

Attachment A

Application

O'HANLON, MCCOLLOM & DEMERATH

ATTORNEYS AND COUNSELORS AT LAW

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

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

JUSTIN DEMERATH

July 29, 2013

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

RE: Application to the Webb Consolidated Independent School District from Javelina
Wind Energy, 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 Webb Consolidated Independent School District is notifying the Applicant Javelina Wind Energy, 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 July 23, 2013. The Board voted to accept the application July 23, 2013. The application was determined completed on July 29, 2013. Please prepare the economic impact report.

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. There is no existing property for this project. Javelina Wind is constructing approximately 33 miles, in total, of generation transmission tie line, of which approximately 28.4 miles will be located in Webb CISD and subject to this application. Approximately 4.6 miles of the line are in United ISD and are specifically excluded from this application. Further, no Chapter 313 Application will be filed in United ISD for this portion of the generation transmission tie line.

As you are aware, regional wage information is published annually and based upon the Texas Workforce Commission (TWC) OES data. According to the TWC, the new OES survey information will not be available until the end of June or July. A new publication will only be created if the information is available and at the request of your office. Therefore, the school district has determined that the wage information included in the application represents the most

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? \$362,355,000

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? December 17, 2013

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

What is the total estimated investment for this project for the period from the time of application submission to the end of the limitation period? \$362,355,000

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? September 30, 2013

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

Will the project be on leased land? Yes No

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

Form 50-296

Applicant Name
ISD Name

JAVELINA WIND ENERGY, LLC

WEBB CUSD

| Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year) YYYY | Qualified Property | | | Reductions from Market Value | Estimated Taxable Value | |
|--|----------------------------|--|---|--|-----------------------------------|---------------------------------|---|--|
| | | | 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" | Estimated Market Value of Land | | Final taxable value for I&S - after all reductions | Final taxable value for M&O - after all reductions |
| pre-year 1 | 2013-2014 | 2013 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Complete tax years of qualifying time period | 1 | 2014-2015 | \$ - | \$ 9,058,875 | \$ - | \$ - | \$ 9,058,875 | \$ 9,058,875 |
| | 2 | 2015-2016 | \$ - | \$ 347,284,800 | \$ - | \$ - | \$ 347,866,800 | \$ 347,866,800 |
| | 3 | 2016-2017 | \$ - | \$ 319,502,000 | \$ - | \$ - | \$ 320,069,500 | \$ 10,000,000 |
| | 4 | 2017-2018 | \$ - | \$ 293,942,000 | \$ - | \$ - | \$ 294,495,300 | \$ 10,000,000 |
| | 5 | 2018-2019 | \$ - | \$ 270,427,000 | \$ - | \$ - | \$ 270,966,500 | \$ 10,000,000 |
| Value Limitation Period | 6 | 2019-2020 | \$ - | \$ 248,793,000 | \$ - | \$ - | \$ 249,319,000 | \$ 10,000,000 |
| | 7 | 2020-2021 | \$ - | \$ 228,890,000 | \$ - | \$ - | \$ 229,402,900 | \$ 10,000,000 |
| | 8 | 2021-2022 | \$ - | \$ 210,579,000 | \$ - | \$ - | \$ 211,079,100 | \$ 10,000,000 |
| | 9 | 2022-2023 | \$ - | \$ 193,733,000 | \$ - | \$ - | \$ 194,220,600 | \$ 10,000,000 |
| | 10 | 2023-2024 | \$ - | \$ 178,234,000 | \$ - | \$ - | \$ 178,709,400 | \$ 10,000,000 |
| Credit Settle-Up Period | 11 | 2024-2025 | \$ - | \$ 163,975,000 | \$ - | \$ - | \$ 164,438,500 | \$ 164,438,500 |
| | 12 | 2025-2026 | \$ - | \$ 150,857,000 | \$ - | \$ - | \$ 151,308,900 | \$ 151,308,900 |
| | 13 | 2026-2027 | \$ - | \$ 138,788,000 | \$ - | \$ - | \$ 139,228,600 | \$ 139,228,600 |
| Post- Settle-Up Period | 14 | 2027-2028 | \$ - | \$ 127,685,000 | \$ - | \$ - | \$ 128,114,600 | \$ 128,114,600 |
| | 15 | 2028-2029 | \$ - | \$ 117,470,000 | \$ - | \$ - | \$ 117,888,900 | \$ 117,888,900 |

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.

Daniel R. King

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

10-Sep-13

DATE

Letter to Local Government Assistance & Economic Analysis Division
July 29, 2013
Page 2 of 2

recent wage data available at the time of the application. The wage the Applicant has committed to paying on this project is above the required statutory minimums.

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

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

Cc: Chief Appraiser
Webb County Appraisal District

Severita Sanchez, Webb CISD



Application for Appraised Value Limitation on Qualified Property

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

Form 50-296
(Revised May 2010)

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

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

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

This notice must include:

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

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

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

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

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

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

SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION

| | | |
|--|--|---|
| Authorized School District Representative | | Date application received by district July 18, 2013 |
| First Name Severita | Last Name Sanchez | |
| Title Superintendent | | |
| School District Name Webb CISD | | |
| Street Address 619 Ave F | | |
| Mailing Address same | | |
| City Bruni | State TX | ZIP 78344 |
| Phone Number (361) 747-5415 | Fax Number (361) 747-5202 | |
| Mobile Number (optional) | E-mail Address severita.sanchez@webbcisd.com | |

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

Will consultant be primary contact? Yes No

SCHOOL DISTRICT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized School District Consultant (If Applicable)

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

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

| | |
|--|------------------------|
| Signature (Authorized School District Representative)  | Date 7-23-13 |
|--|------------------------|

Has the district determined this application complete? Yes No

If yes, date determined complete. July 29, 2013

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

SCHOOL DISTRICT CHECKLIST AND REQUESTED ATTACHMENTS

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



APPLICANT INFORMATION - CERTIFICATION OF APPLICATION

Authorized Business Representative (Applicant)

| | | | |
|---|--|--|---------------------|
| First Name Dan | | Last Name King | |
| Title Manager | | | |
| Organization Javelina Wind Energy, LLC | | | |
| Street Address 3000 El Camino Real, 5 Palo Alto Square, Suite 700 | | | |
| Mailing Address same | | | |
| City Palo Alto | | State CA | ZIP 94306 |
| Phone Number (650) 324-9095 | | Fax Number (650) 324-9098 | |
| Mobile Number (optional) (713) 501-4319 | | Business e-mail Address dking@maproyalty.com | |

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

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

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

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

Will consultant be primary contact? Yes No



APPLICANT INFORMATION - CERTIFICATION OF APPLICATION (CONTINUED)

Authorized Company Consultant (If Applicable)

First Name

Wes

Last Name

Jackson

Title

Partner

Firm Name

Cummings Westlake LLC

Street Address

12837 Louetta Road, Suite 201

Mailing Address

same

City

Cypress

State

TX

ZIP

77429-5611

Phone Number

713-266-4456 X-2

Fax Number

713-266-2333

Business email Address

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.

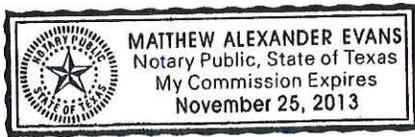
Signature (Authorized Business Representative (Applicant))

Dal R. K.

Date

7/15/13

GIVEN under my hand and seal of office this 15th day of July, 2013



(Notary Seal)

Matthew Alexander Evans

Notary Public, State of TX

My commission expires 11/25/2013

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

Javelina Wind Energy, LLC

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

32046817048

NAICS code

221119

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.)

Limited Liability Company

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

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

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

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



ELIGIBILITY UNDER TAX CODE CHAPTER 313.024

- Are you an entity to which Tax Code, Chapter 171 applies?
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...
(4) an advanced clean energy project...
(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...
Are you requesting that any of the land be classified as qualified investment?
Will any of the proposed qualified investment be leased under a capitalized lease?
Will any of the proposed qualified investment be leased under an operating lease?
Are you including property that is owned by a person other than the applicant?
Will any property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment?

PROJECT DESCRIPTION

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

See attached project description - Attachment 4

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

See attached project description - Attachment 4A

PROJECT CHARACTERISTICS (CHECK ALL THAT APPLY)

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

PROJECTED TIMELINE

Begin Construction Q4 - 2013, Begin Hiring New Employees Q4 - 2014, Construction Complete Q4 - 2014, Fully Operational Q4 - 2014, Purchase Machinery & Equipment Q4 - 2013

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

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

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

ECONOMIC INCENTIVES

Identify state programs the project will apply for:

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

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

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

Applicant intends to apply for Chapter 312 tax abatement agreement with Webb County.

THE PROPERTY

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

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

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: Webb County 100% City: none
(Name and percent of project) (Name and percent of project)

Hospital District: none Water District: none
(Name and percent of project) (Name and percent of project)

Other (describe): none Other (describe): none
(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.

Webb County and Webb CISD 100%; (United ISD negligible and not subject to a Value Limitation Agreement) please see attachment 5

INVESTMENT

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

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

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

What is your total estimated *qualified* investment? \$362,355,000

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? December 17, 2013

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

What is the total estimated investment for this project for the period from the time of application submission to the end of the limitation period? \$362,355,000

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? September 30, 2013

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

Will the project be on leased land? Yes No



QUALIFIED PROPERTY (CONTINUED)

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

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

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

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

Miscellaneous

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

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

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

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

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

WAGE AND EMPLOYMENT INFORMATION

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

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

First Quarter Second Quarter Third Quarter Fourth Quarter of 2013 (year)

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

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

Total number of new jobs that will have been created when fully operational 10

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

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

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

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

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

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

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

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



WAGE AND EMPLOYMENT INFORMATION (CONTINUED)

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

110% of the county average weekly wage for all jobs (all industries) in the county is \$711

110% of the county average weekly wage for manufacturing jobs in the county is \$672

110% of the county average weekly wage for manufacturing jobs in the region is \$596

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? \$30,987

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? \$35,000

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? estimated 75%

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

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

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

ECONOMIC IMPACT

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

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

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

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

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

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

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

CONFIDENTIALITY NOTICE

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

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

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

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

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

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

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

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

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

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

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

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



COMPANY CHECKLIST AND REQUESTED ATTACHMENTS

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

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

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 1

See executed application attached.

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 2

Proof of Payment of Application Fee

Please find on the attached page, copy of the check for the \$65,000 application fee to Webb Consolidated Independent School District.

