. 69 of Block 8, N.0°21'21"E., at 1427.09 feet pass the N.W. corner of Survey No. 72 and N.E. corner of Survey No. 69 from which a ½" iron rod set in an old stone mound found for the N.W. corner of Survey No. 69 and S.W. corner of Survey No. 70 of Block 8 bears N.89°41'17"W. 5286.84 feet, and continuing with the West line of Survey No. 71 and East line of Survey No. 70 of Block 8, in all 6716.89 feet a point for the N.E. corner of Survey No. 70 and accepted for the S.E. corner of the aforesaid Survey No. 1 from which a ½" iron rod set in an old stone mound found for the N.W. corner of Survey No. 70 bears N.89°39'57"W. 5288.87 feet;

THENCE N.0°34'19"E. 5259.03 feet to the POINT OF BEGINNING and containing 5.38 acres of land.

**Parcel 3**

Easement along Survey No. 60, Abstract No. 1184 of H. & T.C. R.R. Co. Block 8, Concho County, Texas, executed by John Edward Henderson, et al, in favor of Calvin B. McGowan as described and recorded in Volume 177, Page 465 of the Official Public Records of Concho County, Texas.

BEING a strip of land thirty feet in width parallel to, East of and adjoining the following described course:

BEGINNING at a point in the North line of Survey No. 60 for the Northeast corner of the West 240 acres of Survey No. 60 described in a Deed from Aubrey W. Harrell to F.R. Owens dated February 15, 1974, recorded in Volume 116, Page 245, Deed Records, Concho County, Texas, from which a ½" iron rod set in an old stone mound found for the Northeast corner of Survey No. 60 bears S 89° 41' 17" E. 3325.19 feet;

THENCE with the East line of said 240 acres, S 0° 25' 18" W crossing a rock and cement water tank, in all 4653.02 feet to a point in or near a fence in the North line of a caliche road, from which point a 4" iron pipe post bears S 0° 16' 20" W. 607.08 feet.

**TRAVIS PRIOUR AND DAVID PRIOUR**

BEING 719.511 acres in Concho County, Texas, out of the H. & T.C. Railroad Company Block 8, and containing approximately 326.132 acres out of the Sherman Conant Survey No. 46, Abstract No. 1261, 283.499 acres out of Survey No. 47, Abstract No. 405, 59.814 acres out of Survey No. 35, Abstract No. 399, and 50.066 acres out of the Sherman Conant Survey No. 34, Abstract No. 1263, and being out of that certain parent tract described as 1832.214 acres in a deed to the Edna E. Priour Trust recorded in Volume 218, Page 79 of the Concho County Official Public Records.

BEGINNING at a ½" steel stake found in the common line of the G.A. Conant Survey No. 50, Abstract No. 1254 and said Survey No. 47, the west line of that certain Tract Five described as 650.10 acres in a deed to Ralph M. Ebeling, Jr., recorded in Volume 188, Page 614 of said Official Public Records, and the east line of said parent tract for the N.E. corner of that certain 417.603 acre tract out of 6013.45 acres described in a deed to S & S Miller Ranch, L.P., recorded in Volume 209, Page 103 of said Official Public Records, the S.E. corner of said parent tract, and the S.E. corner hereof;

THENCE along a fence for the north line of said 417.603 acres, the south line of said parent tract, and the south line hereof N 89°49'42" W a distance of 1067.35 feet to a 3/8" steel stake found, N 89°46'29" W a distance of 1115.92 feet to a 3/8" steel stake found, N 89°43'26" W a distance of 953.76 feet to a 3/8" steel stake found, N 89°49'56" W a distance of 1053.66 feet to a 3/8" steel stake found, N 89°48'36" W a distance of 1036.21 feet to a 3/8" steel stake found, and N 89°47'06" W a distance of 939.85 feet to a ½" steel stake found in the east line of that certain tract described as 3116.673 acres in a deed to Harlan Lary Priour recorded in Volume 215, Page 13 of said Official Public Records for the N.W. corner of said 417.603 acres, the S.W. corner of said parent tract, and the S.W. corner hereof;

THENCE along a fence for the east line of said 3116.673 acres, the west line of said parent tract, and the west line hereof N 00°20'27" E a distance of 670.07 feet to a ½" steel stake for the S.E. corner of a 212.766 acre partition tract of said 3116.673 acres, N 00°20'25" E a distance of 41.94 feet to a 3/8" steel stake found under an electric line, N 00°15'37" E a distance of 1113.86

feet to a 3/8" steel stake found, N 00°16'38" E a distance of 1875.78 feet to a 3/8" steel stake found, N 00°16'06" E a distance of 1067.53 feet to a 3/8" steel stake found, and N 00°18'27" E a distance of 411.94 feet to a 1/2" steel stake for the S.E. corner of a 116.939 acre partition tract of said parent tract and said 3116.673 acres, the N.E. corner of said 212.766 acres, the S.W. corner of a 362.509 acre partition tract of said parent tract, and the N.W. corner hereof;

THENCE along a division line of said parent tract for the south line of said 362.509 acres, and the north line hereof N 90°00'00" E a distance of 4040.78 feet to a 1/2" steel stake, S 48°47'04" E a distance of 522.07 feet to a 1/2" steel stake, and N 90°00'00" E a distance of 1727.92 feet to a 1/2" steel stake in the common line of the H. & T.C. Railroad Company Survey No. 51, Abstract No. 407, and said Survey No. 46, the west line of that certain Tract Two described as 650.18 acres in a deed to Ralph M. Ebeling, Jr., recorded in Volume 188, Page 614 of said Official Public Records, and the east line of said parent tract for the S.E. corner of said 362.509 acres, and the N.E. corner hereof;

THENCE along a fence for the approximate common line of said Surveys No. 51 and No. 46, the west line of said Tract Two, the east line of said parent tract, and the east line hereof S 00°15'40" W a distance of 232.22 feet to a 3/8" steel stake found, S 00°13'50" W a distance of 1057.80 feet to a 3/8" steel stake found, S 00°18'56" W a distance of 1218.57 feet to a 1/2" steel stake found, S 00°13'58" W a distance of 1182.74 feet to a 3/8" steel stake found, and S 00°10'07" W a distance of 1168.01 feet to the POINT OF BEGINNING, having an area of 719.511 acres.

**HARLAN LARY PRIOUR FAMILY PARTNERS, LTD.**

**TRACT ONE**

BEING 1355.964 acres in Concho County, Texas, out of the H. & T.C. Railroad Company Block 8, and consisting of approximately 638.642 acres out of the J.H. Hardy Survey No. 48, Abstract No. 1309, 362.429 acres out of the Sherman Conant Survey No. 34, Abstract No. 1263, 175.389 acres out of Survey No. 33, Abstract No. 398, 152.496 acres out of Survey No. 31, Abstract No. 397, and 27.008 acres out of the J.E. Henderson Survey No. 32, Abstract No. 1892, and being out of that certain parent tract described as 3116.673 acres in a Deed to Harlan Lary Priour recorded in Volume 215, Page 13 of the Concho County Official Public Records, being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" steel stake in South line of said Block 8, the North line of Newsom Gwatney Survey No. 10, Abstract No. 1607, and the North line of that certain tract described as 2260.49 acres in a Deed to Gail K. Anderson and Dora K. Wright recorded in Volume 174, Page 65 of said Official Public Records for the common corner of Survey No. 49, Abstract No. 406, and said Survey No. 48, the S.W. corner of that certain Tract One described as 649.41 acres in a Deed to Ralph M. Ebeling, Jr. recorded in Volume 188, Page 614 of said Official Public Records, the S.E. corner of said parent tract, and the S.E. corner hereof;

THENCE along a fence for the South line of said Block 8, the common line of said Surveys No. 10 and No. 48, the North line of said 2260.49 acres, a southerly line of said parent tract, and a southerly line hereof

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY  
BY RES CACTUS FLATS WIND ENERGY, LLC TO EDEN CISD*

N 89°42'13" W a distance of 1278.13 feet to a 3/8" steel stake,  
N 89°46'59" W a distance of 1105.22 feet to a 3/8" steel stake,  
N 89°45'31" W a distance of 1095.42 feet to a 3/8" steel stake,  
N 89°45'43" W a distance of 1131.95 feet to a 3/8" steel stake,  
N 89°43'35" W a distance of 1014.91 feet to a 3/8" steel stake,  
N 89°40'51" W a distance of 346.97 feet to a 1/2" steel stake found, and  
N 89°47'33" W a distance of 232.85 feet to a 1/2" steel stake for the S.E. corner of a 666.744 acre partition tract of that certain tract described as 6013.45 acres in a Deed to S & S Miller Ranch, L.P., recorded in Volume 209, Page 103 of said Official Public Records, the most southerly S.W. corner of said parent tract, and the most southerly S.W. corner hereof;

THENCE along a fence for the East line of said 666.744 acres, a westerly line of said parent tract, and a westerly line hereof

N 00°17'57" E a distance of 900.79 feet to a 3/8" steel stake,  
N 00°19'18" E a distance of 1039.24 feet to a 3/8" steel stake,  
N 00°23'17" E a distance of 1104.83 feet to a 3/8" steel stake,  
N 00°22'37" E a distance of 1080.54 feet to a 3/8" steel stake, and  
N 00°21'34" E a distance of 561.14 feet to a 1/2" steel stake for the N.E. corner of said 666.744 acres, a re-entrant corner of said parent tract, and a re-entrant corner hereof;

