

Attachment A

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Application

# O'HANLON, McCOLLOM & DEMERATH

ATTORNEYS AND COUNSELORS AT LAW

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AUSTIN, TEXAS 78701  
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FACSIMILE: (512) 494-9919

**KEVIN O'HANLON**  
CERTIFIED, CIVIL APPELLATE  
CERTIFIED, CIVIL TRIAL

**LESLIE McCOLLOM**  
CERTIFIED, CIVIL APPELLATE  
CERTIFIED, LABOR AND EMPLOYMENT  
TEXAS BOARD OF LEGAL SPECIALIZATION

**JUSTIN DEMERATH**

March 21, 2013

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

RE: Application to the Tulosos-Midway Independent School District from M&G Resins  
USA, LLC

To the Local Government Assistance & Economic Analysis Division:

By copy of this letter transmitting the application for review to the Comptroller's Office, the Tulosos-Midway Independent School District is notifying M&G Resins USA, LLC of its intent to consider the application for appraised value limitation on qualified property. The Applicant submitted the Application to the school district on March 4, 2013. The Board voted to accept the application on March 4, 2013. The application has been determined complete as of March 21, 2013. Please prepare the economic impact report.

There is no existing property for this project. Please note, no construction has begun at the project site as of the date of the filing of the application and the District's determination that the application is complete. The Applicant is aware that the determination of a completed application by the Comptroller determines what property may be eligible for a value limitation agreement. The project is located entirely within an Enterprise Zone.

The school district has determined that the wage information included in the application represents the most recent wage data available at the time of the application.

In accordance with 34 Tex. Admin Code §9.1054, a copy of the application will be submitted to the Nueces County Appraisal District. A hard copy of the application will be hand delivered to your office tomorrow.

Letter to Local Government Assistance & Economic Analysis Division  
March 21, 2013  
Page 2 of 2

Please feel free to contact me with questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin O'Hanlon', written in a cursive style.

Kevin O'Hanlon  
School District Consultant

**M&G Resins USA, LLC**

**CHAPTER 313 APPLICATION  
FOR APPRAISED VALUE LIMITATION  
TO TULOSO-MIDWAY ISD**

**MARCH 4, 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

<b>Authorized School District Representative</b>		<i>Suzanne J. Nelson</i>		Date application received by district	
				3/4/2013	
First Name	Dr. Suzanne J.		Last Name	Nelson	
Title	Superintendent				
School District Name	Tuloso-Midway ISD				
Street Address	9760 La Branch				
Mailing Address	9760 La Branch				
City	State	ZIP			
Corpus Christi	TX	78460-0900			
Phone Number	Fax Number				
361-903-6400	361-241-1554				
Mobile Number (optional)	E-mail Address				
	snelson@tmisd.esc2.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)

Form fields for Daniel T. Casey, Partner at Moak, Casey & Associates LLP, Austin, TX. Includes phone and fax numbers, and email address dcasey@moakcasey.com.

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

Signature field with handwritten signature of Suzanne J. Nelson and date 3-4-2013.

Has the district determined this application complete? [X] Yes [X] No

If yes, date determined complete. 3-21-13

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

Will supplement

SCHOOL DISTRICT CHECKLIST AND REQUESTED ATTACHMENTS

Table with 4 columns: Checklist, Page X of 16, and Check Completed. Lists 6 items with completion status and handwritten notes like 'will supplement'.



SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized School District Consultant (If Applicable)

First Name <b>Daniel T.</b>	Last Name <b>Casey</b>	
Title <b>Partner</b>		
Firm Name <b>Moak, Casey &amp; Associates LLP</b>		
Street Address <b>400 W. 15th Street, Suite 1410</b>		
Mailing Address <b>400 W. 15th Street, Suite 1410</b>		
City <b>Austin</b>	State <b>TX</b>	ZIP <b>78701-1648</b>
Phone Number <b>512-485-7878</b>	Fax Number <b>512-485-7888</b>	
Mobile Number (Optional)	E-mail Address <b>dcasey@moakcasey.com</b>	

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

Has the district determined this application complete? .....  Yes  No

If yes, date determined complete. \_\_\_\_\_

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

SCHOOL DISTRICT CHECKLIST AND REQUESTED ATTACHMENTS

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



**APPLICANT INFORMATION - CERTIFICATION OF APPLICATION**

**Authorized Business Representative (Applicant)**

First Name <b>Kevin</b>		Last Name <b>McCarren</b>	
Title <b>VP of Finance</b>			
Organization <b>M&amp;G Resins USA, LLC</b>			
Street Address <b>450 Gears Road Suite # 240</b>			
Mailing Address <b>450 Gears Road Suite # 240</b>			
City <b>Houston</b>		State <b>TX</b>	ZIP <b>77067</b>
Phone Number <b>281-716-4621</b>		Fax Number <b>281-716-4640</b>	
Mobile Number (optional)		Business e-mail Address <b>Kevin.R.McCarren@gruppomgus.com</b>	

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



Form 50-296

Application for Appraised Value Limitation on Qualified Property

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 Rd, Suite 201

Mailing Address

12837 Louetta Rd, Suite 201

City

Cypress

State

TX

ZIP

77429

Phone Number

713-266-4456 x2

Fax Number

713-266-2333

Business email Address

wjackson@cwlp.net

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.

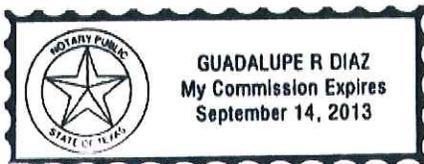
Signature (Authorized Business Representative (Applicant))

*[Handwritten Signature]*

Date

13 Feb 2013

GIVEN under my hand and seal of office this 13 day of February, 2013



(Notary Seal)

*[Handwritten Signature]*  
Notary Public, State of TX

My commission expires 9-14-2013

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

M & G USA Corporation DBA Mossi & Ghisolfi USA Corporation, and its affiliate M&G Resins USA, LLC

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

32050101743; 32047138642

NAICS code

325211

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.

N/A

**APPLICANT BUSINESS STRUCTURE**

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

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

Corporation and Limited Liability Corporation

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

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

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

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



ELIGIBILITY UNDER TAX CODE CHAPTER 313.024

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

PROJECT DESCRIPTION

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

See Attachment # 4

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

See 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 Q2 2015 - Q1 2016, Construction Complete Q4 2015, Fully Operational Q1 2016, Purchase Machinery & Equipment Q1 2014 - Q4 2015

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

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

When do you anticipate the new buildings or improvements will be placed in service? Q1 2016

**ECONOMIC INCENTIVES**

Identify state programs the project will apply for:

State Source	Amount
Texas Enterprise Zone (will submit application)	\$1,100,000
_____	_____
_____	_____
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.)

Nueces County and Del Mar College have granted tax abatement under Chapter 312 of Texas Tax Code

**THE PROPERTY**

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

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

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: Nueces (100%) City: n/a  
(Name and percent of project) (Name and percent of project)

Hospital District: Nueces County (100%) Water District: Hospital District (100%)  
(Name and percent of project) (Name and percent of project)

Other (describe): Del Mar College (100%) Other (describe): Nueces ESD # 1 (100%)  
(Name and percent of project) (Name and percent of project)

Is the project located entirely within this ISD?  Yes  No

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



INVESTMENT

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

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

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

What is your total estimated qualified investment? \$751,000,000

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

What is the anticipated date of application approval? August 19, 2013

What is the anticipated date of the beginning of the qualifying time period? August 19, 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? \$751,000,000

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

Attach the following items to this application:

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

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

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

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

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

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

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

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

QUALIFIED PROPERTY

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

Attach the following items to this application:

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

Land

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

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

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

Will the project be on leased land? Yes No



QUALIFIED PROPERTY (CONTINUED)

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

- 1. Legal description of the land SEE ATTACHMENT 10
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 [x] 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. 9,200,000 (land value) 2012
(Market Value) (Tax Year)

Is any of the existing property subject to a value limitation agreement under Tax Code 313? [ ] Yes [x] 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? [x] 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 [x] 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. Not applicable

Total number of new jobs that will have been created when fully operational 200

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? [x] 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 [x] 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? 160

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 \$802  
 110% of the county average weekly wage for manufacturing jobs in the county is \$1,434  
 110% of the county average weekly wage for manufacturing jobs in the region is \$983

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

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

What is the estimated minimum required annual wage for each qualifying job based on the qualified property? \$51,138

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? \$52,000

- 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? undetermined at this time

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

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

**See Attachment 15**

**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 application

*ATTACHMENT TO APPLICATION FOR APPRAISED VALUE LIMITATION  
ON QUALIFIED PROPERTY BY M&G USA CORPORATION, registered to do business in Texas as MOSSI &  
GHISOLFI USA CORPORATION AND IRA SUBSIDIARY M&G RESINS USA, LLC TO TULOSO-MIDWAY ISD*

**ATTACHMENT 2**

Copy of check attached

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**

*Combined Group Membership documentation and contact information*

Prior year's Texas Franchise Tax Return has been filed in the name of M&G Polymers USD LLC for its affiliates, including, but not limited to, M&G USA Corporation, registered to do business in Texas as Mossi & Ghisolfi USA Corporation, as a Combined Group under Texas Tax Code 171.0001(7). M&G Resins USA, LLC will be included on the M&G Polymers USA LLC combined group tax return in future years .

TEXAS FRANCHISE TAX AFFILIATE SCHEDULE

Tcode 13253 ANNUAL

Reporting entity taxpayer number

Report year

Reporting entity taxpayer name

2011

M&G POLYMERS USA LLC

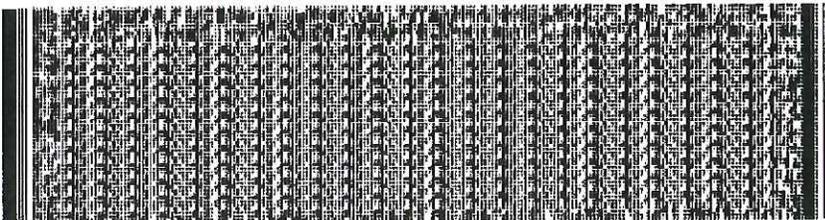
17606075939

Reporting entity must be included on Affiliate Schedule.

