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February 21, 2013

VIA EMAIL AND FEDERAL EXPRESS

Ms. Michelle Luera
Research Analyst
Economic Analysis
Local Government Assistance and Economic Development Division
Texas Comptroller of Public Accounts
LBJ State Office Building
111 E. 17th Street
Austin, TX 78774

Re: 313 Application –Route 66 Wind Power LLC

Dear Michelle:

Enclosed please find an application for appraised value limitation on qualified property submitted to Claude ISD by Route 66 Wind Power, LLC on February 20, 2013. A CD containing these documents is also enclosed.

The Claude ISD Board elected to accept the application on February 20, 2013. The application was determined to be complete on February 21, 2013. 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 Armstrong 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 blue ink that reads "Audie Sciumbato".

Audie Sciumbato, PhD

Enclosures
GSD55S1D0D160C

cc: Chief Appraiser, Armstrong County Appraisal District
Wes Jackson, Cummings Westlake, LLC

Route 66 Wind Power, LLC

**CHAPTER 313 APPLICATION
FOR APPRAISED VALUE LIMITATION
TO CLAUDE ISD**

FEBRUARY 20, 2013



Application for Appraised Value Limitation on Qualified Property

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

Form 50-296
(Revised May 2010)

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

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

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

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

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

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

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

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

SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION

| | | |
|--------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------|
| Authorized School District Representative | | Date application received by district February 19, 2013 |
| First Name Jadie | Last Name Matthew | |
| Title Superintendent | | |
| School District Name Claude ISD | | |
| Street Address 500 W. 5th St. | | |
| Mailing Address same | | |
| City Claude | State TX | ZIP 79019 |
| Phone Number (806) 226-2191 | Fax Number (806) 226-2244 | |
| Mobile Number (optional) | E-mail Address jadie.matthew@region16.net | |

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

Will consultant be primary contact? Yes No



SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized School District Consultant (If Applicable)

| | | |
|----------------------------------------------------|----------------------------------------------------|---------------------|
| First Name Audie | Last Name Sciumbato | |
| Title Attorney | | |
| Firm Name Underwood Law Firm, P.C. | | |
| Street Address 500 S. Taylor, Suite 1200 | | |
| Mailing Address PO Box 9158 | | |
| City Amarillo | State TX | ZIP 79105 |
| Phone Number 806-379-0326 | Fax Number 806-379-0316 | |
| Mobile Number (Optional) | E-mail Address audie.sciumbato@uwlaw.com | |

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

| | |
|-----------------------------------------------------------|--------------------------|
| Signature (Authorized School District Representative) | Date 2/20/2013 |
|-----------------------------------------------------------|--------------------------|

Has the district determined this application complete? Yes No

If yes, date determined complete. 2/21/2013

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

SCHOOL DISTRICT CHECKLIST AND REQUESTED ATTACHMENTS

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

APPLICANT INFORMATION - CERTIFICATION OF APPLICATION

Authorized Business Representative (Applicant)

| | | | |
|------------------------------------------------------------|--|-----------------------------------------------------------------------|---------------------|
| First Name Sean | | Last Name McCabe | |
| Title Vice President | | | |
| Organization Route 66 Wind Power, LLC | | | |
| Street Address 25 Braintree Hill Park, Suite 200 | | | |
| Mailing Address same | | | |
| City Braintree | | State MA | ZIP 02184 |
| Phone Number (802) 345-7282 | | Fax Number | |
| Mobile Number (optional) (802) 345-7282 | | Business e-mail Address Sean McCabe [sean@westerlywind.com] | |

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

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

| | | | |
|--------------------------|--|----------------|-----|
| First Name | | Last Name | |
| Title | | | |
| Organization | | | |
| Street Address | | | |
| Mailing Address | | | |
| City | | State | ZIP |
| Phone Number | | Fax Number | |
| Mobile Number (optional) | | E-mail Address | |

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

Will consultant be primary contact? Yes No



APPLICANT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized Company Consultant (If Applicable)

First Name: Wes; Last Name: Jackson

Title: Partner

Firm Name: Cummings Westlake LLC

Street Address: 12837 Louetta Road, Suite 201

Mailing Address: same

City: Cypress; State: TX; ZIP: 77429-5611

Phone Number: 713-266-4456 X-2; Fax Number: 713-266-2333

Business email Address

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

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

Signature (Authorized Business Representative (Applicant)): [Handwritten Signature]; Date: 2/20/13

GIVEN under my hand and seal of office this 20 day of February, 2013



(Notary Seal)

[Handwritten Signature]; Notary Public, State of Texas

My commission expires May 12, 2015

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

FEES AND PAYMENTS

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

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

Please answer only either A OR B:

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

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

BUSINESS APPLICANT INFORMATION

Legal Name under which application is made

Route 66 Wind Power, LLC

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

801575861

NAICS code

221115

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

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

APPLICANT BUSINESS STRUCTURE

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

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

Limited Liability Company

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

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

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

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

ELIGIBILITY UNDER TAX CODE CHAPTER 313.024

- Are you an entity to which Tax Code, Chapter 171 applies? Yes No
- The property will be used as an integral part, or as a necessary auxiliary part, in 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
- Are you requesting that any of the land be classified as qualified investment? Yes No
- Will any of the proposed qualified investment be leased under a capitalized lease? Yes No
- Will any of the proposed qualified investment be leased under an operating lease? Yes No
- Are you including property that is owned by a person other than the applicant? Yes No
- 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

PROJECT DESCRIPTION

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

See attached project description - Attachment 4

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

See attached project description - Attachment 4A

PROJECT CHARACTERISTICS (CHECK ALL THAT APPLY)

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

PROJECTED TIMELINE

Begin Construction Q4 - 2013 Begin Hiring New Employees Q3 - 2014

Construction Complete Q4 - 2014 Fully Operational Q4 - 2014

Purchase Machinery & Equipment Q4 - 2013

Do you propose to construct a new building or to erect or affix a new improvement after your application review start date (date your application is finally determined to be complete)? Yes No

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

When do you anticipate the new buildings or improvements will be placed in service? Q4 - 2014

ECONOMIC INCENTIVES

Identify state programs the project will apply for:

| State Source | Amount |
|--------------|--------|
| none | |
| | |
| | |
| Total | |

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

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

Applicant has applied for tax abatement and anticipates entering into local Chapter 312 tax abatement with Carson & Armstrong Counties. Abatement terms negotiations are ongoing at the time of this filing. Requested terms of abatement are 100% abated for 10 years, with PILOT of \$1250/MW/YR .

THE PROPERTY

Identify county or counties in which the proposed project will be located Carson 57% & Armstrong 43%

Central Appraisal District (CAD) that will be responsible for appraising the property Carson & Armstrong CADs

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

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

County: Carson 57% Armstrong 43% City: none
(Name and percent of project) (Name and percent of project)

Hospital District: none Water District: Panhandle Grndwtr. Cons. Dist #3
(Name and percent of project) (Name and percent of project)

Other (describe): none Other (describe): High Plains Underground WC #1 (43%)
(Name and percent of project) (Name and percent of project)

See note below

Is the project located entirely within this ISD? Yes No

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

As presently configured, Route 66 has (82) 1.6MW turbines in total, (47) of which will be located in Carson Co & Panhandle ISD. The balance will be located in Armstrong Co and Claude ISD



INVESTMENT

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

At the time of application, what is the estimated minimum qualified investment required for this school district? \$10,000,000

What is the amount of appraised value limitation for which you are applying? \$10,000,000

What is your total estimated qualified investment? \$85,050,000

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

What is the anticipated date of application approval? July 17, 2013

What is the anticipated date of the beginning of the qualifying time period? July 17, 2013

What is the total estimated investment for this project for the period from the time of application submission to the end of the limitation period? \$85,050,000

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

Attach the following items to this application:

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

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

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

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

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

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

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

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

QUALIFIED PROPERTY

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

Attach the following items to this application:

