

01012016  
**RESOLUTION OF THE  
MCCULLOCH COUNTY COMMISSIONERS COURT**

**A RESOLUTION DESIGNATING THREE SEPARATE AREAS AS REINVESTMENT ZONES FOR TEXAS TAX CODE CHAPTER 312 TAX ABATEMENT IN PORTIONS OF MCCULLOCH COUNTY, TEXAS, EACH TO BE KNOWN AS THE “HEART OF TEXAS” REINVESTMENT ZONE 2, 3, AND 4 RESPECTIVELY; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, McCulloch County, Texas, desires to promote the development or redevelopment of three certain contiguous geographic areas within its jurisdiction by the creation of three reinvestment zones as authorized by the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A. Texas Tax Code § 312.401), for the purpose of authorizing a Tax Abatement Agreement, as authorized by Chapter 312 of the Texas Tax Code; and,

**WHEREAS**, McCulloch County, Texas, (the “County”) desires to encourage the retention or expansion of primary employment and to attract major investment in the County that would be a benefit to property in reinvestment zones created by the County and that would contribute to the economic development of the County;

**WHEREAS**, on MARCH 28, 2016, the McCulloch County Commissioners Court held a hearing, such date being at least seven (7) days after the date of publication of the notice of such public hearing, and the delivery of written notice to the respective presiding officers of each taxing entity which includes within its boundaries real property that is to be included in the proposed reinvestment zones as described on **EXHIBIT A, EXHIBIT B, AND EXHIBIT C** HERETO, all as and mapped on **EXHIBIT D**; and,

**WHEREAS**, the McCulloch County Commissioners Court at such public hearing invited any interested person to appear and speak for or against (1) the creation of the reinvestment zones, and whether all or part of each separate contiguous area described should be included in the three proposed reinvestment zones, and (2) acceptance of an Application for Tax Abatement by Heart of Texas, LLC, for McCulloch County to consider entering into a Tax Abatement Agreement;

**WHEREAS**, the proponents of the reinvestment zones offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zones and opponents, *[if any, of the reinvestment zones appeared to contest the creation of the reinvestment zone-- evaluate whether there is any opposition at the hearing]*;

**WHEREAS**, the County wishes to :

(1) create three reinvestment zones consisting of the same real property as described on EXHIBIT A to be named Heart of Texas Reinvestment Zone 2, EXHIBIT B to be named Heart of Texas Reinvestment Zone 3, and EXHIBIT C to be named Heart of Texas Reinvestment Zone 4 as each is mapped on EXHIBIT D; and

(2) accept the Application for Tax Abatement by Heart of Texas Wind, LLC, which includes proposed improvements in each of the three new reinvestment zones and in the Rattlesnake Reinvestment Zone previously created by the County on or about August 17, 2015.

**NOW THEREFORE, BE IT RESOLVED BY THE MCCULLOCH COUNTY COMMISSIONERS COURT:**

**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 McCulloch County Commissioners Court, 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 the adoption of **Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4** has been properly called, held, and conducted, and that notices of such hearing have 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 **Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4** be and, by the adoption of this Resolution, are each declared and certified to be, the separate contiguous areas as described in the descriptions attached hereto as "EXHIBIT A," "EXHIBIT B," AND "EXHIBIT C" respectively; and,
- (c) That the map attached hereto as "EXHIBIT D" is declared to be and (by the adoption of this Resolution) is certified to depict and to show accurately the boundaries of **Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4**, which is normatively described in "EXHIBIT A," "EXHIBIT B," AND "EXHIBIT C" respectively, and further certifies that the property described in "EXHIBIT A," "EXHIBIT B," AND "EXHIBIT C" respectively is inside the boundaries shown on "EXHIBIT D"; and,
- (d) That creation of the **Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4** with boundaries as described in EXHIBIT A," "EXHIBIT B," AND "EXHIBIT C" respectively and as all mapped in "EXHIBIT D" will result in benefits to McCulloch County and to land included in the zone, and that the improvements sought are feasible and practical; and,
- (e) That the **Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4** with boundaries as described



in EXHIBIT A," "EXHIBIT B," AND "EXHIBIT C" respectively and as all mapped in "EXHIBIT D" meet the criteria set forth in Texas Tax Code §312.401 for the creation of a reinvestment zone as set forth in the Property Redevelopment and Tax Abatement Act, as amended, in that it is reasonably likely that the designation will contribute to the retention or expansion of primary employment, and/or will attract major investment in the zone that will be a benefit to the property to be included in the reinvestment zone and would contribute to the economic development of McCulloch County, Texas.