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

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

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 3

Not Applicable

ATTACHMENT 4

Detailed Description of the Project

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

Javelina Wind Energy, LLC (Javelina Wind) is requesting an appraised value limitation from Webb Consolidated Independent School District (ISD) for the Javelina Wind Project (the "Project"), a proposed wind powered electric generating facility in Webb County. The proposed Webb CISD Project (this application) will be constructed within a reinvestment zone to be established by Webb County. A map showing the location of the project is included as Attachment 7.

The proposed Project is anticipated to have a total capacity of approximately 250 MW, located wholly within Webb CISD. Turbine selection is ongoing at this time and has not been finalized. The exact number of wind turbines and size of each turbine will vary depending upon the wind turbines selected, manufacturer's availability and prices, ongoing wind studies and the final megawatt generating capacity of the Project when completed. Current plans are to install 1.7 MW GE turbines with an estimated 147 turbines located wholly within Webb CISD. Javelina Wind is also constructing approximately 33 miles, in total, of generation transmission tie line, of which approximately 28.4 miles will be located in Webb CISD and subject to this application. Approximately 4.6 miles of the line are in United ISD and are specifically excluded from this application. Further, no Chapter 313 Application will be filed in United ISD for this portion of the generation transmission tie line. The Applicant requests a value limitation for all materials and equipment installed for the Project, including but not limited to; wind turbines, turbine transformers (pad-mounts), towers, foundations, roadways, buildings and offices, anemometer towers, collection system, electrical substations, transmission line and associated towers, and interconnection facilities.

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

ATTACHMENT 4A

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

An investment fund managed by MAP Royalty, Inc (“MAP”) provided the capital necessary for the development of Webb County’s 150 MW Cedro Hill Wind Project, and the adjacent located 92MW Whitetail Wind Energy project; the construction of the facility resulted in a \$450 million investment in Webb county. Another MAP investment fund has continued to support local wind energy development and local economic growth through its interests in Bordas Wind Energy, LLC. The multi-year development process includes significant land option payments to local landowners, as well as environmental studies, surveys, wind resource assessment, and substantial transmission interconnection payments. Multiple MAP funds have invested approximately \$4,500,000,000 in wind entities and successfully developed multiple wind farms in different states around the United States of America totaling over 3000 MW of wind generating projects. Depending on the ability to generate cost-effective electricity for regional consumers, these companies ultimately have the ability to locate or relocate in another state, another region of Texas, or another region of the world. Javelina Wind Energy believes, however, that the proposed site in Webb County is a desirable business location and can provide electricity at a price that is competitive with other regions of Texas. Electric utilities are focused on providing low-cost energy supply to their customers, and contracting for the sale of electricity is currently highly competitive, particularly because of the large number of potential wind energy facilities that can be built in Texas given the newly constructed transmission capacity. Receiving the Appraised Value Limitation from the school district is vital to obtaining long-term financing and to maintaining the economic competitiveness of the project with other projects currently being developed in Texas by MAP and by others.

ATTACHMENT 5

List of districts and percentages where the project is located

The Javelina Wind Project is located in Webb County. The jurisdiction percentages of the total project are as follows:

| | |
|---|-------------|
| Webb County | 100% |
| Webb Consolidated Independent School District | 100% |
| United ISD (negligible and not subject to a Value Limitation Agreement) | |

ATTACHMENT 6

Description of Qualified Investment

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

Javelina Wind Energy, LLC plans to construct a 250 MW wind farm in Webb County. Approximately one hundred forty seven (147) wind turbines will be located wholly within Webb County and Webb CISD. Turbine selection is ongoing at this time and has not been finalized. For purposes of this application, the project anticipates using 1.7 MW turbines manufactured by GE, although final turbine selection may change. Javelina Wind is also constructing approximately 33 miles in total of generation transmission tie line, of which approximately 28.4 miles will be located in Webb CISD and included in this application. Approximately 4.6 miles of the line are in United ISD and are specifically excluded from this application. Further, no Chapter 313 Application will be filed in United ISD for this portion of the generation transmission tie line.

This application covers all qualified property within Webb CISD necessary for the commercial operations of the wind farm. Qualified Investment and qualified property includes, but is not limited to, turbines, , turbine transformers (pad-mounts), towers, foundations, underground collection systems, electrical substation(s), generation transmission tie lines, electrical interconnections, met towers, roads, operations & maintenance buildings, spare parts, and control systems necessary for commercial generation of electricity.

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

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 7

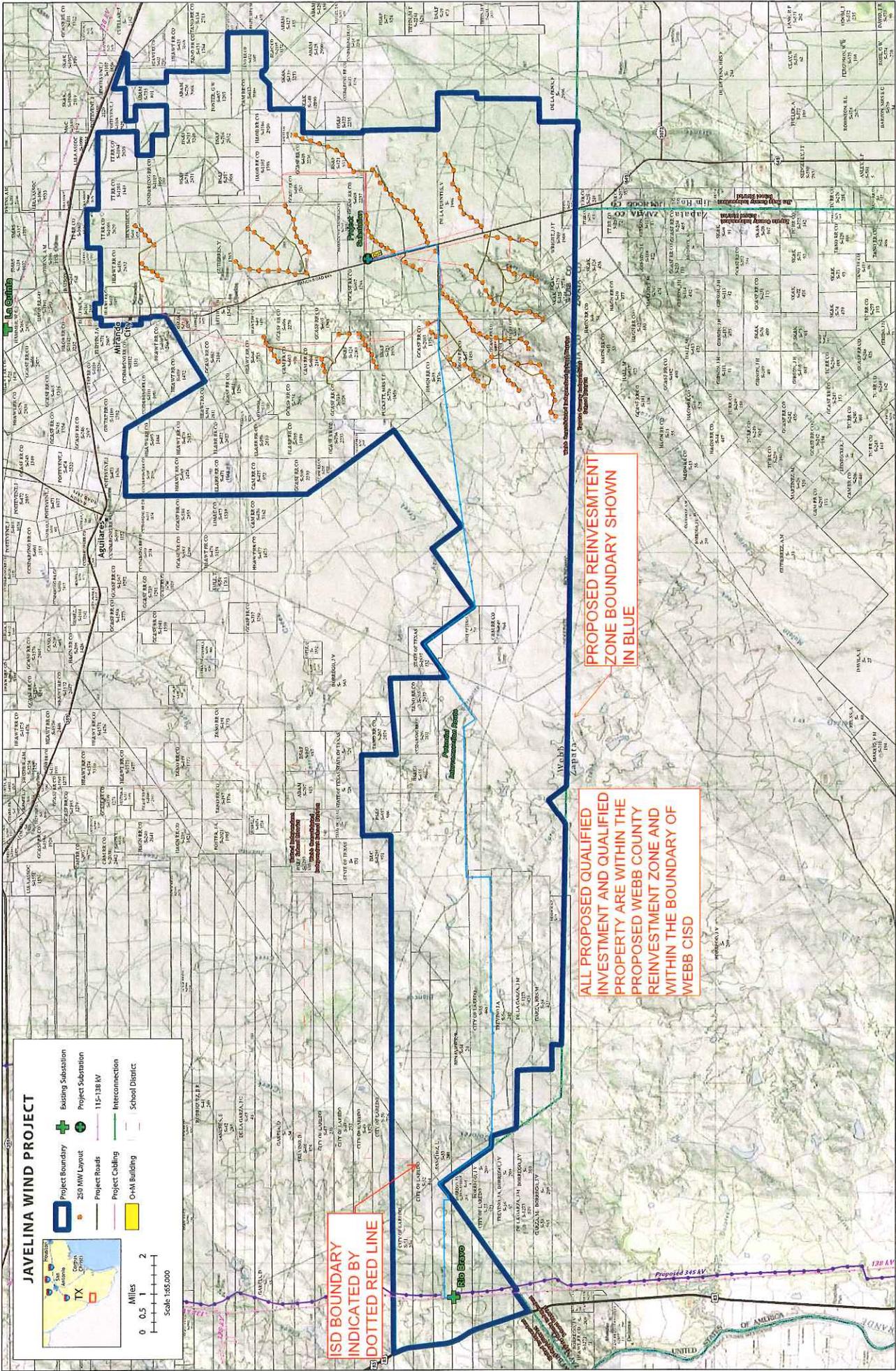
Map of qualified investment showing location of improvements with vicinity map

JAVELINA WIND PROJECT

- Project Boundary
- Existing Substation
- Project Substation
- 250 MW Layout
- Project Roads
- Project Cabling
- O-M Building
- Interconnection
- School District