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

Land

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

If you answered "no" to the question above, what is the anticipated date on which you will submit proof of a reinvestment zone with boundaries encompassing the land on which you propose new construction or improvements? May 1, 2013

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

Will the project be on leased land? [X] Yes [] No

QUALIFIED PROPERTY (CONTINUED)

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

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

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

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

Miscellaneous

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

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

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

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

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

WAGE AND EMPLOYMENT INFORMATION

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

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

First Quarter Second Quarter Third Quarter Fourth Quarter of 2012 (year)

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

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

Total number of new jobs that will have been created when fully operational 4 in Claude ISD

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

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

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

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

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

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

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

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

WAGE AND EMPLOYMENT INFORMATION (CONTINUED)

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

110% of the county average weekly wage for all jobs (all industries) in the county is \$670.00
110% of the county average weekly wage for manufacturing jobs in the county is No data available
110% of the county average weekly wage for manufacturing jobs in the region is \$850.30

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

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

What is the estimated minimum required annual wage for each qualifying job based on the qualified property? \$44,216

What is the estimated minimum required annual wage you are committing to pay for each of the qualifying jobs you create on the qualified property? \$45,000.00

- Will 80% of all new jobs created by the owner be qualifying jobs as defined by 313.021(3)? Yes No
Will each qualifying job require at least 1,600 of work a year? Yes No
Will any of the qualifying jobs be jobs transferred from one area of the state to another? Yes No
Will any of the qualifying jobs be retained jobs? Yes No
Will any of the qualifying jobs be created to replace a previous employee? Yes No
Will any required qualifying jobs be filled by employees of contractors? Yes No
If yes, what percent? estimated 75%

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

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

Medical Insurance. company pays at least 80% of medical premiums for employee only coverage. Paid holidays and vacation, Retirement Savings Plan

ECONOMIC IMPACT

- Is an Economic Impact Analysis attached (If supplied by other than the Comptroller's office)? Yes No
Is Schedule A completed and signed for all years and attached? Yes No
Is Schedule B completed and signed for all years and attached? Yes No
Is Schedule C (Application) completed and signed for all years and attached? Yes No
Is Schedule D completed and signed for all years and attached? Yes No

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

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

CONFIDENTIALITY NOTICE

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

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

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

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

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

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

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

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

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

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

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

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

**COMPANY CHECKLIST AND REQUESTED ATTACHMENTS**

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

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

ATTACHMENT 1

See executed application attached.

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION
ON QUALIFIED PROPERTY BY ROUTE 66 WIND POWER, LLC TO PANHANDLE ISD*



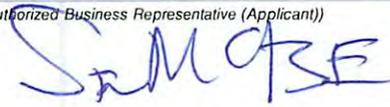
APPLICANT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized Company Consultant (If Applicable)

| | | |
|-------------------------------------------------------|-----------------------------------|--------------------------|
| First Name Wes | Last Name Jackson | |
| Title Partner | | |
| Firm Name Cummings Westlake LLC | | |
| Street Address 12837 Louetta Road, Suite201 | | |
| Mailing Address same | | |
| City Cypress | State TX | ZIP 77429-5611 |
| Phone Number 713-266-4456 X-2 | Fax Number 713-266-2333 | |
| Business email Address | | |

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

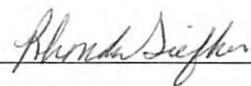
I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Signature (Authorized Business Representative (Applicant))  | Date 2/20/13 |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|

GIVEN under my hand and seal of office this 20 day of February, 2013



(Notary Seal)


Notary Public, State of Texas

My commission expires May 12, 2015

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

ATTACHMENT 2
Proof of Payment of Application Fee

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

ATTACHMENT 3

N/A



TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

SUSAN COMBS • COMPTROLLER • AUSTIN, TEXAS 78774

February 1, 2013

CERTIFICATE OF ACCOUNT STATUS

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, Susan Combs, Comptroller of Public Accounts of the State of Texas, DO HEREBY CERTIFY that according to the records of this office

ROUTE 66 WIND POWER, LLC

is, as of this date, in good standing with this office having no franchise tax reports or payments due at this time. This certificate is valid through the date that the next franchise tax report will be due May 15, 2013.

This certificate does not make a representation as to the status of the entity's registration, if any, with the Texas Secretary of State.

This certificate is valid for the purpose of conversion when the converted entity is subject to franchise tax as required by law. This certificate is not valid for any other filing with the Texas Secretary of State.

GIVEN UNDER MY HAND AND
SEAL OF OFFICE in the City of
Austin, this 1st day of
February 2013 A.D.

Susan Combs
Texas Comptroller

Taxpayer number: 32047524023
File number: 0801575861

ATTACHMENT 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.

Route 66 Wind Power, LLC (Route 66) is requesting an appraised value limitation from Claude Independent School District (ISD) for the Route 66 Wind Power Project (the "Project"), a proposed wind powered electric generating facility in Armstrong and Carson Counties. The proposed Claude ISD portion of the Project (this application) will be constructed within a reinvestment zone established by Armstrong County. A map showing the location of the project is included as Attachment 9.

The proposed Project is anticipated to have a capacity of 132 MW, with approximately 56.7 MW located in Claude ISD. Turbine selection is ongoing at this time and has not been finalized. The exact number of wind turbines and size of each turbine will vary depending upon the wind turbines selected, manufacturer's availability, prices, and the megawatt generating capacity of the Project when completed. Current plans are to install 1.62 MW GE turbines with an estimated 35 turbines located in Claude ISD. The remaining turbines will be located in Panhandle ISD. A separate Chapter 313 application is being submitted for that portion of the project. The Applicant request a value limitation for all materials and equipment installed for the Project, including but not limited to, wind turbines, towers, foundations, roadways, buildings and offices, anemometer towers, collection system, electrical substations, transmission line and associated towers, and interconnection facilities.

Construction of the Project is anticipated to begin in the fourth quarter of 2013 with completion by December 31, 2014.

ATTACHMENT 4A

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

Route 66 Wind Power, LLC ("Route 66") is a Delaware limited liability company formed to develop, build, own and operate the Route 66 Wind Power Project. Route 66 has one member – Westerly Route 66, LLC ("Westerly Route 66"), which is in turn wholly owned by Westerly Wind, LLC ("Westerly"). As the member, Westerly Route 66 is the Project "sponsor," i.e. the entity responsible for the development, financing, construction and operation of the Project. Westerly, the owner of Westerly Route 66, is a Delaware limited liability company based in Braintree, Massachusetts. It was formed in 2009 to provide development capital, management expertise and commercial assistance to independent wind power developers.

The Westerly management team has considerable experience in the energy sector, and has been directly involved in the development, financing, construction and operation of over 6500 MW of independent power assets, including over 1500 MW of wind power projects in Texas. The development resources necessary to advance the subject 132 MW Route 66 Wind Power Project could be redeployed to other renewable energy development projects in other power markets in the United States. Westerly chose Texas – and in particular Armstrong and Carson Counties – for its favorable wind resource, access to the ERCOT market as a result of the new CREZ transmission lines, and favorable property tax incentives under the Tax Code Chapter 312 tax abatement and Chapter 313 Appraised Value Limitation. Westerly is keen to develop and build the proposed Route 66 Project as per this application, but since this Project is still in the early stages of development, further investment could be, if necessary, redeployed to other counties and states competing for similar wind projects.