**SECTION 3.** That pursuant to the Property Redevelopment and Tax Abatement Act, as amended, the McCulloch County Commissioners Court, hereby creates three (3) reinvestment zones under the provisions of Texas Tax Code § 312.401, encompassing the area described by the descriptions in EXHIBIT A," "EXHIBIT B, " AND "EXHIBIT C" respectively and as all mapped in "EXHIBIT D" and such reinvestment zones are hereby designated and shall hereafter be referred to as Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4.

**SECTION 4.** That Heart of Texas Reinvestment Zone 2, Heart of Texas Reinvestment Zone 3, and Heart of Texas Reinvestment Zone 4 shall each take effect upon adoption by the County Commissioners Court and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of such designation.

**SECTION 5.** That the McCulloch County Commissioners Court already has found and resolved that McCulloch County is eligible to enter into tax abatement agreements.

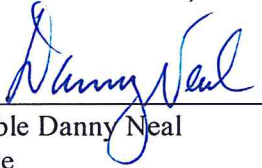
**SECTION 6.** That the McCulloch County Commissioners Court accepts the Application for Tax Abatement submitted by Heart of Texas Wind, LLC.


**SECTION 7.** That if any section, paragraph, clause, or provision of this resolution shall for any reason be held 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.

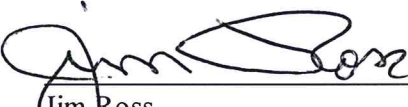
**SECTION 8.** That it is hereby found, determined, and declared that a sufficient notice of the date, hour, place, and subject of the meeting of the McCulloch County Commissioners Court, at which this resolution was adopted, was posted at a place convenient and readily accessible at all times, as required 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 newspapers of general circulation in McCulloch County of the State of Texas; and that, furthermore, such notice was in fact delivered to the presiding officer of any effected taxing entity as prescribed by the Property Redevelopment and Tax Abatement Act.

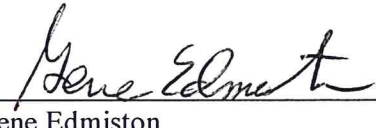
PASSED, APPROVED, AND ADOPTED on this 28th day of March 2016.


MCCULLOCH COUNTY, TEXAS

By:   
The Honorable Danny Neal  
County Judge

By:   
Jim Quinn  
Commissioner, Precinct 1

By:   
Jim Ross  
Commissioner, Precinct 3  
Did Not Vote

By:  voted NO  
Gene Edmiston  
Commissioner, Precinct 2

By:   
Brent Deeds  
Commissioner, Precinct 4

**EXHIBIT A**  
**LEGAL DESCRIPTION OF “ HEART OF TEXAS**  
**REINVESTMENT ZONE #2”**

Insert Legal Description

### Additional Reinvestment Zone 1

All of that certain land situated in McCulloch County, Texas, described as follows:

BEING a 150.00 acre, more or less, tract of land out of a called 670.359 acre tract in the S.W. Colton Survey No. 63½, Abstract No. 2259, and the H. & T.C. Railroad Co. Survey No. 107, Abstract No. 657, McCulloch County, Texas, and being out of the south part of that certain tract of land described as 1536.047 acres in a deed from Lori L. Noonan and T.A. Noonan, Jr. to Donald and Tracey Kiesling, recorded November 4, 1997 in Vol. 289, Page 550 of the McCulloch County Official Public Records.

COMMENCING at a ½" steel stake found by a "T" fence corner post in the Carl Froelich Survey No. 1148, Abstract No. 343, said point being the N.W. corner of that certain tract described as 1299.853 acres on a survey by K.H. Ross, R.P.L.S. No. 2012, dated October, 1997 to be conveyed to Byron E. McCollum, et al, being in the east line of County Road No. 152, from which point the calculated N.W. corner of said Survey No. 1148 bears N 44 12 19 W 35.40 feet,

THENCE with a fence and west line of said 1536.047 acres,

N 00 43 23 E 105.25 feet, a ½" steel stake,

N 00 41 10 E 804.97 feet, a ½" steel stake,

N 02 19 22 E 38.47 feet to a 3" pipe "L" fence corner post in a northerly line of said County Road No. 152,

S 89 12 42 W 42.73 feet to a ½" steel stake set by a "T" fence corner post, being on or near the west line of the Carl Froelich Survey No. 1151, Abstract No. 342 and being in the east line of that certain land described in a deed from W.J. Fullager, et ux to Charles D. Patton, et ux, recorded March 16, 1990 in Vol. 245, Page 730 of the McCulloch County Deed Records;

THENCE with said fence and occupational east line of said "Patton" tract,

N 00 20 33 W 879.02 feet, a ½" steel stake,

N 01 26 12 E 672.61 feet, a ½" steel stake, leaving said east line of "Patton" tract,

