

## **PROPERTY TAX ABATEMENT AGREEMENT**

**THIS PROPERTY TAX ABATEMENT AGREEMENT** entered into as of **DATE** between **CASCADE CHARTER TOWNSHIP**, a Michigan charter township, of 5920 Tahoe Dr. SE, Grand Rapids, Michigan 49546 (the “Township”), and **COMPANY**, “Applicant”) for **ADDRESS**.

### **RECITALS**

- A. The Applicant has filed with the Township an application (the “Application”) for an industrial facilities exemption certificate (the “Certificate”) pursuant to Act 198 of the Public Acts of Michigan of 1974, as amended.
- B. To encourage the granting of the Certificate and in recognition of the forbearance of the Township and other taxing entities to immediately receive the full benefits of the economic growth of the Applicant, the parties wish to ensure the Township and other taxing entities will ultimately share in the benefits from the growth.

**NOW, THEREFORE**, in exchange for the consideration in and referred to by this Agreement, the parties agree as follows:

### **AGREEMENT**

- 1. The Application, a copy of which is attached as Exhibit A, is an integral part of this Agreement and details of the Applicant’s intended investment, creation of new jobs, retention of existing jobs and other development efforts.
- 2. The Applicant will submit a letter to the Township no later than January 30<sup>th</sup> immediately following the second year after the issuance of the Certificate certifying:
  - (a) Numbers of jobs created or retained.
  - (b) Actual cost for both real and personal property acquisitions.
  - (c) An explanation for a difference in the number of jobs created or total project costs differ from those described in the Application.
- 3. The Applicant will recertify the information outlined above every two (2) years through the expiration of the Certificate.
- 4. The Applicant understands and agrees that if employment has not been retained or reached, or the expansion or improvement was not substantially completed as described in the Application, the Township may reduce the term of, or revoke, the Certificate.

5. If the Applicant ceases operation of its facility in the Township so that it is no longer employing people and producing goods and no successor employer is occupying the facility and providing industrial employment during the term of the Certificate then:
  - (i) if less than two (2) years has transpired since the approval of the Application, the Township may require one hundred percent (100%) of the abated *ad valorem* property taxes be repaid by the Applicant to the Township and other affected taxing units;
  - (ii) if between two (2) years and less than four (4) years of the time has transpired since the approval of the Application, the Township may require seventy-five percent (75%) of the abated *ad valorem* property taxes be repaid by the Applicant to the Township and other affected taxing units;
  - (iii) if between four (4) years and less than six (6) years has transpired since the approval of the Application, the Township may require fifty percent (50%) of the abated *ad valorem* property taxes be repaid by the Applicant to the Township and other taxing units; and
  - (iv) if more than six (6) years has transpired since the approval of the Application, then no funds shall be repayable by the Applicant.

In each situation, however the Certificate may be prospectively revoked.

6. The Applicant understands and agrees that if it has been granted a Certificate for personal property of which it is (a) the owner it shall timely pay when due the applicable industrial facilities tax on such personal property whether or not it is still located in the Township or (b) not the owner it shall timely pay when due the applicable industrial facilities tax on such personal property whether or not it is still located in the Township.
7. Any action to revoke the Certificate or to require repayment of the abated taxes shall be by resolution of the Township Board, which may, before taking such action, consider any extenuating circumstances, such as general economic conditions, the Applicant's length of time in the Township, and the number of employees. Prior to any Township action concerning the reduction of the term or revocation of the Certificate or for recapture of the abated taxes, the Applicant will have the right, upon its written request therefore, to a public hearing before the Township Board.

8. The Applicant understands and agrees, if the Township (a) revokes the Certificate pursuant to paragraph 5 or 6 above and the rebated taxes are not repaid within thirty (30) days after such revocation or (b) if the industrial facilities tax is not paid when due pursuant to paragraph 7 above, the Township may add those unpaid taxes to the property tax statement of any premises previously or then currently occupied by the Applicant. To the extent permitted by law, such amount shall be a lien in the same nature as property taxes due and payable upon such premises.

By their signatures below, representatives of both the Applicant and the Township acknowledge they are signing under the authority and on behalf of the parties.

**CASCADE CHARTER TOWNSHIP**  
"Township"

By: \_\_\_\_\_  
NAME, Supervisor

By: \_\_\_\_\_  
NAME, Township Clerk

**COMPANY NAME**  
"Applicant"

By: \_\_\_\_\_

Its: President \_\_\_\_\_

# INDUSTRIAL FACILITIES EXEMPTION APPLICATION

## AFFIDAVIT OF FEES

In accordance with State Tax Commission Bulletin No. 3 dated January 1998, the LOCAL UNIT and APPLICANT for Industrial Facilities Exemption Certificate do hereby swear and affirm that no payment of any kind, whether they be referred to as "fees," "payments in lieu of taxes," "donations" or by other like terms, such payments are contrary to the legislative intent of Act 198 that exemption certificates have the effect of abating all ad valorem property taxes levies by taxing units with the unit of local government which approves the certificate.

We do swear and affirm by our signatures below that "no payment of any kind in excess of the fee allowed, as amended by Public Act 323 of 1996 has been made or promised in exchange for favorable consideration of an exemption certificate application."

### CASCADE CHARTER TOWNSHIP

By: \_\_\_\_\_

NAME, Township Clerk

Dated \_\_\_\_\_

### APPLICANT

BY: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_