ATTACHMENT 5

List of districts and percentages where the project is located

| | |
|------------------------------------------------|-------------|
| Panhandle Groundwater Conservation District #3 | 100% |
| Carson County | 57% |
| Panhandle Independent School District | 57% |
| Armstrong County | 43% |
| Claude Independent School District | 43% |
| High Plains Underground Water Conservation #1 | 43% |

ATTACHMENT 6

Description of Qualified Investment

- 1) *a specific and detailed description of the qualified investment you propose to make on the property for which you are requesting an appraised value limitation as defined by Tax Code 313.021*
- 2) *a description of any new buildings, proposed improvement or personal property which you intend to include as part of your minimum qualified investment and*
- 3) *a map of the qualified investment showing location of new buildings or new improvements with vicinity map (Please see Attachment 7)*

Route 66 Wind Power, LLC plans to construct a 132 MW wind farm in Armstrong and Carson Counties. Approximately thirty-five (35) wind turbines will be located in Armstrong County, all of which will be located in Claude ISD. Turbine selection is ongoing at this time and has not been finalized. For purposes of this application the project anticipates using 1.62 MW turbines manufactured by GE, although final turbine selection may change. Should Route 66 elect to use larger nameplate capacity turbines, the Project's potential operating capacity would increase substantially. Route 66 is also constructing an approximately 11 mile generation transmission tie line, the majority of which will be in Carson County, that will connect to the White Deer Substation.

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

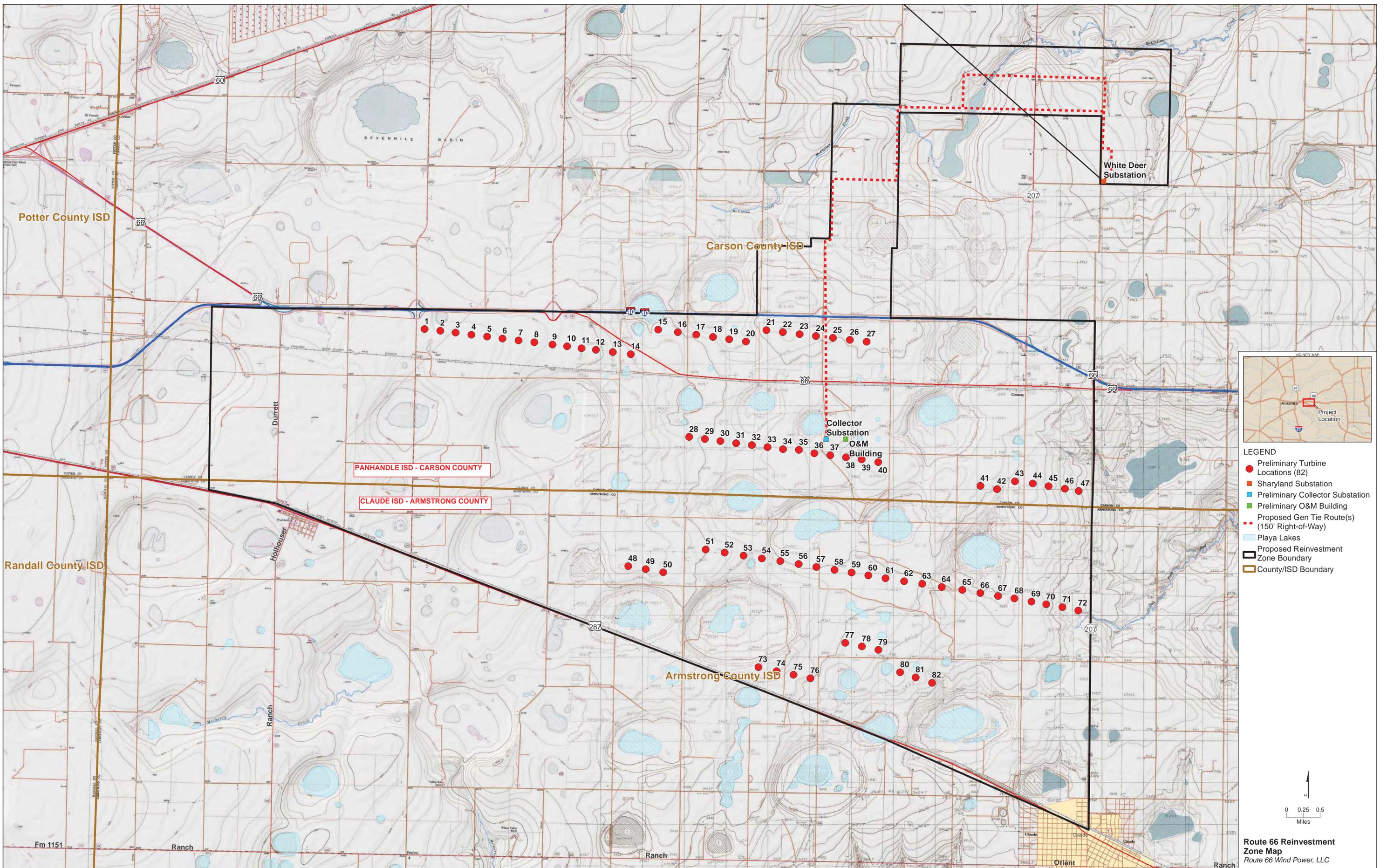
Qualified Investment and qualified property includes, but is not limited to, turbines, towers, foundations, underground collection systems, electrical substation(s), transmission lines, electrical interconnections, met towers, roads, operations & maintenance buildings, spare parts, and control systems necessary for commercial generation of electricity.

The map in Attachment 7 shows the proposed project area with the proposed improvement locations. The exact placement of turbines is subject to ongoing planning, wind studies, engineering, and discussions with landowners and turbine manufacturers. The final location of turbines and supporting structures will be determined before construction begins.

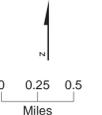
ATTACHMENT 7

Map of qualified investment showing location of improvements with vicinity map

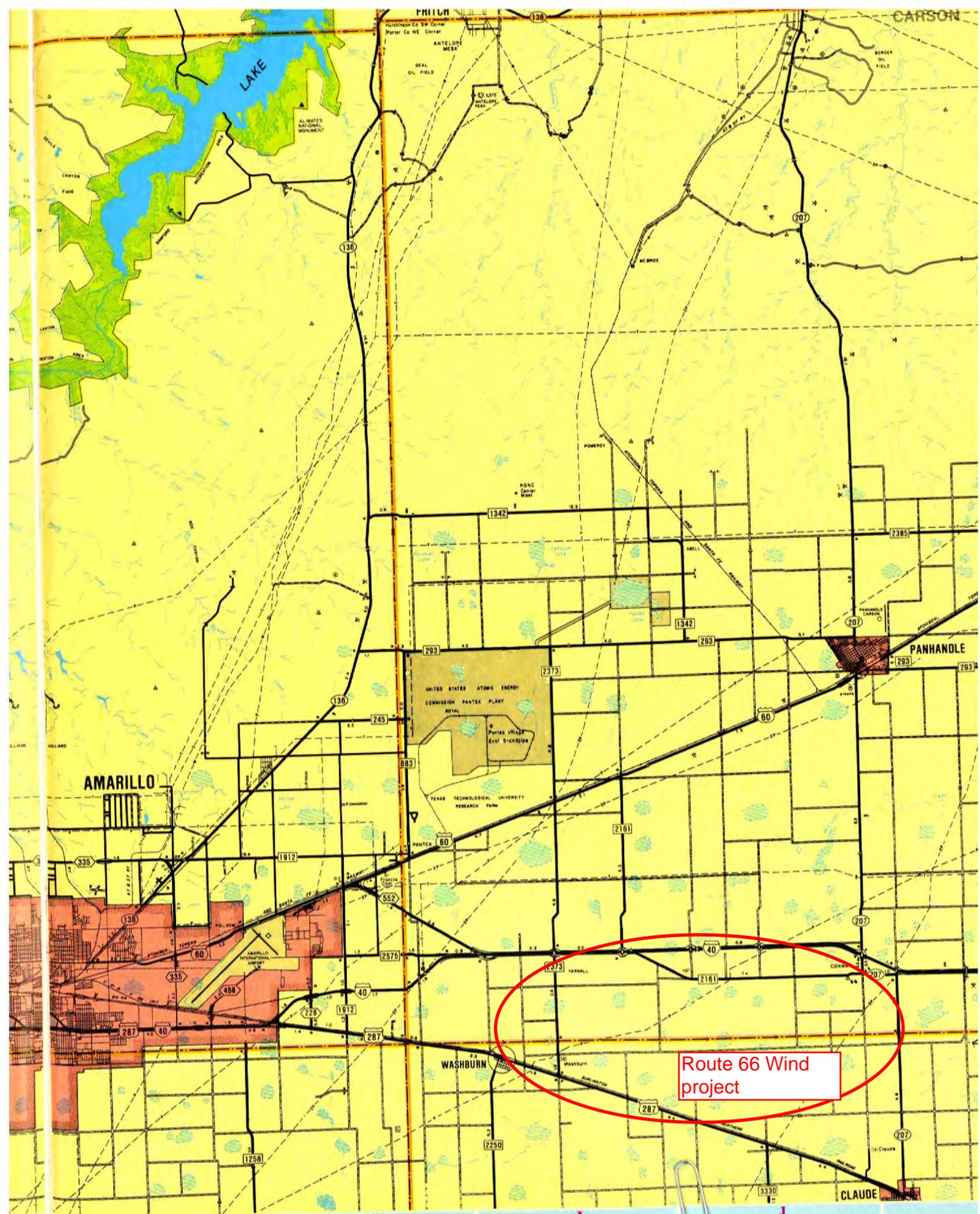
*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION
ON QUALIFIED PROPERTY BY ROUTE 66 WIND POWER, LLC TO PANHANDLE ISD*