THENCE along the North line of said 666.744 acres, a southerly line of said parent tract, and a southerly line hereof S 89°59'31" W a distance of 6232.76 feet to a calculated point in the roadbed of County Road 2275 for the N.W. corner of said 666.744 acres, the most westerly S.W. corner of said parent tract, and the most westerly S.W. corner hereof, from which a 1/2" steel stake bears N 89°59'31" E a distance of 21.51 feet;

THENCE in the roadbed of County Road 2275 for a westerly line of said parent tract, and a westerly line hereof N 00°00'52" E a distance of 640.09 feet to a calculated point in the common line of said Surveys No. 32 and No. 31, and N 00°03'09" E a distance of 3575.44 feet to a calculated point for the S.W. corner of a 722.611 acre partition tract of said parent tract, and the N.W. corner hereof, from which a 1/2" steel stake bears S 89°59'57" E a distance of 21.15 feet;

THENCE along a division line of said parent tract for the South line of said 722.611 acres, and a northerly line hereof S 89°59'57" E a distance of 4007.52 feet to a 1/2" steel stake for the S.E. corner of said 722.611 acres, and the S.W. corner of a 212.766 acre partition tract of said parent tract;

THENCE along a division line of said parent tract for the South line of said 212.766 acres, and a northerly line hereof N 89°59'54" E a distance of 2249.60 feet to a 1/2" steel stake in the West line of a 719.511 acre partition tract of that certain tract described as 1832.214 acres in a Deed to the Edna E. Priour Trust recorded in Volume 218, Page 79 of said Official Public Records, and an easterly line of said parent tract for the S.E. corner of said 212.766 acres, and the most northerly N.E. corner hereof;

THENCE along a fence for the West line of said 719.511 acres, and easterly line of said parent tract, and an easterly line hereof S 00°20'27" W a distance of 670.07 feet to a ½" steel stake found for the N.W. corner of a 417.603 acre partition tract of said 6013.45 acres, and the S.W. corner of said 719.511 acres;

THENCE along a fence for the West line of said 417.603 acres, and easterly line of said parent tract, and an easterly line hereof  
S 00°04'09" W a distance of 152.18 feet to a 2.5 pipe post,  
S 00°24'49" W a distance of 877.20 feet to a 3/8" steel stake,  
S 00°24'28" W a distance of 946.36 feet to a 3/8" steel stake, and  
S 00°23'45" W a distance of 975.56 feet to a ½" steel stake for the S.W. corner of said 417.603 acres, a re-entrant corner of said parent tract, and a re-entrant corner hereof;

THENCE along a fence for the South line of said 417.603 acres, a northerly line of said parent tract, and a northerly line hereof  
S 89°52'53" E a distance of 787.34 feet to a 3/8" steel stake,  
S 89°52'33" E a distance of 1049.59 feet to a 3/8" steel stake,  
S 89°52'34" E a distance of 1039.41 feet to a 3/8" steel stake,  
S 89°53'22" E a distance of 1067.49 feet to a 3/8" steel stake,  
S 89°53'19" E a distance of 1094.91 feet to a 3/8" steel stake, and  
S 89°50'18" E a distance of 1141.58 feet to a ½" steel stake by a "T" fence intersection, fence bears North, in the West line of said "Tract One" for the common corner of the G.A. Conant Survey No. 50, Abstract No. 1254, the H. & T.C. Railroad Company Survey No. 47, Abstract No. 405, and said Surveys No. 48 and No. 49, the S.E. corner of said 417.603 acres, the most easterly N.E. corner of said parent tract, and the most easterly N.E. corner hereof;

THENCE along a fence for the common line of said Surveys No. 48 and No. 49, the West line of said "Tract One", an easterly line of said parent tract, and an easterly line hereof  
S 00°06'35" W a distance of 1099.97 feet to a 3/8" steel stake,  
S 00°07'36" W a distance of 1129.92 feet to a 3/8" steel stake,  
S 00°06'33" W a distance of 998.03 feet to a 3/8" steel stake,  
S 00°02'31" W a distance of 785.15 feet to a 3/8" steel stake, and  
S 00°00'55" W a distance of 1280.95 feet to the POINT OF BEGINNING, having an area of 1355.964 acres with 2.153 acres lying in County Road 2275 for a total of 1353.811 net acres.

TRACT TWO

BEING 212.766 acres in Concho County, Texas, out of the H. & T.C. Railroad Company Block 8, and containing approximately 127.870 acres out of Survey No. 35, Abstract No. 399, and 84.896 acres out of the Sherman Conant Survey No. 34, Abstract No. 1263, and being out of that certain parent tract described as 3116.673 acres in a Deed to Harlan Lary Priour recorded in Volume 215, Page 13 of the Concho County Official Public Records, and said 212.766 acres being more particularly described by metes and bounds as follows:

BEGINNING at a ½" steel stake in the West line of that certain tract described as 1832.214 acres in a Deed to the Edna E. Priour Trust recorded in Volume 215, Page 79 of said Official Public Records, and the East line of said parent tract for the S.E. corner hereof;

THENCE along a division line of said parent tract for the South line hereof S 89°59'54" W a distance of 2249.60 feet to a ½" steel stake for the S.E. corner of a 719.511 acre partition tract of said parent tract, and the S.W. corner hereof;

THENCE along a division line of said parent tract for the East line of said 719.91 acres, and the West line hereof N 05°12'39" E @ 1712.53 feet parking the common line of said Surveys No. 34 and No. 35, and the centerline of a 16 feet wide easement to Sun Oil Company recorded in Volume 50, Page 462 of the Concho County Oil and Gas Lease Records for a total distance for this course of 4529.78 feet to a ½" steel stake for the S.W. corner of a 716.929 acre partition tract out of said parent tract and said 1832.214 acres, and the N.W. corner hereof;

THENCE along a division line of said parent tract for the South line of said 116.939 acres, and the North line hereof N 90°00'00" E a distance of 1859.79 feet to a ½" steel stake in a fence for the West line of said 1832.214 acres, and the East line of said parent tract for the S.W. corner of a 362.509 acre partition tract out of said 1832.214 acres, the N.W. corner of a 719.511 acre partition tract of said 1832.214 acres, the S.E. corner of said 116.939 acres, and the N.E. corner hereof;

THENCE along a fence for the West line of said 1832.214 acres, the West line of said 719.511 acres, the East line of said parent tract, and the East line hereof  
S 00°18'27" W a distance of 411.94 feet to a 3/8" steel stake found,  
S 00°16'06" W a distance of 1067.53 feet to a 3/8" steel stake found,  
S 00°16'38" W @ 1338.11 feet passing the common line of said Surveys No. 34 and No. 35, and the common line of said 16 feet wide easement for a total distance for this course of 1875.78 feet to a 3/8" steel stake found,  
S 00°15'37" W a distance of 2113.86 feet to a 3/8" steel stake found under an electric line, and  
S 00°20'25" W a distance of 41.94 feet to the POINT OF BEGINNING, having an area of 212.766 acres.

**TRACT THREE**

BEING 116.939 acres in Concho County, Texas, out of the H. & T.C. Railroad Company Block 8, and containing approximately 99.508 acres out of Survey No. 35, Abstract No. 399, and 17.431 acres out of the Sherman Conant Survey No. 36, Abstract No. 1264, and being out of those certain tracts described as 3116.673 acres and 1832.214 acres in deeds to Harlan Lary Priour and the Edna E. Priour Trust recorded in Volume 215, Page 13 and Volume 218, Page 79 of the Concho County Official Public Records, and said 116.939 acres being particularly described by metes and bounds, as follows:

BEGINNING at a ½" steel stake in the south line of a northerly 719.511 (net) acre partition tract out of said 3116.673 acres for the N.E. corner of a southerly 719.511 (net) acre partition tract out of said 3116.673 acres, and the N.W. corner hereof;

THENCE along a division line of said 3116.673 acres for the south line of said northerly 719.511 (net) acres, and the north line hereof N 90°00'00" E @ 1621.95 feet passing a fence for the east line of said 3116.673 acres, and the west line of said 1832.214 acres for a total distance for this course of 1790.04 feet to a punch mark on a large rock for the S.E. corner of said northerly 719.511 (net) acres, and a re-entrant corner hereof;

THENCE along a division line of said 1832.214 acres for the east line of said northerly 719.511 (net) acres, and a westerly line hereof N 00°00'00" W a distance of 121.90 feet to a ½" steel stake for the most westerly S.W. corner of a 719.511 (net) acre partition tract of said 1832.214 acres, and a northerly corner hereof;

THENCE along a division line of said 1832.214 acres for the south line of said 719.511 (net) acres, and a northerly line hereof N 90°00'00" E a distance of 367.10 feet to a ½" steel stake for a re-entrant corner of said 719.511 (net) acres, and the most northerly N.E. corner hereof;

THENCE along a division line of said 1832.214 acres for a southwesterly line of said 719.511 (net) acres, and a northeasterly line hereof S 32°07'48" E a distance of 430.78 feet to a ½" steel stake in the approximate centerline of road and proposed 30 feet wide easement, and with said approximate centerline of road S 19°26'47" W a distance of 69.11 feet to a calculated point in the centerline of a cattle guard in the north line of a 362.509 acre partition tract of said 1832.214 acres for the most southerly S.W. corner of said 719.511 (net) acres, and the most easterly S.E. corner hereof;

THENCE along a division line of said 1832.214 acres for the north line of said 362.509 acres, and a southerly line hereof N 89°43'59" W a distance of 743.11 feet to 3/8" steel stake found in a fence for the east line of said 3116.673 acres, and the west line of said 1832.214 acres for the N.W. corner of said 362.509 acres, and a re-entrant corner hereof;

THENCE along a fence for the west line of said 1832.214 acres, the west line of said 362.509 acres, the east line of said 3116.673 acres, and the east line hereof S 00°18'38" W a distance of 1772.04 feet to a 3/8" steel stake found, and S 00°18'27" W a distance of 697.58 feet to a ½" steel stake for the N.W. corner of a southerly 719.511 acre partition tract of said 1832.214 acres, the N.E. corner of a 212.766 acre partition tract of said 3116.673 acres, the S.W. corner of said 362.509 acres, and the S.E. corner hereof;

THENCE along a division line of said 3116.673 acres for the north line of said 212.766 acres, and the south line hereof N 90°00'00" W a distance of 1859.79 feet to a ½" steel stake in the east line of said southerly 719.511 (net) acres for the N.W. corner of said 212.766 acres, and the S.W. corner hereof;

THENCE along a division line of said 3116.673 acres for the east line of said southerly 719.511 (net) acres, and the west line hereof N 05°12'39" E a distance of 2785.70 feet to the POINT OF BEGINNING, having an area of 116.939 acres, of which 103.373 acres lies within "Trust" lands.