1. Legal name of affiliate <b>M&amp;G POLYMERS USA LLC</b>		2. Affiliate taxpayer number (if none, use FEI number) <b>17606075939</b>		3. Affiliate NAICS code <b>326100</b>	
4. Check box if entity is disregarded for franchise tax <input type="checkbox"/>	5. Check box if this affiliate does NOT have NEXUS in Texas <input type="checkbox"/>	6. Affiliate reporting begin date m m d d y y <b>010110</b>		7. Affiliate reporting end date m m d d y y <b>123110</b>	
8. Gross receipts subject to throwback in other states (before eliminations) <b>0.00</b>		9. Gross receipts everywhere (before eliminations) <b>688838864.00</b>			
10. Gross receipts in Texas (before eliminations) <b>31049813.00</b>		11. Cost of goods sold or compensation (before eliminations) <b>587919235.00</b>			
Check box if this is a Corporation or Limited Liability Company <input checked="" type="checkbox"/>		Check box if this is an Entity other than a Corporation or Limited Liability Company <input type="checkbox"/>			
1. Legal name of affiliate <b>M&amp;G USA COPORATION</b>		2. Affiliate taxpayer number (if none, use FEI number) <b>760643449</b>		3. Affiliate NAICS code <b>326100</b>	
4. Check box if entity is disregarded for franchise tax <input type="checkbox"/>	5. Check box if this affiliate does NOT have NEXUS in Texas <input type="checkbox"/>	6. Affiliate reporting begin date m m d d y y <b>010110</b>		7. Affiliate reporting end date m m d d y y <b>123110</b>	
8. Gross receipts subject to throwback in other states (before eliminations) <b>0.00</b>		9. Gross receipts everywhere (before eliminations) <b>0.00</b>			
10. Gross receipts in Texas (before eliminations) <b>0.00</b>		11. Cost of goods sold or compensation (before eliminations) <b>0.00</b>			
Check box if this is a Corporation or Limited Liability Company <input checked="" type="checkbox"/>		Check box if this is an Entity other than a Corporation or Limited Liability Company <input type="checkbox"/>			
1. Legal name of affiliate <b>M&amp;G FINANCE CORP.</b>		2. Affiliate taxpayer number (if none, use FEI number) <b>743034230</b>		3. Affiliate NAICS code <b>525990</b>	
4. Check box if entity is disregarded for franchise tax <input type="checkbox"/>	5. Check box if this affiliate does NOT have NEXUS in Texas <input checked="" type="checkbox"/>	6. Affiliate reporting begin date m m d d y y <b>010110</b>		7. Affiliate reporting end date m m d d y y <b>123110</b>	
8. Gross receipts subject to throwback in other states (before eliminations) <b>0.00</b>		9. Gross receipts everywhere (before eliminations) <b>0.00</b>			
10. Gross receipts in Texas (before eliminations) <b>0.00</b>		11. Cost of goods sold or compensation (before eliminations) <b>0.00</b>			
Check box if this is a Corporation or Limited Liability Company <input checked="" type="checkbox"/>		Check box if this is an Entity other than a Corporation or Limited Liability Company <input type="checkbox"/>			

An information report (Form 05-102 or Form 05-167) must be filed for each affiliate that is organized in Texas or that has a physical presence in Texas.

Texas Comptroller Official Use Only



VE/DE	<input type="checkbox"/>	FM	<input type="checkbox"/>
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#### ATTACHMENT 4

M&G USA Corporation, registered to do business in Texas as Mossi & Ghisolfi USA Corporation and its subsidiary M&G Resins USA, LLC, plan to construct a Polyethylene Terephthalate (PET) plastics plant. The plastic resin will be used by M&G's customers to manufacture packaging for food and personal care products, carpet, and film. M&G will also construct an accompanying plant to produce Purified Terephthalic Acid (PTA), the primary raw material used to produce PET, immediately adjacent to the PET plant.

M&G USA Corporation, registered to do business in Texas as Mossi & Ghisolfi USA Corporation, has acquired a 413 acre tract of land on the north side of the Port of Corpus Christi's Viola Channel portion of the ship channel.

The PTA plant will produce approximately 1.2 million tons per year, and the PET plant will produce about 1 million tons of the material per year.

Phase 1 - New Equipment to be constructed and installed includes , but is not limited to the following:

- Buildings (Offices, Shops, Warehouses, and Control Rooms)
- Site Improvements (Roads, Fencing, Rail Lines, Utilities Paving, and Drainage)
- Boilers
- Tanks & Vessels
- Pumps
- Chillers
- Cooling Towers
- Condensers & Compressors
- Filters & Strainers
- Blending & Mixing Equipment
- Conveying Equipment
- Water Treatment Facilities
- Water Desalinisation Unit
- Meters
- Reactors
- Agitators & Mixers
- Blowers, Fans, & Dryers
- Piping
- Scales
- Electrical Equipment
- Valves
- Control Systems and Equipment
- Pollution Control Equipment
- Exchangers
- Drivers & Gears
- Transformers
- Ejectors, Eductors, & Jets
- Emergency generators
- Separators

**ATTACHMENT 4A**

M&G Resins USA, LLC (Delaware) is a 100% owned subsidiary of M&G USA Corporation (Delaware), registered to do business in Texas as Mossi & Ghisolfi USA Corporation, which is 100% owned subsidiary of Mossi & Ghisolfi International S.A (Luxembourg), which is a 100% owned subsidiary of M&G Finanziaria (Italy), an Italian privately held company with headquarters in Milan, Italy. They operate facilities worldwide and are a leading manufacturer of PET for packaging applications and a technological leader in the polyester market. Presently in four countries, M&G has industrial units located in Italy, Mexico, Brazil, and West Virginia, United States.

M&G considered locating this proposed facility in Louisiana and Mississippi, and has the ability to locate a new facility in many countries around the world as well as numerous potential locations in the United States. The Chapter 312 Tax Abatements and Chapter 313 Limitation of Appraised Value incentive was crucial in the decision to build this plant in Nueces County.

**ATTACHMENT 5**

The project is located in the following taxing jurisdictions:

- Nueces County (100%)
- Tuloso- Midway ISD (100%)
- Del Mar College District (100%)
- Nueces Co Emergency Services District #1 (100%)
- Hospital District (100%)

## ATTACHMENT 6

Mossi & Ghisolfi USA Corporation and its subsidiary M&G Resins USA, LLC, plan to construct a Polyethylene Terephthalate (PET) plastics plant. The plastic resin will be used by M&G's customers to manufacture packaging for food and personal care products, carpet, and film. M&G will also construct an accompanying plant to produce Purified Terephthalic Acid (PTA), the primary raw material used to produce PET, immediately adjacent to the PET plant.

M&G USA Corporation (registered to do business in Texas as Mossi & Ghisolfi USA Corporation) has acquired a 413 acre tract of land on the north side of the Port of Corpus Christi's Viola Channel portion of the ship channel.

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- Cooling Towers
- Condensers & Compressors
- Filters & Strainers
- Blending & Mixing Equipment
- Conveying Equipment
- Water Treatment Facilities
- Water Desalination Unit
- Meters
- Reactors
- Agitators & Mixers
- Blowers, Fans, & Dryers
- Piping
- Scales
- Electrical Equipment
- Valves
- Control Systems and Equipment
- Pollution Control Equipment
- Exchangers
- Drivers & Gears
- Transformers
- Ejectors, Eductors, & Jets
- Emergency generators
- Separators

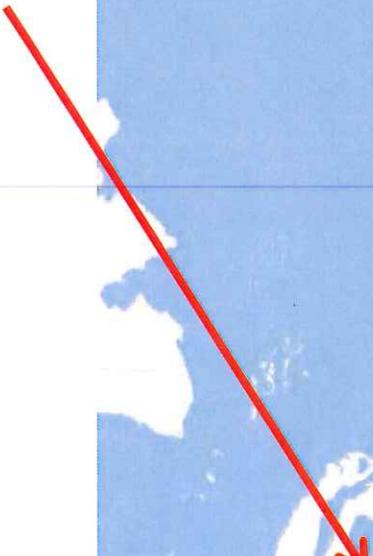
**ATTACHMENT 7**

See attached maps

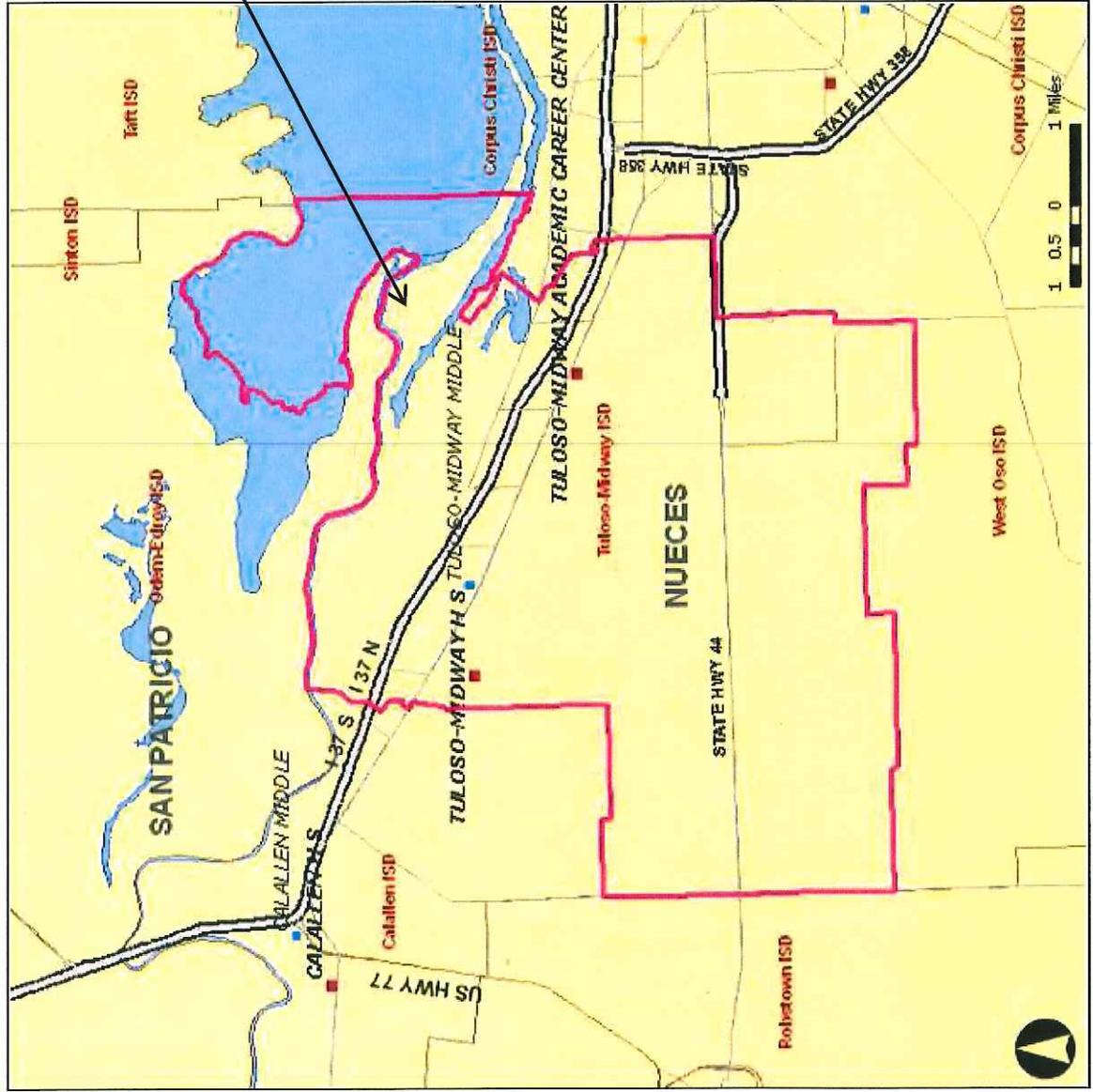


# M&G Resins USA, LLC - Vicinity Map

Project Site



# Tuloso-Midway ISD Map



## ATTACHMENT 8

Mossi & Ghisolfi USA Corporation and its subsidiary M&G Resins USA, LLC, plan to construct a Polyethylene Terephthalate (PET) plastics plant. The plastic resin will be used by M&G's customers to manufacture packaging for food and personal care products, carpet, and film. M&G will also construct an accompanying plant to produce Purified Terephthalic Acid (PTA), the primary raw material used to produce PET, immediately adjacent to the PET plant.

M&G USA Corporation (registered to do business in Texas as Mossi & Ghisolfi USA Corporation), has acquired a 413 acre tract of land on the north side of the Port of Corpus Christi's Viola Channel portion of the ship channel.

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- Pollution Control Equipment
- Exchangers
- Drivers & Gears
- Transformers
- Ejectors, Eductors, & Jets
- Emergency generators
- Separators

**ATTACHMENT 9**

See Attachment 7 for maps of qualified property and vicinity

**ATTACHMENT 10**

The legal description of the land is attached.

