

UNDERWOOD

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September 14, 2021

Nicholas Valles, Analyst
Data Analysis and Transparency Division
Texas Comptroller of Public Accounts
111 E. 17th St.
Austin, TX 78774

Via Email and US Mail

Re: App. 1592 – Tulia ISD – Hornet Solar II, LLC

Dear Nicholas:

Enclosed please find a Resolution designating the Hornet Solar II, LLC Reinvestment Zone as Supplement No. 1 to the above-noted Application.

Please let me know if you require any additional information.

Sincerely,



Fred A. Stormer

Encl.

cc: Trey Lopez, Development Manager
Evan Horn, Ernst & Young, LLP
Tim Glover, Superintendent, Tulia ISD

*via email: trey.lopez@vesperenergy.com
via email: evan.horn@ey.com*

**RESOLUTION OF THE COMMISSIONERS COURT
OF SWISHER COUNTY, TEXAS
DESIGNATING THE HORNET SOLAR II, LLC
REINVESTMENT ZONE**

**A RESOLUTION DESIGNATING A CERTAIN AREA AS A
REINVESTMENT ZONE FOR A COMMERCIAL/INDUSTRIAL TAX
ABATEMENT IN SWISHER COUNTY, TEXAS, ESTABLISHING THE
BOUNDARIES THEREOF, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Commissioners Court of Swisher County, Texas desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment Zone as authorized by the Property Redevelopment and Tax Abatement Act, as amended (Texas Property Tax Code § 312.001, *et seq.*); and

WHEREAS, the Commissioners Court of Swisher County, Texas has previously adopted Guidelines and Criteria of the Commissioners Court of Swisher County for Granting a Tax Abatement in Reinvestment Zone Created in Swisher County, Texas (the “Guidelines”); and

WHEREAS, on this date, a hearing before the Commissioners Court of Swisher County, Texas was held, such date being at least seven (7) days after the date of publication of the notice of such public hearing in the local newspaper of general circulation in Swisher County and the delivery of written notice to the respective presiding officers of each taxing entity that includes within its boundaries real property that is to be included in the proposed reinvestment Zone ; and

WHEREAS, the Commissioners Court of Swisher County, Texas at such public hearing invited any interested person to appear and speak for or against the creation of the reinvestment Zone and whether all or part of the territory described should be included in the proposed reinvestment Zone; and

WHEREAS, the proponents of the reinvestment Zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment Zone and opponents, if any, of the reinvestment Zone appeared to contest the creation of the reinvestment Zone.

BE IT RESOLVED BY THE COMMISSIONERS COURT OF SWISHER COUNTY, TEXAS:

SECTION 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

SECTION 2. That the Commissioners Court of Swisher County, Texas, after conducting such hearing and having heard such evidence and testimony, has made

the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on adoption of the Hornet Solar II, LLC Reinvestment Zone has been properly called, held and conducted and that notice of such hearing has been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment Zone; and
- (b) That the boundaries of the Hornet Solar II, LLC Reinvestment Zone should be the area described in the legal description and corresponding map attached hereto as Exhibit “A”, which is incorporated herein by reference for all purposes; and,
- (c) That creation of the Hornet Solar II, LLC Reinvestment Zone will result in benefits to Swisher County, Texas and to land included in the Zone and that the improvements sought are feasible and practical; and
- (d) The Hornet Solar II, LLC Reinvestment Zone meets the criteria set forth in Texas Property Tax Code Chapter 312 for the creation of a reinvestment Zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, and the Guidelines, in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract investment in the Zone that would be a benefit to the property and that would contribute to the economic development of Swisher County, Texas, and that the entire tract of land is located entirely within an unincorporated area of Swisher County, Texas.

SECTION 3. That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, and the Guidelines, Swisher County Commissioner’s Court hereby creates the Hornet Solar II, LLC Reinvestment Zone; a reinvestment Zone for commercial-industrial tax abatement encompassing only the area described on and as shown on the map in “Exhibit A”, and such reinvestment Zone is hereby designated and shall hereafter be referred to as Hornet Solar II, LLC Reinvestment Zone.


SECTION 4. That Hornet Solar II, LLC Reinvestment Zone shall take effect on the date of this Resolution and shall remain designated as a commercial-industrial reinvestment Zone for a period of five (5) years from such date of designation and may be renewed for an additional five (5) year period thereafter.