N 27 49 31 E 38.20 feet, a ½" steel stake set on the approximate north line of said Survey No. 1151 and being in the south line of that certain land described as 480 acres in a deed from Mary Lee Littlepage, et vir to James L. Ross, recorded October 21, 1977 in Vol. 198, Pg. 483 of said deed records, from which point the calculated N.W. corner of Survey No. 1151 bears, S 87 52 31 W 38.93 feet;

THENCE with a fence along the south line of said 480 acres, being on or near the north line of the Froelich Surveys No. 1151 and 1150,

N 87 55 03 E 519.51 feet, a ½" steel stake,

N 87 47 40 E 926.48 feet, a ½" steel stake,



N 87 52 03 E 1082.20 feet, a ½" steel stake

N 87 53 02 E 1265.32 feet, a ½" steel stake set, and "T" fence corner post, fence bears east, west and north for the occupational S.E. corner of said 480 acres, an interior corner of said 1536.047 acres and being the common corner of the G.H. & S.A. Railroad Co. Survey No. 63, said Survey No. 63½, said Survey No. 107, and said Survey No. 1150 and the H. & T.C. Railroad Co. Survey No. 82;

THENCE continuing with a fence for the north line, being on or near the north line of said Survey No. 63½,

S 89 26 41 E, 707.07 feet to the POINT OF BEGINNING;

THENCE S 89 26 41 E 597.86 feet to a point;

THENCE S 89 34 49 E, 1566.56 feet, to a point;

THENCE S 89 31 47 E, 222.35 feet to a point for a corner;

THENCE S 00 10 36 W, 2732.18 feet to a point for a corner;

THENCE N 89 49 24 W, 2386.75 feet to a point for a corner;

THENCE N 00 10 36 E, 2743.93 feet to the POINT OF BEGINNING and containing 150.00 acres of land, more or less.

All of that certain land situated in McCulloch County, Texas, described as follows:

Being 75 acres, more or less, consisting of  
66.5 acres, more or less, out of the S.W. Cotton Survey No. 63 1/2, Abstract No. 2259;  
8.5 acres out of the H. & T.C. Railroad Co. Survey No. 107, Abstract No. 657;  
all in McCulloch County Texas; and

being out of the east part of that certain tract described as 670.359 acres in a deed  
from Donald and Tracey Kiesling to Byron E. & Vera Ellen McCollum & Charles R. &  
Deborah Lynn McCollum, recorded September 9, 1998 in Volume 298, Page 614 of  
the McCulloch County Official Public Records, described  
by metes and bounds as follows;

From a 1/2" steel stake found by a "T" fence corner post in the Carl Froelich Survey  
No. 1148 being the Southwest corner of said 670.359 acre tract and Northwest  
corner of that certain tract described as 1299.853 acres on a survey by K.H. Ross,  
R.P.L.S. No. 2012, dated October, 1907 to be conveyed to Byron E. McCollum, et  
al, being in the east line of county road No. 152, from which point the calculated  
Northwest corner of said survey No. 1148 bears North 44° 12' 19" West 35.40 feet

Thence with a fence for the West line of said 670.359 acres, North 00° 43' 23" East  
105.26 feet, a 1/2" steel stake set, North 00° 41' 10" East 804.97 feet, a 1/2" steel stake  
set, North 02° 19' 22" East 38.47 feet to a 3" pipe fence corner post in a northerly  
line of said County Road No. 152.

Thence North 40° 25' 28" East, 485.81 feet a 1/2" steel stake set, Thence North 00°  
00' 00" West 1228.70', being the Northwest corner of said 670.359 acre tract, a 1/2"  
steel stake set on the approximately North line of said survey No. 1151 and being in  
the South line of that certain land described as 480 acres in a Deed from Mary Lee  
Lillepage, et vir to James L. Ross, recorded October 21, 1977 in Volume 198, Page  
483 of said Deed Records, from which point the calculated Northwest corner of said  
survey No. 1151 bears South 87° 55' 03" West 328.52; 1/2" steel stake set, and South  
87° 52' 31" West 38.93 feet;

Thence with a fence for the occupational North line of 670.359 acre tract and South  
line of said 480 acres, being on or near the North line of the Froelich Surveys

No. 1151 & 1150, North 87° 55' 03" East 190.09 feet, a 1/2" steel stake set, North 87°  
47' 40" East 826.48 feet, a 1/2" steel stake set, North 87° 52' 03" East 961.52 feet, a  
1/2" steel stake set, North 87° 52' 03" East 120.68 feet, North 87° 53' 02" East 1265.32  
feet, a 1/2" steel stake set and North 87° 54' 28" East 1571.83 feet to a 1/2" steel stake  
set by a "T" fence corner post, fence bears East, West and North for the  
occupational Southeast corner of said 480 acres, and being the common corner of  
the G.H. & S.A. Railroad Co. Survey No. 63, said Survey No. 63 1/2, said Survey  
No. 107, said Survey No. 1150 and the H. & T.C. Railroad Co. Survey No. 82;