**TRACT FOUR**

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY  
BY RES CACTUS FLATS WIND ENERGY, LLC TO EDEN CISD*

BEING 138.557 acres in Concho County, Texas, containing approximately 86.199 acres out of said Block 8, Sherman Conant Survey No. 46, Abstract No. 1261, 52.277 acres out of the H. & T.C. Railroad Company Block 8, Survey No. 35, Abstract No. 399, and 0.081 acres out of the Block 8, Sherman Conant Survey No. 36, Abstract No. 1264, and being out of those certain tracts described as 362.509 acres and 719.511 acres in a deed to Dalene Priour Taylor recorded in Volume 265, Page 15 of the Concho County Official Public Records.

BEGINNING at a ½" steel stake found with cap marked "Ross" for the N.W. corner of that certain tract described as 719.511 acres in a deed to Travis & David Prior recorded in Volume 264, Page 890 of said Official Public Records, the N.E. corner of that certain tract described as 212.766 acres in a deed to Harlan Lary Priour Family Partners recorded in Volume 265, Page 26 of said Official Public Records, the most southerly S.E. corner of that certain tract described as 116.939 acres in a deed to Dalene Priour Taylor recorded in Volume 265, Page 15 of said Official Public Records, the S.W. corner of said 362.509 acres, and the S.W. corner hereof;

THENCE along a fence for an easterly line of said 116.939 acres, the west line of said 362.509 acres, and the west line hereof  
N 00°18'27" E a distance of 697.58 feet to a 3/8" steel stake found, and  
N 00°18'38" E a distance of 1772.04 feet to a 3/8" steel stake found in the approximate common line of said Surveys No. 35 and No. 36 for a re-entrant corner of said 116.939 acres, the N.W. corner of said 362.509 acres, and the N.W. corner hereof;

THENCE along a fence for the approximate common line of said Surveys No. 35 and No. 36, a southerly line of said 116.939 acres, the north line of said 362.509 acres, and the north line hereof S 89°43'59" E a distance of 743.11 feet to a calculated point in the approximate center of a cattle guard in the centerline of a 30 feet wide easement for the most southerly S.W. corner of said 719.511 acres (Taylor), the most easterly S.E. corner of said 116.939 acres, and a re-entrant corner hereof;

THENCE along the centerline of said 30 feet wide easement for an easterly line of said 116.939 acres, a westerly line of said 719.511 acres (Taylor), and a westerly line hereof N 19°26'47" E a distance of 69.11 feet to a ½" steel stake found with cap marked "Ross" for the most easterly corner of said 116.939 acres, a re-entrant corner of said 719.511 acres (Taylor), and the most northerly corner hereof;

THENCE along a division line of said 719.511 acres (Taylor) for an easterly line hereof S 52°10'59" E @ 107.06 feet passing the common line of said 719.511 acres (Taylor) and said 362.509 acres, and continuing along a division line of said 362.509 acres for a total distance for this course of 4128.39 feet to a ½" steel stake found with cap marked "Ross" in the north line of said 719.511 acres (Priour) for a re-entrant corner of said 362.509 acres, and the S.E. corner hereof;

THENCE along the north line of said 719.511 acres (Priour), the south line of said 362.509 acres, and the south line hereof N 90°00'00" W a distance of 4040.78 feet to the POINT OF BEGINNING, having an area of 138.557 acres.

TRACT FIVE

A DESCRIPTION OF 417.603 ACRES OF LAND IN CONCHO COUNTY, TEXAS, MADE FOR S&S MILLER RANCH, LP.

BEING all that certain tract of land situated in Concho County, Texas comprising a total of 417.603 acres of land out of and a part of the following Surveys:

H. & T.C. R.R. Co. Survey No. 33, Block 8, Abstract No. 398-0.308 acres,

Sherman Conant Survey No. 34, Block 8, Abstract No. 1263-61.008 acres,

H. & T.C. R.R. Co. Survey No. 47, Block 8, Abstract No. 405 -355.498 acres, and

J.H. Hardy Survey No. 48, Block 8, Abstract No. 1309-0.789 acres.

Said 417.603 acres being out of a 6013.45 acre parent tract conveyed by Jerry L. Tinkler and Cara C. Huffman to S&S Miller Ranch, L.P., by Deed recorded July 29th, 2003 in Volume 209, Page 103, et seq., of the Concho County Official Public Records.

BEGINNING at a ½" steel stake set by a "T" fence corner post, fence bears North, South and West, in the East line of said parent tract for the common corner of the J.H. Hardy Survey No. 48, Block 8, Abstract No. 1309, the H.& T.C. Ry. Co. Survey No. 49, Block 8, Abstract No. 406, the G.A. Conant Survey No. 50, Block 8, Abstract No. 1254 and said Survey No. 47, the S.W. corner of that certain 650.10 acre tract (Tract Five) and N.W. corner of that certain 649.41 acre tract (Tract One, both tracts being described in a Deed to Ralph M. Ebeling recorded in Volume 188, Page 614 of said Official Public Records, the E.N.E. corner of a 3116.673 acre tract, the S.E. corner hereof and the beginning of a division line, from which point a "T" fence corner post in the North line of the Newsom Gwatney Survey No. 10, Abstract No. 1607 (Concho County) and the North line of that certain 2260.49 acre tract described in a Deed to Gail K. Anderson and Dora K. Wright recorded in Volume 174, Page 65 of said Official Public Records for the S.E. corner of said Survey No. 48 and S.W. corner of said Survey No. 49, the S.W. corner of said 649.41 acre tract and S.E. corner of said parent tract, bears S 00°04'49" W 5294.01 feet;

THENCE with the occupational North line of said Survey No. 48 and South line of said Survey No. 47, a North line of said, 3116.673 acre tract, the South line hereof and said division line through said parent tract, along a fence,

N 89°50'18" W 1141.59 feet, a 3/8" steel stake set,

N 89°53'19" W 1094.91 feet, a 3/8" steel stake set,

N 89°53'22" W 1067.49 feet, a 3/8" steel stake set,

N 89°52'34" W 1039.41 feet, a 3/8" steel stake set,

N 89°52'33" W 1049.59 feet, a 3/8" steel stake set and

N 89°52'53" W 787.34 feet to a 1/2" steel stake set by a "T" fence corner post, fence bears South, for a corner of said 3116.673 acre tract and S.W. corner hereof;

THENCE with an East line of said 3116.673 acre tract, the West line hereof and said division line through said parent tract, along a fence,

N 00°23'45" E 975.56 feet, a 3/8" steel stake set,

N 00°24'28" E 946.36 feet, a 3/8" steel stake set,

N 00°24'49" E 877.20 feet, a 2 1/2" pipe post, and

N 00°04'09" E 152.18 feet to a 1/2" steel stake set by a "T" fence corner post, fence bears North, for the S.W. corner of an 1832.214 acre tract and N.W. corner hereof;

THENCE with the South line of said 1832.214 acre tract, the North line hereof and said division line through said parent tract, along a fence,

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY  
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S 89°47'06" E 939.85 feet, a 3/8" steel stake set,  
S 89°48'36" E 1036.21 feet, a 3/8" steel stake set,  
S 89°49'56" E 1053.66 feet, a 3/8" steel stake set,  
S 89°43'26" E 953.76 feet, a 3/8" steel stake set,  
S 89°46'29" E 1115.93 feet, a 3/8" steel Stake set, and  
S 89°49'42" E 1067.36 feet to a 1/2" steel stake set by a "4-way" fence corner post, fence bears North and East, in the East line of said Survey No. 47 and West line of said Survey No. 50, the West line of said 650.10 acre tract, said East line of parent tract for the S.E. corner of said 1832.214 acre tract, the N.E. corner hereof and the terminus of said division line;

THENCE with said East line of Survey No. 47 and said West line of Survey No. 50, said West line of 650.10 acre tract, said East line of parent tract and East line hereof; along a fence,  
S 00°06'14" W 1148.89 feet, a 3/8" steel stake set,  
S 00°07'51" W 883.09 feet, a 3/8" steel stake set,  
S 00°09'33" W 882.02 feet, a 3/8" steel stake set, and  
S 00°20'13" E 28.57 feet to the PLACE OF BEGINNING and containing 417.603 acres of land.