Miles: 0, 0.5, 1, 2

Scale: 1:55,000

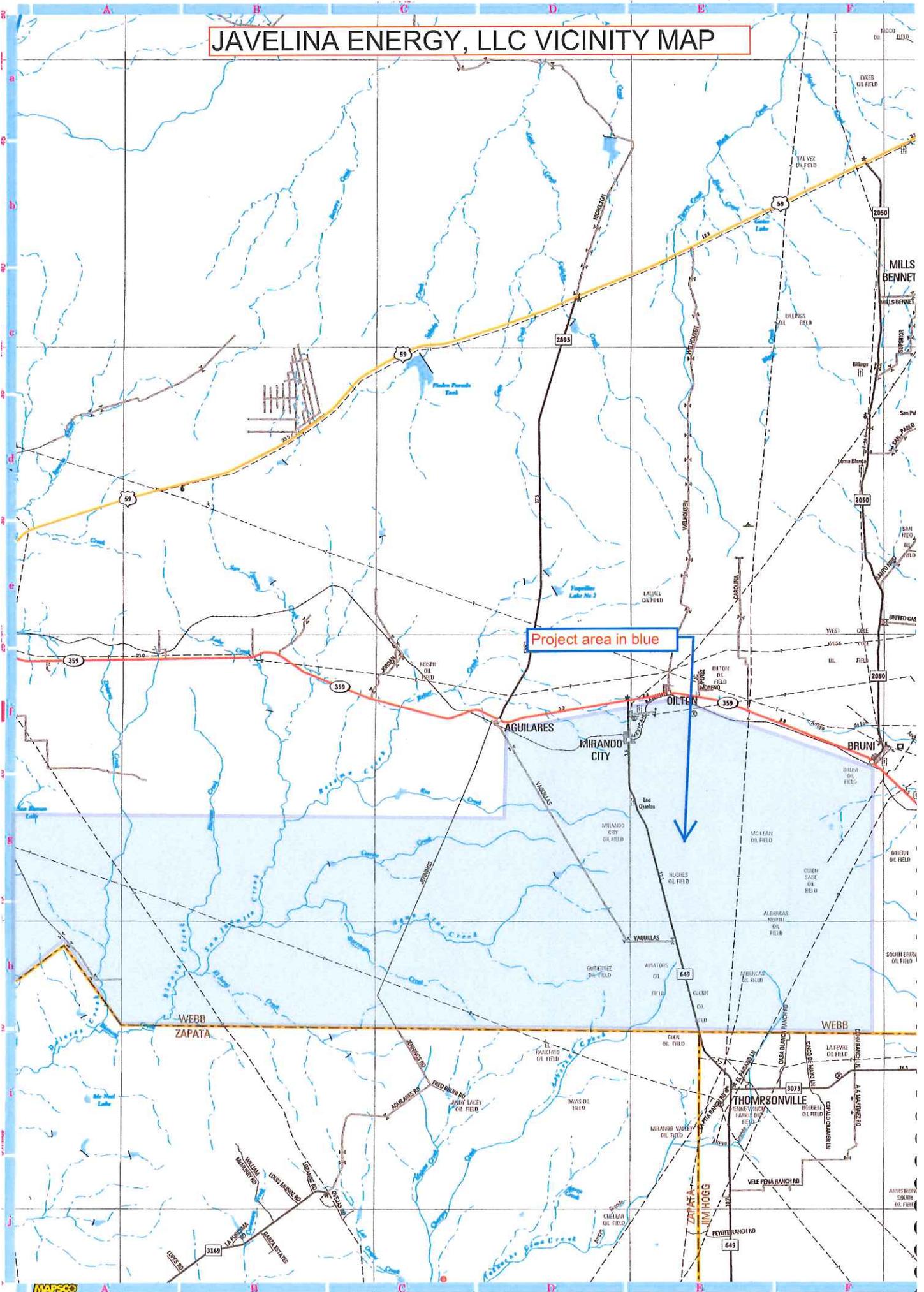


ISD BOUNDARY INDICATED BY DOTTED RED LINE

ALL PROPOSED QUALIFIED INVESTMENT AND QUALIFIED PROPERTY ARE WITHIN THE PROPOSED WEBB COUNTY REINVESTMENT ZONE AND WITHIN THE BOUNDARY OF WEBB CISD

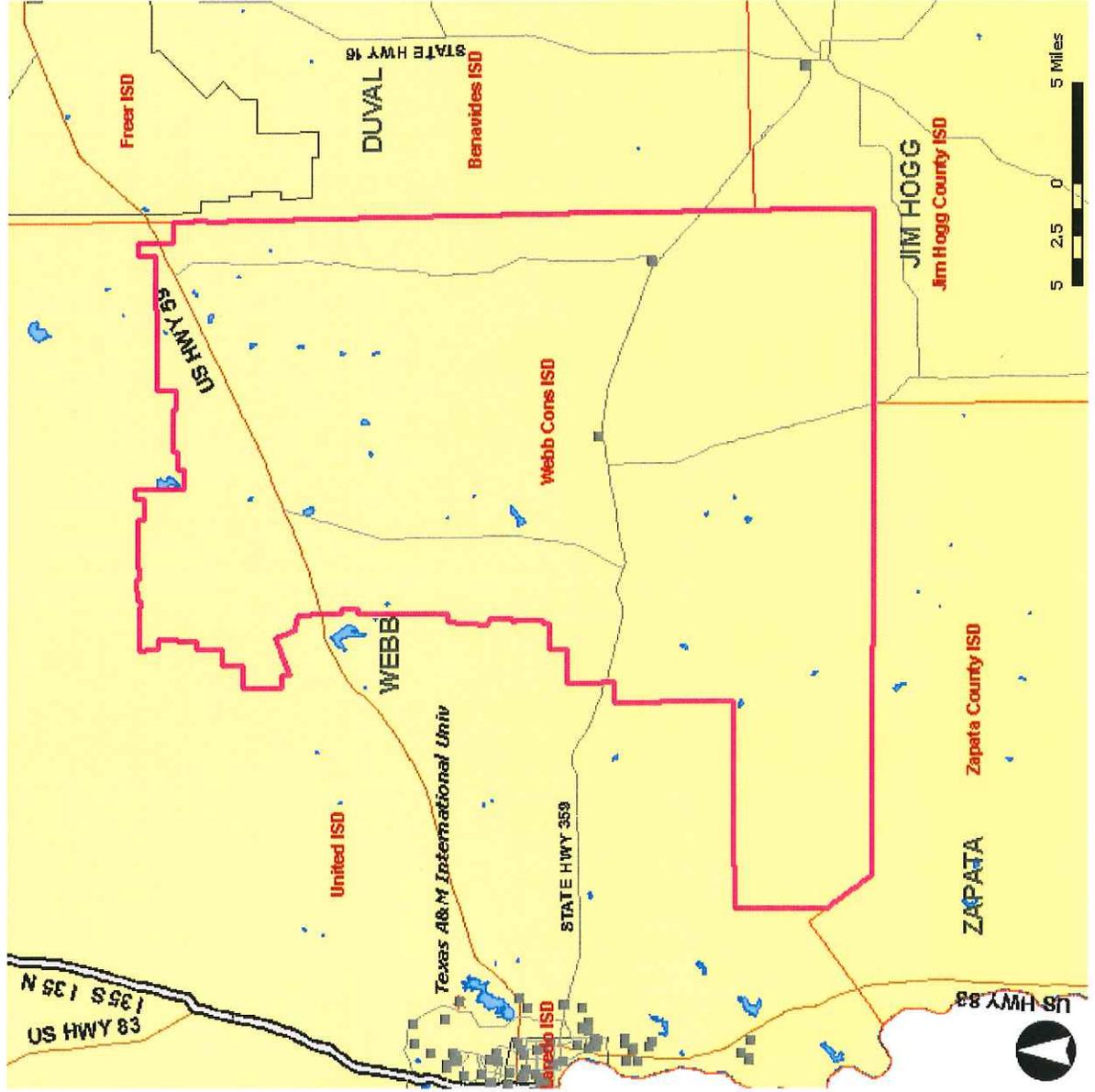
PROPOSED REINVESTMENT ZONE BOUNDARY SHOWN IN BLUE

JAVELINA ENERGY, LLC VICINITY MAP



Project area in blue

Webb Consolidated ISD Map



Webb Consolidated ISD Map



ATTACHMENT 8

Description of Qualified Property

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

Javelina Wind Energy, LLC plans to construct a 250 MW wind farm in Webb County. Approximately one hundred forty seven (147) wind turbines will be located wholly within Webb County and Webb CISD. Turbine selection is ongoing at this time and has not been finalized. For purposes of this application, the project anticipates using 1.7 MW turbines manufactured by GE, although final turbine selection may change. Javelina Wind is also constructing approximately 33 miles in total of generation transmission tie line, of which approximately 28.4 miles will be located in Webb CISD and included in this application. Approximately 4.6 miles of the line are in United ISD and are specifically excluded from this application. Further, no Chapter 313 Application will be filed in United ISD for this portion of the generation transmission tie line.

This application covers all qualified property within Webb CISD necessary for the commercial operations of the wind farm. Qualified Investment and qualified property includes, but is not limited to, turbines, , turbine transformers (pad-mounts), towers, foundations, underground collection systems, electrical substation(s), generation transmission tie lines, electrical interconnections, met towers, roads, operations & maintenance buildings, spare parts, and control systems necessary for commercial generation of electricity.

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

ATTACHMENT 9

See Attachment 7

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

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 10

See Attached List

LEGAL DESCRIPTION OF LAND
JAVELINA WIND ENERGY, LLC

| Abstract Number | Survey Name | Block Number | Survey Number |
|-----------------|------------------------------|--------------|---------------|
| 4792667 | FLIPPIN, J A | | 771 |
| 4791656 | POITEVENT, J | | 1107 |
| 4792629 | TT RR CO | | 1006 |
| 4792630 | TT RR CO | | 1104 |
| 4791849 | TT RR CO | | 1103 |
| 4792632 | HE&WT RR CO | | 458 |
| 4792745 | HE&WT RR CO | | 822 |
| 479?27 | STATE OF TEXAS | | |
| 479935 | BENAVIDES, G | | 60 |
| 479945 | BOYD, W H & J M | | 2252 |
| 479801 | AB&M | | 735 |
| 4792628 | CCSD&RGNG RR CO | | 1120 |
| 4791009 | CCSD&RGNG RR CO | | 1119 |
| 4793194 | GARCIA, A E | | 2369 |
| 4793008 | AB&M | | 736 |
| 4791883 | WARD, MRS A | | 2261 |
| 4793240 | BS&F | | 715 |
| 4792631 | BS&F | | 718 |
| 4793172 | VILLAREAL, A R | | 2341 |
| 4791203 | FOSTER, G W | | 857 |
| 4791872 | VERA, A | | 2168 |
| 4792652 | BS&F | | 716 |
| 479908 | BS&F | | 717 |
| 4791170 | DL&C CO | | 2193 |
| 4791473 | HE&WT RR CO | | 463 |
| 4793171 | GARCIA, E | | 2340 |
| 4791393 | GUTIERRES, Y | | |
| 4791547 | LITTIG, J W | | |
| 4791918 | ZAPATA, E | | 61 |
| 4793009 | C&M RR CO | | 612 |
| 4793170 | GARCIA, E | | 2339 |
| 4792930 | H&OB RR CO | | 1106 |
| 4791398 | H&OB RR CO | | 1105 |
| 4791287 | GC&SF RR CO | | 609 |
| 4793007 | T&NO RR CO | | 132 |
| 479969 | C&M RR CO | | 611 |
| 4792236 | GC&SF RR CO | | 610 |
| 4792237 | GC&SF RR CO | | 608 |
| 4792235 | BS&F | | 122 |
| 479931 | BS&F | | 121 |
| 4793181 | THAXTON, W H / ANDERSON, J E | | 2363 |
| 4791288 | GC&SF RR CO | | 607 |
| 4793177 | THAXTON, W H | | 2344 |
| 4792996 | DE LA PENA, F | | |
| 4791908 | WRIGHT, J J T | | 309 |