Thence continuing with a fence for the North Line hereof, being on or near the North  
line of said Survey No. 63 1/2, South 89° 28' 41" East 707.07 feet, a 1/2" steel stake  
set, S 89° 28' 41" E 597.86 feet to a point, S 89° 31' 47" E 1566.56 feet to a point, S 89° 31'  
47" E 222.35 feet, S 89° 31' 47" E 1197.10 feet To the point of Beginning, being  
the northwest corner hereof.

Thence S 89° 31' 47" E 544.647 feet to a point, S 89° 39' 55" E 637.19 feet, to a point  
being the northeast corner hereof,

Thence S 00° 31' 03" E 1180.50 feet to point; S 00° 51' 58" E 790.41 feet to a point,  
S 00° 06' 33" E 750.83 feet to a corner, being the southeast corner hereof,

Thence N 89° 49' 24" W 1214.26 feet to a corner, being the southwest corner hereof,

Thence N 00° 10' 36" E 2728.07 feet to a point of beginning, and containing 75  
acres of land more or less,



All of that certain land situated in McCulloch County, Texas, described as follows:

BEING 75 acres, more or less, consisting of:

53.04 acres, more or less, out of the S.W. Colton Survey No. 63½, Abstract 2259; and

21.96 acres, more or less, out of the H. & T.C. Railroad Co. Survey No. 107, Abstract No. 657;  
all in McCulloch County, Texas;

Being out of the East part of that certain tract described as 670.359 acres in a Deed from Donald Kiesling and Tracey Kiesling to Byron E. McCollum and Vera Ellen McCollum and Charles R. McCollum and Debroah Lynn McCollum, recorded September 9, 1998 in Volume 298, Page 614 of the McCulloch County Official Public Records, described by metes and bounds as follows:

BEGINNING at a ½" steel stake found by a T fence corner post in the Carl Froelich Survey No. 1148 being the Southwest corner of said 670.359 acres and Northwest corner of that certain tract described as 1299.853 acres on a survey by K.H. Ross, R.P.L.S. No. 2012, dated October, 1997 conveyed to Byron E. McCollum, et al, being in the East line of County Road No. 152, from which point the calculated Northwest corner of said Survey No. 1148 bears North 44° 12' 19" West 35.40 feet;

THENCE with a fence for the West line of said 670.359 acres, North 00° 43' 23" East 105.25 feet, a ½" steel stake set, North 00° 41' 10" East 804.97 feet, a ½" steel stake set, North 02° 19' 22" East 38.47 feet to a 3" pipe fence corner post in a northerly line of said County Road No. 152;

THENCE North 40° 25' 28" East, 485.81 feet a ½" steel stake set;

THENCE North 00° 00' 00" West 1226.70', being the Northwest corner of said 670.359 acre tract, a ½" steel stake set on the approximate North line of said Survey No. 1151 and being in the South line of that certain land described as 480 acres in a Deed from Mary Lee Littlepage, et vir, to James L. Ross, recorded October 21, 1977 in Volume 198, Page 483 of said Deed Records, from which point the calculated Northwest corner of said Survey No. 1151 bears South 87° 55' 03" West 328.52, ½" steel stake set, and South 87° 52' 31" West 38.93 feet;

THENCE with a fence for the occupational North line of 670.359 acre tract and South line of said 480 acres, being on or near the North line of the Froelich Surveys Nos. 1151 and 1150, North 87° 55' 03" East 190.99 feet, a ½" steel stake set, North 87° 47' 40" East 926.48 feet, a ½" steel stake set, North 87° 52' 03" East 961.52 feet, a ½" steel stake set, North 87° 52' 03" East 120.68 feet, North 87° 53' 02" East 1265.32 feet, a ½" steel stake set and North 87° 54' 28" East 1571.83 feet to a ½" steel stake set by a T fence corner post, fence bears East, West and North for the occupational Southeast corner of said 480 acres, and being the common corner of the G.H. & S.A. Railroad Co. Survey No. 63, said Survey No. 63½, said Survey No. 107, said Survey No. 1150 and the H. & T.C. Railroad Co. Survey No. 82;

THENCE continuing with a fence for the North line hereof, being on or near the North line of

said Survey No. 63½, South 89° 26' 41" East 707.07 feet, a ½" steel stake set, South 89° 26' 41" East 597.86 feet to a point, South 89° 34' 49" East 1566.56 feet to a point, South 89° 31' 47" East 222.35 feet to the point of beginning, being the Northwest corner hereof;

THENCE South 89° 31' 47" East 1197.10 feet to a point for corner;

THENCE South 00° 10' 36" West 2726.07 feet to a point for a corner;

THENCE North 89° 49' 24" West 1197.08 feet to a point for a corner;

THENCE North 00° 10' 36" East 2732.18 feet to the POINT OF BEGINNING.