TRACT SIX

A DESCRIPTION OF 216.440 ACRES OF LAND IN CONCHO, COUNTY, TEXAS, MADE FOR S&S MILLER RANCH, L.P.

BEING all that certain tract of land situated in Concho County, Texas comprising of a total of 216.440 acres of land out of and a part of the H. & T.C. R.R. Co. Survey No. 33, Block 8, Abstract No. 398. Said 216.440 acres being out of a 6013.45 acre parent tract conveyed by Jerry L. Tinkler and Cara C. Huffman to S&S Miller Ranch, L.P., by Deed recorded July 29<sup>th</sup>, 2003 in Volume 209, et seq., of the Concho County Official Public Records.

BEGINNING at a 1/2" steel stake set in the South line of said Survey No. 33 and North line of the C.C.S.D.& R.G. Railway Co. Survey No. 19, Abstract No. 1610, the North line of that certain 627.36 acre tract (Tract One) described in a Deed to Kothmann 1992 Trust and Dora K. Wright recorded in Volume 176, Page 84 of said Official Public Records and South line of said parent tract for the S.E. corner of a 450.304 acre tract, the S.W. corner hereof and at the intersection with and beginning of a division line, from which point a 1/2" steel stake found by a "T" fence corner post for the N.E. corner of that certain 405.159 acre tract described in a deed to Kothmann 1992 Trust and Dora K. Wright recorded in Volume 178, Page 629 of said Official Public Records and N.W corner of said 627.36 acre tract bears N 89°42'15" W 4161.88 feet;

THENCE with the East line of said 450.304 acre tract, the West line hereof and with said division line through said parent tract N 00°00'00" E 4676.31 feet to a 1/2" steel stake set in a South line of a 3116.673 acre tract for the N.E. corner of said 450.304 acre tract and N.W. corner hereof;

THENCE with a said South line of said 3116.673 acre tract, the North line hereof and said division line through said parent tract, N 89°59'31" E 2028.87 feet to a 1/2" steel stake set, in a fence, for a corner of said 3116.673 acre tract and N.E. corner hereof;

THENCE with a West line of said 3116.673 acre tract, the East line hereof and said division line through said parent tract, along said fence,  
S 00°21'34" W 561.14 feet, a 3/8" steel stake set,  
S 00°22'37" W 1080.54 feet, a 3/8" steel stake set,  
S 00°23'17" W 1104.83 feet, a 3/8" steel stake set,

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY  
BY RES CACTUS FLATS WIND ENERGY, LLC TO EDEN CISD*

S 00°19'18" W 1039.24 feet, a 3/8" steel stake set,  
S 00°17'57" W 900.79 feet to a 1/2" steel stake set by a "T" fence corner post, bears East, in the South line of said Survey No. 33 and North line of the Fred Speck Survey No. 7, Abstract No. 1887 (Concho County), the North line of that certain 2260.49 acre tract described in a Deed to Gail K. Anderson and Dora K. Wright recorded in Volume 174, Page 65 of said Official Public Records, the South line of said parent tract for the S.W. corner of said 3116.673 acre tract, the S.E. corner hereof and terminus of said division line, from which point a 1/2" steel stake found for the N.E. corner of said Survey No. 7, bears S 89°47'33" E 232.85 feet;

THENCE with said North line of Survey No. 7 and said South line of Survey No. 33, said North line of 2260.49 acre tract, said South line of parent tract and South line hereof, along a fence N 89°41'06" W 329.11 feet, a 1/2" steel stake set by a "T" fence corner post, fence bears S.S.W. and N 89°44'47" 950.35 feet to a 1/2" steel stake set by a "T" fence corner post, fence bears South for the N.W. corner of said 2260.49 acre tract and the N.E. corner of said 627.36 acre tract;

THENCE continuing with said South line of parent tract, the South line hereof and with the North line of said 627.36 acre tract, the North line of said Survey No. 19 and said South line of Survey No. 33, along said fence, N 89°41'41" W 720.79 feet to the PLACE OF BEGINNING and containing 216.400 acres of land.

**RUDLOFF FAMILY PARTNERSHIP LTD., LLP**

**TRACT ONE**

BEING 430.52 acres of land in Concho County, Texas, containing 93.33 acres of land in L. Fitzgerald Survey No. 2, Abstract No. 1731 and 298.34 acres of land in H. & T.C. R.R. Co. Survey No. 75, Abstract No. 419, and 38.85 acres of land in H. & T.C. R.R. Co. Survey No. 74, Abstract No. 1912, (in some prior descriptions referred to as Abstract No. 1684) and being a part of that land that Lenora Wilson deeded to Daniel Sorrell and wife, Inez Sorrell by deed dated June 15, 1972, and recorded in Volume 111, Page 185, Concho County Deed Records, and being a part of that land that Don R. Bailey, et ux deeded to Daniel Sorrell by Deed dated October 1, 1973, and recorded in Volume 115, Page 153, of the Deed Records of Concho County, Texas, and said 430.52 acres of land being more particularly described as follows:

BEGINNING at an iron stake and corner post located 229.91 feet N. 87 deg. 42' 50" E. of the SE corner of said Survey No. 75;

THENCE N. 1 deg. 07' 17" W. 42.40 feet along a fence line to an iron stake and corner post;

THENCE N. 16 deg. 03' 30" E. 68.88 feet along a fence line to an iron stake and corner post;

THENCE N. 38 deg. 14' 36" E. 81.30 feet along a fence line to an iron stake and corner post;

THENCE N. 18 deg. 02' 36" E. 139.63 feet along a fence line to an iron stake and corner post;

THENCE N. 8 deg. 21' 25" E. 479.31 feet along a fence line to an iron stake and corner post;

THENCE N. 13 deg. 17' 28" E. 186.40 feet along a fence line to an iron stake and corner post;

THENCE N. 81 deg. 13' 25" E. 11.84 feet along a fence line to an iron stake and corner post;

THENCE N. 7 deg. 45' 27" W. 602.06 feet along the general course of a fence line to an iron stake and corner post;

THENCE N. 9 deg. 12' 55" W. 658.38 feet along the general course of a fence line to an iron stake and corner post;

THENCE N. 75 deg. 31' 06" W. 139.63 feet along the general course of a fence line to an iron stake and corner post;

THENCE N. 12 deg. 06' 31" W. 857.47 feet along the general course of a fence line to an iron stake and corner post;

THENCE N. 81 deg. 47' 20" E. 964.84 feet along the general course of a fence line to an iron stake and corner post;

THENCE N. 75 deg. 12' 33" E. 603.13 feet along the general course of a fence line to an iron stake and corner post;

THENCE S. 85 deg. 26' 40" E. 785.25 feet along the general course of a fence line to an iron stake and corner post;

THENCE S. 81 deg. 16' 00" E. 343.19 feet along the general course of a fence line to an iron stake and corner post;

THENCE N. 0 deg. 23' 17" E. 240.50 feet along a fence line to an iron stake and corner post located at the SW corner of a public road leading East;

THENCE N. 37.52 feet to an iron stake and corner post located at the NW corner of a public road;

THENCE N. 0 deg. 13' 15" E. 2260.48 feet along a fence line to an iron stake located 435.44 feet S. 0 deg. 13' 15" W. of an iron stake and corner post representing the NE corner of said Don R. Bailey tract;

THENCE W. 463.08 feet to an iron stake;

THENCE S. 0 deg. 13' 15" W. 1099.97 feet to an iron stake;

THENCE S. 9 deg. 14' 48" W. 366.14 feet to an iron stake and corner post;

THENCE N. 75 deg. 50' 30" W. 369.82 feet along the general course of an old fence line to an iron stake and corner post;

THENCE S. 35 deg. 56' 21" W. 105.04 feet along the general course of an old fence line to an iron stake and corner post;

THENCE S. 37 deg. 39' 30" W. 177.97 feet along the general course of an old fence line to an iron stake and corner post;

THENCE S. 77 deg. 50' 23" W. 575.90 feet along the general course of an old fence line to an iron stake and corner post;

THENCE N. 83 deg. 47' 55" W. 652.87 feet along the general course of an old fence line to an iron stake and corner post;

THENCE S. 82 deg. 02' 01" W. 307.31 feet along the general course of an old fence line to an iron stake and dead tree;

THENCE S. 55 deg. 07' 03" W. 632.63 feet along the general course of an old fence line to an iron stake and tree;

THENCE N. 78 deg. 31' 40" W. 10.40 feet along a fence line to an iron stake and tree;

THENCE N. 37 deg. 38' 20" W. 23.89 feet along a fence line to an iron stake and tree;

THENCE N. 15 deg. 11' 02" W. 1539.12 feet along general course of an old fence line to an iron stake and corner post;

THENCE N. 87 deg. 30' 17" E. 660.46 feet along an old fence line representing the North line of said Survey No. 75 to an iron stake located 224.37 feet S. 87 deg. 30' 17" W. of the NE corner of said Survey No. 75;

THENCE N. 46 deg. 42' 57" W. 670.93 feet along general course of an old fence line to an iron stake and corner post;

THENCE N. 14 deg. 33' W. 351.43 feet along the general course of an old fence line to an iron stake;

THENCE S. 87 deg. 32' 54" W. 1838.36 feet along a fence line to an iron stake and corner post representing the NW corner of said Don R. Bailey tract;

THENCE S. 6117.26 feet along the general course of a fence line to an iron stake and corner post representing the SW corner of the East half of said Survey No. 75;

THENCE N. 87 deg. 42' 50" E. 2869.57 feet along a fence line representing the South line of said Survey No. 75 to the PLACE OF BEGINNING.

