

PANOLA COUNTY, TEXAS
NOTICE OF PUBLIC HEARING

On August 7, 2018 at 1:30 p.m. the Commissioners Court of Panola County, Texas ("County") at its public meeting shall hold a public hearing at the Commissioners' Courtroom, Panola County Courthouse, 110 South Sycamore Street, Carthage, Texas 75633 to consider the request by BTA Gas Processing LLC (a wholly-owned affiliate of Enterprise Products Partners LP), for the designation of a contiguous land area in Panola County, Texas as a tax abatement reinvestment zone ("Zone") pursuant to Chapter 312 of the Texas Tax Code and other authority.

At the hearing, the County will receive information to determine, among other things, whether: (1) the improvements sought within the proposed Zone are feasible and practical and would be a benefit to the land to be included in the Zone and to said county after the expiration of any tax abatement agreement; and (2) the proposed Zone designation would contribute to the retention or expansion of primary employment or would attract major investment in the Zone that would be a benefit to the property to be included in the Zone and would contribute to the economic development of said county.

The land area being considered for the Zone designation is more particularly described as follows, pursuant to the public records of the County Clerk of Panola County, Texas and the Panola County Appraisal District, to which reference is made for all purposes: a contiguous land area containing 21.0 total acres, more or less, being and situated in Panola County, Texas, a part of the T. Applewhite Survey (Abstract No. 37) therein, and described as Tract 1, containing 20.0 acres, more or less, and Tract 2, containing 1.0 acres, more or less, with said tracts both being part of a called 721.19 acre, more or less, tract described as Tract 1 in that certain General Warranty Deed to DPM, a Texas General Partnership, recorded in Volume 1285, Page 306 of the Official Public Records (or real property records) of Panola County, Texas.

At the public hearing, interested persons are entitled to speak and present evidence for or against the Zone designation. Following the public hearing, and at the aforesaid or a subsequent public meeting, the County may consider the approval and designation of all or part of the aforesaid land area as a tax abatement reinvestment zone. Notice of the aforesaid public meeting and hearing is being given by the County in the manner required by law.

LeeAnn Jones, County Judge
Panola County, Texas

ORDER NO. 2018-12

AN ORDER OF THE COMMISSIONERS COURT OF PANOLA COUNTY, TEXAS: (1) APPROVING THE CREATION OF A TAX ABATEMENT REINVESTMENT ZONE AND RELATED ECONOMIC DEVELOPMENT PROGRAM FOR CERTAIN REAL PROPERTY LOCATED IN PANOLA COUNTY, TEXAS PURSUANT TO CHAPTER 312 OF THE TEXAS TAX CODE, CHAPTER 381 OF THE TEXAS LOCAL GOVERNMENT CODE, AND OTHER AUTHORITY; (2) DECLARING COUNTY INTENT TO PARTICIPATE IN TAX ABATEMENT AGREEMENTS, AND AUTHORIZING AND APPROVING COUNTY ELIGIBILITY TO PARTICIPATE IN TAX ABATEMENT, AS ALLOWED BY LAW AND PURSUANT TO COUNTY DISCRETION; 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 creation, designation, and administration of worthwhile economic development programs for the County as allowed by law; and

WHEREAS, the Commissioners Court declares by this order the County’s (1) 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) decision or election to become eligible to participate in tax abatement as allowed by law and the exercise of County discretion; 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** (“Zone Property”); and

WHEREAS, in order to stimulate business and commercial activity in Panola County, Texas, the Commissioners Court desires by this order to establish, implement, and administer the following economic development program (“Program”) for the Zone Property: the construction, completion, operation, repair, and maintenance of a cryogenic natural gas processing plant (“Facility”) on the Zone Property, including all substantially related business operations and activities, with the Facility being constructed, completed, operated, repaired, and maintained with related infrastructure, improvements, and equipment placed on the Zone Property, and with the completed Facility having an investment cost at construction completion in excess of \$125,000,000.00; and

WHEREAS, the Commissioners Court finds that the Zone Property is eligible for commercial-industrial tax abatement pursuant to Chapter 312 of the Texas Tax Code; and