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: Being 226.84 acres, more or less, consisting of 2.84 acres, more or less, out of the S. W. Colton Survey No. 63 1/2, Abstract No. 2259; 43.667 acres out of the H. & T. C. Railroad Co. Survey No. 107, Abstract No. 657; 160.0 acres, more or less, out of the Carl Froelich Survey No. 1150, Abstract No. 344; and 20.332 acres out of the Carl Froelich Survey No. 1151, Abstract No. 342; all in McCulloch County, Texas; and being out of the center part of that certain tract described as 670.359 acres in a deed from Donald and Tracey Kiesling to Byron E. and Vera Ellen McCollum and Charles R. and Deborah Lynn McCullum, recorded September 9, 1998 in Volume 298, Page 614 of the McCulloch County Official Public Records, described by metes and bounds as follows:

From a 1/2" steel stake found by a "T" fence corner post in the Carl Froelich Survey No. 1148 for the Southwest corner hereof and Northwest corner of that certain tract described as 1299.853 acres on a survey by K. H. Ross, R.P.L.S. No. 2012, dated October, 1997 to be conveyed to Bryon E. McCollum, et al, being the east line of County Road No. 152, from which point the calculated Northwest corner of said Survey No. 1148 bears North 44 12'19" West 35.40 feet;

Thence with a fence for the West line hereof and the West line of said 670.359 acres, North 00 43'23" East 105.25 feet, a 1/2" steel stake set, North 00 41'10" East 804.97 feet, a 1/2" steel stake set, North 02 19'22" East 38.47 feet to a 3" pipe fence corner post in a northerly line of said County Road No. 152;

Thence North 40 25'28" East, 485.81 feet a 1/2" steel stake set, Thence North 00 00'00" West 1226.70', being the Northwest corner of said 670.359 acre tract, a 1/2" steel stake set on the approximately North line of said Survey No. 1151 and being in the South line of that certain land described as 480 acres in a Deed from Mary Lee Littlepage, et vir to James L. Ross, recorded October 21, 1977 in Volume 198, Page 483 of said Deed Records, from which point the calculated Northwest corner of said Survey No. 1151 bears South 87 55'03" West 328.52; 1/2" steel stake set, and South 87 52'31" West 38.93 feet;

Thence with a fence for the occupational North line hereof and South line of said 480 acres, being on or near the North line of the Froelich Surveys No. 1151 and 1150. North 87 55'03" East 190.99 feet, a 1/2" steel stake set, North 87 47'40" East 926.48 feet, a 1/4" steel stake set, North 87 52'03" East 961.52 feet, a 1/2" steel stake set.

To the point of Beginning. Thence North 87 52'03" East 120.68 feet, Thence North 87 53'02" East 1265.32 feet, a 1/2" steel stake set and North 87 54'28" East 1571.83 feet to a 1/2" steel stake set by a "T" fence corner post, fence bears East, West and North for the occupational Southeast corner of said 480 acres, and being the common corner of the G. H. & S. A. Railroad Co. Survey No. 63, said Survey No. 63 1/2, said Survey No. 107, said Survey No. 1150 and the H. & T. C. Railroad Co. Survey No. 82;

Thence continuing with a fence for the North line hereof, being on or near the North line of said Survey No. 63 1/2, South 89 26'41" East 707.07 feet, a 1/2" steel stake set, being the Northeast corner of 226.84 acre tract;



Thence South 00 10'36" West, 2743.93 feet, a 1/2" steel stake set, being the Southeast corner of 226.84 acre tract;

Thence with a division line for the South line hereof and the North line of said 1299.853 acres, North 89 49'24" West, 3654.43 feet to a 1/2" steel stake set for the most northerly Northwest corner of a 191.664 acre tract out of said 1299.853 acre parent tract thereof, and being the southwest corner of this 226.84 acre tract;

Thence North 00 00'00" East 2630.90 feet to the place of beginning, and containing 226.84 acres of land, more or less.