TRACT TWO

BEING ALL of the following land located in Concho County, Texas, to-wit:

- (1) BEING 630 acres, more or less, out of Survey No. 65, Certificate No. 41/5187, H. & T.C. Ry. Co. Abstract No. 414, and described by metes and bounds as follows, to-wit:

BEGINNING at the N.W. corner of said Survey No. 65;

THENCE S. 89 deg. 45' E. 1912 varas a stone mound in N. line of said Survey No. 65 from which L.O. 8 S. 35 E. 5 L.O. 12 S. 55 W. 12, for the NE corner of this tract, and N.W. corner of 628 acre tract heretofore conveyed to Roy Wilson;

THENCE S. 1885 varas to stone mound from which L.O. 30 S. 34 W. 41 L.O. S. 24-1/2 W. 38 for the SE corner of this tract and SW corner of said Roy Wilson tract;

THENCE N. 89 W. 1884 varas to the SW corner of this tract from which L.O. 18 N. 45 E. 96 L.O. 18 N. 46 E. 98;

THENCE N. 4 W. 160 varas;

THENCE N. 0 deg. 10' W. 1696 varas to the PLACE OF BEGINNING, being all of said Survey No. 65, EXCEPT the East 10 acres thereof.

- (2) BEING the North one-half (N/2) of the hereinafter described land located in Concho County, Texas, to-wit:

628 acres, more or less, consisting of about 10 acres in Survey No. 65, Certificate No. 41/5187, in the name of H. & T.C. Ry. Co. Abstract No. 414, and about 618 acres in Survey No. 76, Certificate No. 41/5192, Michael Hughes Abstract No. 1804, all in Concho County, Texas and being described by metes and bounds as follows, to-wit:

BEGINNING at stone mound in the N. line of said Survey No. 65, 1912 varas S. 89 deg. 45' E. from the NW corner of said Survey No. 65, from which beginning stone mound L.O. 8 S. 35 E. 5 L.O. 12 S. 55 W. and said beginning point being the NE corner of 630 acre tract heretofore conveyed to Clifton Wilson;

THENCE N. 89 deg. 26' E. 1868 varas to a stake in the N. line of said Survey No. 76, for the NE corner of this 628 acre tract, same being the NW corner of a 600 acre tract heretofore conveyed to Carlos Wilson, from which L.O. N. 28 E. 18 L.O. 16 N. 59 E. 54;

THENCE S. 1913 varas to stone mound the SE corner this 628 acre tract, and SW corner of said 600 acre tract of Carlos Wilson from which L.O. 18 W. 42 double mesquite 8" S. 15 E. 12 varas;

THENCE N. 89 deg. 45' W. 1871 varas to stone mound for the SW corner this 628 acre tract, and SE corner Clifton Wilson's 630 acre tract;

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY  
BY RES CACTUS FLATS WIND ENERGY, LLC TO EDEN CISD*

THENCE N. 1885 varas to the PLACE OF BEGINNING.

**MOUNTAIN HOME SERIES, A SEPARATE SERIES OF EDPT INVESTMENTS, LLC, a Texas limited liability company**

**TRACT ONE**

A parcel of land described in a warranty deed dated July 12, 2014, recorded December 19, 2014, in Volume 2065, Page 34, Official Public Records, Concho County, Texas, being more particularly described as follows;

BEING 727.546 acres in Concho County, Texas, out of the H. & T.C. Railroad Company Block 8, and containing approximately 638.836 acres out of Survey No. 45, Abstract No. 404, 88.608 acres out of Survey No. 35, Abstract No. 399, 0.096 acres out of the Sherman Conant Survey No. 46, Abstract No. 1261, and 0.006 acres out of the Sherman Conant Survey No. 36, Abstract No. 1264, and being out of those certain tracts described as 3116.673 acres and 1832.214 acres in deeds to Harlan Lary Priour and the Edna E. Priour Trust recorded in Volume 215, Page 13 and Volume 218, Page 79 of the Concho County Official Public Records, and said 727.546 acres being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

**TRACT TWO**

A parcel of land described in a warranty deed dated July 12, 2014, recorded December 19, 2014, in Volume 2065, Page 34, Official Public Records, Concho County, Texas, being more particularly described as follows;

BEING 362.509 acres in Concho County, Texas, containing approximately 52.317 acres out of the H. & T.C. Railroad Company Block 8 Survey No. 35, Abstract No. 399, and 310.192 acres out of said Block 8, Sherman Conant Survey No. 46, Abstract No. 1261, and being out of that certain parent tract described as 1832.214 acres in a deed to the Edna E. Priour recorded in Volume 218, Page 79 of the Concho County Official Public Records, and said 362.509 acres being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

**TRACT THREE**

BEING 16.583 acres in Concho County, Texas out of the H. & T.C. Railroad Company Block 8, and the Sherman Conant Survey No. 36, Abstract No. 1264, and being out of that certain parent tract described as 731.037 acres in a deed to Gary D. Priour recorded in Volume 265, Page 1, of the Concho County Official Public Records, and being described as follows:

BEGINNING at a calculated point in the road bed of County Road 2246 in the north line of said Block 8, the south line of that certain tract described as 2105.72 acres in a deed to Earl R. Bruno, et al, recorded in Volume 152, Page 37 of the Concho County Deed Records, and the common line of the H. & T.C. Railroad Company Survey No. 37, Abstract No. 400 and said Survey No. 36 for the N.W. corner of that certain tract described as 727.546 acres in a deed to Dalene P. Taylor recorded in Volume 165, Page 15 of said Official

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION ON QUALIFIED PROPERTY  
BY RES CACTUS FLATS WIND ENERGY, LLC TO EDEN CISD*

# RES Cactus Flats Wind Energy, LLC

Chapter 313 Application to Eden CISD

Cummings Westlake, LLC

Public Records, the N.E. corner of said parent tract, and the N.E. corner hereof, from which a 1/2" steel stake found bears S 00°05'57" E a distance of 62.40 feet;

THENCE along the west line of said 727.546 acres, the east line of said parent tract, and the east line hereof S 00°05'57" E a distance of 4857.48 feet to a 1/2" steel stake found for a northerly corner of that certain tract described as 116.939 acres in a deed to Lary Priour recorded in Volume 266, Page 451 of said Official Public Records, and the most westerly S.W. corner of said 727.546 acres;

THENCE along a westerly line of said 116.939 acres, the east line of said parent tract, and the east line hereof S 00°00'00" E a distance of 121.90 feet to a punch mark on a large rock for a reentrant corner of said 116.939 acres, the S.E. corner of said parent tract, and the S.E. corner hereof;

THENCE along a northerly line of said 116.939 acres, the south line of said parent tract, and the south line hereof N 90°00'00" W a distance of 168.26 feet to a 3/8" steel stake found for the S.E. corner of a 714.454 acre partition tract of said parent tract, and the S.W. corner hereof;

THENCE along a fence for a division line of said parent tract for the east line of said 714.454 acres, and the west line hereof N 00°24'14" E a distance of 1130.71 feet to a 3/8" steel stake found, N 00°27'40" E a distance of 1108.21 feet to a 3/8" steel stake found, N 00°26'19" E a distance of 1013.58 feet to a 3/8" steel stake found, N 00°31 '07" E a distance of 1054.88 feet to a 3/8" steel stake found, and N 00°26'51" E a distance of 672.50 feet to a calculated point in the road bed of County Road 2246, the common line of said Surveys No. 36 and No. 37, the south line of said 2105.72 acres, the north line of said Block 8, and the north line of said parent tract for the N.E. corner of said 714.454 acres, and the N.W. corner hereof, from which a 1/2" steel stake found bears S 00°26'51" W a distance of 62.08 feet;

THENCE along the common line of said Surveys No. 36 and No. 37, the south line of said 2105.72 acres, the north line of said Block 8, the north line of said parent tract, and the north line hereof S 89°50'05" E a distance of 120.42 feet to the POINT OF BEGINNING, having an area of 16.583 acres.