LEGAL DESCRIPTION OF LAND
 JAVELINA WIND ENERGY, LLC

| | | | |
|---------|------------------|---|------|
| 4793274 | SK&K | | 125 |
| 4791748 | SK&K | | 125 |
| 4793167 | BROWN, W | | 2336 |
| 4792656 | TT RR CO | | 258 |
| 4793285 | SK&K | | 126 |
| 4791363 | GC&SF RR CO | | 837 |
| 4792666 | RUTLEDGE, W P | | 2161 |
| 4791471 | HE&WT RR CO | | 457 |
| 479?26 | STATE OF TEXAS | | |
| 4791484 | HE&WT RR CO | | 593 |
| 4792598 | CCSD&RGNG RR CO | 2 | 598 |
| 4792611 | HE&WT RR CO | | 594 |
| 479946 | BOYD, W H & J M | | 2253 |
| 4792612 | HE&WT RR CO | | 470 |
| 4791474 | HE&WT RR CO | | 469 |
| 4791225 | GARZA, E | | 53 |
| 4791684 | RODRIGUEZ, J | | 2136 |
| 4792104 | GC&SF RR CO | | 462 |
| 4791671 | RAMIREZ, F | | 54 |
| 4791672 | RAMIREZ, J V | | 55 |
| 4792613 | EL&RR RR CO | | 472 |
| 4791188 | EL&RR RR CO | | 471 |
| 4791286 | GC&SF RR CO | | 461 |
| 4791715 | HE&WT RR CO | | 464 |
| 4791224 | GARZA, A | | 56 |
| 4792610 | EL&RR RR CO | | 596 |
| 479972 | C&M RR CO | | 475 |
| 4791211 | GAMBOA, D | | 57 |
| 4791888 | WARD, MRS A | | 2267 |
| 4793335 | FROST NATL BANK | | 2342 |
| 4792270 | GC&SF RR CO | | 606 |
| 479970 | C&M RR CO | | 603 |
| 4792901 | GC&SF RR CO | | 734 |
| 4791189 | EL&RR RR CO | | 595 |
| 4792599 | GC&SF RR CO | | 590 |
| 4791285 | GC&SF RR CO | | 605 |
| 4792181 | C&M RR CO | | 604 |
| 4791276 | GC&SF RR CO | | 733 |
| 4792233 | GC&SF RR CO | | 736 |
| 4791322 | GC&SF RR CO | | 735 |
| 4792180 | BS&F | | 124 |
| 4792135 | GC&SF RR CO | | 2084 |
| 4791361 | GC&SF RR CO | | 781 |
| 4792997 | GC&SF RR CO | | 782 |
| 4791959 | PUCKETT, MRS T E | | 770 |
| 479906 | BS&F | | 657 |
| 4791930 | BS&F | | 123 |

LEGAL DESCRIPTION OF LAND
 JAVELINA WIND ENERGY, LLC

| | | | |
|---------|------------------|---|------|
| 4793556 | HE&WT RR CO | | 780 |
| 4792077 | T&NO RR CO | | 265 |
| 4792132 | CCSD&RGNG RR CO | 2 | 268 |
| 479907 | BS&F | | 655 |
| 4792136 | H&GN RR CO | | 18 |
| 4791376 | GC&SF RR CO | | 2083 |
| 4793555 | CELLUM, E J | | 832 |
| 479963 | CELLUM, E J | | 831 |
| 4791458 | H&GN RR CO | | 17 |
| 479?33 | STATE OF TEXAS | | |
| 479964 | C&M RR CO | | 849 |
| 4791364 | GC&SF RR CO | | 835 |
| 4791996 | DE LA FUENTES, V | | |
| 4793552 | GC&SF RR CO | | 836 |
| 4793168 | H&GN RR CO | | 9 |
| 4793553 | GC&SF RR CO | | 838 |
| 479465 | CITY OF LAREDO | | 55 |
| 479295 | TREVINO J A | | 56 |
| 479424 | DE LA GARZA, J M | | 1273 |
| 479563 | BORREGO, J V | | |
| 47966 | MINDIOLA P | | 59 |
| 479423 | GARZA, HRS M | | 58 |
| 479236 | CITY OF LAREDO | | 51 |
| 479464 | CITY OF LAREDO | | 52 |
| 479281 | SANCHEZ, L | | 53 |
| 47920 | BENAVIDES, B | | 54 |

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 11

See Attachment 7

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

ATTACHMENT 12

Description of all existing (if any) improvements

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

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 13

Javelina Wind Energy will create 10 new jobs and is not requesting a waiver of the job creation requirement

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 14

Calculation of three possible wage requirements with TWC documentation

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

**JAVELINA WIND ENERGY, LLC
ATTACHMENT 14 TO CHAPTER 313 APPLICATION**

**WEBB CISD - WEBB COUNTY
CHAPTER 313 WAGE CALCULATION - ALL JOBS - ALL INDUSTRIES**

| QUARTER | YEAR | AVG WEEKLY WAGES* | ANNUALIZED |
|---------|------|-------------------|--------------|
| SECOND | 2012 | \$ 635.00 | \$ 33,020.00 |
| THIRD | 2012 | \$ 636.00 | \$ 33,072.00 |
| FOURTH | 2012 | \$ 683.00 | \$ 35,516.00 |
| FIRST | 2013 | \$ 632.00 | \$ 32,864.00 |
| AVERAGE | | \$ 646.50 | \$ 33,618.00 |
| | | X 110% | 110% |
| | | \$ 711.00 | \$ 36,979.80 |

CHAPTER 313 WAGE CALCULATION - MANUFACTURING JOBS

| QUARTER | YEAR | AVG WEEKLY WAGES* | ANNUALIZED |
|---------|------|-------------------|--------------|
| SECOND | 2012 | \$ 600.00 | \$ 31,200.00 |
| THIRD | 2012 | \$ 605.00 | \$ 31,460.00 |
| FOURTH | 2012 | \$ 635.00 | \$ 33,020.00 |
| FIRST | 2013 | \$ 603.00 | \$ 31,356.00 |
| AVERAGE | | \$ 610.75 | \$ 31,759.00 |
| | | X 110% | 110% |
| | | \$ 672.00 | \$ 34,934.90 |

CHAPTER 313 WAGE CALCULATION - REGIONAL WAGE RATE

| QUARTER | YEAR | AVG WEEKLY WAGES* | ANNUALIZED |
|---------|------|-------------------|--------------|
| | 2012 | \$ 541.73 | \$ 28,170.00 |
| | | X 110% | 110% |
| | | \$ 596.00 | \$ 30,987.00 |

* SEE ATTACHED TWC DOCUMENTATION

Quarterly Employment and Wages (QCEW)

[Back](#)

Page 1 of 1 (40 results/page)

|  Year |  Period |  Area |  Ownership |  Division |  Level |  Ind Code |  Industry |  Avg Weekly Wages |
|--|--|--|---|--|---|--|---|--|
| 2012 | 2nd Qtr | Webb County | Total All | 00 | 0 | 10 | Total, All Industries | \$635 |
| 2012 | 3rd Qtr | Webb County | Total All | 00 | 0 | 10 | Total, All Industries | \$636 |
| 2012 | 4th Qtr | Webb County | Total All | 00 | 0 | 10 | Total, All Industries | \$683 |

Quarterly Employment and Wages (QCEW)

[Back](#)

Page 1 of 1 (40 results/page)

| | | | | | | | | |
|--|---|---|--|--|--------------------------------------|--|---|---|
| <input type="text" value="2013"/> Year | <input type="text" value="1st Qtr"/> Period | <input type="text" value="Webb County"/> Area | <input type="text" value="Total All"/> Ownership | <input type="text" value="00"/> Division | <input type="text" value="0"/> Level | <input type="text" value="10"/> Ind Code | <input type="text" value="Total, All Industries"/> Industry | <input type="text" value="\$632"/> Avg Weekly Wages |
|--|---|---|--|--|--------------------------------------|--|---|---|

Quarterly Employment and Wages (QCEW)

[Back](#)

Page 1 of 1 (40 results/page)

|  Year |  Period |  Area |  Ownership |  Division |  Level |  Ind Code |  Industry |  Avg Weekly Wages |
|--|--|--|---|--|---|--|--|--|
| 2012 | 2nd Qtr | Webb County | Total All | 31 | 2 | 31-33 | Manufacturing | \$600 |
| 2012 | 3rd Qtr | Webb County | Total All | 31 | 2 | 31-33 | Manufacturing | \$605 |
| 2012 | 4th Qtr | Webb County | Total All | 31 | 2 | 31-33 | Manufacturing | \$635 |

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 |
| 2013 | 1st Qtr | Webb County | Total All | 31 | 2 | 31-33 | Manufacturing | \$603 |

**2012 Manufacturing Wages by Council of Government Region
Wages for All Occupations**

| COG | Wages | |
|---|----------------|-----------------|
| | Hourly | Annual |
| Texas | \$23.56 | \$48,996 |
| 1. Panhandle Regional Planning Commission | \$20.12 | \$41,850 |
| 2. South Plains Association of Governments | \$16.18 | \$33,662 |
| 3. NORTEX Regional Planning Commission | \$17.83 | \$37,076 |
| 4. North Central Texas Council of Governments | \$24.68 | \$51,333 |
| 5. Ark-Tex Council of Governments | \$16.84 | \$35,032 |
| 6. East Texas Council of Governments | \$19.61 | \$40,797 |
| 7. West Central Texas Council of Governments | \$18.24 | \$37,941 |
| 8. Rio Grande Council of Governments | \$16.17 | \$33,631 |
| 9. Permian Basin Regional Planning Commission | \$21.93 | \$45,624 |
| 10. Concho Valley Council of Governments | \$16.33 | \$33,956 |
| 11. Heart of Texas Council of Governments | \$19.07 | \$39,670 |
| 12. Capital Area Council of Governments | \$26.03 | \$54,146 |
| 13. Brazos Valley Council of Governments | \$16.55 | \$34,424 |
| 14. Deep East Texas Council of Governments | \$16.20 | \$33,698 |
| 15. South East Texas Regional Planning Commission | \$29.38 | \$61,118 |
| 16. Houston-Galveston Area Council | \$26.59 | \$55,317 |
| 17. Golden Crescent Regional Planning Commission | \$21.03 | \$43,742 |
| 18. Alamo Area Council of Governments | \$18.40 | \$38,280 |
| 19. South Texas Development Council | \$13.54 | \$28,170 |
| 20. Coastal Bend Council of Governments | \$22.97 | \$47,786 |
| 21. Lower Rio Grande Valley Development Council | \$16.33 | \$33,961 |
| 22. Texoma Council of Governments | \$22.57 | \$46,949 |
| 23. Central Texas Council of Governments | \$17.16 | \$35,689 |
| 24. Middle Rio Grande Development Council | \$18.93 | \$39,380 |

110% x \$28,170 =
\$30,987

Source: Texas Occupational Employment and Wages
Data published: July 2013
Data published annually, next update will be July 31, 2014

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.