TRACT TWO: A 30' wide nonexclusive access and utility easement on, over and along an existing road the beginning point being on the East line of County Road 152. Said beginning point being the Northwest corner of the 1299.853 acres tract in McCulloch County, Texas, surveyed by Kenneth H. Ross, R.P.L.S. No. 2012, dated October 23, 1997. The said tract transferred from Lori L. Noonan, dba Texas Ranching Company and husband, T.A. Noonan, Jr. to Byron E. McCollum and wife, Vera Ellen McCollum and Charles R. McCollum and wife, Deborah Lynn McCollum, as recorded in Volume 291, Page 3 of the McCulloch County Deed records. Said beginning point also being in the Northwest corner of the Carl Froehlich Survey No. 1148, Abstract No. 343 of the McCulloch County Deed Records; from beginning point said easement to be the 30 feet South of and parallel to a line, being the North boundary line of the above described tract, bearing South 89 deg. 49' 24" East 2,405.05; The east most 130' of said easement to be 60' wide to allow meandering through gates of existing cattle pens; The east end being or extended to meet the West end of a 191.664 acre tract as surveyed by Kenneth H. Ross, R.P.L.S. No. 2012 in February, 1998 to be conveyed to Scott Arbuckle, et al.

**EXHIBIT B**

**LEGAL DESCRIPTION OF “HEART OF TEXAS  
REINVESTMENT ZONE #3”**

Insert Legal Description

## Additional Reinvestment Zone 2

All of that certain land situated in McCulloch County, Texas, described as follows:

TRACT ONE: Being 244.385 acres, more or less, in McCulloch County, Texas, consisting of approximately 0.054 acres out of the Carl Froehlich Survey No. 1148, Abstract No. 343, approximately 15.081 acres out of the Carl Froehlich Survey No. 1149, Abstract No. 345, approximately 229.250 acres out of the I. & G.N. R.R. Co. Survey No. 36, Abstract No. 769 and being out of that certain parent tract described as 1299.853 acres in a deed to Byron E. McCollum, et ux, et al, recorded in Volume 291, Page 3, McCulloch County Official Public Records.

Said 244.385 acre tract being more fully described as follows:

BEGINNING at a ½" steel stake found in the east line of County Road 152, west line of said parent tract, for the southwest corner of a 232.283 acre partition tract out of said parent tract and northwest corner hereof;

THENCE with south line of said 232.283 acre tract and north line hereof, N 80° 31' 59" E, at 143.00 feet pass a 3/8" steel stake set, at 407.69 feet pass a 3/8" steel stake set, at 728.01 feet pass a 3/8" steel stake set, at 1114.20 feet pass a 3/8" steel stake set, at 1490.98 feet pass a 3/8" steel stake set, at 1924.02 feet pass a 3/8" steel stake set, at 2288.71 feet pass a 3/8" steel stake set, at 2763.81 feet pass a 3/8" steel stake set, at 3177.56 feet pass a 3/8" steel stake set, at 3539.47 feet pass a 3/8" steel stake set, at 3716.01 feet pass a 3/8" steel stake set, at 4145.85 feet pass a 3/8" steel stake set, at 4717.64 feet pass a 3/8" steel stake set, at 5172.83 feet pass a 3/8" steel stake set, in all a total distance of 5368.34 feet to a ½" steel stake set in the east line of said Survey No. 1149, west line of the H. & T.C. R.R. Co. Survey No. 107, Abstract No. 657, west line of that certain tract described as 550.523 acres in a partition deed to Tom J. Sammons, Sr., et ux, recorded in Vol. 280, Pg. 198, McCulloch County Official Public Records, east line of said parent tract, for the southeast corner of said 232.283 acre tract and northeast corner hereof;

THENCE with fence, said east line of said Survey No. 1149, said west line of Survey No. 107, west line of the S.W. Colton Survey No. 108, Abstract No. 2168, said west line of 550.523 acre tract, said east line of parent tract and east line hereof, as follows:

S 00° 45' 33" W, 268.69 feet a 3" pipe post;  
S 00° 43' 34" W, 593.17 feet a 3" pipe post;  
S 00° 40' 59" W, 597.26 feet a 3" pipe post;  
S 00° 32' 37" W, 595.91 feet a 3" pipe post;  
S 00° 27' 29" W, 593.16 feet to a 3" pipe post for the southeast corner hereof;

THENCE with south line hereof, S 89° 29' 35" W, at 298.10 feet pass a 3/8" steel stake set, at 904.45 feet pass a 3/8" steel stake set, at 1323.70 feet pass a 3/8" steel stake set, at 1575.25 feet pass a 3/8" steel stake set, at 1976.84 feet pass a 3/8" steel stake set, at 2340.59 feet pass a 3/8" steel stake set, at 2717.99 feet pass a 3/8" steel stake set, at 3085.72 feet pass a 3/8" steel stake set, at 3440.41 feet pass a 3/8" steel stake set, at 3790.05 feet pass a 3/8" steel stake set, in all a total distance of 4030.76 feet to a ½" steel stake set in the said east line of county road, said west line of parent tract, for the southwest corner hereof;



THENCE with fence, said east line of county road, said west line of parent tract and west line hereof, N 34° 27' 30" W, 784.95 feet to a ½" steel stake found and N 34° 28' 14" W, 1399.15 feet to the POINT OF BEGINNING and containing 244.385 acres, more or less.