MURRAY BASS, JR., P.E., R.P.L.S.  
NIXON M. WELSH, P.E., R.P.L.S.  
www.bass-welsh.com  
e-mail: nixmw@aol.com

3054 S. ALAMEDA, ZIP 78404  
361 882-5521 -- FAX 361 882-1265  
e-mail: murrayir@aol.com

## EXHIBIT "A"

**BASS & WELSH ENGINEERING**  
TX Registration No. F-52  
Survey Registration No. 100027-00  
P.O. Box 6397  
Corpus Christi, TX 78466-6397

September 27, 2012

### Field Note Description Tract I

Being a tract situated in Nueces County, Texas, in the Rincon del Oso Grant, Abstract No.1 and being a portion of that 1,783.33 acre tract described in the deed recorded in Volume 146 at Page 228 of the Deed Records of Nueces County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8 inch iron rod set in the south boundary of a 30.00 foot wide road right-of-way Tract 1-B as described in the deed to the Port of Corpus Christi Authority under Clerk's File No. 2003000173, Official Records of Nueces County, Texas and the west margin of a 2,694.93 acre tract patented to the Nueces County Navigation District No. 1 by the State of Texas known as Survey 939;

THENCE along the west margin of the said 2,694.93 acre tract often called "The Monumented Shoreline", S 21°08'52" W a distance of 669.61 feet to a 5/8 inch iron rod set for a corner of this tract;

THENCE S 36°53'38" W a distance of 538.84 feet to a 5/8 inch iron rod set for a corner of this tract;

THENCE N 53°06'22" W a distance of 336.71 feet to a 5/8 inch iron rod set for an interior corner of this tract;

THENCE S 36°54'28" W a distance of 299.9 feet, said point lying in the waters of the Tulle Lake Turning Basin and being the most easterly point of a 16.6019 acre tract described in the deed to the Port of Corpus Christi Authority recorded under Clerk's File No. 1999033131, Deed Records of Nueces County, Texas;

THENCE N 53°06'25" W along the north line of said 16.6019 acre tract a distance of 5,026.22 feet to a 5/8 inch iron rod found for the most westerly corner of this tract, said point being the most southerly corner of a 36.15 acre tract described in the deed to the Port of Corpus Christi Authority recorded under Clerk's File No. 2009037666 Official Records, Nueces County, Texas;

THENCE with the southwest boundary of said 36.15 acre tract N 45°36'41" E a distance of 159.09 feet to a 5/8 inch iron rod found for a corner of the 36.15 acre tract;

THENCE continuing along the southeast boundary of the 36.15 acre tract N 0°10'50" E a distance of 196.10 feet to a 5/8 inch iron rod found for a corner of the 36.15 acre tract;

THENCE continuing along the southeast line of the 36.15 acre tract N 44°54'23" E a distance of 490.74 feet to a 5/8 inch iron rod found for a corner of the 36.15 acre tract and a corner of this tract;

THENCE continuing along the southeast boundary of the 36.15 acre tract N 86°40'23" E a distance of 213.34 feet to a 5/8 inch iron rod found for a corner of the 36.15 acre tract and of this tract;

THENCE N 17°12'18" E a distance of 21.74 feet to a 5/8 inch iron rod set for the most northerly corner of this tract, said point lying in the south margin of the heretofore referenced 30.0 foot wide road right-of-way Tract 1-B;

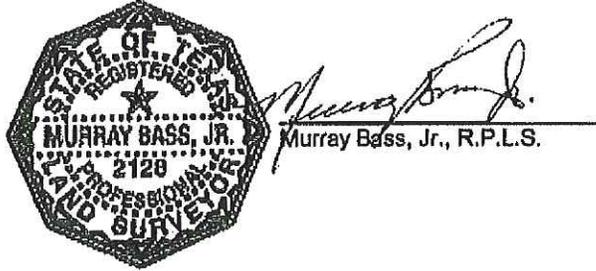
MBJ:sab

09028-Field Note Desc.doc

THENCE along the south boundary of said 30.0 foot wide road right-of-way S 72°48'23" E a distance of 1392.13 feet to a 5/8 inch iron rod set for the point of curvature of a curve to the right;

THENCE along said curve to the right whose radius is 1170.00 feet in a southeasterly direction, a distance of 405.28 feet to a 5/8 inch iron rod set for the point of tangency of said curve;

THENCE continuing along the south boundary of the 30.0 foot wide road right-of-way S 52°57'34" E a distance of 3272.20 feet to the **POINT OF BEGINNING**, forming a tract embracing 169.74 acres of land, more or less.



Note: Basis of Bearing is State of Texas Lambert Grid, South Zone, NAD 1927

MURRAY BASS, JR., P.E., R.P.L.S.  
NIXON M. WELSH, P.E., R.P.L.S.  
[www.bass-welsh.com](http://www.bass-welsh.com)  
e-mail: [nixmw@aol.com](mailto:nixmw@aol.com)

3054 S. ALAMEDA, ZIP 78404  
361 882-5521 ~ FAX 361 882-1265  
e-mail: [murrayjr@aol.com](mailto:murrayjr@aol.com)

## BASS & WELSH ENGINEERING

TX Registration No. F-52  
Survey Registration No. 100027-00  
P.O. Box 6397  
Corpus Christi, TX 78466-6397

October 9, 2012

### Field Note Description Tract II

Being a tract situated in Nueces County, Texas, in the Rincon del Oso Grant, Abstract No.1 and being a portion of that 1,783.33 acre tract described in the deed recorded in Volume 146 at Page 228 of the Deed Records of Nueces County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8 inch iron rod set in the north boundary of a 20.00 foot wide road right-of-way tract designated 1-A, and the document recorded under Clerk's File No. 2003000173, Official Records of Nueces County, Texas said point lying in the west boundary of a 2,694.93 acre tract patented to the Nueces County Navigation District No. 1 by the State of Texas known as Survey 939 and being recorded in Volume 192, Page 579 of the Deed Records of Nueces County, Texas for the northeast corner of this tract;

THENCE N 52°57'34" W along the north boundary of the 20.00 foot wide road right-of-way tract, a distance of 3,077.43 feet to a 5/8 inch iron rod set for the point of curvature of a curve to the left;

THENCE continuing along the north line of the 20.00 foot wide road right-of-way tract on said curve to the left in a westerly direction;

THENCE on said curve to the left whose radius is 1370.00 feet in a westerly direction a distance of 474.56 feet to a 5/8 inch iron rod set for the point of tangency of said curve;

THENCE continuing along the north boundary of the 20.00 foot wide road right-of-way tract, N 72°48'23" W a distance of 2818.87 feet to the point of curvature of a curve to the right;

THENCE continuing along the north boundary of the 20.00 foot wide road right-of-way tract on said curve to the right whose radius is 1226.78 feet in a westerly direction, a distance of 100.16 feet to a 5/8 inch iron rod set for the point of tangency of said curve;

THENCE continuing along the north boundary of the 20.00 foot wide road right-of-way tract N 68°08'28" W a distance of 651.13 feet to a 5/8 inch iron rod set for the point of curvature of a curve to the right;

THENCE continuing along the north boundary of the 20.00 foot wide road right-of-way tract on said curve to the right, whose radius is 1230.00 feet in a westerly direction, a distance of 229.26 feet to the point of tangency of said curve;

THENCE continuing along the north boundary of the 20.00 foot wide road right-of-way tract N 57°27'43" W a distance of 1202.37 feet to the point of curvature of a curve to the left;

THENCE continuing along the north boundary of the 20.00 foot wide road right-of-way tract on said curve to the left whose radius is 1504.05 feet in a westerly direction, a distance of 349.06 feet to the point of compound curvature with a curve to the left;

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08028-Field Note Desc.doc

THENCE continuing along the north boundary of the 20.00 foot wide road right-of-way tract on said curve to the left, whose radius is 1350.00 feet, a distance of 77.92 feet to a 5/8 inch iron rod set for the westmost point in the 20.00 foot wide road right-of-way tract, said point lying at the intersection of the north boundary of the 20.00 foot wide road right-of-way tract and the north boundary of the right-of-way for the Fulton Corridor as described in the deed to the Port of Corpus Christi Authority, recorded under Clerk's File No. \_\_\_\_\_

THENCE along said north right-of-way line of the Fulton Corridor N 70°41'51" W a distance of 659.95 feet to a 5/8 inch iron rod set for a corner of the Fulton Corridor right-of-way and a corner of this tract;

THENCE continuing along the north boundary of the right-of-way of the Fulton Corridor N 79°41'07" W a distance of 120.06 feet to a 5/8 inch iron rod set for an angle point in the right-of-way and a corner of this tract;

THENCE continuing along the north boundary of the right-of-way of the Fulton Corridor N 82°11'26" W a distance of 29.89 feet to a 5/8 inch iron rod set at the intersection of the north boundary of the Fulton Corridor with the south bank of the Nueces River;

THENCE with the meanders of the south bank of the Nueces River in a generally east direction is as follows:

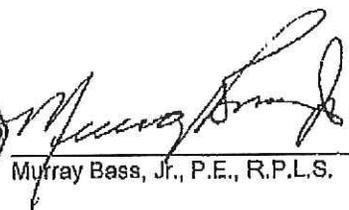
- S 86°55'54" E a distance of 281.82 feet;
- S 89°58'28" E a distance of 296.47 feet;
- S 82°24'28" E a distance of 189.44 feet;
- S 77°02'26" E a distance of 209.87 feet;
- S 68°06'03" E a distance of 204.01 feet;
- S 54°31'04" E a distance of 118.74 feet;
- S 54°12'51" E a distance of 153.27 feet;
- S 51°08'16" E a distance of 193.98 feet;
- S 34°57'24" E a distance of 157.04 feet;
- S 52°58'57" E a distance of 114.52 feet;
- S 48°59'17" E a distance of 360.02 feet;
- S 71°54'56" E a distance of 99.04 feet;
- S 60°20'27" E a distance of 142.70 feet;
- S 49°44'35" E a distance of 47.53 feet;
- S 65°33'32" E a distance of 411.25 feet;
- S 71°02'40" E a distance of 203.43 feet;
- S 80°09'07" E a distance of 107.94 feet;
- S 68°39'16" E a distance of 324.52 feet;
- S 77°44'59" E a distance of 307.24 feet;
- N 79°20'09" E a distance of 272.53 feet;
- N 66°33'45" E a distance of 423.89 feet;
- N 62°17'56" E a distance of 311.15 feet;
- N 30°28'04" E a distance of 117.14 feet;
- N 31°19'47" E a distance of 397.71 feet;
- N 23°56'54" E a distance of 250.66 feet;
- N 36°13'03" E a distance of 177.09 feet;
- N 49°13'28" E a distance of 196.77 feet;
- N 73°15'17" E a distance of 196.23 feet;
- S 88°11'53" E a distance of 126.14 feet;
- S 77°50'16" E a distance of 102.68 feet;
- S 32°18'31" E a distance of 98.82 feet;
- S 76°26'50" E a distance of 88.58 feet;
- S 59°53'15" E a distance of 178.37 feet;
- S 60°44'05" E a distance of 184.03 feet;
- S 60°44'51" E a distance of 114.81 feet;
- S 84°32'54" E a distance of 91.24 feet;
- S 51°06'27" E a distance of 71.24 feet;
- S 71°22'10" E a distance of 144.14 feet;
- N 84°02'21" E a distance of 74.70 feet;
- S 77°18'21" E a distance of 322.82 feet;

MBJ:sab

S 73°07'56" E a distance of 155.23 feet;  
 S 64°37'23" E a distance of 146.56 feet;  
 S 76°27'20" E a distance of 340.69 feet;  
 S 65°02'12" E a distance of 410.24 feet;  
 S 65°17'04" E a distance of 145.02 feet;  
 S 13°03'57" E a distance of 56.98 feet;  
 S 16°26'24" W a distance of 51.99 feet;  
 S 43°01'53" E a distance of 48.88 feet;  
 S 21°48'39" W a distance of 66.65 feet;  
 S 10°57'17" E a distance of 109.80 feet;  
 S 49°51'50" E a distance of 127.98 feet;  
 S 29°49'34" E a distance of 112.59 feet;  
 S 17°20'35" E a distance of 76.53 feet;  
 S 33°18'42" E a distance of 167.85 feet;  
 S 46°08'09" E a distance of 100.82 feet;  
 S 45°18'30" E a distance of 124.17 feet;  
 S 60°02'39" E a distance of 72.77 feet;  
 N 69°04'22" E a distance of 107.33 feet;  
 N 2°42'50" E a distance of 91.21 feet;  
 N 32°09'05" E a distance of 18.12 feet;  
 N 89°46'38" E a distance of 26.88 feet;  
 S 62°50'32" E a distance of 88.84 feet;  
 S 80°59'10" E a distance of 118.29 feet;  
 N 73°29'55" E a distance of 98.06 feet;  
 S 68°31'45" E a distance of 75.39 feet;  
 S 30°51'43" E a distance of 82.74 feet;  
 S 36°12'08"W a distance of 102.65 feet;  
 S 26°29'13"W a distance of 208.85 feet;  
 S 10°37'32"W a distance of 194.94 feet;  
 S 1°04'42"W a distance of 194.45 feet;  
 S 14°48'10" E a distance of 121.78 feet;  
 S 22°35'49" E a distance of 278.59 feet;  
 S 15°37'03" E a distance of 351.08 feet;  
 S 21°32'29" E a distance of 587.86 feet;  
 S 22°44'00"W a distance of 316.08 feet;

THENCE S 52°01'43"W a distance of 444.23 feet to the POINT OF BEGINNING, forming a tract embracing 241.79 acres of land, more or less



  
 Murray Bass, Jr., P.E., R.P.L.S.