- LEGEND**
- Preliminary Turbine Locations (82)
 - Sharyland Substation
 - Preliminary Collector Substation
 - Preliminary O&M Building
 - Proposed Gen Tie Route(s) (150' Right-of-Way)
 - Playa Lakes
 - Proposed Reinvestment Zone Boundary
 - County/ISD Boundary



Route 66 Reinvestment Zone Map
Route 66 Wind Power, LLC



Route 66 Wind project

Route 66 Vicinity Map

ATTACHMENT 8

Description of Qualified Property

- 1. a specific and detailed description of the qualified property for which you are requesting an appraised value limitation as defined by Tax Code 313.021*
- 2. a description of any new buildings, proposed improvements or personal property which you intend to include as part of your qualified property and*
- 3. a map of the qualified property showing location of new buildings or new improvements – with vicinity map (Please see Attachment 9)*

Route 66 Wind Power, LLC plans to construct a 132 MW wind farm in Armstrong and Carson Counties. Approximately thirty-five (35) wind turbines will be located in Armstrong County, all of which will be located in Claude ISD. Turbine selection is ongoing at this time and has not been finalized. For purposes of this application the project anticipates using 1.62 MW turbines manufactured by GE, although final turbine selection may change. Should Route 66 elect to use larger nameplate capacity turbines, the Project's potential operating capacity would increase substantially. Route 66 is also constructing an approximately 11 mile generation transmission tie line, the majority of which will be in Carson County, that will connect to the White Deer Substation.

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

Qualified Investment and qualified property includes, but is not limited to, turbines, towers, foundations, underground collection systems, electrical substation(s), transmission lines, electrical interconnections, met towers, roads, operations & maintenance buildings, spare parts, and control systems necessary for commercial generation of electricity.

The map in Attachment 9 shows the proposed project area with the proposed improvement locations. The exact placement of turbines is subject to ongoing planning, wind studies, engineering, and discussions with landowners and turbine manufacturers. The final location of turbines and supporting structures will be determined before construction begins.

ATTACHMENT 9

See Attachment 7

The maps of the qualified property, showing location of improvements, and a separate vicinity map are in Attachment 7

ATTACHMENT 10
Legal Description of Land

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION
ON QUALIFIED PROPERTY BY ROUTE 66 WIND POWER, LLC TO PANHANDLE ISD*

EXHIBIT B

DESCRIPTION OF THE PROPERTY

The following real property located in Armstrong County, State of Texas more particularly described as follows:

County Armstrong

Block No. B-4

Survey H&GN

Section Numbers 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 106, 107, 108, 109, 110, 111, 112, 113, 114, 132, 131, 130, 129, 128, 127, 151, 152, 153, 154

Further known as all of the acreage in Sections 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 106, 107, 108, 109, 110, 111, 112, 113, 114, 132, 131, 130, 129, 128, 127, 151, 152, 153, 154 of Armstrong County in Block No. B-4 of the H&GN Survey bordered on the North by the Carson/Armstrong County Line, bordered on the South by HWY 287 and bordered on the East by HWY 207.

ATTACHMENT 11

See Attachment 7

A detailed map showing location of the land and separate vicinity map are in Attachment 7

ATTACHMENT 12

Description of all existing (if any) improvements

There are no existing wind farm related improvements at this site.

ATTACHMENT 13

Request of waiver of job creation requirement

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION
ON QUALIFIED PROPERTY BY ROUTE 66 WIND POWER, LLC TO PANHANDLE ISD*

CUMMINGS WESTLAKE LLC

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

February 19, 2013

Dr. Jadie Matthew, Superintendent
Claude Independent School District
500 W. 5th St.
Claude, TX 79019

Re: Chapter 313 Job Waiver Request

Dear Dr. Matthew,

Route 66 Wind Power, LLC requests that the Claude 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.

Route 66 Wind Power, LLC requests that the Claude Independent School District makes such a finding and waive the job creation requirement for 10 permanent jobs. In line with industry standards for job requirements, Route 66 Wind Power, LLC has committed to create 9 total jobs for the project, of which 4 will be in Claude ISD.

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 may vary depending on the operations and maintenance requirements of the turbines selected as well as the support and technical assistance offered by the turbine manufacturer. 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,



J. Weston Jackson
Partner

ATTACHMENT 14

Calculation of three possible wage requirements with TWC documentation

- Armstrong County average weekly wage for all jobs (all industries)
- Armstrong County average weekly wage for all jobs (manufacturing) data is not available
- See attached Council of Governments Regional Wage Calculation and Documentation

**ROUTE 66 WIND POWER, LLC
ATTACHMENT 14 TO CHAPTER 313 APPLICATION**

**CLAUDE ISD - ARMSTRONG COUNTY
CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES**

| QUARTER | YEAR | AVG WEEKLY WAGES* | ANNUALIZED |
|---------|------|-------------------|------------|
| FIRST | 2012 | \$ 568 | \$ 29,536 |
| SECOND | 2012 | \$ 573 | \$ 29,796 |
| THIRD | 2012 | \$ 642 | \$ 33,384 |
| FOURTH | 2011 | \$ 655 | \$ 34,060 |
| AVERAGE | | \$ 610 | \$ 31,694 |
| X | | 110% | 110% |
| | | \$ 670 | \$ 34,863 |

**CLAUDE ISD - ARMSTRONG COUNTY
CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS**

NO MANUFACTURING DATA AVAILABLE

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

| REGION | YEAR | AVG WEEKLY WAGES* | ANNUALIZED |
|-----------|------|-------------------|------------|
| PANHANDLE | 2011 | \$ 773.00 | \$ 40,196 |
| X | | 110% | 110% |
| | | \$ 850.30 | \$ 44,216 |

* 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 |
|------|---------|------------------|-----------|----------|-------|----------|-----------------------|------------------|
| 2012 | 1st Qtr | Armstrong County | Total All | 00 | 0 | 10 | Total, All Industries | \$568 |
| 2012 | 2nd Qtr | Armstrong County | Total All | 00 | 0 | 10 | Total, All Industries | \$573 |
| 2012 | 3rd Qtr | Armstrong County | Total All | 00 | 0 | 10 | Total, All Industries | \$642 |

Quarterly Employment and Wages (QCEW)

[\[Back\]](#)

