

ORDER NO. 2018-09

AN ORDER OF THE COMMISSIONERS COURT OF PANOLA COUNTY, TEXAS: (1) APPROVING FURTHER CONSIDERATION BY PANOLA COUNTY OF THE APPLICATION SUBMITTED BY BTA GAS PROCESSING LLC, APPLICANT, REQUESTING CREATION OF A TAX ABATEMENT REINVESTMENT ZONE ON CERTAIN CONTIGUOUS LAND IN PANOLA COUNTY, TEXAS, AND REQUESTING A PROPOSED TAX ABATEMENT AGREEMENT WITH THE COUNTY REGARDING A PROPOSED APPLICANT DEVELOPMENT PROJECT ON SAID PROPERTY; (2) APPROVING THE COUNTY'S PERFORMANCE OF ALL PUBLIC NOTICE REQUIRED BY LAW FOR THE COUNTY TO SCHEDULE AND HOLD A PUBLIC HEARING REGARDING THE PROPOSED TAX ABATEMENT REINVESTMENT ZONE REQUESTED BY APPLICANT FOR SAID PROPERTY; AND (3) ESTABLISHING AN EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETING ACT.

WHEREAS, Panola County, Texas ("County") is a county of the State of Texas, having been duly created and organized under the constitution and laws of Texas, and further, the Panola County Commissioners Court ("Commissioners Court") is the governing body of the County; and

WHEREAS, pursuant to Article V, Section 18 and Article III Section 52-a of the Texas Constitution, Chapters 81 and 381 of the Texas Local Government Code, Chapter 312 of the Texas Tax Code, and other authority, the County may develop and administer economic development programs to stimulate business and commercial activity in Panola County, Texas, including the creation of tax abatement reinvestment zones to be created, designated, and administered regarding tax abatement agreements; and

WHEREAS, the Commissioners Court in the public interest finds it should directly engage and assist in the effort to stimulate and improve business and commercial activity in Panola County, Texas, from time to time using its lawful authority, discretion, and best business judgment, by the successful enactment, implementation, and administration of worthwhile economic development programs for the County as allowed by law; and

WHEREAS, the Commissioners Court declares by this order (1) the County's intent to participate in tax abatement agreements, from time to time and through the exercise of its lawful authority, discretion, and best business judgment, to stimulate business and commercial activity in Panola County, Texas, and (2) that the County elects to become eligible to participate in tax abatement as allowed by law; and

WHEREAS, there exists certain real property that is the subject of this order, same being those contiguous tracts or parcels of land, being and situated in Panola County, Texas, a part of the T. Applewhite Survey (Abstract No. 37) therein, containing a total of 21.0 acres, more or less

(comprised of Tracts 1 and 2), more particularly described by metes and bounds in the attached Exhibit A (“Property”); and

WHEREAS, BTA Gas Processing LLC (“Applicant”), by and through its representatives, filed an application with the County (1) indicating a desire to develop the Property for its major industrial project (“Project”), same being the construction and operation of a cryogenic natural gas processing plant on the Property, complete with related infrastructure, improvements, and equipment, with the completed Project having an estimated investment cost at construction completion in excess of \$125 million, and (2) requesting the County’s creation of a tax abatement reinvestment zone regarding the Property prior to the negotiation for and potential execution of a tax abatement agreement with the County regarding the Property and Project; and

WHEREAS, using its lawful authority, discretion, and best business judgment, and as a preliminary matter only, the Commissioners Court desires by this order to approve further consideration of the Project proposed by Applicant for the Property, including the performance of all public notice and official conduct tasks required by law for the County to schedule and hold a public hearing regarding the proposed tax abatement reinvestment zone requested by Applicant for the Property.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Commissioners Court of Panola County, Texas, for and on behalf of the County and in the public interest, as follows:

- (1) Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning in this order.
- (2) All statements made in the caption, preamble, and preliminary recitals of this order and all attached documents are incorporated by reference.
- (3) Using its lawful authority, discretion, and best business judgment, and as a preliminary matter only, the Commissioners Court approves further consideration of the Project proposed by Applicant for the Property, including the performance of all public notice and official conduct tasks required by law for the County to schedule and hold a public hearing regarding the proposed tax abatement reinvestment zone requested by Applicant for the Property, said Property being described as those contiguous tracts or parcels of land, being and situated in Panola County, Texas, a part of the T. Applewhite Survey (Abstract No. 37) therein, containing a total of 21.0 acres, more or less (comprised of Tracts 1 and 2), more particularly described by metes and bounds in the attached Exhibit A.

- (4) The Panola County Judge, on behalf of the County, is directed and authorized to execute, post, and/or publish, and to supervise, all notice or other documents required by law for the County to schedule and hold a public hearing regarding the proposed tax abatement reinvestment zone requested by Applicant for the Property, and further, the County's staff and legal counsel are directed and authorized to assist the County Judge regarding the timely and successful completion of those tasks.
- (5) This order shall take effect immediately after its passage.
- (6) All prior acts of the County, including its elected officials, appointed officials, officers, employees, agents, attorneys, and representatives, are hereby ratified, confirmed, and approved regarding this and any related matter.
- (7) This matter was ordered, adopted, and approved at a public meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

ORDERED, ADOPTED, AND APPROVED on the 24th day of July, 2018.