Note: Basis of Bearing is State of Texas Lambert Grid, South Zone, NAD 1927

MBJ:sab

09028-Field Note Desc-2.doc

**ATTACHMENT 11**

Please see attached maps



**ATTACHMENT 12**

Not Applicable

There are no existing improvements on the land

**ATTACHMENT 13**

Not Applicable

There is no Request for Job Waiver Requirement

**ATTACHMENT 14**

The calculation of the three possible wage requirements with TWC documentation is attached.

M&G Resins USA, LLC has chosen to use \$52,000 as the wage rate for permanent qualified jobs. This amount exceeds 110% of the current regional wage rate of \$46,489. ( $\$46,489 \times 110\% = \$51,138$ )

**M&G Resins USA, LLC**  
**ATTACHMENT 14 TO CHAPTER 313 APPLICATION**

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

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FOURTH	2011	\$ 814	\$ 42,328
FIRST	2012	\$ 817	\$ 42,484
SECOND	2012	\$ 794	\$ 41,288
THIRD	2012	\$ 784	\$ 40,768
AVERAGE		\$ 802	\$ 41,717
		X 110%	110%
		\$ 882	\$ 45,889

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

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
FOURTH	2011	\$ 1,333	\$ 69,316
FIRST	2012	\$ 1,477	\$ 76,804
SECOND	2012	\$ 1,201	\$ 62,452
THIRD	2012	\$ 1,204	\$ 62,608
AVERAGE		\$ 1,304	\$ 67,795
		X 110%	110%
		\$ 1,434	\$ 74,575

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

QUARTER	YEAR	AVG WEEKLY WAGES*	ANNUALIZED
	2011	\$ 894	\$ 46,489
		X 110%	110%
		\$ 983	\$ 51,138

\* SEE ATTACHED TWC DOCUMENTATION

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

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

110% x \$46,489 =  
\$51,138

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.

### Quarterly Employment and Wages (QCEW)

[\[Back\]](#)

Page 1 of 1 (40 results/page)

Year	Period	Area	Ownership	Division	Level	Ind Code	Industry	Avg Weekly Wages
2011	1st Qtr	Nueces County	Private	31	2	31-33	Manufacturing	\$1,327
2012	1st Qtr	Nueces County	Private	31	2	31-33	Manufacturing	\$1,477
2011	2nd Qtr	Nueces County	Private	31	2	31-33	Manufacturing	\$1,127
2012	2nd Qtr	Nueces County	Private	31	2	31-33	Manufacturing	\$1,201
2011	3rd Qtr	Nueces County	Private	31	2	31-33	Manufacturing	\$1,185
2012	3rd Qtr	Nueces County	Private	31	2	31-33	Manufacturing	\$1,204
2011	4th Qtr	Nueces County	Private	31	2	31-33	Manufacturing	\$1,333

### 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	1st Qtr	Nueces County	Private	00	0	10	Total, All Industries	\$730
2012	1st Qtr	Nueces County	Private	00	0	10	Total, All Industries	\$817
2011	2nd Qtr	Nueces County	Private	00	0	10	Total, All Industries	\$732
2012	2nd Qtr	Nueces County	Private	00	0	10	Total, All Industries	\$794
2011	3rd Qtr	Nueces County	Private	00	0	10	Total, All Industries	\$770
2012	3rd Qtr	Nueces County	Private	00	0	10	Total, All Industries	\$784
2011	4th Qtr	Nueces County	Private	00	0	10	Total, All Industries	\$814

## ATTACHMENT 15

M&G Resins USA has no employees or benefit programs in place today, but is committed to providing a package of benefits that is appropriate and competitive for the labor market in Nueces County, Texas. We anticipate M&G Resins USA will sponsor employee benefit plans that would include the following (*consistent with any relevant federal or state regulations, plan sponsor rights, tax code, ERISA, etc.*):

- Medical insurance (*with the company paying 80% of the healthcare premium for "employee only" coverage*)
- Dental care assistance (*provided either through a discount program or separate insurance product*)
- Vision care assistance (*provided either through a discount program or a separate insurance product*)
- Life insurance (*a base benefit with the premium to be paid for by the company with elective options for additional coverage paid by the employee*)
- Qualified 401(k) retirement savings plan
- Paid holidays
- Paid vacation time

There may be additional benefits M&G Resins USA would sponsor, but this will be determined at a later time approximate to the hiring of the workforce and the actual start-up of manufacturing operations in Nueces County.

**ATTACHMENT 16**

The economic impact study will be performed by the Comptroller at a future date.

**ATTACHMENT 17**

Please see attached Schedule A

Schedule A (Rev. May 2010): Investment

Form 50-296

Applicant Name: M&G Resins USA, LLC LLC  
 ISD Name: Tuloso Midway ISD

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 (original cost placed in service of building during this year)	Column B: Building or permanent nonremovable component (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)  Investment made after filing complete application with district, but before final board approval of application (eligible to become qualified property)  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)  Complete tax years of qualifying time period  Value Limitation Period  Continue to Maintain Viable Presence  Post-Settle-Up Period  Post-Settle-Up Period	2013-2014	2013	\$ -	\$ -	\$ -	\$ -	\$ -	
	1	2014-2015	2014	\$ 494,000,000	\$ 47,000,000	\$ 541,000,000	\$ -	\$ 541,000,000.00
	2	2015-2016	2015	\$ 190,000,000	\$ 20,000,000	\$ 210,000,000	\$ -	\$ 210,000,000.00
	3	2016-2017	2016	\$ -	\$ -	\$ -	\$ -	\$ -
	4	2017-2018	2017	\$ -	\$ -	\$ -	\$ -	\$ -
	5	2018-2019	2018	\$ -	\$ -	\$ -	\$ -	\$ -
	6	2019-2020	2019	\$ -	\$ -	\$ -	\$ -	\$ -
	7	2020-2021	2020	\$ -	\$ -	\$ -	\$ -	\$ -
	8	2021-2022	2021	\$ -	\$ -	\$ -	\$ -	\$ -
	9	2022-2023	2022	\$ -	\$ -	\$ -	\$ -	\$ -
	10	2023-2024	2023	\$ -	\$ -	\$ -	\$ -	\$ -
	11	2024-2025	2024	\$ -	\$ -	\$ -	\$ -	\$ -
	12	2025-2026	2025	\$ -	\$ -	\$ -	\$ -	\$ -
	13	2026-2027	2026	\$ -	\$ -	\$ -	\$ -	\$ -
	14	2027-2028	2027	\$ -	\$ -	\$ -	\$ -	\$ -
15	2028-2029	2028	\$ -	\$ -	\$ -	\$ -	\$ -	

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.

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).

Column B: 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.

*John To Loren*  
 SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

13 Feb 2013  
 DATE

**ATTACHMENT 18**

Please see attached Schedule B

Schedule B (Rev. May 2010): Estimated Market And Taxable Value  
 M&G Resins USA, LLC LLC

Tuloco Midway/ISD

Applicant Name  
 ISD Name

Applicant Name ISD Name	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"		Final taxable value for I&S - after all reductions	Final taxable value for M&O--after all reductions
	pre- year 1	2013-2014	2013						
	1	2014-2015	2014	\$ 9,200,000			\$ -	\$ 9,200,000	\$ 9,200,000
	2	2015-2016	2015	\$ 9,200,000	\$ 23,500,000	\$ 247,000,000	\$ -	\$ 279,700,000	\$ 279,700,000
	3	2016-2017	2016	\$ 9,200,000	\$ 65,995,000	\$ 670,320,000	\$ 33,520,000	\$ 711,995,000	\$ 30,000,000
	4	2017-2018	2017	\$ 9,200,000	\$ 64,015,000	\$ 650,210,000	\$ 32,510,000	\$ 690,915,000	\$ 30,000,000
	5	2018-2019	2018	\$ 9,200,000	\$ 62,095,000	\$ 630,704,000	\$ 31,540,000	\$ 670,459,000	\$ 30,000,000
	6	2019-2020	2019	\$ 9,200,000	\$ 60,232,000	\$ 611,783,000	\$ 30,590,000	\$ 650,625,000	\$ 30,000,000
	7	2020-2021	2020	\$ 9,200,000	\$ 58,425,000	\$ 593,430,000	\$ 29,670,000	\$ 631,385,000	\$ 30,000,000
	8	2021-2022	2021	\$ 9,200,000	\$ 56,672,000	\$ 575,627,000	\$ 28,780,000	\$ 612,719,000	\$ 30,000,000
	9	2022-2023	2022	\$ 9,200,000	\$ 54,972,000	\$ 558,358,000	\$ 27,920,000	\$ 594,610,000	\$ 30,000,000
	10	2023-2024	2023	\$ 9,200,000	\$ 53,323,000	\$ 541,607,000	\$ 27,080,000	\$ 577,050,000	\$ 30,000,000
	11	2024-2025	2024	\$ 9,200,000	\$ 51,723,000	\$ 525,359,000	\$ 26,270,000	\$ 560,012,000	\$ 560,012,000
	12	2025-2026	2025	\$ 9,200,000	\$ 50,171,000	\$ 509,598,000	\$ 25,480,000	\$ 543,489,000	\$ 543,489,000
	13	2026-2027	2026	\$ 9,200,000	\$ 48,666,000	\$ 494,310,000	\$ 24,720,000	\$ 527,456,000	\$ 527,456,000
	14	2027-2028	2027	\$ 9,200,000	\$ 47,206,000	\$ 479,481,000	\$ 23,970,000	\$ 511,917,000	\$ 511,917,000
	15	2028-2029	2028	\$ 9,200,000	\$ 45,790,000	\$ 465,097,000	\$ 23,250,000	\$ 496,837,000	\$ 496,837,000
Tax Credit Period (with 50% cap on credit)		Value Limitation Period							
Credit Settle-Up Period		Continue to Maintain Viable Presence							
Post- Settle-Up Period									
Post- Settle-Up Period									

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]*  
 SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

13 Feb 2013  
 DATE

**ATTACHMENT 19**

Please see attached Schedule C

**Schedule C- Application: Employment Information**

M&G Resins USA, LLC LLC  
Tuloso Midway ISD

Applicant Name  
ISD Name

Form 50-296

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Construction		New Jobs		Qualifying Jobs	
				Column A: Number of Construction FTE's or man- hours (specify [FTE])	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	0	0	0	0	0	0
Complete tax years of qualifying time period	1	2014-2015	2014	1200	\$ 40,000	0	\$ -	0	\$ -
	2	2015-2016	2015	500	\$ 41,000	200	\$ 50,000	160	\$ 52,000
	3	2016-2017	2016	4	\$ 42,000	200	\$ 50,000	160	\$ 52,000
	4	2017-2018	2017	0	0	200	\$ 50,000	160	\$ 52,000
	5	2018-2019	2018	0	0	200	\$ 50,000	160	\$ 52,000
Tax Credit Period (with 50% cap on credit)	6	2019-2020	2019	0	0	200	\$ 50,000	160	\$ 52,000
	7	2020-2021	2020	0	0	200	\$ 50,000	160	\$ 52,000
	8	2021-2022	2021	0	0	200	\$ 50,000	160	\$ 52,000
	9	2022-2023	2022	0	0	200	\$ 50,000	160	\$ 52,000
	10	2023-2024	2023	0	0	200	\$ 50,000	160	\$ 52,000
Credit Settle-Up Period	11	2024-2025	2024	0	0	200	\$ 50,000	160	\$ 52,000
	12	2025-2026	2025	0	0	200	\$ 50,000	160	\$ 52,000
	13	2026-2027	2026	0	0	200	\$ 50,000	160	\$ 52,000
Post-Settle-Up Period	14	2027-2028	2027	0	0	200	\$ 50,000	160	\$ 52,000
	15	2028-2029	2028	0	0	200	\$ 50,000	160	\$ 52,000

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.