Page 1 of 1 (40 results/page)

| | | | | | | | | |
|-----------------------------------|-------------------------------------|-----------------------------------|----------------------------------------|---------------------------------------|------------------------------------|---------------------------------------|---------------------------------------|-----------------------------------------------|
| <input type="text" value="Year"/> | <input type="text" value="Period"/> | <input type="text" value="Area"/> | <input type="text" value="Ownership"/> | <input type="text" value="Division"/> | <input type="text" value="Level"/> | <input type="text" value="Ind Code"/> | <input type="text" value="Industry"/> | <input type="text" value="Avg Weekly Wages"/> |
| 2011 | 4th Qtr | Armstrong County | Total All | 00 | 0 | 10 | Total, All Industries | \$655 |

**2011 Manufacturing Wages by Council of Government Region
Wages for All Occupations**

| COG | Wages | |
|----------------------------------------------------------|----------------|-----------------|
| | Hourly | Annual |
| Texas | \$22.89 | \$47,610 |
| <u>1. Panhandle Regional Planning Commission</u> | \$19.32 | \$40,196 |
| <u>2. South Plains Association of Governments</u> | \$16.45 | \$34,210 |
| <u>3. NORTEX Regional Planning Commission</u> | \$18.14 | \$37,733 |
| <u>4. North Central Texas Council of Governments</u> | \$24.03 | \$49,986 |
| <u>5. Ark-Tex Council of Governments</u> | \$16.52 | \$34,366 |
| <u>6. East Texas Council of Governments</u> | \$18.27 | \$37,995 |
| <u>7. West Central Texas Council of Governments</u> | \$17.76 | \$36,949 |
| <u>8. Rio Grande Council of Governments</u> | \$15.69 | \$32,635 |
| <u>9. Permian Basin Regional Planning Commission</u> | \$21.32 | \$44,349 |
| <u>10. Concho Valley Council of Governments</u> | \$15.92 | \$33,123 |
| <u>11. Heart of Texas Council of Governments</u> | \$18.82 | \$39,150 |
| <u>12. Capital Area Council of Governments</u> | \$26.46 | \$55,047 |
| <u>13. Brazos Valley Council of Governments</u> | \$15.71 | \$33,718 |
| <u>14. Deep East Texas Council of Governments</u> | \$15.48 | \$32,207 |
| <u>15. South East Texas Regional Planning Commission</u> | \$28.23 | \$58,724 |
| <u>16. Houston-Galveston Area Council</u> | \$25.82 | \$53,711 |
| <u>17. Golden Crescent Regional Planning Commission</u> | \$20.38 | \$42,391 |
| <u>18. Alamo Area Council of Governments</u> | \$18.00 | \$37,439 |
| <u>19. South Texas Development Council</u> | \$13.85 | \$28,806 |
| <u>20. Coastal Bend Council of Governments</u> | \$22.35 | \$46,489 |
| <u>21. Lower Rio Grande Valley Development Council</u> | \$15.08 | \$31,365 |
| <u>22. Texoma Council of Governments</u> | \$20.76 | \$43,190 |
| <u>23. Central Texas Council of Governments</u> | \$16.17 | \$33,642 |
| <u>24. Middle Rio Grande Development Council</u> | \$13.65 | \$28,382 |

110% x \$40,196 =
\$44,216

Source: Texas Occupational Employment and Wages

Data published: July 2012

Data published annually, next update will be summer 2013

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.

ATTACHMENT 15
Description of Benefits

At least 80% of employees of the operator of the Route 66 Wind Power Project will be employed in qualifying jobs pursuant to Texas Tax Code 313.024(d). Qualifying jobs will meet the definition of Texas Tax Code Section 313.051(b). Employees will be offered a group health benefit plan for which the operator of the Route 66 Wild Power Project will pay at least 80% of the premiums or other charges assessed for employee-only coverage under the plan. In addition, each qualifying employee will receive area wide competitive 401(k) Retirement Savings Plan, vacation time, sick leave and skills training.

ATTACHMENT 16

The Economic Impact Study will be performed by the Comptroller at a future date.

ATTACHMENTS 17

See attached Schedule A

Schedule A (Rev. January 2013): Investment

Applicant Name Route 66 Wind Power, LLC
ISD Name Claude ISD

Form 50-296

| PROPERTY INVESTMENT AMOUNTS | | | | | | | | | |
|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|----------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| (Estimated Investment in each year. Do not put cumulative totals.) | | | | | | | | | |
| | | Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year below) YYYY | Column A: Tangible Personal Property The amount of new investment (original cost) placed in service during this year | Column B: Building or permanent nonremovable component of building (annual amount only) | Column C: Sum of A and B Qualifying Investment (during the qualifying time period) | Column D: Other investment that is not qualified investment but investment affecting economic impact and total value | Column E: Total Investment (A+B+D) |
| The year preceding the first complete tax year of the qualifying time period (assuming no deferrals) | Investment made before filing complete application with district (neither qualified property nor eligible to become qualified investment) | | 2013-2014 | 2013 | 0 | 0 | [Patterned] | 0 | 0 |
| | Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property) | | | | - | - | [Patterned] | 0 | - |
| | Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period (qualified investment and eligible to become qualified property) | | | | 4,252,500 | - | - | 0 | 4,252,500 |
| Complete tax years of qualifying time period | | 1 | 2014-2015 | 2014 | 80,797,500 | 0 | | 0 | 80,797,500 |
| | | 2 | 2015-2016 | 2015 | 0 | 0 | | 0 | - |
| Tax Credit Period (with 50% cap on credit) | Value Limitation Period | 3 | 2016-2017 | 2016 | 0 | 0 | [Patterned] | 0 | 0 |
| | | 4 | 2017-2018 | 2017 | 0 | 0 | [Patterned] | 0 | 0 |
| | | 5 | 2018-2019 | 2018 | 0 | 0 | [Patterned] | 0 | 0 |
| | | 6 | 2019-2020 | 2019 | 0 | 0 | [Patterned] | 0 | 0 |
| | | 7 | 2020-2021 | 2020 | 0 | 0 | [Patterned] | 0 | 0 |
| | | 8 | 2021-2022 | 2021 | 0 | 0 | [Patterned] | 0 | 0 |
| | | 9 | 2022-2023 | 2022 | 0 | 0 | [Patterned] | 0 | 0 |
| | | 10 | 2023-2004 | 2023 | 0 | 0 | [Patterned] | 0 | 0 |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2024-2025 | 2024 | 0 | 0 | [Patterned] | 0 | 0 |
| | | 12 | 2025-2026 | 2025 | 0 | 0 | [Patterned] | 0 | 0 |
| | | 13 | 2026-2027 | 2026 | 0 | 0 | [Patterned] | 0 | 0 |
| Post- Settle-Up Period | | 14 | 2027-2028 | 2027 | 0 | 0 | [Patterned] | 0 | 0 |
| Post- Settle-Up Period | | 15 | 2028-2029 | 2028 | 0 | 0 | [Patterned] | 0 | 0 |

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

Column A: This represents the total dollar amount of planned investment in tangible personal property the applicant considers qualified investment - as defined in Tax Code §313.021(1)(A)-(D). For the purposes of investment, please list amount invested each year, not cumulative totals.
 [For the years outside the qualifying time period, this number should simply represent the planned investment in tangible personal property].
 Include estimates of investment for "replacement" property-property that is part of original agreement but scheduled for probable replacement during limitation period.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings that the applicant considers qualified investment under Tax Code §313.021(1)(E).
 For the years outside the qualifying time period, this number should simply represent the planned investment in new buildings or nonremovable components of buildings.

Column D: Dollar value of other investment that may not be qualified investment but that may affect economic impact and total value-for planning, construction and operation of the facility. The most significant example for many projects would be land. Other examples may be items such as professional services, etc.
 Note: Land can be listed as part of investment during the "pre-year 1" time period. It cannot be part of qualifying investment.