TRACT TWO: A 30' wide nonexclusive access and utility easement the beginning point being on the East line of County Road 152. Said beginning point being the Northwest corner of the 1,299.853 acre tract in McCulloch County, Texas, surveyed by Kenneth H. Ross, R.P.L.S. No. 2012, dated October 2, 1997. The said tract transferred from Lori L. Noonan, dba Texas Ranching Company, and husband, T.A. Noonan, Jr. to Byron E. McCollum and wife, Vera Ellen McCollum and Charles R. McCollum and wife, Deborah Lynn McCollum, as recorded in Volume 291, Page 3 of the McCulloch County Deed records. Said beginning point also being in the Northwest corner of the Carl Froelich Survey No. 1148, Abstract No. 343 of the McCulloch County Deed Records; from beginning point said easement to be the 30 feet South of and parallel to a line, being the North boundary line of the above tract, bearing South 89 degrees 49 minutes 24 seconds East 2,405.05 feet; The East most 130 feet of said easement to be 60 feet wide to allow meandering through gates of existing cattle pens; The East end being or extended to meet the West end of a 191.664 acre tract as surveyed by Kenneth H. Ross, R.P.L.S. No. 2012 in February, 1998 to be conveyed to Scott Arbuckle, et al.

**EXHIBIT C**  
**LEGAL DESCRIPTION OF “HEART OF TEXAS**  
**REINVESTMENT ZONE #4”**

Insert Legal Description

Tract 1:

209.5 acres, being all of J. B. Roberts Survey No. 106, Certificate No. 33/3257, Abstract No. 2256, patented to G. R. White by Patent No. 322, Volume 12A.

Tract 2:

1. 24.6 acres out of Johann Helfrich Survey No. 1048, Certificate No. 856, Abstract No. 493, patented to Johann Helfrich by Patent No. 384, Volume 16.

2. 627.16 acres out of W. R. Herren Survey No. 158, Certificate No. 33/3277, Abstract No. 2143, patented to R. M. Elliott by Patent No. 76, Volume 31.

Containing 651.76 acres, SAVE and EXCEPT a 5.47 acre right of way out of W. R. Herren Survey No. 158, conveyed to the State of Texas by Deed dated November 20, 1982 recorded in Volume 213, Page 360, Deed Records of McCulloch County, Texas to which record reference is here made, leaving 646.29 acres of land herein conveyed. The 651.76 acres (inclusive of said right of way) together with 678.78 acres previously conveyed to the Grantees herein by Deed dated October 7, 1982, recorded in Volume 216, Page 588, Deed Records of McCulloch County, Texas, lie contiguous and form a solid body of land, described by metes and bounds in Deed from August A. Steelhammer, et al to Emmett Damron, dated September 29, 1948, recorded in Volume 126, Page 73, Deed Records of McCulloch County, Texas, to which record reference is here made for description.



TRACT ONE: 169.86 acres, more or less, being all of Adam Dumzlauf Survey No. 1041, Fisher and Miller's Colony, Certificate No. 835, granted to Jacob de Cordova, Assignee, by Patent No. 412, Vol. 16, Third Class, dated December 1, 1857.

TRACT TWO: 169.34 acres, more or less, being all of Adam Dumzlauf Survey No. 1042, Abstract No. 226, patented to W.L. Hill by Patent No. 409, Vol. 16.