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 15

Description of Benefits

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

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 16

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

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENTS 17

See attached Schedule A

Schedule A (Rev. January 2013): Investment

Form 50-296

JAVELINA WIND ENERGY, LLC
WEBB CISD

PROPERTY INVESTMENT AMOUNTS

(Estimated investment in each year. Do not put cumulative totals.)

| Applicant Name ISD Name | Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year below) YYYY | Column A: Tangible Personal Property The amount of new investment (original cost) placed in service during this year | Column B: Building or permanent nonremovable component of building (annual amount only) | Column C: Sum of A and B Qualifying Investment (during the qualifying time period) | Column D: Other investment that is not qualified investment but investment affecting economic impact and total value | Column E: Total Investment (A+B+D) |
|--|-----------|----------------------------|--|---|---|--|--|--|
| The year preceding the first complete tax year of the qualifying time period (assuming no deferrals) Investment made before filing complete application with district (neither qualified property nor eligible to become qualified investment) 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 | 1 | 2013-2014 | 2013 | 0 | 0 | 0 | 0 | 0 |
| | 2 | 2014-2015 | 2014 | 18,117,750 | 0 | 0 | 0 | 18,117,750 |
| | 3 | 2015-2016 | 2015 | 343,637,250 | 600,000 | 0 | 0 | 344,237,250 |
| | 4 | 2016-2017 | 2016 | 0 | 0 | 0 | 0 | 0 |
| | 5 | 2017-2018 | 2017 | 0 | 0 | 0 | 0 | 0 |
| | 6 | 2018-2019 | 2018 | 0 | 0 | 0 | 0 | 0 |
| | 7 | 2019-2020 | 2019 | 0 | 0 | 0 | 0 | 0 |
| | 8 | 2020-2021 | 2020 | 0 | 0 | 0 | 0 | 0 |
| | 9 | 2021-2022 | 2021 | 0 | 0 | 0 | 0 | 0 |
| | 10 | 2022-2023 | 2022 | 0 | 0 | 0 | 0 | 0 |
| | 11 | 2023-2004 | 2023 | 0 | 0 | 0 | 0 | 0 |
| | 12 | 2024-2025 | 2024 | 0 | 0 | 0 | 0 | 0 |
| | 13 | 2025-2026 | 2025 | 0 | 0 | 0 | 0 | 0 |
| | 14 | 2026-2027 | 2026 | 0 | 0 | 0 | 0 | 0 |
| | 15 | 2027-2028 | 2027 | 0 | 0 | 0 | 0 | 0 |
| | 2028-2029 | 2028 | 0 | 0 | 0 | 0 | 0 | |

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

Column A: This represents the total dollar amount of planned investment in tangible personal property the applicant considers qualified investment - as defined in Tax Code §313.021(1)(A)-(D). For the purposes of investment, please list amount invested each year, not cumulative totals.

Column B: 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 C: 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.

Column D: 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.

Daniel R. King

15-Jul-13

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

DATE

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 18

See attached Schedule B

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

JAVELINA WIND ENERGY, LLC

Applicant Name
ISD Name

WEBB CISD

Form 50-296

| | Year | School Year (YYYY-YYYY) | Tax Year (Fill in actual tax year) YYYY | Qualified Property | | | Reductions from Market Value | Estimated Taxable Value | |
|--|------------|----------------------------|--|--------------------------------|---|--|---------------------------------|-------------------------|--|
| | | | | Estimated Market Value of Land | Estimated Total Market Value of new buildings or other new improvements | Estimated Total Market Value of tangible personal property in the new building or "in or on the new improvement" | | Exempted Value | Final taxable value for I&S - after all reductions |
| | pre-year 1 | 2013-2014 | 2013 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Tax Credit Period (with 50% cap on credit) | 1 | 2014-2015 | 2014 | \$ - | \$ - | \$ 9,058,875 | \$ - | \$ 9,058,875 | \$ 9,058,875 |
| | 2 | 2015-2016 | 2015 | \$ - | \$ 582,000 | \$ 347,284,800 | \$ - | \$ 347,866,800 | \$ 347,866,800 |
| | 3 | 2016-2017 | 2016 | \$ - | \$ 567,500 | \$ 319,502,000 | \$ - | \$ 320,069,500 | \$ 30,000,000 |
| | 4 | 2017-2018 | 2017 | \$ - | \$ 553,300 | \$ 293,942,000 | \$ - | \$ 294,495,300 | \$ 30,000,000 |
| | 5 | 2018-2019 | 2018 | \$ - | \$ 539,500 | \$ 270,427,000 | \$ - | \$ 270,966,500 | \$ 30,000,000 |
| | 6 | 2019-2020 | 2019 | \$ - | \$ 526,000 | \$ 248,793,000 | \$ - | \$ 249,319,000 | \$ 30,000,000 |
| | 7 | 2020-2021 | 2020 | \$ - | \$ 512,900 | \$ 228,890,000 | \$ - | \$ 229,402,900 | \$ 30,000,000 |
| | 8 | 2021-2022 | 2021 | \$ - | \$ 500,100 | \$ 210,579,000 | \$ - | \$ 211,079,100 | \$ 30,000,000 |
| | 9 | 2022-2023 | 2022 | \$ - | \$ 487,600 | \$ 193,733,000 | \$ - | \$ 194,220,600 | \$ 30,000,000 |
| | 10 | 2023-2024 | 2023 | \$ - | \$ 475,400 | \$ 178,234,000 | \$ - | \$ 178,709,400 | \$ 30,000,000 |
| | 11 | 2024-2025 | 2024 | \$ - | \$ 463,500 | \$ 163,975,000 | \$ - | \$ 164,438,500 | \$ 164,438,500 |
| | 12 | 2025-2026 | 2025 | \$ - | \$ 451,900 | \$ 150,857,000 | \$ - | \$ 151,308,900 | \$ 151,308,900 |
| | 13 | 2026-2027 | 2026 | \$ - | \$ 440,600 | \$ 138,788,000 | \$ - | \$ 139,228,600 | \$ 139,228,600 |
| | 14 | 2027-2028 | 2027 | \$ - | \$ 429,600 | \$ 127,685,000 | \$ - | \$ 128,114,600 | \$ 128,114,600 |
| | 15 | 2028-2029 | 2028 | \$ - | \$ 418,900 | \$ 117,470,000 | \$ - | \$ 117,888,900 | \$ 117,888,900 |

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.

Daniel R. King

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

15-Jul-13

DATE

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 19

See attached Schedule C

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 20

See attached Schedule D

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

Applicant Name

JAVELINA WIND ENERGY, LLC

ISD Name

WEBB CUSD

Form 50-296

| | Sales Tax Information | | | | Franchise Tax | Other Property Tax Abatements Sought | | | | | |
|--|-----------------------|-------------------------|------------------------|---|---------------|---|---------------|--------|------|----------|-------|
| | Year | School Year (YYYY-YYYY) | Tax/Calendar Year YYYY | Column F: Estimate of total annual expenditures* subject to state sales tax | | Column G: Estimate of total annual expenditures* made in Texas NOT subject to sales tax | Franchise Tax | County | City | Hospital | Other |
| The year preceding the first complete tax year of the qualifying time period (assuming no deferrals) | | 2013-2014 | 2013 | | | | | | | | |
| | 1 | 2014-2015 | 2014 | 2,264,719 | 15,853,031 | 0 | 0% | n/a | n/a | n/a | |
| | 2 | 2015-2016 | 2015 | 43,029,656 | 301,207,594 | 0 | TBD | n/a | TBD | TBD | |
| | 3 | 2016-2017 | 2016 | 120,000 | 240,000 | 0 | TBD | n/a | TBD | TBD | |
| | 4 | 2017-2018 | 2017 | 120,000 | 240,000 | 0 | TBD | n/a | TBD | TBD | |
| | 5 | 2018-2019 | 2018 | 120,000 | 240,000 | 0 | TBD | n/a | TBD | TBD | |
| | 6 | 2019-2020 | 2019 | 120,000 | 240,000 | 80,000 | TBD | n/a | TBD | TBD | |
| | 7 | 2020-2021 | 2020 | 120,000 | 240,000 | 80,000 | TBD | n/a | TBD | TBD | |
| | 8 | 2021-2022 | 2021 | 120,000 | 240,000 | 80,000 | TBD | n/a | TBD | TBD | |
| | 9 | 2022-2023 | 2022 | 120,000 | 240,000 | 80,000 | TBD | n/a | TBD | TBD | |
| | 10 | 2023-2024 | 2023 | 120,000 | 240,000 | 80,000 | TBD | n/a | TBD | TBD | |
| | 11 | 2024-2025 | 2024 | 120,000 | 240,000 | 80,000 | TBD | n/a | TBD | TBD | |
| | 12 | 2025-2026 | 2025 | 120,000 | 240,000 | 80,000 | 0% | - | 0% | - | |
| | 13 | 2026-2027 | 2026 | 120,000 | 240,000 | 80,000 | 0% | - | 0% | - | |
| | 14 | 2027-2028 | 2027 | 120,000 | 240,000 | 80,000 | 0% | - | 0% | - | |
| | 15 | 2028-2029 | 2028 | 120,000 | 240,000 | 80,000 | 0% | - | 0% | - | |

*For planning, construction and operation of the facility.

Daniel R. King

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE

15-JUL-13

DATE

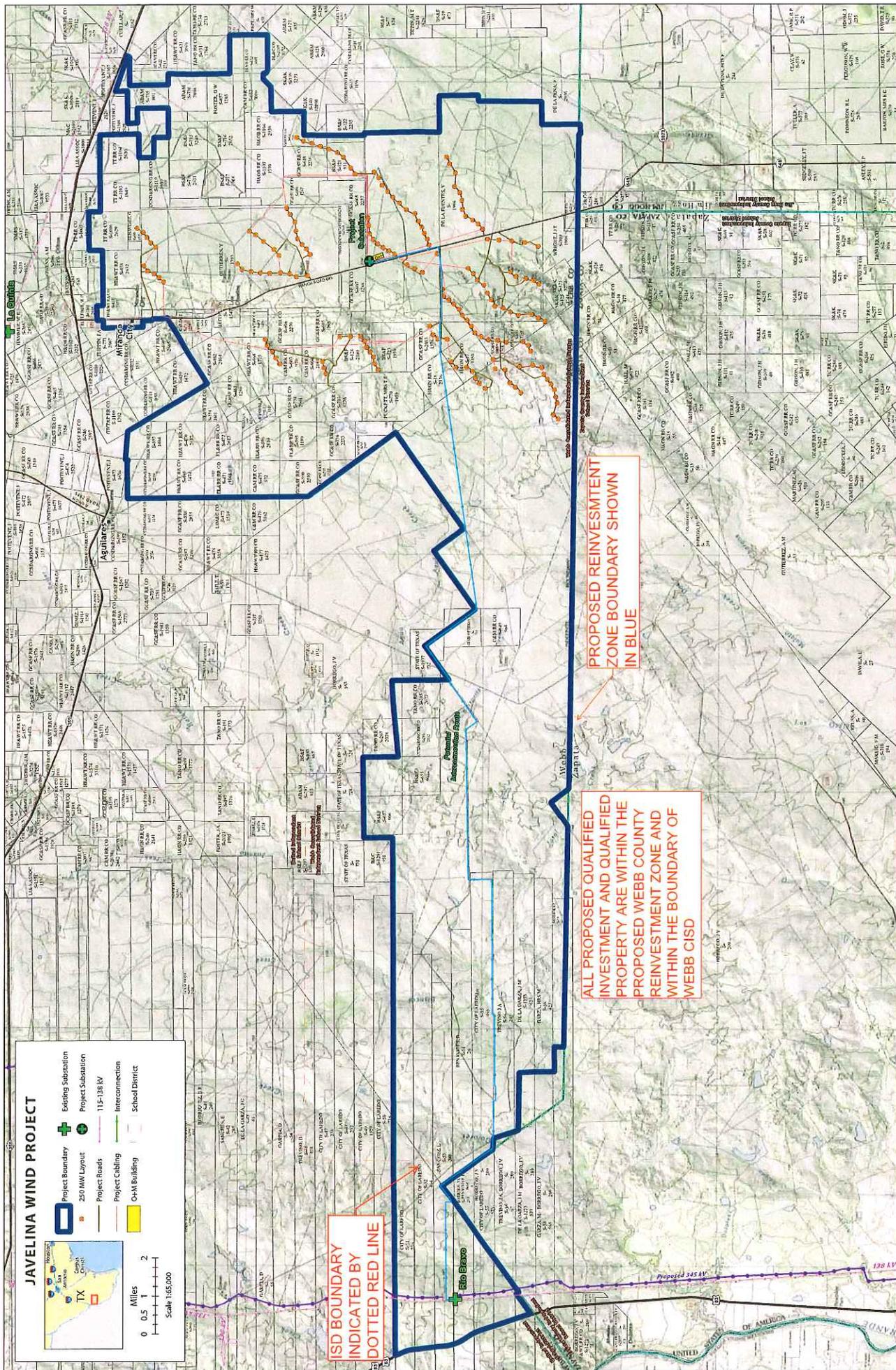
Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 21