**TAB 10**

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

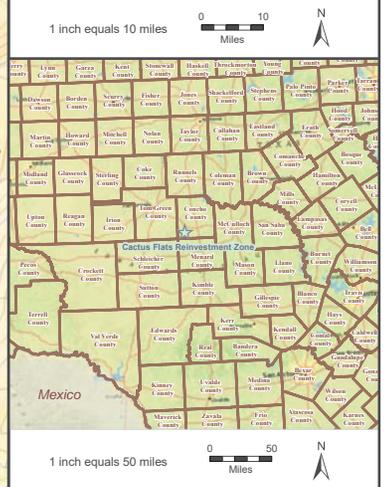
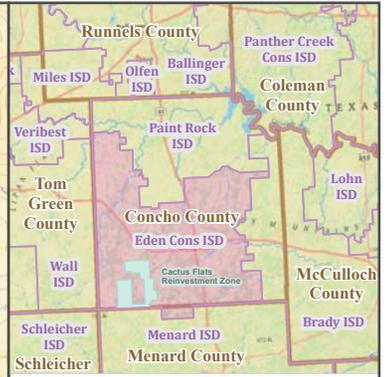
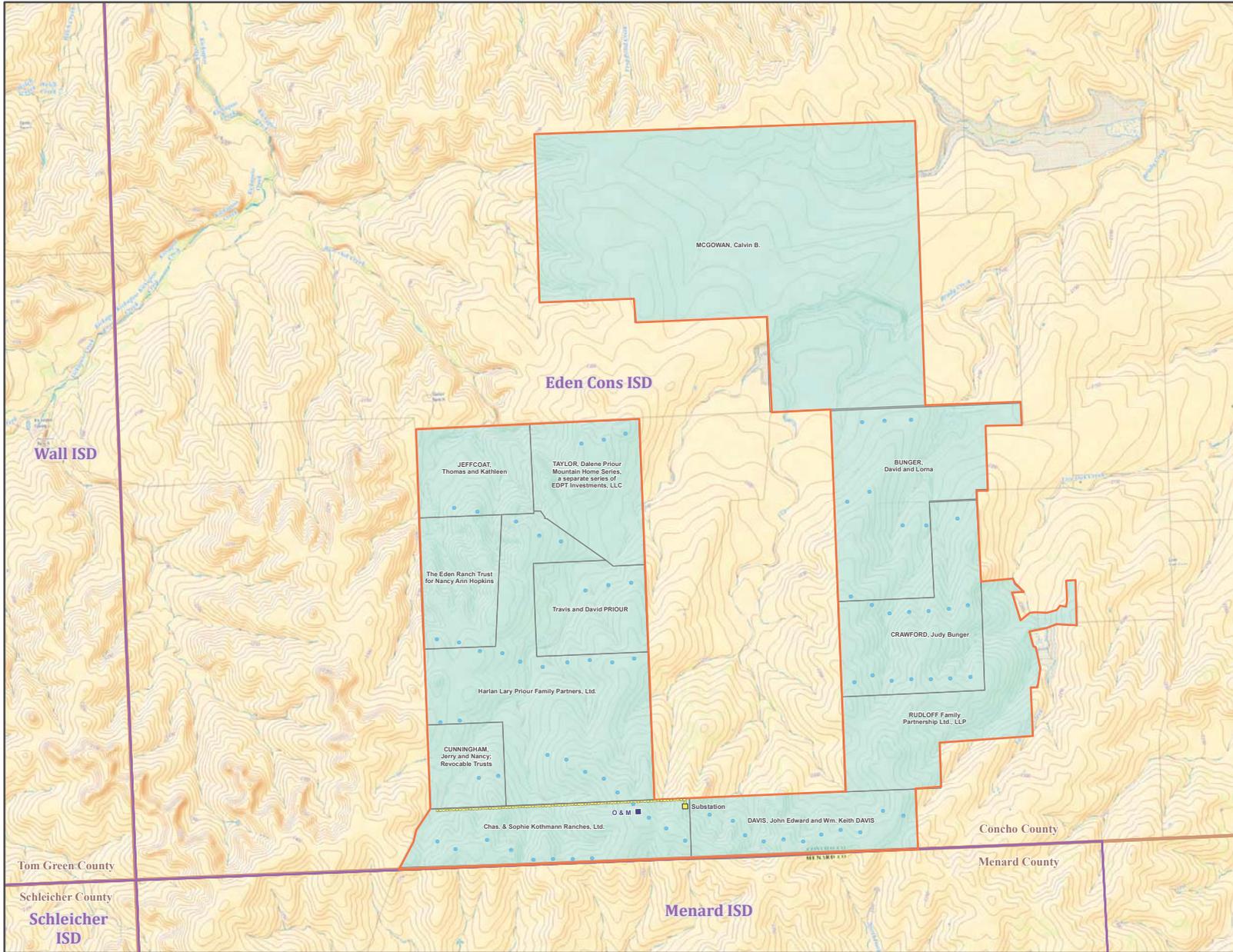
None, not applicable

**TAB 11**

Maps that clearly show:

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

**11 d) THERE IS NO EXISISTING PROPERTY**



## Vicinity Map RES Cactus Flats Wind Energy, LLC. Concho County, Texas

**Confidential, Preliminary and Subject to Change**

Cactus Flats Wind Project	County Boundary
Cactus Flats Proposed Reinvestment Zone	Independent School District Boundary
Transmission Line	O & M Facility
Substation	Substation

COORDINATE SYSTEM: UTM Zone 13N NAD83  
 DRAWN BY: AP Date: 4/5/2016  
 1 inch equals 0.5 miles

**Renewable Energy Systems**  
**RES AMERICAS**

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

This drawing is the property of RES America Development, Inc. and no reproduction may be made in whole or in part without permission.

**TAB 12**

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

See Attached

## CUMMINGS WESTLAKE LLC

12837 Louetta Road, Suite 201 Cypress, Texas 77429-5611 713-266-4456 Fax: 713-266-2333

April 21, 2016

Mr. Kent Coker  
Superintendent  
Eden Consolidated Independent School District  
113 West Bryan Street  
Eden, TX 76837

### **Re: Chapter 313 Jobs Waiver Request**

Dear Superintendent Coker,

RES Cactus Flats Wind Energy, LLC requests that the Eden Consolidated Independent School District's Board of Trustees waive the job requirement provision as allowed by Section 313.025(f-1) of the Tax Code. This waiver would be based on the school district's board findings that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application.

RES Cactus Flats Wind Energy, LLC requests that the Board of Trustees make such a finding and waive the job creation requirement for 10 permanent jobs. In line with industry standards for job requirements, RES Cactus Flats Wind Energy, LLC has committed to create five total jobs for the project, three of which will be in Eden CISD.

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

The industry standard for employment is typically one full-time employee for approximately every 15 turbines. This number will vary depending on the operations and maintenance requirements of the turbines selected as well as the support and technical assistance offered by the turbine manufacturer. The permanent employees of a wind project maintain and service wind turbines, underground electrical connections, substations and other infrastructure associated with the safe and reliable operation of the project. In addition to the onsite employees, there may be managers or technicians who support the project from offsite locations.

Sincerely,



Sam Gregson  
Senior Consultant  
Cummings Westlake, LLC

**TAB 13**

*Calculation of three possible wage requirements with TWC documentation*

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

**CACTUS FLATS WIND LLC  
TAB 13 TO CHAPTER 313 APPLICATION**

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

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2015	\$ 691	\$ 35,932
SECOND	2015	\$ 629	\$ 32,708
THIRD	2015	\$ 710	\$ 36,920
FOURTH	2014	\$ 666	\$ 34,632
AVERAGE		\$ 674	\$ 35,048

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

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FIRST	2015	\$ 519	\$ 26,988
SECOND	2015	\$ 455	\$ 23,660
THIRD	2015	\$ 470	\$ 24,440
FOURTH	2014	N/A	-
AVERAGE		\$ 481	\$ 25,029
X		110%	110%
		\$ 529	\$ 27,532

**CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE**

	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
Concho	2014	\$ 748	\$ 38,886
X		110%	110%
		\$ 822.59	\$ 42,775

\* SEE ATTACHED TWC DOCUMENTATION

# Quarterly Employment and Wages (QCEW)

[Back](#)

Page 1 of 1 (40 results/page)

Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2014	1st Qtr	Concho County	Private	00	0	10	Total, All Industries	\$660
2015	1st Qtr	Concho County	Private	00	0	10	Total, All Industries	\$691
2014	2nd Qtr	Concho County	Private	00	0	10	Total, All Industries	\$630
2015	2nd Qtr	Concho County	Private	00	0	10	Total, All Industries	\$629
2014	3rd Qtr	Concho County	Private	00	0	10	Total, All Industries	\$670
2015	3rd Qtr	Concho County	Private	00	0	10	Total, All Industries	\$710
2014	4th Qtr	Concho County	Private	00	0	10	Total, All Industries	\$666

# 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
2015	1st Qtr	Concho County	Private	31	2	31-33	Manufacturing	\$519
2015	2nd Qtr	Concho County	Private	31	2	31-33	Manufacturing	\$455
2015	3rd Qtr	Concho County	Private	31	2	31-33	Manufacturing	\$470

**2014 Manufacturing Average Wages by Council of Government Region  
Wages for All Occupations**

COG	Wages	
	Hourly	Annual
<b>Texas</b>	<b>\$24.18</b>	<b>\$50,305</b>
<a href="#">1. Panhandle Regional Planning Commission</a>	\$21.07	\$43,821
<a href="#">2. South Plains Association of Governments</a>	\$16.75	\$34,834
<a href="#">3. NORTEX Regional Planning Commission</a>	\$20.23	\$42,077
<a href="#">4. North Central Texas Council of Governments</a>	\$25.32	\$52,672
<a href="#">5. Ark-Tex Council of Governments</a>	\$17.80	\$37,017
<a href="#">6. East Texas Council of Governments</a>	\$19.87	\$41,332
<a href="#">7. West Central Texas Council of Governments</a>	\$19.41	\$40,365
<a href="#">8. Rio Grande Council of Governments</a>	\$17.82	\$37,063
<a href="#">9. Permian Basin Regional Planning Commission</a>	\$23.65	\$49,196
<a href="#">10. Concho Valley Council of Governments</a>	<b>\$18.70</b>	<b>\$38,886</b>
<a href="#">11. Heart of Texas Council of Governments</a>	\$20.98	\$43,636
<a href="#">12. Capital Area Council of Governments</a>	\$28.34	\$58,937
<a href="#">13. Brazos Valley Council of Governments</a>	\$17.57	\$36,547
<a href="#">14. Deep East Texas Council of Governments</a>	\$17.76	\$36,939
<a href="#">15. South East Texas Regional Planning Commission</a>	\$29.21	\$60,754
<a href="#">16. Houston-Galveston Area Council</a>	\$26.21	\$54,524
<a href="#">17. Golden Crescent Regional Planning Commission</a>	\$23.31	\$48,487
<a href="#">18. Alamo Area Council of Governments</a>	\$19.46	\$40,477
<a href="#">19. South Texas Development Council</a>	\$13.91	\$28,923
<a href="#">20. Coastal Bend Council of Governments</a>	\$25.12	\$52,240
<a href="#">21. Lower Rio Grande Valley Development Council</a>	\$16.25	\$33,808
<a href="#">22. Texoma Council of Governments</a>	\$20.51	\$42,668
<a href="#">23. Central Texas Council of Governments</a>	\$18.02	\$37,486
<a href="#">24. Middle Rio Grande Development Council</a>	\$20.02	\$41,646

$110\% \times \$38,886 = \$42,774$

Source: Texas Occupational Employment and Wages

Data published: July 2015

Data published annually, next update will be July 31, 2016

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.