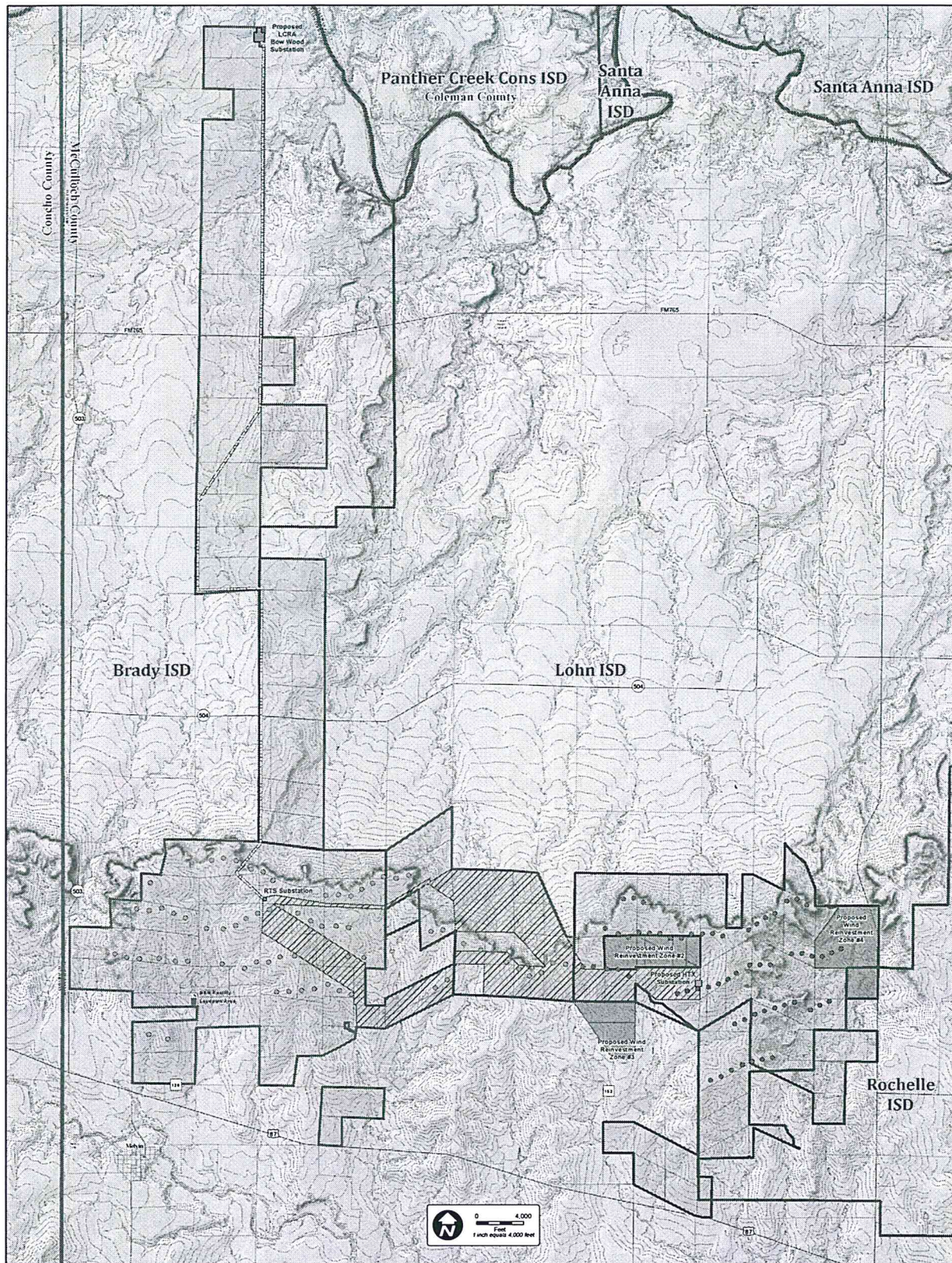
TRACT THREE: 168.52 acres, more or less, being all of Michael Bay Survey No. 1044, Abstract No. 145, Certificate No. 838, patented October 19, 1855, by Patent No. 377, Vol. 12, to F. Brichta, Assignee of Michael Bay.

TRACT FOUR: 171.06 acres, more or less, being all of Michael Bay Survey No. 1045, Abstract No. 146, Certificate No. 378, Vol. 12, to F. Brichta, Assignee of Michael Bay.

**EXHIBIT D**  
**MAP OF “HEART OF TEXAS”**  
**REINVESTMENT ZONES 2, 3, AND 4**

SEE ATTACHED MAP





## Rattlesnake (RTS) and Heart of Texas (HTX) Wind Projects McCulloch County, Texas

- |   |                                     |
|---|-------------------------------------|
| Rattlesnake Project Boundary                            | RTS Turbine                         |
| Heart of Texas Project Boundary                         | HTX Turbine                         |
| Current McCulloch County Wind Project Reinvestment Zone | Substation                          |
| Proposed Additional Reinvestment Zone                   | O&M Facility                        |
| Independent School District Boundary                    | RTS Laydown Area                    |
| County Boundary   | Proposed Overhead Transmission      |
|   | Proposed Transmission Line Corridor |

Confidential, Preliminary and Subject to Change

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COORDINATE SYSTEM: UTM Zone 16N NAD83  
 DATUM: NAD83  
 ELEVATION: MSL  
 SCALE: 1" = 4,000'