WHEREAS, it is believed the construction, completion, operation, repair, and maintenance of the Facility on the Zone Property, due to its size and scope, will result over time in increased economic opportunity for the people of Panola County, Texas and have a positive effect regarding local economic issues, including but not limited to (1) increased local tax bases with corresponding improvements in governmental services, operations, and infrastructure, (2) increased employment and wages, (3) increased wholesale and retail sales, and (4) a decrease in the number of families living in poverty; and

WHEREAS, BTA Gas Processing LLC (“Applicant”) filed an application with the County and (1) indicated a desire to develop the Facility on the Zone Property in accordance with the Program requirements described in this order, and (2) requested the County’s creation of a tax abatement reinvestment zone regarding the Zone Property prior to the negotiation for and potential execution of a tax abatement agreement with the County regarding the Zone Property; and

WHEREAS, all prerequisites to the creation and designation of a tax abatement reinvestment zone for the Zone Property, including public notice and a public hearing, have been accomplished by the County as required by law; and

WHEREAS, the Commissioners Court desires by this order to approve the County’s (1) eligibility to participate in tax abatement, and (2) designation, creation, and administration of a tax abatement reinvestment zone regarding the Zone Property and the related Program requirements for said property; and

WHEREAS, the Commissioners Court finds that all public purposes described in this order shall be obtained or substantially achieved through the creation, designation, and administration of a tax abatement reinvestment zone on and regarding the Zone Property pursuant to the Program requirements described in this order.

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 and preliminary recitals of this order and all attached documents are incorporated by reference.
- (3) The following economic development Program is approved regarding the Zone Property to stimulate business and commercial activity in Panola County, Texas: the construction, completion, operation, repair, and maintenance of a cryogenic natural gas processing plant (or Facility) on the Zone Property, including all substantially related business operations and activities, with the Facility being constructed, completed, operated, repaired, and maintained with related infrastructure, improvements, and equipment placed on the Zone Property, and with the completed Facility having an investment cost at construction completion in excess of \$125,000,000.00.
- (4) The Commissioners Court declares the County's: (a) 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 (b) decision or election to become eligible to participate in tax abatement as allowed by law and the exercise of County discretion.
- (5) The following commercial-industrial tax abatement reinvestment zone is hereby approved, created, and designated, and shall be administered, by the County regarding the Zone Property pursuant to the Program requirements described in this order: **Panola County, Texas Tax Abatement Reinvestment Zone No. 2018-001** ("Zone"), with the land area for the Zone 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**.
- (6) The Commissioners Court finds that: (a) all public notice and other requirements for the creation and designation of the Zone were accomplished as required by law, including a public hearing previously conducted by the Commissioners Court at a public meeting; (b) the improvements sought within the Zone are feasible and practical and will be a benefit to the land to be included in the Zone and to the County after the expiration of any tax abatement agreement; and (c) the Zone designation regarding the Zone Property will contribute to the retention or expansion of primary employment or will attract major investment in the

Zone that will be a benefit to said property included in the Zone and will contribute to the economic development of Panola County, Texas.

- (7) The Panola County Judge, on behalf of the County, is authorized and directed to execute all documents and complete all other tasks necessary or desired to properly designate and administer the Zone, and further, the County's staff and legal counsel are authorized and directed to assist the County Judge regarding the timely and successful completion of those tasks.
- (8) This order shall take effect immediately from and after its passage.
- (9) This matter was ordered, adopted, and approved at a meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

ORDERED, ADOPTED, AND APPROVED on the 7th day of August, 2018.

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

Lee Ann Jones
County Judge
Panola County, Texas

Absent
County Commissioner, Precinct 2
Panola County, Texas

Ronnie LaRue
County Commissioner, Precinct 1
Panola County, Texas

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

John LaRue
County Commissioner, Precinct 4
Panola County, Texas

ATTEST:

[Signature]
County Clerk or Deputy County Clerk
Panola County, Texas



EXHIBIT A

**(Zone Property Description -- Panola County, Texas
Tax Abatement Reinvestment Zone No. 2018-001)**

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 "L" corner of said Tract 1 and the occupied southeast corner of a called 66.07 acres tract recorded in Vol. 155, Pg. 259 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.