**RES Cactus Flats Wind Energy, LLC**

Chapter 313 Application to Eden CISD

Cummings Westlake, LLC

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**TAB 14**

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

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

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

Date **3/15/2016**  
 Applicant Name **RES AMERICAS CACTUS FLATS WIND ENERGY, LLC**  
 ISD Name **EDEN CISD**

Form 50-296A  
 Revised May 2014

PROPERTY INVESTMENT AMOUNTS									
(Estimated Investment in each year. Do not put cumulative totals.)									
				Column A	Column B	Column C	Column D	Column E	
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	New investment (original cost) in <b>tangible personal property</b> placed in service during this year that will become Qualified Property	New investment made during this year in <b>buildings or permanent nonremovable components of buildings</b> that will become Qualified Property	Other new investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Other new investment made during this year that may become Qualified Property [SEE NOTE]	<b>Total Investment</b> (Sum of Columns A+B+C+D)	
Investment made before filing complete application with district		Year preceding the first complete tax year of the qualifying time period (assuming no deferrals of qualifying time period)	2016	Not eligible to become Qualified Property				[The only other investment made before filing complete application with district that may become Qualified Property is land.]	0
Investment made after filing complete application with district, but before final board approval of application	--			0	0	0	0	0	
Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period				0	0	0	0	0	
Complete tax years of qualifying time period	QTP1	2017-2018	2017	201,500,000	1,000,000	0	0	202,500,000	
	QTP2	2018-2019	2018	0	0	0	0	0	
<b>Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]</b>				201,500,000	1,000,000	0	0	202,500,000	
				<b>Enter amounts from TOTAL row above in Schedule A2</b>					
<b>Total Qualified Investment (sum of green cells)</b>				202,500,000					

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

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

Only tangible personal property that is specifically described in the application can become qualified property.

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

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

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

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

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

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

Date **3/15/2016**  
 Applicant Name **RES AMERICAS CACTUS FLATS WIND ENERG**  
 ISD Name **EDEN CISD**

Form **50-296A**  
 Revised May 2014

PROPERTY INVESTMENT AMOUNTS								
(Estimated Investment in each year. Do not put cumulative totals.)								
				Column A	Column B	Column C	Column D	Column E
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	New investment (original cost) in <b>tangible personal property</b> placed in service during this year that will become Qualified Property	New investment made during this year in <b>buildings or permanent nonremovable components of buildings</b> that will become Qualified Property	Other investment made during this year that will <b>not</b> become Qualified Property [SEE NOTE]	Other investment made during this year that will become Qualified Property [SEE NOTE]	Total Investment (A+B+C+D)
Total Investment from Schedule A1*	--	<b>TOTALS FROM SCHEDULE A1</b>		201,500,000	1,000,000	0	0	202,500,000
Enter amounts from TOTAL row in Schedule A1 in the row below								
Each year prior to start of value limitation period** <i>Insert as many rows as necessary</i>	0	2016-2017	2016	0	0	0	0	0
	0	2017-2018	2017	0	0	0	0	0
Value limitation period***	1	2018-2019	2018	0	0	3,000,000	0	3,000,000
	2	2019-2020	2019	0	0	3,000,000	0	3,000,000
	3	2020-2021	2020	0	0	3,000,000	0	3,000,000
	4	2021-2022	2021	0	0	3,000,000	0	3,000,000
	5	2022-2023	2022	0	0	3,000,000	0	3,000,000
	6	2023-2024	2023	0	0	3,000,000	0	3,000,000
	7	2024-2025	2024	0	0	3,000,000	0	3,000,000
	8	2025-2026	2025	0	0	3,000,000	0	3,000,000
	9	2026-2027	2026	0	0	3,000,000	0	3,000,000
	10	2027-2028	2027	0	0	3,000,000	0	3,000,000
<b>Total Investment made through limitation</b>				201,500,000	1,000,000	30,000,000	0	232,500,000
Continue to maintain viable presence	11	2028-2029	2028			3,000,000		3,000,000
	12	2029-2030	2029			3,000,000		3,000,000
	13	2030-2031	2030			3,000,000		3,000,000
	14	2031-2032	2031			3,000,000		3,000,000
	15	2032-2033	2032			3,000,000		3,000,000
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2033-2034	2033			3,000,000		3,000,000
	17	2034-2035	2034			3,000,000		3,000,000
	18	2035-2036	2035			3,000,000		3,000,000
	19	2036-2037	2036			3,000,000		3,000,000
	20	2037-2038	2037			3,000,000		3,000,000
	21	2038-2039	2038			3,000,000		3,000,000
	22	2039-2040	2039			3,000,000		3,000,000
	23	2040-2041	2040			3,000,000		3,000,000
	24	2041-2042	2041			3,000,000		3,000,000
	25	2042-2043	2042			3,000,000		3,000,000

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

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

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

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

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

Only tangible personal property that is specifically described in the application can become qualified property.

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

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

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

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

Date **3/15/2016**  
 Applicant Name **RES Americas Cactus Flats Wind Energy, LLC**  
 ISD Name **EDEN CISD**

**Form 50-296A**

*Revised May 2014*

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property			Estimated Taxable Value		
				Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements"	Market Value less any exemptions (such as pollution control) and before limitation	Final taxable value for I&S after all reductions	Final taxable value for M&O after all reductions
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2016-2017	2016	0	0	0	0	0	0
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2017-2018	2017	0	0	0	0	0	0
Value Limitation Period	1	2018-2019	2018	0	0	198,450,000	198,450,000	198,450,000	20,000,000
	2	2019-2020	2019	0	0	184,559,000	184,559,000	184,559,000	20,000,000
	3	2020-2021	2020	0	0	171,640,000	171,640,000	171,640,000	20,000,000
	4	2021-2022	2021	0	0	159,625,000	159,625,000	159,625,000	20,000,000
	5	2022-2023	2022	0	0	148,451,000	148,451,000	148,451,000	20,000,000
	6	2023-2024	2023	0	0	138,059,000	138,059,000	138,059,000	20,000,000
	7	2024-2025	2024	0	0	128,395,000	128,395,000	128,395,000	20,000,000
	8	2025-2026	2025	0	0	119,407,000	119,407,000	119,407,000	20,000,000
	9	2026-2027	2026	0	0	111,049,000	111,049,000	111,049,000	20,000,000
	10	2027-2028	2027	0	0	103,276,000	103,276,000	103,276,000	20,000,000
Continue to maintain viable presence	11	2028-2029	2028	0	0	98,112,000	98,112,000	98,112,000	98,112,000
	12	2029-2030	2029	0	0	93,206,000	93,206,000	93,206,000	93,206,000
	13	2030-2031	2030	0	0	88,546,000	88,546,000	88,546,000	88,546,000
	14	2031-2032	2031	0	0	84,119,000	84,119,000	84,119,000	84,119,000
	15	2032-2033	2032	0	0	79,913,000	79,913,000	79,913,000	79,913,000
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2033-2034	2033	0	0	75,917,000	75,917,000	75,917,000	75,917,000
	17	2034-2035	2034	0	0	72,121,000	72,121,000	72,121,000	72,121,000
	18	2035-2036	2035	0	0	68,515,000	68,515,000	68,515,000	68,515,000
	19	2036-2037	2036	0	0	65,089,000	65,089,000	65,089,000	65,089,000
	20	2037-2038	2037	0	0	61,835,000	61,835,000	61,835,000	61,835,000
	21	2038-2039	2038	0	0	58,743,000	58,743,000	58,743,000	58,743,000
	22	2039-2040	2039	0	0	55,806,000	55,806,000	55,806,000	55,806,000
	23	2040-2041	2040	0	0	53,016,000	53,016,000	53,016,000	53,016,000
	24	2041-2042	2041	0	0	50,625,000	50,625,000	50,625,000	50,625,000
	25	2042-2043	2042	0	0	50,625,000	50,625,000	50,625,000	50,625,000

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

**Schedule C: Employment Information**

Date 3/15/2016  
 Applicant Name RES AMERICAS CACTUS FLATS WIND ENEI  
 ISD Name EDEN CISD

**Form 50-296A**

*Revised May 2014*

	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Construction		Non-Qualifying Jobs	Qualifying Jobs	
				Column A Number of Construction FTE's or man-hours (specify)	Column B Average annual wage rates for construction workers	Column C Number of non-qualifying jobs applicant estimates it will create (cumulative)	Column D Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column E Average annual wage of new qualifying jobs
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2016-2017	2016	0		0	0	0
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	0	2017-2018	2017	200 FTE	43,000	0	0	0
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2018-2019	2018	N/A	N/A	0	5	30,000
	2	2019-2020	2019	N/A	N/A	0	5	30,000
	3	2020-2021	2020	N/A	N/A	0	5	30,000
	4	2021-2022	2021	N/A	N/A	0	5	30,000
	5	2022-2023	2022	N/A	N/A	0	5	30,000
	6	2023-2024	2023	N/A	N/A	0	5	30,000
	7	2024-2025	2024	N/A	N/A	0	5	30,000
	8	2025-2026	2025	N/A	N/A	0	5	30,000
	9	2026-2027	2026	N/A	N/A	0	5	30,000
	10	2027-2028	2027	N/A	N/A	0	5	30,000
Years Following Value Limitation Period	11 through 25	2027-2042	2027-2041	N/A	N/A	0	5	30,000