*[Handwritten Signature]*

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

*13 Feb 2013*

DATE

**ATTACHMENT 20**

Please see attached Schedule D

Schedule D: (Rev. May 2011) Other Tax Information

Applicant Name

M&G Resins USA, LLC LLC

ISD Name

Tuloso Midway ISD

Form 50-296

Other Property Tax Abatements Sought

	Year	School Year (YYYY-YYYY)	Tax/Calendar Year YYYY	Sales Tax Information		Franchise Tax	County	City	Hospital	Del Mar College
				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					
The year preceding the first complete tax year of the qualifying time period (assuming no deferrals)		2013-2014	2013							
	1	2014-2015	2014	\$ 208,000,000	\$ 333,000,000	0	N/A	N/A	N/A	N/A
	2	2015-2016	2015	\$ 69,000,000	\$ 111,000,000	0	100%	N/A	N/A	100%
	3	2016-2017	2016	\$ 50,000	\$ 1,530,000,000	\$ 300,000	100%	N/A	N/A	100%
	4	2017-2018	2017	\$ 50,000	\$ 1,500,000,000	\$ 375,000	70%	N/A	N/A	70%
	5	2018-2019	2018	\$ 50,000	\$ 1,500,000,000	\$ 375,000	70%	N/A	N/A	70%
	6	2019-2020	2019	\$ 50,000	\$ 1,500,000,000	\$ 375,000	70%	N/A	N/A	70%
	7	2020-2021	2020	\$ 50,000	\$ 1,500,000,000	\$ 375,000	70%	N/A	N/A	70%
	8	2021-2022	2021	\$ 50,000	\$ 1,500,000,000	\$ 375,000	70%	N/A	N/A	70%
	9	2022-2023	2022	\$ 50,000	\$ 1,500,000,000	\$ 375,000	70%	N/A	N/A	70%
	10	2023-2024	2023	\$ 50,000	\$ 1,500,000,000	\$ 375,000	70%	N/A	N/A	70%
	11	2024-2025	2024	\$ 50,000	\$ 1,500,000,000	\$ 375,000	N/A	N/A	N/A	N/A
	12	2025-2026	2025	\$ 50,000	\$ 1,500,000,000	\$ 375,000	N/A	N/A	N/A	N/A
	13	2026-2027	2026	\$ 50,000	\$ 1,500,000,000	\$ 375,000	N/A	N/A	N/A	N/A
	14	2027-2028	2027	\$ 50,000	\$ 1,500,000,000	\$ 375,000	N/A	N/A	N/A	N/A
	15	2028-2029	2028	\$ 50,000	\$ 1,500,000,000	\$ 375,000	N/A	N/A	N/A	N/A

\*For planning, construction and operation of the facility.

19 Feb 2013

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE

**ATTACHMENT 21**

A map of the enterprise zone is attached.

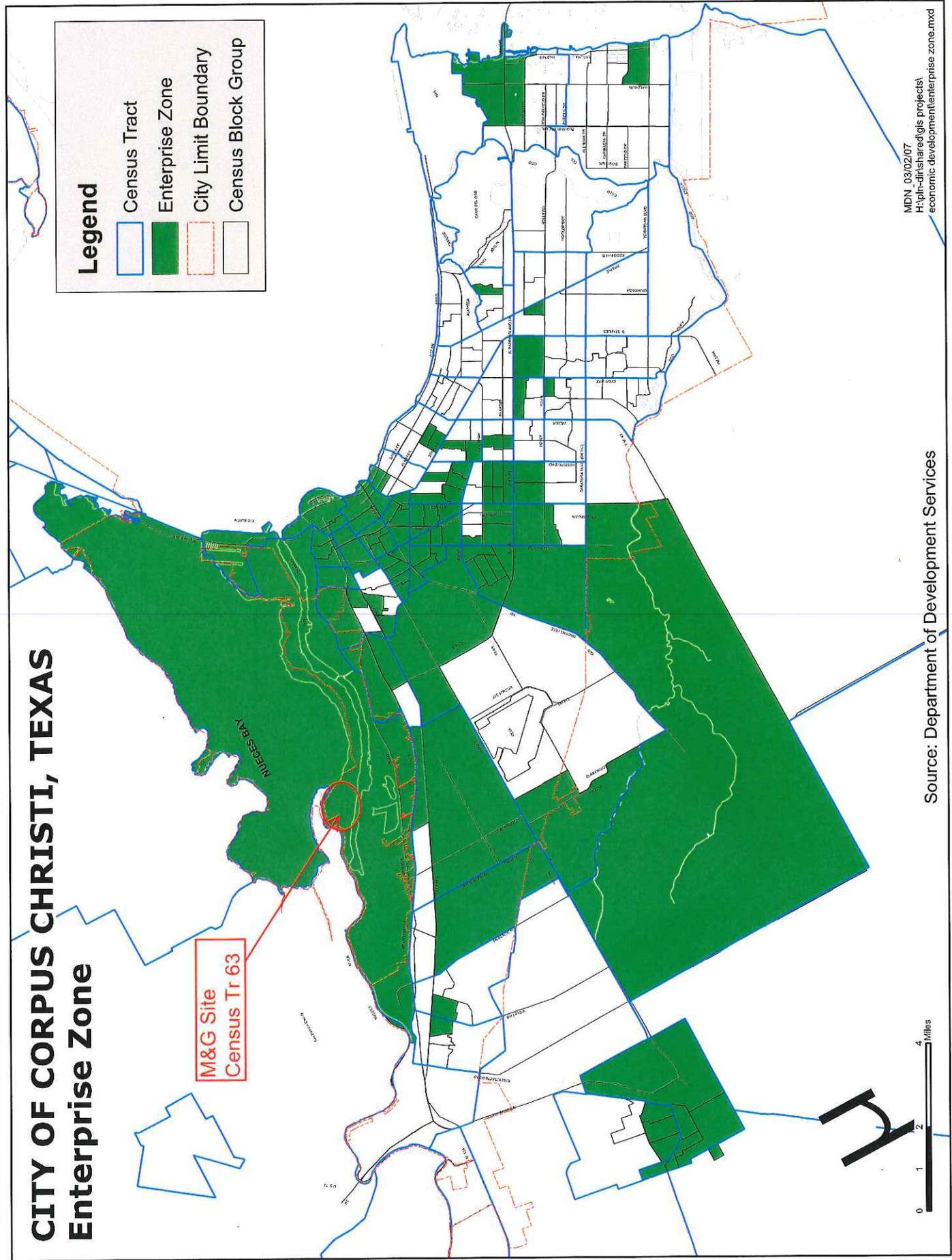
The resolution, dated October 24, 2012, by the Nueces County Commissioners Court whereby they granted tax abatement on the proposed improvements is attached.

# CITY OF CORPUS CHRISTI, TEXAS Enterprise Zone

**Legend**

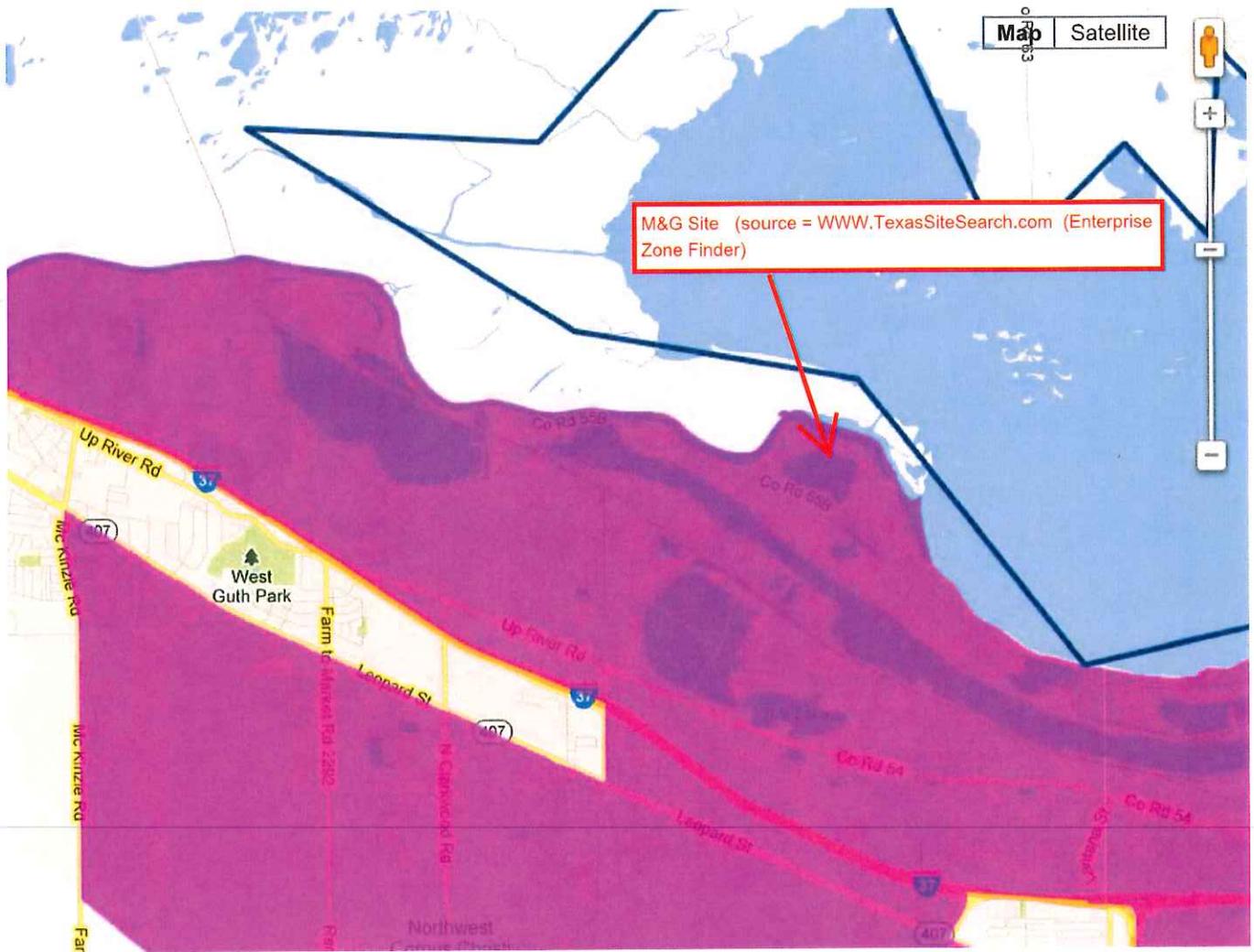
- Census Tract
- Enterprise Zone
- City Limit Boundary
- Census Block Group

M&G Site  
Census Tr 63



Source: Department of Development Services

MDN\_03/02/07  
H:\pin-dir\shared\glis projects\1  
economic\_development\enterprise zone.mxd



# County of Nueces



MIKE PUSLEY  
Commissioner  
Precinct 1

JOE A. GONZALEZ  
Commissioner  
Precinct 2

SAMUEL L. NEAL, JR.  
County Judge  
Nueces County Courthouse, Room 303  
901 Leopard Street  
Corpus Christi, Texas 78401-3697

OSCAR ORTIZ  
Commissioner  
Precinct 3

JOE MCCOMB  
Commissioner  
Precinct 4

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## RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH M&G RESINS USA, LLC, PROVIDING FOR TEMPORARY PROPERTY TAX ABATEMENT.