See attached map of the proposed reinvestment zone



JAVELINA WIND PROJECT

- Project Boundary
- 250 MW Layout
- Project Roads
- Project Cabling
- O&M Building
- Existing Substation
- Project Substation
- 115-138 kV
- Interconnection
- School District

Miles: 0 0.5 1 2
Scale: 1:65,000

ISD BOUNDARY INDICATED BY DOTTED RED LINE

PROPOSED REINVESTMENT ZONE BOUNDARY SHOWN IN BLUE

ALL PROPOSED QUALIFIED INVESTMENT AND QUALIFIED PROPERTY ARE WITHIN THE PROPOSED WEBB COUNTY REINVESTMENT ZONE AND WITHIN THE BOUNDARY OF WEBB CISD

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 22

Webb County Commissioners Court is expected to create the proposed reinvestment zone on or before September 30, 2013. The order, resolution, or ordinance establishing the zone will be furnished at a later date.

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 23

See attached legal description of Reinvestment Zone

LEGAL DESCRIPTION OF LAND
JAVELINA WIND ENERGY, LLC

| Abstract Number | Survey Name | Block Number | Survey Number |
|-----------------|------------------------------|--------------|---------------|
| 4792667 | FLIPPIN, J A | | 771 |
| 4791656 | POITEVENT, J | | 1107 |
| 4792629 | TT RR CO | | 1006 |
| 4792630 | TT RR CO | | 1104 |
| 4791849 | TT RR CO | | 1103 |
| 4792632 | HE&WT RR CO | | 458 |
| 4792745 | HE&WT RR CO | | 822 |
| 479?27 | STATE OF TEXAS | | |
| 479935 | BENAVIDES, G | | 60 |
| 479945 | BOYD, W H & J M | | 2252 |
| 479801 | AB&M | | 735 |
| 4792628 | CCSD&RGNG RR CO | | 1120 |
| 4791009 | CCSD&RGNG RR CO | | 1119 |
| 4793194 | GARCIA, A E | | 2369 |
| 4793008 | AB&M | | 736 |
| 4791883 | WARD, MRS A | | 2261 |
| 4793240 | BS&F | | 715 |
| 4792631 | BS&F | | 718 |
| 4793172 | VILLAREAL, A R | | 2341 |
| 4791203 | FOSTER, G W | | 857 |
| 4791872 | VERA, A | | 2168 |
| 4792652 | BS&F | | 716 |
| 479908 | BS&F | | 717 |
| 4791170 | DL&C CO | | 2193 |
| 4791473 | HE&WT RR CO | | 463 |
| 4793171 | GARCIA, E | | 2340 |
| 4791393 | GUTIERRES, Y | | |
| 4791547 | LITTIG, J W | | |
| 4791918 | ZAPATA, E | | 61 |
| 4793009 | C&M RR CO | | 612 |
| 4793170 | GARCIA, E | | 2339 |
| 4792930 | H&OB RR CO | | 1106 |
| 4791398 | H&OB RR CO | | 1105 |
| 4791287 | GC&SF RR CO | | 609 |
| 4793007 | T&NO RR CO | | 132 |
| 479969 | C&M RR CO | | 611 |
| 4792236 | GC&SF RR CO | | 610 |
| 4792237 | GC&SF RR CO | | 608 |
| 4792235 | BS&F | | 122 |
| 479931 | BS&F | | 121 |
| 4793181 | THAXTON, W H / ANDERSON, J E | | 2363 |
| 4791288 | GC&SF RR CO | | 607 |
| 4793177 | THAXTON, W H | | 2344 |
| 4792996 | DE LA PENA, F | | |
| 4791908 | WRIGHT, J J T | | 309 |

LEGAL DESCRIPTION OF LAND
 JAVELINA WIND ENERGY, LLC

| | | | |
|---------|------------------|---|------|
| 4793274 | SK&K | | 125 |
| 4791748 | SK&K | | 125 |
| 4793167 | BROWN, W | | 2336 |
| 4792656 | TT RR CO | | 258 |
| 4793285 | SK&K | | 126 |
| 4791363 | GC&SF RR CO | | 837 |
| 4792666 | RUTLEDGE, W P | | 2161 |
| 4791471 | HE&WT RR CO | | 457 |
| 479?26 | STATE OF TEXAS | | |
| 4791484 | HE&WT RR CO | | 593 |
| 4792598 | CCSD&RGNG RR CO | 2 | 598 |
| 4792611 | HE&WT RR CO | | 594 |
| 479946 | BOYD, W H & J M | | 2253 |
| 4792612 | HE&WT RR CO | | 470 |
| 4791474 | HE&WT RR CO | | 469 |
| 4791225 | GARZA, E | | 53 |
| 4791684 | RODRIGUEZ, J | | 2136 |
| 4792104 | GC&SF RR CO | | 462 |
| 4791671 | RAMIREZ, F | | 54 |
| 4791672 | RAMIREZ, J V | | 55 |
| 4792613 | EL&RR RR CO | | 472 |
| 4791188 | EL&RR RR CO | | 471 |
| 4791286 | GC&SF RR CO | | 461 |
| 4791715 | HE&WT RR CO | | 464 |
| 4791224 | GARZA, A | | 56 |
| 4792610 | EL&RR RR CO | | 596 |
| 479972 | C&M RR CO | | 475 |
| 4791211 | GAMBOA, D | | 57 |
| 4791888 | WARD, MRS A | | 2267 |
| 4793335 | FROST NATL BANK | | 2342 |
| 4792270 | GC&SF RR CO | | 606 |
| 479970 | C&M RR CO | | 603 |
| 4792901 | GC&SF RR CO | | 734 |
| 4791189 | EL&RR RR CO | | 595 |
| 4792599 | GC&SF RR CO | | 590 |
| 4791285 | GC&SF RR CO | | 605 |
| 4792181 | C&M RR CO | | 604 |
| 4791276 | GC&SF RR CO | | 733 |
| 4792233 | GC&SF RR CO | | 736 |
| 4791322 | GC&SF RR CO | | 735 |
| 4792180 | BS&F | | 124 |
| 4792135 | GC&SF RR CO | | 2084 |
| 4791361 | GC&SF RR CO | | 781 |
| 4792997 | GC&SF RR CO | | 782 |
| 4791959 | PUCKETT, MRS T E | | 770 |
| 479906 | BS&F | | 657 |
| 4791930 | BS&F | | 123 |

LEGAL DESCRIPTION OF LAND
 JAVELINA WIND ENERGY, LLC

| | | | |
|---------|------------------|---|------|
| 4793556 | HE&WT RR CO | | 780 |
| 4792077 | T&NO RR CO | | 265 |
| 4792132 | CCSD&RGNG RR CO | 2 | 268 |
| 479907 | BS&F | | 655 |
| 4792136 | H&GN RR CO | | 18 |
| 4791376 | GC&SF RR CO | | 2083 |
| 4793555 | CELLUM, E J | | 832 |
| 479963 | CELLUM, E J | | 831 |
| 4791458 | H&GN RR CO | | 17 |
| 479?33 | STATE OF TEXAS | | |
| 479964 | C&M RR CO | | 849 |
| 4791364 | GC&SF RR CO | | 835 |
| 4791996 | DE LA FUENTES, V | | |
| 4793552 | GC&SF RR CO | | 836 |
| 4793168 | H&GN RR CO | | 9 |
| 4793553 | GC&SF RR CO | | 838 |
| 479465 | CITY OF LAREDO | | 55 |
| 479295 | TREVINO J A | | 56 |
| 479424 | DE LA GARZA, J M | | 1273 |
| 479563 | BORREGO, J V | | |
| 47966 | MINDIOLA P | | 59 |
| 479423 | GARZA, HRS M | | 58 |
| 479236 | CITY OF LAREDO | | 51 |
| 479464 | CITY OF LAREDO | | 52 |
| 479281 | SANCHEZ, L | | 53 |
| 47920 | BENAVIDES, B | | 54 |

Javelina Wind Energy, LLC

Chapter 313 Application to Webb CISD

Cummings Westlake, LLC

ATTACHMENT 24

See attached Guidelines and Criteria for Webb County

**ORDER AND RESOLUTION OF WEBB COUNTY COMMISSIONERS COURT
ESTABLISHING GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENTS
BY WEBB COUNTY, TEXAS**

WHEREAS, the Laredo Development Foundation recommends that tax abatements be initiated in the County of Webb; and

WHEREAS, the Webb County Commissioners Court finds that tax abatements, in accordance with the "Guidelines and Criteria Governing Tax Abatements by Webb County, Texas," attached hereto as Exhibit "A" and incorporated herein for all purposes, contributes to the economic development of Webb County and is in **Exhibit "A"** of the policies and objectives of the County as authorized in Chapter 312 of the Texas Tax Code, and will assist the County in the achievement of its objectives to create jobs for the citizens of the County, build the tax base of the County, and provide an attractive environment for businesses to build capital intensive projects within Tax Abatement Reinvestment Zones; and

WHEREAS, state law requires re-adoption of guidelines governing tax abatements every two years.