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

- C1.** Are the cumulative number of qualifying jobs listed in Column D less than the number of qualifying jobs required by statute? (25  Yes  No  
 qualifying jobs in Subchapter B districts, 10 qualifying jobs in Subchapter C districts)  
 If yes, answer the following two questions:
- C1a.** Will the applicant request a job waiver, as provided under 313.025(f-1)?  Yes  No
- C1b.** Will the applicant avail itself of the provision in 313.021(3)(F)?  Yes  No

**Schedule D: Other Incentives (Estimated)**

**Date** 3/15/2016  
**Applicant Name** RES AMERICAS CACTUS FLATS WIND ENERGY, LLC  
**ISD Name** EDEN CISD

**Form 50-296A**

*Revised May 2014*

State and Local Incentives for which the Applicant intends to apply (Estimated)						
Incentive Description	Taxing Entity (as applicable)	Beginning Year of Benefit	Duration of Benefit	Annual Tax Levy without Incentive	Annual Incentive	Annual Net Tax Levy
Tax Code Chapter 311	County:	N/A	N/A	N/A	N/A	N/A
	City:	N/A	N/A	N/A	N/A	N/A
	Other:	N/A	N/A	N/A	N/A	N/A
Tax Code Chapter 312	County: Concho County	2018	10 Years	Annual Avg. of \$1,219,475	see detail below	Annual Avg. of \$396,000
	City:	N/A	N/A	N/A	N/A	N/A
	Other: Concho County Hospital Dist	2018	10 Years	Annual Avg. of \$409,615		Annual Avg. of \$133,000
	Other: Lipan - Kickapoo UWCD	2018	10 Years	Annual Avg. of \$20,905	N/A	Annual Avg. of \$6,800
Local Government Code Chapters 380/381	County:	N/A	N/A	N/A	N/A	N/A
	City:	N/A	N/A	N/A	N/A	N/A
	Other:	N/A	N/A	N/A	N/A	N/A
Freeport Exemptions	N/A	N/A	N/A	N/A	N/A	N/A
Non-Annexation Agreements	N/A	N/A	N/A	N/A	N/A	N/A
Enterprise Zone/Project	N/A	N/A	N/A	N/A	N/A	N/A
Economic Development Corporation	N/A	N/A	N/A		N/A	
Texas Enterprise Fund	N/A	N/A	N/A		N/A	
Employee Recruitment	N/A	N/A	N/A		N/A	
Skills Development Fund	N/A	N/A	N/A		N/A	
Training Facility Space and Equipment	N/A	N/A	N/A		N/A	
Infrastructure Incentives	N/A	N/A	N/A		N/A	
Permitting Assistance	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
Other:	N/A	N/A	N/A		N/A	
<b>TOTAL</b>				<b>\$ 1,649,995</b>		<b>\$ 535,800</b>

Additional information on incentives for this project:

**County Terms:** RES Cactus Flats Wind energy, LLC expects to apply for an abatement structured as follows: Year 1 - 72.5%, Year 2 - 71.3%, Year 3 - 70.2%, Year 4 - 68.9%, Year 5 - 67.6%, Year 6 -

# RES Cactus Flats Wind Energy, LLC

Chapter 313 Application to Eden CISD

Cummings Westlake, LLC

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## TAB 15

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

None

**TAB 16**

*Description of Reinvestment Zone or Enterprise Zone, including:*

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

**16 a)** Not Applicable

**16 b)** Will be provided in May after Concho County creates the Reinvestment Zone.

**16 c)** Will be provided in May after Concho County adopts the ordinance establishing the Reinvestment Zone.

**16 d)** See Attached.

# Concho County State of Texas

## Tax Abatement Guidelines and Criteria

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

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

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

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

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

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

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

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

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

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

## **Section 1**

### **Definitions**

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

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

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

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

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

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

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

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

## **Section 2**

### **Abatement Authorized**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Section 3 Application**

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

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

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

#### **Section 4**

## Agreement

- A. After approval, the Commissioners Court of Concho County shall formally pass a Resolution and execute an agreement with the owner of the facility and Lessee as required which shall:
1. Include a list of the kind, number, location of all proposed improvements to the property and if this is not defined at the time of the agreement, then to be supplemented after construction of the facilities;
  2. Provide access to and authorize inspection of the property by the taxing unit to ensure compliance with the agreement
  3. Limit the use of the property consistent with the taxing unit's developmental goals as stated in Section 1H of the Concho County Tax Abatement Guidelines and Criteria;
  4. Provide for recapturing property tax revenues that are lost if the owner fails to make improvements as provided by the agreement;
  5. Include each term that was agreed upon with the property owner and require the owner of the facility to annually certify compliance with the terms of the agreement to each taxing unit; and
  6. Allow the taxing unit to cancel the agreement after notice of default and opportunity to cure if the property owner fails to comply with the terms of the agreement.
- B. The owner of the facility and Lessee shall also agree to the following:
1. A specified number of permanent full time jobs at facility shall be created, and the owner and Lessee shall make reasonable efforts to employ persons who are residents of Concho County in such jobs provided, however, that there shall be no obligation to employ residents who are not:
    - a. equally or more qualified than nonresident applicants;
    - b. available for employment on terms and / or salaries comparable to those required by nonresident applicants; or
    - c. able to become qualified with 72 hours training provided by Owner.
  2. Each person employed in such job shall perform a portion, if not all, of their work in Concho County.

3. Owner shall agree that it and its contractors, if any, will use reasonably commercial efforts to maximize its use of goods and services available through Concho County businesses in the construction, operation, and maintenance of the improvements and the project; provided, however, that there shall be no requirement to use goods and services provided by Concho County residents that are not:
    - a. of similar quality to those provided by nonresidents; or
    - b. made available on terms and conditions (including pricing) comparable to those offered by nonresidents. Comparable price shall be defined as less than or equal to 105% of the nonresident price for equivalent quality, conditions and terms.
  4. Owner or its construction contractor, if any, shall designate a coordinator of local services who will act as liaison between any individuals, businesses, and contractors residing or doing business in Concho County who are interested in obtaining information about providing goods or services related to the construction of the project.
  5. Additionally, Owner or its construction contractor, if any, shall advertise in local newspapers in Concho County for local contractors to perform work on the construction of the project.
  6. Owner shall agree to maintain a viable presence (as below defined) within the reinvestment zone for a period of time, as set by the Concho County Commissioners Court, not to exceed twenty (20) years from the date that the abatement agreement first takes effect. For purposes hereof, "Maintain a Viable Presence" means (i) the operation of the Eligible Facilities, as the same may from time to time be expanded, upgraded, improved, modified, changed, remodeled, repaired, restored, reconstructed, reconfigured and/or reengineered, and (ii) the retention of not fewer than three (3) Qualifying Jobs as defined by Texas Tax Code Section 313.021(3)(E) to be located and performed, in part, within Concho County.
  7. On May 1st of each year that the agreement shall be in effect, Owner shall certify to the County Judge of Concho County, and to the governing body of each taxing unity, that Owner is in compliance with each applicable term set forth above.
- C. Such agreement shall normally be executed within sixty (60) days after the Applicant has forwarded all necessary information and documentation to the Commissioners Court.

## Section 5

## **Recapture**

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

## **Section 6 Administration**

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

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

**Section 7  
Assignment**

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

**Section 9  
Venue**

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

**Section 10  
Sunset Provision**

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

ADOPTED \_\_\_\_\_, 2016.

**CONCHO COUNTY COMMISSIONERS' COURT**

\_\_\_\_\_  
JUDGE DAVID DILLARD

\_\_\_\_\_  
COMM. TREY BRADSHAW

\_\_\_\_\_  
COMM. RALPH WILLBERG

\_\_\_\_\_  
COMM. GARY GIERISCH

\_\_\_\_\_  
COMM. AARON BROWNING, Jr.

ATTEST:

\_\_\_\_\_  
COUNTY CLERK

**RES Cactus Flats Wind Energy, LLC**

Chapter 313 Application to Eden CISD

Cummings Westlake, LLC

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**TAB 17**

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

See Attached

SECTION 16: Authorized Signatures and Applicant Certification

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

1. Authorized School District Representative Signature

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

print here

Kent Coker

Superintendent

Print Name (Authorized School District Representative)

Title

sign here

[Handwritten Signature]

4/21/16

Signature (Authorized School District Representative)

Date

2. Authorized Company Representative (Applicant) Signature and Notarization

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best of my knowledge and belief.

I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

print here

Brian Evans

Chief Development Officer

Print Name (Authorized Company Representative (Applicant))

Title

sign here

[Handwritten Signature]

4/19/2016

Signature (Authorized Company Representative (Applicant))

Date

GIVEN under my hand and seal of office this, the

\_\_\_\_\_ day of \_\_\_\_\_,

Notary Public in and for the State of Texas

(Notary Seal)

My Commission expires: \_\_\_\_\_

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