

NOTICE OF TAX ABATEMENT CONSIDERATION

BRISCOE COUNTY COMMISSIONERS COURT

DATE: September 16, 2024

TIME: 9:00 A.M.

FILED
Time: 2:41 PM.
AUG 14 2024

County & District Clerk
Briscoe County, Texas

PLACE: Briscoe County Courthouse, 415 Main St., Silverton, Texas 79257

PURPOSE: The Briscoe County Commissioners Court will discuss and take possible action regarding a First Amendment to the Amended and Restated Tax Abatement Agreement with Soluna DV ComputeCo, LLC, Soluna DVSL ComputeCo, LLC, to add a potential additional Owner, Soluna DVSL II ComputeCo, LLC, pursuant to Chapter 312 of the Texas Tax Code.

Applicant for Tax Abatement: Soluna DV ComputeCo, LLC, Soluna DVSL ComputeCo, LLC, and Soluna DVSL II ComputeCo, LLC

Reinvestment Zone: Soluna Reinvestment Zone

Property in Reinvestment Zone: See attached map and legal description provided in Exhibit "A" attached hereto and incorporated herein for all purposes.

Anticipated Improvements: The general description of the nature of the improvements included in the agreement is as follows:

Applicant anticipates making improvements consisting of land improvements, buildings, substation, transmission line, computer servers, and related hardware and equipment for setup and operations of a data center with a Data Center Capacity of one hundred (100) megawatts (AC) located in the Reinvestment Zone.

Estimated Cost of the Improvements: The estimated cost of the improvements being contemplated by Applicant is up to \$200,000,000.00.

Summary of Proposed Amendments: The First Amendment to the Amended and Restated Tax Abatement Agreement would add Soluna DVSL II ComputeCo, LLC to the Agreement.

FOR DETAILED INFORMATION OR QUESTIONS CALL COUNTY JUDGE'S OFFICE AT (806) 823-2131

CERTIFICATION

I certify that the above Notice of Tax Abatement Consideration was posted on the bulletin board and exterior door at the Courthouse door of Briscoe County, Texas, at a place readily accessible to the general public at all times on the ___ day of August, 2024, and pursuant to Texas Tax Code 312.207 and Chapter 551, Texas Government Code, said Notice remained so posted continuously for at least 30 days preceding the scheduled time of said Meeting.


Rank Cogdell

County Judge, Briscoe County, Texas

Exhibit "A"

DESCRIPTION AND MAP OF SOLUNA REINVESTMENT ZONE

The Soluna Reinvestment Zone is comprised of the following described property located in Briscoe County, Texas. The Soluna Reinvestment Zone shall in no way be deemed to include any portion of any municipality.

A 33.56 acres (1,461,830 square feet), tract of land, lying within the V.R. Bomar Survey, Abstract 1099, Block B2, Section 6, Briscoe County, Texas, and being a portion of a called 632.62 acre tract, conveyed to Louis Edd Grabbe and Alice Faye Grabbe in Volume 5, Page 269, Deed records of Briscoe County, Texas, described as follows:

Commencing at a 2" iron pipe found in the center line of County Road F, being the common corner of Sections 6, 7, 14 & 15 and of said 632.62 acre tract, and a corner of a called 627.79 acre tract, conveyed to Barbara Lynne Farnan, James Sterling Davis and Mary Diane Bridges in Volume 34, Page 582, Volume 34, Page 586 and Volume 34, Page 689, Deed Records of Briscoe County, Texas, also being a corner of a called 320.01 acre tract, conveyed to James Sterling Davis in Volume 34, Page 586, Deed Records of Briscoe County, Texas and of a called 640.00 acre tract, conveyed to Louis Edd Brabbe and Alice Faye Grabbe in Volume 5, Page 269, Deed Records of Briscoe County, Texas;

THENCE, with the centerline of said County Road F, being the South line of said 632.62 acre tract and said Section 6 and also being the North line of said 627.79 acre tract and said Section 7, N 89° 35' 27" E, a distance of 3087.68 feet to a ½" iron rod with cap stamped "Atwell LLC" set for the Point of Beginning and the Southwest corner of the herein described tract;

THENCE, over and across said 632.62 acre tract, the following five (5) courses and distances:

1. N 00° 32' 25" W, a distance of 1664.38 feet to a ½" iron rod with cap stamped "Atwell LLC" set for the Northwest corner of the herein described tract;
2. N 86° 29' 18" E, a distance of 241.86 feet to a ½" iron rod with cap stamped "Atwell LLC" set point of curvature of a curve to the right;
3. with said curve to the right, an arc distance of 157.56 feet, having a radius of 169.00 feet, an angle of 53° 24' 57", and a chord bearing S 66° 48' 13" E, a distance of 151.91 feet to a ½" iron rod with cap stamped "Atwell LLC" set;
4. S 40° 05' 45" E, a distance of 1084.06 feet to a ½" iron rod with cap stamped "Atwell LLC" set for the most Southern Northeast corner of the herein described tract;
5. S 00° 24' 13" E, a distance of 782.39 feet to a ½" iron rod with cap stamped "Atwell LLC" set on the said center line of County Road F, the said South line of 632.62 acre tract and Section 6 and also being the said North line of 627.79 acre tract and Section 7, from which a 20 penny nail found at the common intersection point of the center line of County Road F, with the centerline of Highway 207, being the common corner for Sections 4, 5, 6 & 7 and of said 632.62 acre tract, of said 627.79 acre tract, of a called 32.25 acre tract, conveyed to Rita Elaine Forbes in Volume 27, Page 870, Deed Records of Briscoe County, Texas and of a called 626.19 acre tract, conveyed to Louis Edd Grabbe and Alice Faye Grabbe in Volume 92, Page 419, Deed Records of Briscoe County, Texas, bears N 89° 35' 27" E, a distance of 1123.75 feet;

THENCE, with the said centerline of County Road F, being the said South line of 632.62 acre tract and Section 6 and also being the said North line of 627.79 acre tract and Section 7, S 89° 35' 27" W, a distance of 1069.09 feet to the Point of Beginning.

Containing 33.56 acres or 1,461,830 square feet, more or less.