**THE COMMISSIONERS COURT OF
PANOLA COUNTY, TEXAS**

Lee Ann Jones
County Judge
Panola County, Texas

Ramon T. [Signature]
County Commissioner, Precinct 1
Panola County, Texas

Absent
County Commissioner, Precinct 2
Panola County, Texas

Craig M. [Signature]
County Commissioner, Precinct 3
Panola County, Texas

Dale LaSiron
County Commissioner, Precinct 4
Panola County, Texas

ATTEST:

Bobbie Davis by Rikeau Hicks, Deputy
County Clerk
Panola County, Texas



EXHIBIT A
(Property Description)

EXHIBIT A

Description of Land

Tract 1:

All that certain 20.00 acres tract or parcel of land being situated in the T. Applewhite Survey, Abstract 37, in Panola County, Texas and being a part of Tract 1, a called 721.19 acres tract described in a General Warranty Deed to DPM, a Texas General Partnership, as recorded in Vol. 1285, Pg. 306 of the Official Public Records of said county and said 20.00 acres tract being described by metes and bounds, as follows:

BEGINNING at a 60d nail found for an occupied inner "I." corner of said Tract 1 and the occupied southeast corner of a called 66.07 acres tract recorded in Vol. 155, Pg. 250 of the Deed of Trust Records of said county; on the approximate line dividing said T. Applewhite Survey and the T. Applewhite Survey, Abstract 35 (NOTE: BEARINGS ARE BASED ON U.S. STATE PLANE NAD 1983 COORDINATES, TEXAS NORTH CENTRAL ZONE - 4202),

THENCE North 73°40'57" East, a distance of 343.99 feet to a ½ inch iron rod with a yellow plastic cap stamped "RPLS 5210", set for the northeast corner described herein;

THENCE South 00°10'07" East, leaving said dividing line, a distance of 537.57 feet to a ½ inch iron rod with a yellow plastic cap stamped "RPLS 5210", set for an angle point in the east line described herein;

THENCE South 31°01'37" West, a distance of 486.85 feet to a ½ inch iron rod with a yellow plastic cap stamped "RPLS 5210", set for the southeast corner described herein;

THENCE South 75°56'12" West, a distance of 730.75 feet to a ½ inch iron rod with a yellow plastic cap stamped "RPLS 5210", set on the line dividing said Tract 1 and Tract 38, a called 283.8 acres tract recorded in Vol. 1347, Pg. 184 of said Official Public Records, on the approximate line dividing said Abstract 37 and the J. G. Hazelwood Survey, Abstract 853, for the southwest corner described herein.

THENCE North 13°06'13" West, along said dividing lines, a distance of 818.79 feet to a ½ inch iron rod with a yellow plastic cap stamped "RPLS 5210", set for the most southern, northwest corner of said Tract 1 and the northwest corner described herein;

THENCE North 73°40'57" East, along the line dividing said Tract 1 and said 66.07 acres tract and said line dividing said Applewhite Surveys, a distance of 847.86 feet to the Point of Beginning and containing 20.00 acres of land

Tract 2:

All that certain 1.00 acre surface site being situated in the T. Applewhite Survey, Abstract 37, in Panola County, Texas and being in Tract 1, a called 721.19 acres tract described in a General Warranty Deed to DPM, a Texas General Partnership, as recorded in Vol. 1285, Pg. 306 of the Official Public Records of said county and said surface site being described by metes and bounds, as follows

BEGINNING at a ½ inch iron rod with a yellow plastic cap, stamped RPLS 5210, set on a south line of a 50 feet-wide easement recorded in Vol. 1570, Pg. 569 of said Official Public Records,

for the northeast corner herein, said POINT OF BEGINNING bears South 50°07'01" East, a distance of 1,267.00 feet from a 60-d nail found for an inner "L" corner of said Tract 1 (NOTE: BEARINGS ARE BASED ON U.S. STATE PLANE NAD 1983 COORDINATES, TEXAS NORTH CENTRAL ZONE -- 4202);

THENCE South 01°02'33" East, leaving said south line, a distance of 208.71 feet to a ½ inch iron rod with a yellow plastic cap, stamped RPLS 5210, set for the southeast corner herein;

THENCE South 88°57'27" West, a distance of 208.71 feet to a ½ inch iron rod with a yellow plastic cap, stamped RPLS 5210, set for the southwest corner herein,

THENCE North 01°02'33" West a distance of 208.71 feet to a ½ inch iron rod with a yellow plastic cap, stamped RPLS 5210, set on said south line, for the northwest corner herein;

THENCE North 88°57'27" East, along said south line, a distance of 208.71 feet to the POINT OF BEGINNING and containing 43,560 square feet or 1.00 acre of land.