WHEREAS, the Webb County Commissioners Court adopted Guidelines and Criteria Governing Tax Abatements by Webb County on April 28, 2008 and were amended on July 13, 2009; and later expired on July 13, 2011.

WHEREAS, the Webb County Commissioners Court believes it necessary to reinstate Tax Abatement Guidelines and Criteria for the County; and

NOW THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF WEBB COUNTY, TEXAS THAT:

Section 1. Guidelines and Criteria Governing Tax Abatements Adopted. In accordance with the requirements in Section 312.002 of the Texas Tax Code, the Webb County Commissioners Court hereby adopts the "Guidelines and Criteria Governing Tax Abatements by Webb County", attached hereto as **Exhibit "A"** and incorporated herein for all purposes as if set forth in full.

Section 2. No Limits. Adoption of the Guidelines and Criteria adopted in Section 1 herein does not:

- (1) Limit the discretion of the Webb County Commissioners Court to decide whether to enter into a specific tax abatement agreement;
- (2) Create, nor shall it be construed to create, any property, contract, or other legal right in any person or entity to have the Webb County Commissioners Court consider or grant a specific application or request for tax abatement.

Section 3. Effectiveness of Amended Guidelines. The Amended Guidelines and Criteria adopted in Section 1 herein shall be effective for two (2) years from the effective date of this Order. During that period, the said Amended Guidelines and Criteria Governing Tax Abatements

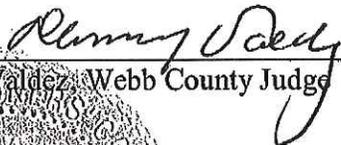
may be amended or repealed only by a vote of three-fourths of the members of the Webb County Commissioners Court.

Section 4. Effective Date. This Resolution and Order shall become effective upon passage and approval.

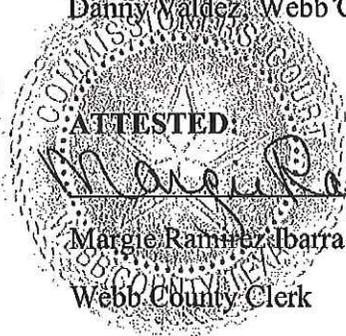
Section 5. Severability. If any provision, section, subsection, sentence, clause or phrase of this Resolution and Order, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid or for any reason unenforceable, the validity of the remaining portion of this Resolution and Order or its application to any person or set of circumstances shall not be affected thereby, it being the intent of the Commissioners Court of Webb County, Texas in adopting this Resolution and Order that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity, and all provisions are declared severable for that purpose.

PASSED and APPROVED this 26th day of September 2011.

WEBB COUNTY



Danny Valdez, Webb County Judge


ATTESTED:


Margie Ramirez Ibarra
Webb County Clerk

APPROVED AS TO FORM:



Anna L. Cavazos Ramirez
Webb County Attorney*

*By Law, the County Attorney's office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval of their own respective attorneys.

EXHIBIT A
GUIDELINES AND CRITERIA
GOVERNING TAX ABATEMENTS
WEBB COUNTY, TEXAS
September 26, 2011

SECTION 1: GENERAL PURPOSE AND OBJECTIVES

The County of Webb is committed to enhancing the competitiveness and the expansion potential of the County; to attracting and encouraging new industry and investment; to improving Webb County and its infrastructure which attracts and supports development; and to expanding the tax base, employment opportunities, and the overall quality of life for its citizens. This document describes the Guidelines and Criteria to opportunities Webb County may consider in attempts to assert positive economic development. Nothing herein shall imply or suggest that the County of Webb is under obligation to afford these opportunities to any applicant. All applicants shall be reviewed on a case-by case basis. The customized design of a total incentives package is intended to allow maximum flexibility in addressing the unique concerns of each applicant while enabling Webb County to respond to the changing needs of the County. Consideration will be given to applicants according to the criteria listed in this document and to Chapter 312 of the State Tax Code.

1.1 Purpose:

Chapter 312 of the Texas Tax Code allows, but does not obligate or require, the County to grant a tax abatement on the value added to a particular property on account of a specific development project that meets the eligibility requirements set forth in these Guidelines and Criteria. In order for the County to enter into tax abatement agreements, the County is required to establish guidelines and criteria governing tax abatements and to pass a resolution stating that the County elects to become eligible to participate in tax abatement.

1.2 Objective:

The County of Webb is committed to the promotion of high quality developments in all parts of Webb County and to ongoing improvement in the quality of life for all citizens. These objectives are generally served by the enhancement and expansion of the local economy, the County of Webb, will on a case-by-case determination, give consideration to providing tax abatement as stimulus for economic development within the boundaries of the County of Webb, It is herein proclaimed to be a policy of the County of Webb to make available tax abatement for both new facilities and for the expansion or modernization of existing structures. It is further recognized to be a policy of Webb County that the consideration of tax abatement will be made in accordance with the procedures and criteria set forth herein. Nothing herein shall imply, suggest or in any way be interpreted to obligate the County of Webb to provide a tax abatement to any applicant.

1.3 General Eligibility Criteria:

A tax abatement can only be granted to persons or entities eligible for tax abatement pursuant to Section 312.402 of the Texas Tax Code, which persons or entities as of the effective date of these Amended Guidelines and Criteria are:

- (i) the owner of taxable real property located in a reinvestment zone;
- (ii) the owner of a leasehold interest in tax-exempt real property located in a tax abatement reinvestment zone;
- (iii) the owner of a leasehold interest in real property located in a tax abatement reinvestment zone; or
- (iv) the owner of tangible personal property located in a reinvestment zone.

1.4 General Exclusions and Limitations:

1.4.1 Leases of Real Property

A person or entity seeking tax abatement on real property that is leased from a third party should be advised that, pursuant to state law, the County of Webb can only abate taxes on the increased value of the taxable leasehold interest in the real property, if any, and the increase in value of taxable improvements and tangible personal property located on the real property and subject to the leasehold interest, if any. Before applying for a tax abatement from the County of Webb, such persons or entities should seek professional and legal guidance, and may wish to consult with the appraisal district having jurisdiction over the property in question, as to whether their development projects will result in a taxable leasehold interest in the property and, if so, the anticipated value of that leasehold interest.

SECTION 2: DEFINITIONS.

As used within these Guidelines and criteria, the following words or phrases shall have the following meanings:

2.1 "Abatement" or "Tax Abatement" means the temporary, full or partial exemption from ad valorem taxes of certain eligible taxable real and in some cases tangible personal property and/or improvements located in a Reinvestment Zone designated for economic development purposes.

2.2. "Added Value" means the increase in the assessed value, as compared to base year 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 mainytainance".

2.3 "Agreement" means a contractual agreement between an owner and/or lessee of eligible property and the County of Webb for the purposes of tax abatement.

2.4 "Base Year Value" means the assessed value of eligible property as determined by the Webb County Appraisal District located in a reinvestment zone on January 1 of the year in which the agreement is executed.

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

2.6 "Expansion" means the addition of buildings, structures, fixed machinery or equipment for the purposes of increasing production capacity.

2.7 "Affected Jurisdiction" means Webb County and every other taxing unit that includes within its boundaries property located within a proposed or existing reinvestment zone.

2.8 "Economic Life" means the number of years a property improvement is expected to be in service in a reinvestment zone.

2.9 "Expansion" means the addition of buildings, structures, machinery, or equipment for purposes of increasing production capacity.

2.10 "Facility" means property improvements completed or in the process of construction which together compromise an integral whole.

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

2.12 "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.

2.13 "New Facility" means a property previously undeveloped, which is placed into service by means other than or in conjunction with an expansion or modernization.

2.14 "Other Basic Industry" means buildings and structures, including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which primarily serve a market outside Webb County, Texas. Corporate Home Office is included in this definition.

2.15 "Other Basic Industry Facility" means property, previously undeveloped, which is placed into service by means other than or in conjunction with expansion or modernization.

2.16 "Owner" means the owner of property subject to abatement. If the eligible property is constructed or located on a leased property, the owner shall be the party which owns the property eligible for a tax abatement. The other party to the lease may join in the execution of agreement but shall not be obligated to assure performance of the party receiving the abatement,

2.17 "Permanent Full-Time Job" means a new employment position created by a business that provides a regular work schedule of at least 35 hours per week or 1820 hours of

regular employment per year to a Webb County, Texas resident and maintains the employment position during the term of the abatement agreement.

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

2.19 "Proximate Relocations" means moving a business within Webb County, Texas.

2.20 "Employee" means a person whose employment is both permanent and fulltime, who works for and is an employee of the Owner or an employee of a Contractor, who works a minimum of 1,750 hours per year exclusively within the reinvestment zone, who receives industry-standard benefits, and whose employment is reflected in the Owner's (and Contractor's, if applicable) quarterly report filed with the Texas Workforce Commission ("TWC"); but excluding any direct contract (seasonal, part-time, and full-time equivalent).

2.21 "Tax Abatement Reinvestment Zone" means any real property within Webb County, Texas which has been designated as a reinvestment zone, by the Webb County Commissioners Court and may include any land within the City of Laredo, that has been designated as a reinvestment zone by Laredo City Council.

SECTION 3: ABATEMENT AUTHORIZED

3.1 Authorized Facility: Abatement may be eligible for new facilities and improvements to existing facilities for the purpose of Modernization or Expansion.

3.2 Creation of New Value: Abatement may only be granted for the Added Value of eligible property improvements based on valuations as determined by the Webb County Appraisal District and subject to and listed in an abatement agreement between County and the property owner and lessee, if required, subject to such limitations as said jurisdiction may require.

3.3 Eligible Property: Abatement may be extended to the Added Value of real and tangible personal property as noted in Section 3.6.

3.4 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 with 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, or any property exempted by local, state or federal law. When such exempted property includes manufacturing machinery and equipment listed in the Investment Budget (as required in "Application"), then the value of such property may not be included toward the achievement of investment or valuation thresholds set out in the Agreement.

3.5 Types Of Industry: In keeping with the broad based approach to economic development, agreements will not be restricted to any particular type of industry. Preference will, however, be given to manufacturing and any other type of industry which provides relatively

higher wages. In keeping with obtaining the highest cost-benefit, tax abatements will be granted on the basis of (a) new jobs and (b) additional investments, for a maximum term of 10 years.