WHEREAS, the Texas Property Redevelopment and Tax Abatement Act (the "Act"), Texas Tax Code, Chapter 312, as amended, authorizes the County of Nueces (the "County") to enter into tax abatement agreements for projects meeting the guidelines and criteria for granting tax abatement duly adopted by the County; and,

WHEREAS, an application for temporary tax abatement has been filed with the County by M&G Resins USA, LLC for construction and equipment for PET plant and PTA plant facilities in Nueces County; and,

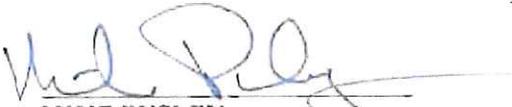
WHEREAS, the properties to be covered by the proposed tax abatement agreements are located within an enterprise zone established pursuant to Chapter 2303 of the Texas Government Code which qualifies as a reinvestment zone for temporary property tax abatement in accordance with the provisions of the Act; and,

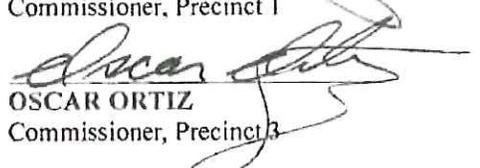
WHEREAS, the projects are not located on property that is owned or leased by a person who is a member of the Commissioners Court.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF NUECES COUNTY, TEXAS THAT:

1. The County finds and determines that the terms of the proposed agreement and the property subject to the proposed agreement meets the applicable guidelines and criteria adopted by the County, and the County further determines that the proposed projects are feasible and the proposed temporary abatement of taxes for such projects will inure to the long term benefit of the County.
2. The execution of the Tax Abatement Agreement with M&G Resins USA, LLC attached in substantial form as Exhibit A is hereby authorized and approved.
3. The Tax Abatement Agreement shall be applicable only to Nueces County. The Nueces County Hospital District and Nueces County Farm-to-market Tax are specifically *excluded* from the Tax Abatement Agreement.

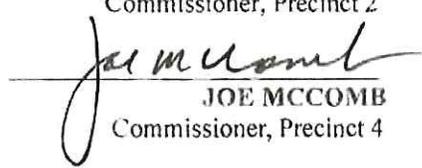
DULY ADOPTED BY VOTE OF THE COMMISSIONERS COURT OF NUECES COUNTY, TEXAS, ON THIS THE  
24th DAY OF OCTOBER, 2012.

  
MIKE PUSLEY  
Commissioner, Precinct 1

  
OSCAR ORTIZ  
Commissioner, Precinct 3

  
SAMUEL L. NEAL, JR.  
Nueces County Judge

  
JOE A. GONZALEZ  
Commissioner, Precinct 2

  
JOE MCCOMB  
Commissioner, Precinct 4

ATTEST:  
  
DIANA T. BARRERA, County Clerk



**ATTACHMENT 22**

The resolution, dated October 24, 2012, by the Nueces County Commissioners Court whereby they granted tax abatement on the proposed improvements is attached.

# County of Nueces

MIKE PUSLEY  
Commissioner  
Precinct 1

JOE A. GONZALEZ  
Commissioner  
Precinct 2



SAMUEL L. NEAL, JR.  
County Judge  
Nueces County Courthouse, Room 303  
901 Leopard Street  
Corpus Christi, Texas 78401-3697

OSCAR ORTIZ  
Commissioner  
Precinct 3

JOE MCCOMB  
Commissioner  
Precinct 4

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## RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH M&G RESINS USA, LLC, PROVIDING FOR TEMPORARY PROPERTY TAX ABATEMENT.

WHEREAS, the Texas Property Redevelopment and Tax Abatement Act (the "Act"), Texas Tax Code, Chapter 312, as amended, authorizes the County of Nueces (the "County") to enter into tax abatement agreements for projects meeting the guidelines and criteria for granting tax abatement duly adopted by the County; and,

WHEREAS, an application for temporary tax abatement has been filed with the County by M&G Resins USA, LLC for construction and equipment for PET plant and PTA plant facilities in Nueces County; and,

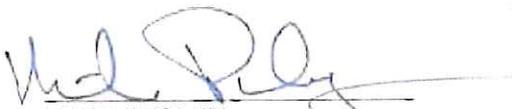
WHEREAS, the properties to be covered by the proposed tax abatement agreements are located within an enterprise zone established pursuant to Chapter 2303 of the Texas Government Code which qualifies as a reinvestment zone for temporary property tax abatement in accordance with the provisions of the Act; and,

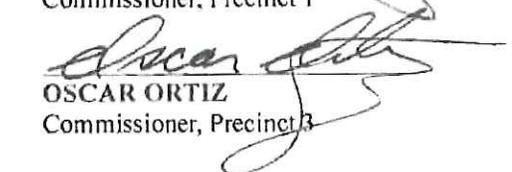
WHEREAS, the projects are not located on property that is owned or leased by a person who is a member of the Commissioners Court.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF NUECES COUNTY, TEXAS THAT:

1. The County finds and determines that the terms of the proposed agreement and the property subject to the proposed agreement meets the applicable guidelines and criteria adopted by the County, and the County further determines that the proposed projects are feasible and the proposed temporary abatement of taxes for such projects will inure to the long term benefit of the County.
2. The execution of the Tax Abatement Agreement with M&G Resins USA, LLC attached in substantial form as Exhibit A is hereby authorized and approved.
3. The Tax Abatement Agreement shall be applicable only to Nueces County. The Nueces County Hospital District and Nueces County Farm-to-market Tax are specifically *excluded* from the Tax Abatement Agreement.

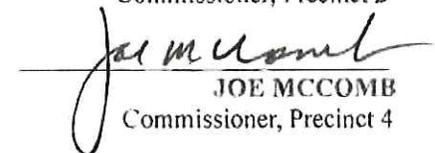
DULY ADOPTED BY VOTE OF THE COMMISSIONERS COURT OF NUECES COUNTY, TEXAS, ON THIS THE  
24th DAY OF OCTOBER, 2012.

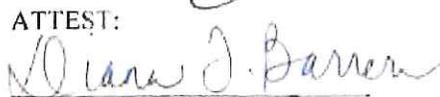
  
MIKE PUSLEY  
Commissioner, Precinct 1

  
OSCAR ORTIZ  
Commissioner, Precinct 3

  
SAMUEL L. NEAL, JR.  
Nueces County Judge

  
JOE A. GONZALEZ  
Commissioner, Precinct 2

  
JOE MCCOMB  
Commissioner, Precinct 4

ATTEST:  
  
DIANA T. BARRERA, County Clerk



**ATTACHMENT 23**

The legal description of the reinvestment zone is not available. The project is located in an enterprise zone.

**ATTACHMENT 24**

The Nueces County Guidelines and Criteria for tax abatement and for creating a reinvestment zone are attached.

## GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT

WHEREAS, the attraction of long-term investment and the establishment of new jobs in the area would enhance the economic base of area taxing entities; and

WHEREAS, Nueces County must compete with other counties across the nation currently offering tax inducements to attract new plant and modernization projects, and studies have shown that a favorable local tax climate and start-up tax concessions rank second on the list of priorities for new plant installations or expansions; and

WHEREAS, tax abatement is one of the principal means by which the public sector and the private sector can forge a partnership to promote real economic growth within a community; and

WHEREAS, any tax incentives offered must be strictly limited in application to those new and existing industries that bring new wealth to the community in order to avoid reducing the needed tax revenues of area taxing entities; and

WHEREAS, the Property Redevelopment and Tax Abatement Act (the "Act"), Chapter 312 of the Texas Tax Code authorizes counties, cities and school districts to provide property tax abatement for limited periods of time as an inducement for the development or redevelopment of a property; and

WHEREAS, the Act requires eligible taxing jurisdictions to establish Guidelines and Criteria as to eligibility for tax abatement agreements prior to granting any future tax abatement, said Guidelines and Criteria to be unchanged for a two-year period unless amended by a three-fourths vote; and

WHEREAS, the County would like to re-enact the Guidelines and Criteria last approved in January 2010 with these Guidelines and Criteria with minor changes in order to provide for a common, coordinated effort to promote economic development in Nueces County;

NOW, THEREFORE, BE IT RESOLVED by the County of Nueces that these Guidelines and Criteria for granting tax abatement be adopted:

### Section 1. **Definitions.**

- (a) "Abatement" means the temporary, full or partial exemption from ad valorem taxes of certain added value to real and personal property in a zone designated for economic development purposes pursuant to the Act.
- (b) "Added Value" means the increase in the assessed value of an eligible property as a result of "expansion" or "modernization" of an existing facility or construction of a "new facility." It does not mean or include "deferred maintenance."
- (c) "Agreement" means a contractual agreement between a property owner and/or lessee and an Eligible jurisdiction for the purposes of tax abatement.
- (d) "Base Year Value" means the assessed value of eligible property as of the commencement date for the period of abatement specified in the Agreement.

- (e) "Basic Manufacturing or Service Facility" 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 derive a majority of revenue from points beyond a 50-mile radius of Nueces County.
- (f) "Deferred Maintenance" means improvements necessary for continued operations which do not improve productivity or alter the process technology.
- (g) "Economic Life" means the number of years a property improvement is expected to be in service in a Facility.
- (h) "Eligible Jurisdiction" means Nueces County and any municipality or school district, the majority of which is located in Nueces County, that levies ad valorem taxes upon and provides services to property located within the proposed or existing zone designated pursuant to the Act.
- (i) "Expansion" means the addition of buildings, structures, fixed machinery or equipment for the purposes of increasing capacity.
- (j) "Facility" means property improvements completed or in the process of construction which together compromise an integral whole.
- (k) "Modernization" means the replacement and upgrading of existing facilities which increase the productive input or output, updates the technology or substantially lowers the unit cost of the operation, and extends the economic life of the facilities. Modernization may result from the construction, alteration or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing, repairing or completion of deferred maintenance.
- (l) "New Facility" means a property previously undeveloped which is placed into service by means other than or in conjunction with an expansion or modernization.
- (m) "Owner" means the owner of a Facility subject to abatement. If the Facility is constructed on a leased property, the owner shall be the party which owns the property subject to tax abatement. The other party to the lease shall join in the execution of Agreement but shall not be obligated to assure performance of the party receiving abatement.
- (n) "Petrochemical Facility" means buildings and structures, including fixed machinery and equipment, the primary purpose of which is or will be the manufacture or processing of petrochemicals or fuels by physical or chemical change.
- (o) "Regional Distribution Center Facility" means buildings and structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the Facility operator where a majority of the goods or services are distributed to points beyond a 50-mile radius of Nueces County.
- (p) "Regional Telecommunications/Data Processing Center Facility" means buildings and structures used or to be used primarily for the provision of telecommunication or data processing services by the Facility operator where a majority of the services are provided to points beyond a 50-mile radius of Nueces County.