Notes: For advanced clean energy projects, nuclear projects, projects with deferred qualifying time periods, and projects with lengthy application review periods, insert additional rows as needed.

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

[Handwritten Signature]

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

19-Feb-13

DATE

ATTACHMENT 18
See attached Schedule B

Schedule B (Rev. January 2013): Estimated Market And Taxable Value

Applicant Name

Route 66 Wind Power, LLC

ISD Name

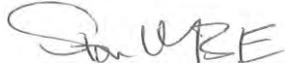
Claude ISD

Form 50-296

| | | Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year) YYYY | Qualified Property | | | Reductions from Market Value | 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 building or "in or on the new improvement" | Exempted Value | Final taxable value for I&S - after all reductions | Final taxable value for M&O--after all reductions |
| | | pre- year 1 | 2013-2014 | 2013 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| | Complete tax years of qualifying time period | 1 | 2014-2015 | 2014 | \$ - | \$ - | \$ 2,126,250 | \$ - | \$ 2,126,250 | \$ 2,126,250 |
| | | 2 | 2015-2016 | 2015 | \$ - | \$ - | \$ 81,648,000 | \$ - | \$ 81,648,000 | \$ 81,648,000 |
| | Tax Credit Period (with 50% cap on credit) | 3 | 2016-2017 | 2016 | \$ - | \$ - | \$ 74,300,000 | \$ - | \$ 74,300,000 | \$ 10,000,000 |
| | | 4 | 2017-2018 | 2017 | \$ - | \$ - | \$ 67,613,000 | \$ - | \$ 67,613,000 | \$ 10,000,000 |
| | | 5 | 2018-2019 | 2018 | \$ - | \$ - | \$ 61,528,000 | \$ - | \$ 61,528,000 | \$ 10,000,000 |
| | | 6 | 2019-2020 | 2019 | \$ - | \$ - | \$ 55,990,000 | \$ - | \$ 55,990,000 | \$ 10,000,000 |
| | | 7 | 2020-2021 | 2020 | \$ - | \$ - | \$ 50,951,000 | \$ - | \$ 50,951,000 | \$ 10,000,000 |
| | | 8 | 2021-2022 | 2021 | \$ - | \$ - | \$ 46,365,000 | \$ - | \$ 46,365,000 | \$ 10,000,000 |
| | | 9 | 2022-2023 | 2022 | \$ - | \$ - | \$ 42,192,000 | \$ - | \$ 42,192,000 | \$ 10,000,000 |
| | | 10 | 2023-2004 | 2023 | \$ - | \$ - | \$ 38,395,000 | \$ - | \$ 38,395,000 | \$ 10,000,000 |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2024-2025 | 2024 | \$ - | \$ - | \$ 34,939,000 | \$ - | \$ 34,939,000 | \$ 34,939,000 |
| | | 12 | 2025-2026 | 2025 | \$ - | \$ - | \$ 31,794,000 | \$ - | \$ 31,794,000 | \$ 31,794,000 |
| | | 13 | 2026-2027 | 2026 | \$ - | \$ - | \$ 28,933,000 | \$ - | \$ 28,933,000 | \$ 28,933,000 |
| Post- Settle-Up Period | | 14 | 2027-2028 | 2027 | \$ - | \$ - | \$ 26,329,000 | \$ - | \$ 26,329,000 | \$ 26,329,000 |
| Post- Settle-Up Period | | 15 | 2028-2029 | 2028 | \$ - | \$ - | \$ 23,959,000 | \$ - | \$ 23,959,000 | \$ 23,959,000 |

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

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



SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

19-Feb-13

DATE

ATTACHMENT 19
See attached Schedule C

Schedule C- Application: Employment Information

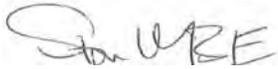
Applicant Name Route 66 Wind Power, LLC
ISD Name Claude ISD

Form 50-296

| | | | | | Construction | | New Jobs | | Qualifying Jobs | |
|--------------------------------------------|----------------------------------------------|-------------|------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| | | Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year) YYYY | Column A: Number of Construction FTE's or man- hours (specify) | Column B: Average annual wage rates for construction workers | Column C: Number of new jobs applicant commits to create (cumulative) | Column D: Average annual wage rate for all new jobs. | Column E: Number of qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative) | Column F: Average annual wage of qualifying jobs |
| | | pre- year 1 | 2013-2014 | 2013 | 5 FTEs | \$48,000.00 | 0 | \$40,000.00 | 0 | \$44,500.00 |
| | Complete tax years of qualifying time period | 1 | 2014-2015 | 2014 | 100 FTEs | \$48,000.00 | 2 | \$40,000.00 | 1 | \$44,500.00 |
| | | 2 | 2015-2016 | 2015 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| | | 3 | 2016-2017 | 2016 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| Tax Credit Period (with 50% cap on credit) | Value Limitation Period | 4 | 2017-2018 | 2017 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| | | 5 | 2018-2019 | 2018 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| | | 6 | 2019-2020 | 2019 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| | | 7 | 2020-2021 | 2020 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| | | 8 | 2021-2022 | 2021 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| | | 9 | 2022-2023 | 2022 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| | | 10 | 2023-2004 | 2023 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2024-2025 | 2024 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| | | 12 | 2025-2026 | 2025 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| | | 13 | 2026-2027 | 2026 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| Post- Settle-Up Period | | 14 | 2027-2028 | 2027 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |
| Post- Settle-Up Period | | 15 | 2028-2029 | 2028 | | | 4 | \$40,000.00 | 3 | \$44,500.00 |

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

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



SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

19-Feb-13
DATE

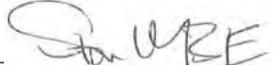
ATTACHMENT 20
See attached Schedule D

Schedule D: (Rev. January 2013): Other Tax Information

Applicant Name Route 66 Wind Power, LLC **ISD Name** Claude ISD **Form 50-296**

| | | | | | Sales Tax Information | | Franchise Tax | Other Property Tax Abatements Sought | | | |
|------------------------------------------------------------------------------------------------------|----------------------------------------------|------|-------------------------|------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| | | | | | Sales Taxable Expenditures | | Franchise Tax | County | City | Hospital | Other |
| | | Year | School Year (YYYY-YYYY) | Tax/Calendar Year YYYY | Column F: Estimate of total annual expenditures* subject to state sales tax | Column G: Estimate of total annual expenditures* made in Texas NOT subject to sales tax | Column H: Estimate of Franchise tax due from (or attributable to) the applicant | Fill in percentage exemption requested or granted in each year of the Agreement | Fill in percentage exemption requested or granted in each year of the Agreement | Fill in percentage exemption requested or granted in each year of the Agreement | Fill in percentage exemption requested or granted in each year of the Agreement |
| The year preceding the first complete tax year of the qualifying time period (assuming no deferrals) | | | 2013-2014 | 2013 | 565,838 | 3,686,662 | | - | - | - | - |
| | Complete tax years of qualifying time period | 1 | 2014-2015 | 2014 | 10,750,915 | 70,046,585 | 13,000 | 100% | n/a | n/a | n/a |
| | | 2 | 2015-2016 | 2015 | | | 13,000 | 100% | n/a | n/a | n/a |
| | | 3 | 2016-2017 | 2016 | | | 13,000 | 100% | n/a | n/a | n/a |
| Tax Credit Period (with 50% cap on credit) | Value Limitation Period | 4 | 2017-2018 | 2017 | | | 13,000 | 100% | n/a | n/a | n/a |
| | | 5 | 2018-2019 | 2018 | | | 13,000 | 100% | n/a | n/a | n/a |
| | | 6 | 2019-2020 | 2019 | | | 13,000 | 100% | n/a | n/a | n/a |
| | | 7 | 2020-2021 | 2020 | | | 13,000 | 100% | n/a | n/a | n/a |
| | | 8 | 2021-2022 | 2021 | | | 13,000 | 100% | n/a | n/a | n/a |
| | | 9 | 2022-2023 | 2022 | | | 13,000 | 100% | n/a | n/a | n/a |
| | | 10 | 2023-2024 | 2023 | | | 13,000 | 100% | n/a | n/a | n/a |
| Credit Settle-Up Period | Continue to Maintain Viable Presence | 11 | 2024-2025 | 2024 | | | 13,000 | 0% | - | 0% | - |
| | | 12 | 2025-2026 | 2025 | | | 13,000 | 0% | - | 0% | - |
| | | 13 | 2026-2027 | 2026 | | | 13,000 | 0% | - | 0% | - |
| Post- Settle-Up Period | | 14 | 2027-2028 | 2027 | | | 13,000 | 0% | - | 0% | - |
| Post- Settle-Up Period | | 15 | 2028-2029 | 2028 | | | 13,000 | 0% | - | 0% | - |