3.6 Period and Percentage of Abatement:

THE BASIC FORMULA:

| New Permanent Full Time Jobs | Added Value in Real Property, as assessed by Webb County Appraisal District | Percent of Abatement | Term |
|------------------------------|---|----------------------|---------|
| 50 to 100 jobs | \$1 million up to \$2.5 million | 25% | 5 years |
| 101 to 150 jobs | over 42.5 million up to \$5 million | 50% | 5 years |
| 151 to 200 jobs | over \$5 million up to \$10 million | 75% | 5 years |
| Over 200 jobs | Over \$10 million | 100% | 5 years |
| New Permanent Full Time Jobs | Added Value in Real and Tangible Personal Property, as Assessed by Webb County Appraisal District | Percent of Abatement | Term |
| Over 200 Jobs | Over \$20 million | 100% | 5 years |

In cases where the required additional investment exceeds \$10 million and the number of jobs is not expected to be met, an abatement may be allowed utilizing the following criteria:

| New Permanent Full Time Jobs | Added Value in Real Property, as assessed by Webb County Appraisal District | Percent of Abatement | Term |
|------------------------------|---|----------------------|------------|
| At least 10 jobs | Over \$10 million | 100% | Year 1 |
| | | 80% | Year 2 |
| | | 60% | Year 3 |
| | | 40% | Year 4 |
| | | 20% | Year 5 |
| At least 5 jobs | Over \$50 million | 60% | Years 1-5 |
| | | 40% | Years 6-10 |

3.7. Living Wage Requirement: In order to count as a permanent full-time job under this tax abatement program, the job should pay employees wages at a minimum level which is equal to two dollars (\$2.00) above the U.S. minimum wage in effect at the time of the agreement. Additional compensation, such as commissions and mileage, will be taken into consideration and will be included in the wages. However, overtime will not be considered.

3.8 Other General Amended Guidelines:

3.8.1 Companies shall pay permanent full time employees with at least 50% of their health benefits.

3.8.2 They must be offered to local companies for the expansion of existing facilities as well as new facilities.

3.8.3 They must be "performance based" to provide cost benefit advantages to Laredo and Webb County.

3.8.4 They must not permit outside companies to unfairly compete with local companies in the same business in the local market: competing companies may be considered if 75% of their customers are outside Laredo/Webb County, or if any other measures are offered which are judged to make the companies compatible with County of Webb interests.

3.8.5 They must be negotiated quickly and in good faith by representatives of all concerned local entities.

3.8.6 They must be contractual and fully and accurately disclosed to the public.

3.8.7 The contracts must be effectively protected by cancellation, recalibration and "claw-back" provisions which would insure the return of the community's funds if the companies default on their part of the agreement. There should however, be no levy of penalties above repayment of actual local costs.

39 Negotiation and Variance

3.9.1 Notwithstanding anything to the contrary in these Amended Guidelines, the Webb County Commissioners Court may, depending upon the applicant, grant tax abatements which differ from the Basic Formula contained in Section 3.6 taking into consideration the cost benefit, company's financial statements or **D&B** rating, past business history, nature of the production process, environmental hazards, cost breakdown of the investment into land, building, equipment, probable project status at the end of 10 years, percent of hiring of local workers, and benefits to be paid to local workers and other criteria deemed appropriate by Webb County Commissioners Court.

3.9.2 The Webb County Commissioners Court further reserves the right to vary the term and percent of abatement from the Basic Formula contained in Section 3.6, on a case by case basis, where the applicant shows unique-circumstances that, in the opinion of Webb County Commissioners Court, meet the economic development goals and objectives of Webb County, Texas.

SECTION 4: APPLICATION

41 Any owner of taxable property in Webb County may request the designation of a reinvestment zone and a tax abatement agreement by filing a written application with the County of Webb.

- 4.2 The application shall be signed by the owner accompanied by
- 4.2.1 a general description of the proposed use and the general nature and extent of the modernization, expansion or new improvements to be undertaken;
 - 4.2.2 a descriptive list of the improvements which will be a part of the facility;
 - 4.2.3 an estimate of the cost of the improvements;
 - 4.2.4 an estimate of the number of employees during construction, and thereafter, to operate the facility;
 - 4.2.5. a map, metes and bounds or other valid legal property description of the property proposed as a reinvestment zone;
 - 4.2.6 a time schedule for undertaking and completing the planned improvements; and a proposed program for the recruitment of local employees in the construction and operation of the facility together with a statement affirming the applicants commitment to equal opportunity hiring, at all levels, and
 - 4.2.7 a plan to implement and ensure such hiring.
 - 4.2.8 an application fee of \$1,000 to defray cost of administration and maintenance of these guidelines is required for projects in the unincorporated areas of the County.

4.3 In the case of modernization, a statement of the assessed value of the facility separately stated for real and personal property shall be given for the tax year immediately preceding the application.

4.4 The application shall provide such financial and other information as required by the County to enable it to evaluate the financial capacity of the applicant. In the case of an application based on job retention, the applicant shall include sufficient information to verify the potential of job loss that would occur without abatement.

4.5 If the County intends to act favorably on the application and enter into an agreement, it shall do so in writing with the owner of the taxable real property located in an area designated as a reinvestment zone to exempt from taxation all of the increase in the value of the property over its value in the year in which the agreement is executed.

4.6 The County may not enter into a tax abatement agreement unless it finds that the terms of the agreement and the property subject to the agreement meet the applicable provisions of these "Guidelines and Criteria". Not later than the seventh day before the date on which the County enters into such an agreement the County Judge, or an officer or employee of the County designated by him, shall deliver to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located a written notice that the County intends to enter into an agreement. The notice shall be placed in the mail, postage paid, properly addressed, and sent by certified mail with return receipt requested.

4.7 A resolution designating an area as a reinvestment zone may not be adopted by the County until the Webb County Commissioners Court has held a public hearing on the designation.

- 4.7.1 The County must find that the improvements sought are feasible and practical

and would be a benefit to the land to be included in the zone and to the County after the agreement entered with the owner has expired.

- 4.7.2. It also must be found that the area of the proposed reinvestment zone is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and would contribute to the economic development of the County.
- 4.7.3. At the hearing, interested persons are entitled to speak and present evidence for or against the designation.
- 4.7.4. Not later than the seventh day before the date of such hearing, notice of the hearing must be published in a newspaper having general circulation in Webb County; and said notice shall be delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone.
- 4.7.5. The notice shall be placed in the mail, postage paid, and properly addressed to the appropriate presiding officer.
- 4.7.6. The County shall not establish a reinvestment zone for the purpose of tax abatement if it finds that the request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed modernization, expansion or new facility.

SECTION 5: AGREEMENT

After the hearing the Commissioners Court shall adopt a resolution finding: that the proposed agreement filed with the resolution, a copy of which is to be attached thereto, meets the applicable provisions of these "Guidelines and Criteria". The resolution shall also authorize the execution of the agreement with the owner, to include provisions for:

- 5.1 The exemption from taxation of all the increases in value of the property, over its value in the year in which the agreement was executed for the period of time provided.
- 5.2 A listing of the kind, number, and location of all proposed improvements of the property;
- 5.3 Access to and inspection of property by County employees to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement;
- 5.4 Limiting the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect;
- 5.5 Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement.
- 5.6 A map showing proposed improvements and uses in the reinvestment zone.
- 5.7 Total estimated cost of the improvements and employment estimates.
- 5.8 The commencement date, the termination date of the tax abatement and the date taxes are first due the County.
- 5.9 The nature of the construction, time schedule, property description and improvement list as provided in the application in accordance with SECTION 7.2.1 through 7.2.8; and

5.10 A provision that the agreement shall be effective when executed by all parties and upon the final passage of an ordinance designating the reinvestment zone.

5.11 A provision that the applicant is required to file an annual report to the County describing the efforts of the applicant toward local hires and using local vendors and subsequent to completion, progress on construction.

SECTION 6: RECAPTURE

6.1 In the event that the facility is completed and begins producing product or service, but subsequently discontinues producing product or service for any reason excepting fire, explosion, or other casualty or accident or natural disaster for a period of one year during the abatement period, then the agreement shall terminate and so shall the abatement of the taxes for the calendar year during which the facility no longer produces. The taxes otherwise abated for that calendar year shall be paid to the affected jurisdiction and other taxing agencies within sixty days from the date of termination.

6.2 Should the County of Webb determine that the company or individual is in default according to the terms and conditions of its agreement, the County shall notify the company or individual in writing at the address stated in the agreement, and if the default is not cured within sixty (60) days from the date of such notice ("Cure Period"), the agreement may be terminated.

6.3 In the event that the company or individual (1) allows any ad valorem taxes owed the County of Webb or affected jurisdictions to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (2) violates any of the terms and conditions of the abatement agreement and fails to cure any default within the Cure Period, the agreement then may be terminated and all taxes previously abated by virtue of the agreement shall be recaptured and paid within sixty (60) days of the termination.

SECTION 7: ADMINISTRATION

7.1 Each year, the company or individual receiving abatement shall furnish the Chief Appraiser of Webb County with such information as may be necessary for the abatement. The Chief Appraiser will annually determine the assessment of the real and personal property comprising the reinvestment zone and notify the affected jurisdictions of the amount of the assessment.

7.2 Upon completion of construction, Webb County shall annually evaluate each facility receiving abatement to insure compliance with the agreement.

SECTION 8: ASSIGNMENT

Tax abatement may be transferred and assigned by the holder to a new owner or lessee of the same facility upon the approval by resolution of the Commissioners Court, subject to the financial capacity of the assignee, and provided all conditions and obligations in the tax abatement agreement are guaranteed by the execution of a new contractual agreement with the County of Webb. No assignment or transfer shall be approved if the parties to the existing

agreement, the new owner or new lessee are liable to the County of Webb or any affected jurisdiction or other taxing agency for outstanding taxes or other obligations. Approval shall not be unreasonably withheld.

SECTION 9: SUNSET PROVISION

These Amended Guidelines and Criteria are effective for two years from the date adopted. During that period, the "Amended Guidelines and Criteria" may be amended or repealed only by a vote of three-fourths of the members of the Commissioners Court.

SECTION 10: LEGAL NOTICE TO POTENTIAL APPLICANTS

The adoption of these guidelines and criteria by the County does not and shall not:

10.1 Limit the discretion of the County to decide whether to enter into a specific tax abatement agreement;

10.2 Limit the discretion of the County to delegate to its employee the authority to determine whether or not the County should consider a particular application or request for tax abatement; or

10.3 Create any property, contract, or other legal rights in any person to have the County consider or grant a specific application or request for tax abatement.

10.4 Waive or relinquish any immunity or defense on behalf of the County, its commissioners, offices, employees and agents as a result of the execution of a tax abatement agreement and/or the performance of the functions and obligations described herein.