- (q) "Regional Visitor/Amusement Facility" means buildings and structures used or to be used primarily as a stadium, arena, amusement park or similar attraction or sports venue.
- (r) "Enterprise Zone Residential Redevelopment Facility" means buildings and structures used or to be used primarily for residential purposes and which are located within an enterprise zone.

**Section 2. Abatement Authorized.**

- (a) Authorized Facilities. A Facility may be eligible for abatement if it is a Basic Manufacturing or Service Facility, Regional Distribution Center Facility, Regional Telecommunications/Data Processing Center Facility, Regional Visitor/Amusement Facility, Enterprise Zone Residential Redevelopment Facility or Petrochemical Facility. Abatement may be granted for new facilities and improvements to existing facilities for the purpose of modernization or expansion.
- (b) Creation of New Value. Abatement may only be granted for the additional value of eligible property improvements made subject to and listed in an abatement Agreement between the Eligible jurisdiction and the property owner and lessee (if required), subject to such limitations as said jurisdiction may require. The economic life of the improvements must exceed the term of the abatement Agreement.
- (c) Eligible Property. Abatement may be extended to the value of the improvements to real property, including buildings, structures, fixed machinery and equipment, and site improvements, plus that office space and related fixed improvements necessary to the operation and administration of the Facility.
- (d) Ineligible Property. The following types of property shall be fully taxable and ineligible for abatement: land; inventories; supplies; tools; furnishings and other forms of movable personal property; vehicles; vessels; aircraft; housing; hotel accommodations; deferred maintenance investments; property to be rented or leased except as provided in Section 2(c); improvements for the transmission of electrical energy not wholly consumed by a New Facility or expansion; any improvements, including those to produce, store or distribute natural gas, fluids or gases, which are not integral to the operation of the Facility; improvements to real property which have an economic life of less than 15 years; 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; unless any of the above types of property are specifically authorized by the Eligible jurisdiction.
- (e) Period of Abatement. Abatement shall be granted effective with the January 1 valuation date specified in the Agreement. Abatement shall be allowed for a period of five years following the completion of construction. If the period of construction exceeds five years, the Facility shall be considered completed for purposes of abatement and in no case shall the period of abatement, inclusive of the construction period exceed ten (10) years.
- (f) Completion of Construction. The completion of construction shall be deemed to occur upon the earliest of the following events:
  - (1) when a certificate of occupancy is issued for the project (if it is located within a city),
  - (2) when commercial production of a product or provision of a service is achieved at the Facility,
  - (3) when the architect or engineer supervising construction issues a certificate of substantial completion, or some similar instrument, or

(4) five (5) years after the date of the Agreement.

The above determination shall be made by the Eligible jurisdiction offering the abatement, in its sole and absolute discretion, based upon the above criteria and such other factors as the jurisdiction may deem relevant. The determination of the completion of construction shall be conclusive, and any judicial review of such determination shall be governed by the substantial evidence rule.

(g) Abatement Percentage. For a Facility which provides not less than 20 (but not more than 99) new permanent jobs, the percentage of tax abated shall be in accordance with the following schedule:

<u>Year</u>	<u>Percentage of Abatement</u>
Construction Period (not to exceed 5 years)	100%
Year 1	50%
Year 2	50%
Year 3	50%
Year 4	50%
Year 5	50%

Provided that, for a Facility which provides not less than 100 (but not more than 199) new permanent jobs, the percentage of tax abatement shall be in accordance with the following schedule:

<u>Year</u>	<u>Percentage of Abatement (for first \$10 million)</u>	<u>Percentage of Abatement (over \$10 million)</u>
Construction Period (not to exceed 5 years)	100%	100%
Year 1	75%	50%
Year 2	75%	50%
Year 3	75%	50%
Year 4	75%	50%
Year 5	75%	50%

Provided that, for a Facility which provides at least 200 new permanent jobs, the percentage of tax abatement shall be in accordance with the following schedule:

<u>Year</u>	<u>Percentage of Abatement (for first \$10 million)</u>	<u>Percentage of Abatement (over \$10 million)</u>
Construction Period (not to exceed 5 years)	100%	100%
Year 1	100%	50%
Year 2	100%	50%
Year 3	100%	50%
Year 4	100%	50%
Year 5	100%	50%

Provided that, for a Basic Manufacturing or Service Facility which provides at least \$150 million in new capital investment, and at least 10 net new full time jobs, the percentage of tax abatement shall be in accordance with the following schedule:

<u>Year</u>	<u>Percentage of Abatement</u>
Construction Period (not to exceed 5 years)	100%
Year 1	50%
Year 2	50%
Year 3	50%
Year 4	50%
Year 5	50%

Provided that, for a Basic Manufacturing or Service Facility which provides at least \$500 million in new capital investment, and at least 20 net new full time jobs, the percentage of tax abatement shall be in accordance with the following schedule:

<u>Year</u>	<u>Percentage of Abatement</u>
Construction Period (not to exceed 5 years)	100%
Year 1	70%
Year 2	70%
Year 3	70%
Year 4	70%
Year 5	70%

Provided that, for a Basic Manufacturing or Service Facility which provides at least \$750 million in new capital investment, and at least 200 net new full time jobs, the percentage of tax abatement shall be in accordance with the following schedule:

<u>Year</u>	<u>Percentage of Abatement</u>
Construction Period (not to exceed 3 years)	100%
Year 1	70%
Year 2	70%
Year 3	70%
Year 4	70%
Year 5	70%
Year 6	70%
Year 7	70%

In the event the Added Value caused by the Project is less than \$2.0 million, no abatement shall be granted unless the Facility is a Rehabilitation Project as described in Section 2 (h).

In order to be counted as a permanent job under these Guidelines, the job must be a full-time position providing regular work schedules of at least 35 hours per week. The percentage of abatement provided each year under the Agreement shall be based upon the employment

information as of January 1 of such year. As a result, the actual amount of abatement may vary from year to year based upon employment levels and property valuations.

For example, Company A has an abatement Agreement entered 5/1/2010 and projects to create 250 permanent jobs. If the actual experience of Company A involves fluctuating job levels, the actual abatement under the Agreement could follow the following pattern:

<u>Year</u>	<u>Employment</u>	<u>Abatement (First \$10mm)</u>	<u>Abatement (Over \$10mm)</u>
1/1/11*	0	100%	100%
1/1/12*	0	100%	100%
1/1/13	150	75%	75%
1/1/14	250	100%	75%
1/1/15	150	75%	50%
1/1/16	50	50%	50%
1/1/17	250	100%	25%

\*Construction Underway

- (h) Rehabilitation Projects. The \$2 million minimum Added Value requirement for abatement shall not apply to rehabilitation projects which involve the adaptive reuse of an existing structure or building for a Facility. In order to qualify as a rehabilitation project under this provision, the project must involve a minimum capital expenditure of \$250,000. Any rehabilitation project must involve the adaptive reuse of an existing structure or building currently on the property tax rolls so that the Base Year Value associated with the project will include both the value of the land and the existing improvements. For such rehabilitation projects, all Eligible Property in excess of the Base Year Value shall be subject to abatement plus the value of personal property such as furniture and movable equipment which would otherwise be considered Ineligible Property for any other type of abatement category. In no event, however, may the total value of personal property subject to abatement exceed \$1 million or the total amount of all property subject to abatement in a rehabilitation project exceed \$5 million.
- (i) Estimated Added Value Requirement. At the time of execution of the tax abatement Agreement, the Owner shall reasonably estimate the Added Value upon completion of construction of any improvements to real property in connection with the Project. This "Estimated Added Value" shall be stated in the Agreement. In the event that upon completion of construction of the improvements, the Added Value, as determined by the Nueces County Appraisal District, shall at any time thereafter during the term of the abatement Agreement be less than eight-five percent (85%) of the Estimated Added Value, not due to circumstances beyond the control of Owner, the Owner agrees to pay an amount equal to the then current tax rate of each Eligible jurisdiction providing abatement applied to the difference between the actual Added Value from eighty-five percent (85%) of the Estimated Added Value, multiplied by 100% minus the net percentage of Abatement provided under the Agreement. For the purposes of this provision, the term "circumstances beyond the control of Owner" shall include casualty losses, national economic factors, shutdowns due to governmental regulations, strikes, acts of war, and the like. The formula for calculating such additional tax is outlined as follows:

$$[\text{Tax Rate}] \times [ (85\% \text{ of Est. Added Value} - \text{Actual AV}) \times (100\% - \text{Abatement}\%) ] = \text{Additional Tax}$$

- (j) Properties in Industrial Districts. For eligible property to be constructed in an area which is covered by an executed industrial district agreement with the City of Corpus Christi, the method of

calculating payments in lieu of property taxes for such eligible property shall be as set forth in the industrial district agreement. As an alternative to an industrial district agreement, an eligible property may be covered by a tax abatement agreement, but such shall constitute an election by the Owner that the land and improvements shall not be included within any type of industrial district arrangement following the expiration of the tax abatement agreement.

- (k) Economic Qualification. In order to be eligible for tax abatement, the planned improvement:
- (1) must create no later than the January 1 following the completion of construction and maintain throughout the remainder of the term of the Agreement the minimum required number of permanent jobs in Nueces County;
  - (2) must not adversely affect competition in the local market with established local businesses.
- (l) Taxability. From the commencement of the abatement period to the end of the abatement period, taxes shall be payable as follows:
- (1) The value of Ineligible Property as provided in Section 2(e) shall be fully taxable (except for personal property added in connection with a Rehabilitation Project);
  - (2) The Base Year Value of existing Eligible Property as determined each year shall be fully taxable; and
  - (3) The Added Value of new Eligible Property (and certain personal property added in connection with a Rehabilitation Project) shall be taxable in the manner described in Section 2(g) above.
- (m) Environmental and Worker Safety Qualifications. In determining whether to grant a tax abatement, consideration will be given to compliance with all state and federal laws designed to protect human health, welfare and the environment ("environmental laws") that are applicable to all facilities in the State of Texas owned or operated by the owner of the facility or lessee, its parent, subsidiaries and, if a joint venture or partnership, every member of the joint venture or partnership ("applicants"). Consideration may also be given to compliance with environmental and worker safety laws by applicants at other facilities within the United States.

### Section 3. **Application.**

- (a) Written Application. Any present or potential owner of taxable property may request tax abatement by filing a written application with: (i) the City Manager of the City, if such property is within the city limits, or (ii) the County Judge of Nueces County, if such property is in the unincorporated areas of Nueces County.
- (b) Contents of Application. The application shall consist of a completed application form accompanied by: a general description of the new improvements to be undertaken; a descriptive list of the improvements for which abatement is requested; a list of the kind, number and location of all proposed improvements of the property; a map and property description; and a time schedule for undertaking and completing the proposed improvements. In the case of a modernization or expansion project, 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 or other Eligible jurisdiction, as applicable, deems appropriate for evaluating the financial capacity and other relevant factors of the applicant.