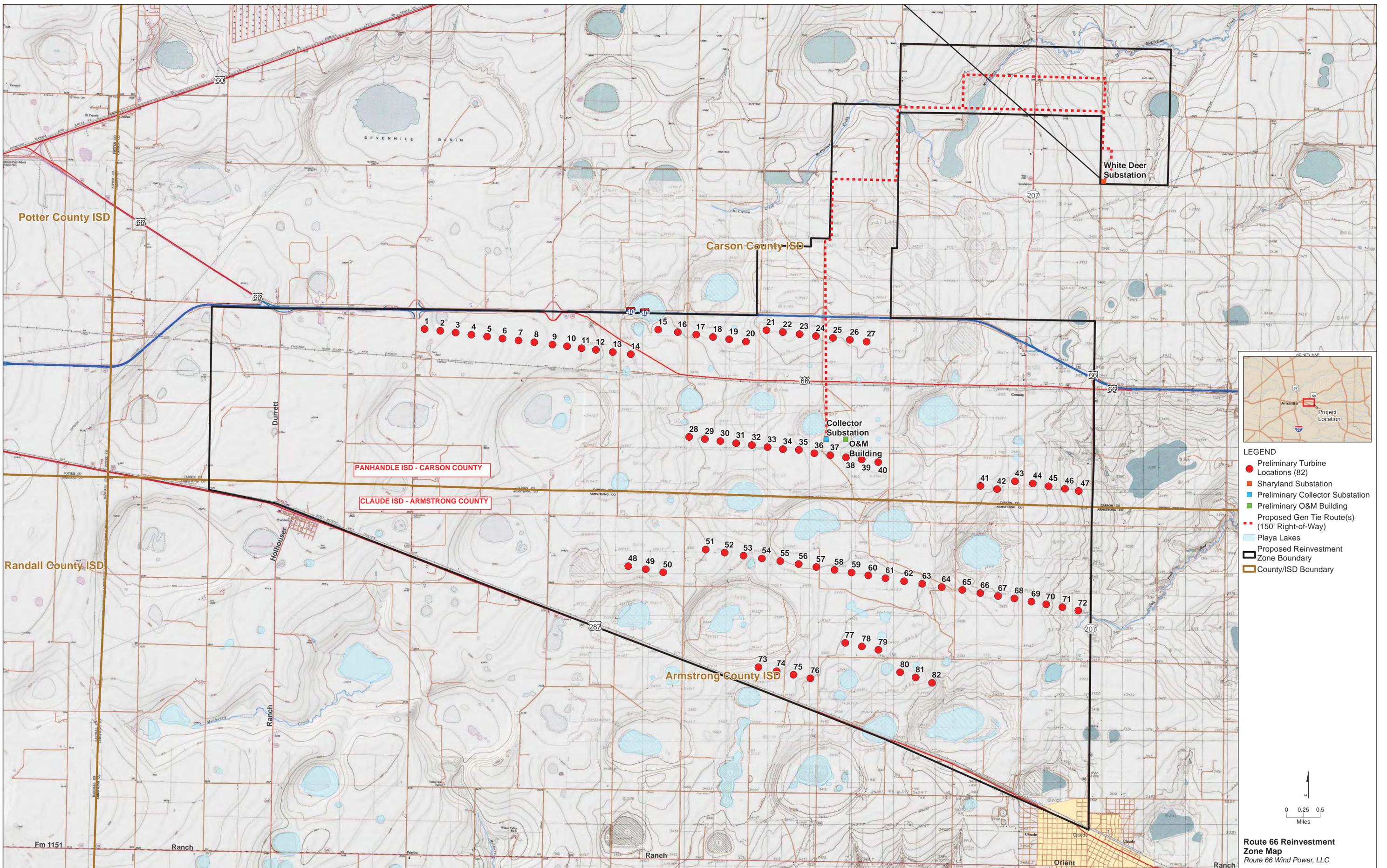
*For planning, construction and operation of the facility.


SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

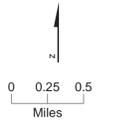
19-Feb-13
DATE

ATTACHMENT 21

See attached map of proposed reinvestment zone



- LEGEND**
- Preliminary Turbine Locations (82)
 - Sharyland Substation
 - Preliminary Collector Substation
 - Preliminary O&M Building
 - Proposed Gen Tie Route(s) (150' Right-of-Way)
 - Playa Lakes
 - Proposed Reinvestment Zone Boundary
 - County/ISD Boundary



Route 66 Reinvestment Zone Map
Route 66 Wind Power, LLC

ATTACHMENT 22

Armstrong County Commissioners Court is expected to create the proposed reinvestment zone on March 11, 2013. The order, resolution, or ordinance establishing the zone will be furnished at a later date.

ATTACHMENT 23

See attached legal description of Reinvestment Zone

EXHIBIT B

DESCRIPTION OF THE PROPERTY

The following real property located in Armstrong County, State of Texas more particularly described as follows:

County Armstrong

Block No. B-4

Survey H&GN

Section Numbers 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 106, 107, 108, 109, 110, 111, 112, 113, 114, 132, 131, 130, 129, 128, 127, 151, 152, 153, 154

Further known as all of the acreage in Sections 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 106, 107, 108, 109, 110, 111, 112, 113, 114, 132, 131, 130, 129, 128, 127, 151, 152, 153, 154 of Armstrong County in Block No. B-4 of the H&GN Survey bordered on the North by the Carson/Armstrong County Line, bordered on the South by HWY 287 and bordered on the East by HWY 207.

ATTACHMENT 24

See attached Guidelines and Criteria for Armstrong County

IN THE ARMSTRONG COUNTY COMMISSIONERS COURT
ARMSTRONG COUNTY, TEXAS

A RESOLUTION
EXPRESSING THE INTENT OF THE COUNTY TO
PARTICIPATE IN TAX ABATEMENT AGREEMENTS AND
ESTABLISHING GUIDELINES FOR SUCH AGREEMENTS

Pursuant to Chapter 312 of the Texas Tax Code, Armstrong County may consider an application for tax abatement, designate a reinvestment zone and enter into a tax abatement agreement in accordance with these Guidelines and Criteria. It is the express intent of the Armstrong County Commissioners Court to promote economic development, but not at the expense of the County's natural resources or services provided to the general public. No application submitted under the following schedule deemed to have a substantially adverse effect on natural resources in the County or on County infrastructure (including roads and bridges) will be approved, unless the applicant can demonstrate just cause for such an exception.

I. Abatement Application Procedure

- A. Who May Apply. Any present or potential owner of taxable real property or interest

in real property in Armstrong County may submit an application for tax abatement conforming to the requirements herein.

- B. Eligible Improvements. Improvements eligible for abatement are limited to alternative and renewable energy and power facilities. Alternative or renewable energy and power facilities are the buildings and structures including fixed machinery and equipment used to produce electric power from a renewable or non-depletable power source.
- C. Eligible Property. Abatement may be granted for the following property: new, expanded or modernized buildings and structures, fixed machinery and equipment; site improvements; other tangible items necessary to the operation and administration of the project or facility; and all other real and tangible personal property permitted by Chapter 312 of the Texas Tax Code. Taxes on real property may be abated only to the extent the property's value for a given year exceeds its value for the year in which the agreement is executed. Tangible personal property located on the real property at any time before the period covered by the agreement is not eligible for abatement. Tangible personal property eligible for abatement shall not include inventory or supplies.