SECTION 5. That if any section, paragraph, clause or provision of this Resolution shall for any reason beheld to be invalid or unenforceable, the invalidity


or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.


SECTION 6. That it is hereby found, determined and declared that a sufficient notice of the date, hour, place and subject, of the meeting of the Swisher County Commissioners Court at which this Resolution was adopted was posted at a place convenient and readily accessible at all times as required by the Texas Open Government Act, Texas Government Code, Chapter 551, as amended, and that a public hearing was held prior to the designation of such reinvestment Zone and that proper notice of the hearing was published in the official newspaper of general circulation within the County, and furthermore, such notice was in fact delivered to the presiding officer of any affected taxing entity as prescribed by the Property Redevelopment and Tax Abatement Act.


PASSED, APPROVED AND ADOPTED on this the 13th day of September, 2021.


Lloyd Rahlfs
Commissioner, Precinct 1


Harold Keeter, County Judge


Danny Morgan
Commissioner, Precinct 2


Joe Murrell
Commissioner, Precinct 3


Larry Buske
Commissioner, Precinct 4

Attest:

C.J. Chasco, Swisher County Clerk



EXHIBIT A

LEGAL DESCRIPTION AND MAP OF HORNET SOLAR II, LLC REINVESTMENT ZONE

Hornet Solar II, LLC Reinvestment Zone is comprised of the following parcels. In the event of discrepancy between this Exhibit “A” and the attached map, this legal description shall control; provided however, the Hornet Solar II, LLC Reinvestment Zone shall in no way be deemed to include any portion of any municipality.