- (c) Written Notification to Governing Bodies. Upon receipt of a completed application, the City Manager or County Judge, as the case may be, shall forward a copy of the application to the presiding officer of the governing body of each Eligible jurisdiction having jurisdiction of the property covered by the application.
- (d) Feasibility. After receipt of an application for abatement, the City or the County, as applicable, shall consider the feasibility and the impact of the proposed tax abatement. The study of feasibility shall include, but not be limited to, an estimate of the economic effect of the abatement of taxes and the benefit to the Eligible jurisdiction and the property to be covered by such abatement.
- (e) No Abatement if Construction has Commenced. No tax abatement Agreement shall be approved if the application for the abatement was filed after the commencement of construction, alteration or installation of improvements related to the proposed Modernization, Expansion or New Facility.
- (f) Variance. Requests for variance from the provisions of Section 2 may be made in written form; provided, however, that no variance may extend the term of abatement beyond five years after completion of construction. Such requests shall include a complete description of the circumstances explaining why the applicant should be granted a variance. Approval of a request for variance requires a three-fourths (3/4) vote of the governing body of each Eligible jurisdiction providing abatement.

#### Section 4. **Public Hearing and Approval.**

- (a) Designation of Zone. A resolution designating a zone for tax abatement under the Act may not be adopted by the City or the County until a public hearing has been held at which interested persons are entitled to speak and present evidence for or against the designation. Notice of the hearing shall be provided to each Eligible jurisdiction and to the public in the manner required by the Act.
- (b) Required Findings. In order to enter into a tax abatement Agreement, the County, the City and any school district must find that the terms of the proposed Agreement meet these Guidelines and Criteria.
- (c) Reservation of Rights. Nothing herein shall be construed to limit the authority of the City, the County or any other jurisdiction to examine each application for tax abatement before it on a case-by-case basis and determine in its sole and absolute discretion whether or not the proposed project should be granted temporary tax abatement and whether or not it complies with these Guidelines and Criteria, is feasible, and whether or not the proposed temporary abatement of taxes will inure to the long-term benefit of such Eligible jurisdiction.

#### Section 5. **Agreement.**

- (a) Contents of Tax Abatement Agreement. The tax abatement Agreement with the Owner of the Facility shall include:
  - (1) the estimated value to be subject to abatement and the Base Year Value;
  - (2) the percentage of value to be abated each year as provided in Section 2(g);
  - (3) the commencement date and termination date of abatement;

- (4) a provision that the term of the Agreement shall extend until five (5) years after the expiration of the period of tax abatement;
  - (5) the proposed use of the Facility, nature of construction, time schedule, map, property description and improvements list as provided in the application as required;
  - (6) the contractual obligations in the event of default, delinquent taxes, recapture, administration and assignment as provided in these Guidelines or other provisions that may be required for uniformity or by state law;
  - (7) the amount of Added Value and required number of permanent jobs;
  - (8) a requirement that owner shall certify to the governing body of the Eligible Jurisdiction on or before April 1 each year that the owner is in compliance with each applicable term of the agreement; and
  - (9) a requirement that the owner or lessee will (a) obtain and maintain all required permits and other authorizations from the United States Environmental Protection Agency and the TCEQ for the construction and operation of the Facility and for the storage, transport and disposal of solid waste; and (b) seek a permit from the TCEQ for all grandfathered units on the site of the Facility by filing with the TCEQ, within three years of receiving the abatement, a technically complete application for such a permit.
- (b) Time of Execution. The tax abatement Agreement shall normally be executed within 60 days after the applicant has provided all necessary information and documentation.
- (c) Attorney's Fees. In the event any attorney's fees are incurred by the Eligible jurisdiction in the preparation of a tax abatement Agreement, said fees shall be paid by the applicant upon execution of the Agreement.

#### Section 6. **Recapture.**

- (a) Failure to Commence Operation During Term of Agreement. In the event that the Facility is not completed and does not begin operation with the minimum required number of permanent jobs by the January 1 following the completion of construction, no abatement shall be given for that tax year, and the full amount of taxes assessed against the property shall be due and payable for that tax year. In the event that the Owner of such a Facility fails to begin operation with the minimum required number of permanent jobs by the next January 1, then the abatement Agreement shall terminate and all abated taxes during the period of construction shall be recaptured and paid within 60 days of such termination.
- (b) Discontinuance of Operations During Term of Agreement. In the event the Facility is completed and begins operation with the required minimum required number of permanent jobs but subsequently discontinues operations and the minimum required number of permanent jobs is not maintained during any four (4) consecutive weeks during the term of the Agreement after the completion of construction, for any reason except on a temporary basis due to fire, explosion or other casualty or accident or natural disaster, the Agreement may be terminated by the Eligible jurisdiction providing abatement, and all taxes previously abated by virtue of the Agreement shall be recaptured and paid within 60 days of such termination.

- (c) Delinquent Taxes. In the event that the Owner allows its ad valorem taxes to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest, the Agreement shall terminate and so shall the abatement of the taxes for the tax year of the delinquency. The total taxes assessed without abatement, for that tax year shall be paid within 60 days from the date of termination.
- (d) Notice of Default. Should the Eligible jurisdiction providing abatement determine that the Owner is in default according to the terms and conditions of its Agreement, it shall notify the Owner in writing at the address stated in the Agreement that if such is not cured within 60 days from the date of such notice (the "Cure Period"), then the Agreement may be terminated. In the event the Owner fails to cure said default during the Cure Period, the Agreement may be terminated and the taxes abated by virtue of the Agreement will be recaptured and paid as provided herein.
- (e) Actual Capital Investment. Should the Eligible jurisdiction providing abatement determine that the total level of capital investment in eligible property is lower than provided in the Agreement, the difference between the tax abated and the tax which should have been abated based upon the actual capital investment as determined shall be paid to the taxing agencies within 60 days of notification to the Owner of such determination.
- (f) Reduction in Rollback Tax Rate. If during any year of the period of abatement with respect to any property any portion of the abated value which is added to the current total value of the Eligible jurisdiction but is not treated as "new property value" (as defined in Section 26.012(17) of the Texas Tax Code) for the purpose of establishing the "effective maintenance rate" in calculating the "rollback tax rate" in accord with Section 26.04(c)(2) of the Texas Tax Code and if the Eligible jurisdiction's budget calculations indicate that a tax rate in excess of the "rollback tax rate" is required to fund the operations of the Eligible jurisdiction for the succeeding year, then the Eligible jurisdiction shall recapture from the taxpayer a tax in an amount equal to the lesser of the following:
  - (1) The amount of the taxes abated for that year by the Eligible jurisdiction with respect to such taxpayer.
  - (2) The amount obtained by subtracting the rollback tax rate computed without the abated property value being treated as new property value from the rollback tax rate computed with the abated property value being treated as new property value and multiplying the difference by the total assessed value of the Eligible jurisdiction.

If the Eligible jurisdiction has granted an abatement of taxes to more than one taxpayer, then the amount of the recapture calculated in accord with subparagraph (2) above shall be prorated on the basis of the amount of the abatement with respect to each taxpayer.

All recaptured taxes must be paid within thirty (30) days after notice thereof has been given to the affected taxpayer. Penalty and interest shall not begin to accrue upon such sum until the first day of the month following such thirty (30) day notice, at which time penalty and interest shall accrue in accord with the laws of the State of Texas.

- (g) Continuation of Tax Lien. The amount of tax abated each year under the terms of these Guidelines and the Agreement shall be secured by a first and prior tax lien which shall continue in existence from year to year throughout the entire term of the Agreement or until all taxes, whether assessed or recaptured, are paid in full.

- (h) Automatic Termination. The Agreement shall automatically terminate on and as of the date any of the following events occur: the filing of a petition in bankruptcy by the Owner; or the making by the Owner of an assignment for the benefit of creditors; or if any involuntary petition in bankruptcy or petition for an arrangement pursuant to the federal bankruptcy code is filed against the Owner; or if a receiver is appointed for the business of the Owner. In the event of automatic termination for any of the above reasons, the prior notice of default provisions in subsection (d) above shall not apply.

#### Section 7. Administration.

- (a) Annual Assessment. The Nueces County Appraisal District shall annually determine an assessment of the real and personal property subject to an Agreement. Each year, the Owner shall furnish the Appraisal District with such information as may be necessary for the abatement. Once value has been established, the Appraisal District shall notify the affected jurisdictions which levy taxes of the amount of the assessment and the abatement.
- (b) Access to Facility. The Agreement shall stipulate that employees and/or designated representatives of the Eligible jurisdiction will have access to the Facility during the term of the Agreement to inspect the Facility to determine if the terms and conditions of the Agreement are being met. All inspections will be made only after giving 24 hours prior notice and will only be conducted in such 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 Owner and in accordance with its safety standards.
- (c) Annual Evaluation. Upon completion of construction, the Eligible jurisdiction individually or in conjunction with other affected jurisdictions, shall annually evaluate each Facility receiving abatement to ensure compliance with the Agreement and report possible violations of the Agreement.
- (d) Annual Reports. The Owner shall certify to the governing body of the Eligible Jurisdiction on or before April 1 each year that the Owner is in compliance with each applicable term of the agreement. Additionally, during the initial four years of the term of property tax abatement, the Owner shall provide to the Eligible Jurisdiction approving the abatement an annual report covering those items listed on Schedule 1 in order to document its efforts to acquire goods and services on a local basis. Such annual report shall be prepared on a calendar year basis and shall be submitted to the Eligible jurisdiction no later than ninety (90) days following the end of each such calendar year. The annual report shall be accompanied by an audit letter prepared by an independent accounting firm which has reviewed the report.
- (e) "Buy Local" Provision. Each recipient of property tax abatement shall additionally agree to give preference and priority to local manufacturers, suppliers, contractors and labor, except where not reasonably possible to do so without added expense, substantial inconvenience, or sacrifice in operating efficiency. In any such exception cases involving purchases over \$10,000.00 a justification for such purchase shall be included in the annual report. Each such recipient shall further acknowledge that it is a legal and moral obligation of persons receiving property tax abatements to favor local manufacturers, suppliers, contractors and labor, all other factors being equal. For the purposes of this provision, the term "local" as used to describe manufacturers, suppliers, contractors and labor shall include firms, businesses, and persons who reside in or maintain an office in either Nueces County or San Patricio County. In the event of a breach of the buy-local provision, the percentage of abatement shall be proportionately reduced equal to the amount the disqualified contract bears to the total construction cost for the project.

- (f) Right to Modify or Cancel. Notwithstanding anything herein or in any agreement to the contrary, the governing body of the Eligible Jurisdiction may cancel or modify the agreement if the Owner fails to comply with the Agreement.
  
- (g) Transition Rule. For any project which obtained an abatement agreement within the twelve months prior to adoption of these Guidelines, such project may, upon the agreement of the Owner and the Eligible Jurisdiction, obtain an amendment to its tax abatement agreement to incorporate the terms and conditions of these Guidelines.

## SCHEDULE 1

### "Buy Local" Annual Reports

The following information shall be reported to the Governmental Unit on a calendar-year basis during the first four years of the tax abatement program:

1. Dollar amount spent for materials\* (local).
2. Dollar amount spent for materials\* (total).
3. Dollar amount spent for labor\*\* (local).
4. Dollar amount spent for labor\*\* (total).
5. Number of jobs created in the construction project (local).
6. Number of jobs created in the construction project (total).
7. Number of jobs created on a permanent basis (local).
8. Number of jobs created on a permanent basis (total).

\* "Materials" is defined to include all materials used in excavation, site improvement, demolition, concrete, structural steel, fire proofing, piping, electrical, instruments, paintings and scaffolding, insulation, temporary construction facilities, supplies, equipment rental in construction, small tools and consumables. This term does not include major items of machinery and equipment not readily-available locally.

\*\* "Labor" is defined to include all labor in connection with the excavation, site improvement, demolition, concrete construction, structural steel, fire proofing, equipment placement, piping, electrical, instruments, painting and scaffolding, insulation, construction services, craft benefits, payroll burdens, and related labor expenses. This term does not include engineering services in connection with the project design.

The term "local" as used to describe manufacturers, suppliers, contractors and labor shall include firms, businesses, and persons who reside in or maintain an office in either Nueces County or San Patricio County.