Property in a reinvestment zone that is owned or leased by a member of the County Commissioners Court is excluded from property tax abatement.

- D. Application Provisions. The application shall consist of a completed Armstrong County Tax Abatement Application Form, which shall contain the following:
- (1) information showing how the project meets the requirements of the criteria outlined in Section II below;
 - (2) a map and description of the property;

- (3) a time schedule for completing the planned improvements;
- (4) the estimated taxable value or range of values of the project or facility; and
- (5) basic financial information about the applicant sufficient to enable evaluation of the application=s financial capacity.

E. Procedure for Consideration of Application. The procedure for consideration by the County of a Tax Abatement Application is as follows:

- (1) An applicant may request a Tax Abatement Application form from the County Clerk, County Judge or County Attorney.
- (2) After an applicant completes the Tax Abatement Application, the application must provide a copy to each member of the Armstrong County Commissioners Court and the County Clerk and the County Attorney.
- (3) The Commissioners Court shall issue a determination at any time before the expiration of sixty (60) days from the date of receipt of the application regarding how to proceed with the application. The Commissioners Court shall choose either to deny the application, consider the application or consider the application on an expedited basis.
 - a. *Denial of Application.* If the Commissioners Court chooses to deny the application, it shall make a finding by majority vote at a regularly

scheduled meeting that, after balancing the criteria described below in Section II, it is the judgment of the Commissioners Court that the application should be denied.

- b. *Consideration of Application.* If the County determines that the application should be further considered, the Commissioners Court must hold a public hearing to obtain public input on the application. Not later than the seventh (7th) day before the date of the hearing, notice of the hearing must be (1) delivered in writing to the presiding officer of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone, and (2) published in a newspaper of general circulation in the County. At the hearing, the Commissioners Court evaluates the application against the criteria in Section II and decides by majority vote whether to designate the property for which the abatement is sought as a reinvestment zone. If the reinvestment zone is not designated, the application fails, although it may be amended and resubmitted. If the reinvestment zone is designated, the Commissioners Court shall pass an order to that effect. An order designating an area as a reinvestment zone is valid for five (5) years from the date of designation. Once the area is designated as a reinvestment zone, the Commissioners Court may then arrange to consider for approval of the tax abatement agreement between the applicant and the County at its next regularly scheduled meeting. At least seven days prior to entering into a tax abatement agreement, the County must give written notice of its intent to do so to the presiding officer of each taxing unit that includes in its boundaries real property that is to be included in the

proposed reinvestment zone, along with a copy of the proposed tax abatement agreement. At the regularly scheduled meeting, the Commissioners Court may finally vote by simple majority to enter into the tax abatement agreement, or to decline. An approved tax abatement agreement may be executed in the same manner as other contracts made by the County. A tax abatement agreement that is declined by the County may be amended and resubmitted to the County.

- c. Expedited Consideration of Application. If the County determines that the application should receive an expedited consideration, the Commissioners Court may combine the steps described in the preceding paragraph into a single, regularly scheduled meeting of the Commissioners Court, provided the County meets the procedural prerequisites for each step.

F. Confidentiality. As required by Chapter 312.003 of the Texas Tax Code, information that is provided to Armstrong County in connection with an application or request for tax abatement under this chapter and that described 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 is confidential and not subject to public disclosure until the tax abatement agreement is executed.

G. Effect of Error or Variance with Application Procedure. Except where not allowed by state law, the County may waive application procedures or grant procedural variances as they deem appropriate.

Armstrong County

**II. Criteria for Designating a Reinvestment
Zone and Evaluating Tax Abatement Agreement**

- A. Minimum Requirements. To be designated a reinvestment zone, County Commissioners must find by majority vote that the designation would contribute to the retention or expansion of primary employment or would attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the County.
- B. Criteria. In determining whether to designate a reinvestment zone and whether to enter into a tax abatement agreement, the Commissioners Court shall consider the following factors, among others determined appropriate by the Court:
- (1) the current value of land and existing improvements, if any;
 - (2) the type, value and purpose of proposed improvements, if any;
 - (3) the productive life of proposed improvements;
 - (4) the impact of proposed improvements and any other proposed expenditures on existing jobs;
 - (5) the number and type of new jobs, of any, to be created by proposed improvements and expenditures;
 - (6) any costs to be incurred by Armstrong County, if any, to provide facilities or services directly resulting from the new improvements;
 - (7) the types and values of public improvements, if any, to be made by applicant seeking abatement;
 - (8) an estimate of the amount of ad valorem property taxes to be paid to Armstrong

- County after expiration of the abatement agreement;
- (9) the impact on the business opportunities of existing businesses and the attraction of new businesses to the area; if any;
 - (10) the overall compatibility with the zoning ordinances and comprehensive plan, if any, for the area;
 - (11) whether the applicant's proposed facility or improvement or modernization is an industry which is new to Armstrong County;
 - (12) the impact upon County infrastructure including roads, bridges and the use of County services; and
 - (13) the impact upon depletion of natural resources of the County.

III. Format for Tax Abatement Agreement

A. Required Provisions. If the Armstrong County Commissioners Court designates a reinvestment zone, it may consider and execute a tax abatement agreement with the owner of the designated property as outlined above. Any tax abatement agreement shall include at least the following provisions:

- (1) the kind, number and location of all proposed improvements of the property;
- (2) provisions allowing for reasonable access to the property for initial and intermittent inspection purposes by County employees or designated representatives to ensure improvements are made in compliance with the agreement;
- (3) provisions limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the area during the period of the abatement;

- (4) provisions for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided in the agreement;
- (5) each term agreed to by the recipient of the abatement;
- (6) a requirement that the abatement recipient certify its compliance with the agreement annually to each taxing unit that is a party to the agreement; and
- (7) provisions allowing the County to cancel or modify the agreement if the recipient fails to comply with the agreement.

B. Optional Provisions. The tax abatement agreement may also contain any or all of the following items, in addition to any others deemed appropriate by the contracting parties:

- (1) the estimated taxable value or range of values for which taxes are to be abated;
- (2) the percent of value to be abated each year;
- (3) the commencement and termination dates of the abatement;
- (4) the proposed use of the property;
- (5) a time schedule, map and property designation;
- (6) contractual obligations in the event of default or violation of terms or conditions;
- (7) the size of investment and number of temporary and permanent jobs involved, if any;
- (8) provisions for dispute resolution.

C. Duration and Portion of Abatement. A tax abatement agreement granted by Armstrong County shall be up to but not exceeding ten (10) years in duration and up to but not exceeding 100 percent (100%) in portion of ad valorem property taxes abated. At any

time before the expiration of the agreement, the parties may agree to modify the agreement or to delete provisions that were not necessary to the original agreement. The same procedural prerequisites for approval of the original agreement apply to modification of the agreement.

- D. Time Limit. Such agreement shall be executed with thirty (30) days after the passage of the resolution approving the agreement, unless the County and the applicant mutually agree otherwise.

IV. General Provisions

These guidelines and criteria in no way require the County to enter into any specific tax abatement agreement. The County maintains the discretion to reject any application for tax abatement as it deems appropriate.

V. Sunset and Amendment of Guidelines and Criteria

These guidelines and criteria are effective upon the date of their adoption and will remain in force for two (2) years, unless amended by a three-fourths (3/4) vote of the Armstrong County Commissioners Court.

ADOPTED in the County Commissioners Court the 14th day of January, 2013.

 Doug Reed
County Judge

Armstrong County

A Resolution re: Tax Abatement, Page 9