RZ Name	Parcel #	Geo ID	Owner	Legal Description	Acres
Hornet RZ B	101504	31-1300-0101-0100	BIRKENFELD ROBERT N	BLK M-6 SEC 101 NW/PT OF E/293 AC 21 ACRES	21.00
Hornet RZ B	14710	31-1300-0101-0102	BIRKENFELD ROBERT N	BLK M-6 SEC 101 SW/PT OF E/293 AC 23.1 ACRES	23.10
Hornet RZ B	14711	31-1300-0101-0200	BIRKENFELD ROBERT N	BLK M-6 SEC 101 E/SIDE 248.9 ACRES	248.90
Hornet RZ B	502291	31-1300-0061-0101	ACKER ELEANOR P	BLK M-6 SEC 61 W/PT OF N/2 227.4 ACRES	227.40
Hornet RZ B	14638	31-1300-0061-0100	GONZALES-BARRIOS FRANCISCO	BLK M-6 SEC 61 E/PT OF N/2 86.5	86.50
Hornet RZ B	14641	31-1300-0061-0400	SORRELLS NEVA	BLK M-6 SEC 61 SE/4 160 ACRES S/N K24362DW530895A L/N DLS0025606	160.00
Hornet RZ B	14640	31-1300-0061-0300	NOGGLER JEANIE	BLK M-6 SEC 61 SW/4 160 ACRES	160.00
Hornet RZ B	14629	31-1300-0060-0100	STEWART LARRY P	BLK M-6 SEC 60 NW/4 163 ACRES	163.00
Hornet RZ B	14631	31-1300-0060-0200	SLWS LLC	BLK M-6 SEC 60 NE/4 160 ACRES	160.00
Hornet RZ B	14633	31-1300-0060-0202	SLWS LLC	BLK M-6 SEC 60 N/2 OF SW/4 78.8 ACRES	78.80
Hornet RZ B	14637	31-1300-0060-0400	STEWART LARRY P	BLK M-6 SEC 60 N/2 OF SE/4 79 ACRES	79.00
Hornet RZ B	14636	31-1300-0060-0302	DIRKS JEROME H	BLK M-6 SEC 60 S/2 OF SW/4 78.80 ACRES	78.80
Hornet RZ B	98075	31-1300-0060-0402	STEWART TOMMY W	BLK M-6 SEC 60 S/2 OF SE/4 79 ACRES	79.00
Hornet RZ B	14562	31-1300-0021-0100	REILMAN JEANETTE	BLK M-6 SEC 21 W/2 316.97 ACRES	316.97
Hornet RZ B	14563	31-1300-0021-0200	MEASLES RICHARD TODD	BLK M-6 SEC 21 NE/4 160 ACRES	160.00
Hornet RZ B	502017	31-1300-0021-0400	1. JOBE REX V. EXECUTOR OF THE 2. COYLE LAUREN ANN JOBE	BLK M-6 SEC 21 SE/4 160 ACRES	160.00
Hornet RZ B	502021	31-1700-0007-0000	1. JOBE REX V. EXECUTOR OF THE 2. COYLE LAUREN ANN JOBE	BLK M-11 SEC 7 650.3 ACRES	650.30
Hornet RZ B	15470	31-1700-0008-0000	DEKEYZER THOMAS BRUCE TRUST	BLK M-11 SEC 8 647.7 ACRES	647.70
Hornet RZ B	15471	31-1700-0009-0000	DEKEYZER THOMAS BRUCE TRUST	BLK M-11 SEC 9 659 ACRES	659.00
Hornet RZ B	15473	31-1700-0010-0201	DUTTON ALAN	BLK M-11 SEC 10 NE/CORNER 3.3 ACRES HOMESITE	3.30
Hornet RZ B	15472	31-1700-0010-0000	SPANN DEBRA ANNE ETAL	BLK M-11 SEC 10 636.7 ACRES	636.70
Hornet RZ B	16151	31-2100-0001-0100	SPANN DEBRA ANNE ETAL	BLK OD SEC 1 265 ACRES	265.00
Hornet RZ B	16152	31-2100-0001-0200	SHARP BRAD	BLK OD SEC 1 231 ACRES	231.00
Hornet RZ B	15474	31-1700-0011-0000	SLWS LLC	BLK M-11 SEC 11 640 ACRES	640.00
Hornet RZ B	15477	31-1700-0014-0100	DUTTON VERNA	BLK M-11 SEC 14 W/2 320 ACRES	320.00
Hornet RZ B	15479	31-1700-0014-0200	DUTTON VERNA	BLK M-11 SEC 14 W/2 OF E/2 160 ACRES	160.00
Hornet RZ B	15480	31-1700-0014-0202	DUTTON ALAN	BLK M-11 SEC 14 E/2 OF E/2 160 ACRES	160.00
Hornet RZ B	15511	31-1700-0027-0000	BORCHARDT CHILDREN'S TRUST	BLK M-11 SEC 27 640 ACRES	640.00
Hornet RZ B	15524	31-1700-0034-0000	ODANIEL R T	BLK M-11 SEC 34 640 ACRES	640.00
Hornet RZ B	15523	9900005-0800350-0	GREEN PLAINS CATTLE COMPANY LLC	99000005	274.50
Hornet RZ B	15521	31-1700-0033-0100	ODANIEL R T	BLK M-11 SEC 33 N/PT 365.45 ACRES	365.45
Hornet RZ B	15518	31-1700-0032-0201	MCCLURG DUDLEY	BLK M-11 SEC 32 E/PT 257 ACRES	257.00
Hornet RZ B	15516	31-1700-0032-0100	ADAMS DONALD R	BLK M-11 SEC 32 NW/PT 223 ACRES	223.00
Hornet RZ B	15519	31-1700-0032-0300	MCCLURG WELDON BUFORD ESTATE	BLK M-11 SEC 32 SW/4 160 ACRES	160.00
Hornet RZ B	502780	31-1700-0031-0001	MCDANIEL ZACHARY SHELDON	BLK M-11 SEC 31 SE/PT 135.11 ACRES	135.11
Hornet RZ B	15515	31-1700-0031-0000	COMPRO AG INC	BLK M-11 SEC 31 504.89 ACRES	504.89
Hornet RZ B	16155	31-2100-0004-0000	COMPRO AG INC	BLK OD SEC 4 463 ACRES	463.00
Hornet RZ B	15514	31-1700-0030-0000	SLWS LLC	BLK M-11 SEC 30 640 ACRES	640.00
Hornet RZ B	16154	31-2100-0003-0000	EBELING DONALD C JR	BLK OD SEC 3 286.89 ACRES	286.89
Hornet RZ B	16153	31-2100-0002-0000	SHARP BRAD	BLK OD SEC 2 78 ACRES	78.00
Total					11,243.31

EXHIBIT A (CONTINUED)

MAP OF HORNET SOLAR II, LLC REINVESTMENT ZONE

