

Charter Township of Clinton

APPLICATION FOR **NEW** INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

Charter Township of Clinton



OFFICERS:

Robert J. Cannon
Supervisor

George Fitzgerald
Clerk

William J. Sowerby
Treasurer

TRUSTEES:

Ernest O. Hornung
Kenneth Pearl

Dean J. Reynolds
Jenifer "Joie" West

DEPARTMENT OF ASSESSING

ASSESSOR

James H. Elrod

CHARTER TOWNSHIP OF CLINTON MACOMB COUNTY, MICHIGAN

Application for New Industrial Facilities Exemption Certificate

TO THE APPLICANT:

The Charter Township of Clinton has established the following policy for its review and consideration of each application for an Industrial Facilities Exemption Certificate.

CONTACT PERSON FOR PROCEDURAL INFORMATION:

At State Level: Sarah Miller
Exemption Program Section
State Tax Commission
P. O. Box 30471
Lansing, Michigan 48909-7971
(517) 373-3272 - Phone
(517) 373-3553 - FAX

At Township Level: Alisa Petronski, MAAO
Charter Township of Clinton
40700 Romeo Plank Road
Clinton Township, Michigan 48038
(586) 723-8023 - Phone
(586) 286-9390 - FAX

POLICIES:

1. An Industrial Facilities Exemption Certificate means the Certificate and the limits of Tax Abatement as prescribed in Act 198 of the Michigan Acts of 1974, as amended.
2. The application attached is a preliminary review questionnaire along with the State application and supporting documents. The applicant may be required to submit additional information and documentation in support of its application for tax abatement as may be deemed necessary or appropriate in the discretion of the Charter Township of Clinton Board of Trustees and/or Economic Development Corporation.

CIVIC CENTER

40700 Romeo Plank Road
Clinton Twp., MI 48038-2900
Phone: (586) 286-9468
Fax: (586) 286-9390

CHARTER TOWNSHIP OF CLINTON
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE POLICY (CONT.)

3. The acceptance for filing of this application by the Charter Township of Clinton does not imply an approval will be granted for this request. ***The Charter Township of Clinton Board of Trustees constitutes the approving body for the Charter Township of Clinton and its decision is further subject to approval by the Michigan State Tax Commission as prescribed by law.***
4. The Charter Township of Clinton Board of Trustees shall have each application reviewed by the Township Assessor for compliance with Public Act 198 of 1974 as amended. The Assessor shall forward the application to the Economic Development Corporation, who shall review and make a recommendation to the Board of Trustees for final action.
5. No Industrial Facilities Exemption Certificate can be granted until the Charter Township of Clinton Board of Trustees establishes an appropriate plant rehabilitation district or industrial development district, as required for the type of development concerned. No such district can or will be established by the Charter Township of Clinton Board of Trustees in any portion of the Township except in strict conformity with the applicable zoning of land for such use.
6. An Industrial Facilities Exemption Certificate will not be granted unless the Charter Township of Clinton Board of Trustees, in its discretion, determines:
 - a. The commencement of the restoration, replacement or construction of the facility occurred not earlier than ***six months before*** the filing of the application for the certificate.
 - b. The application relates to the construction, restoration, or replacement program which when completed constitutes a new or replacement facility within the meaning of the plant rehabilitation and industrial development district Act 198 of the Michigan Public Acts 1974, as amended, and which shall be situated within a plant's rehabilitation district or industrial development district established by the Charter Township of Clinton Board of Trustees.
 - c. Completion of the facility is calculated to, and will at the time of issuance of the certificate have the reasonable likelihood to create employment, retain employment or prevent a loss of employment in the Charter Township of Clinton.
 - d. Completion of the facility does not constitute merely the addition of machinery and equipment for the purpose of increasing productivity capacity but rather is primarily for the purpose and will primarily have the effect of restoration, replacement or updating the technology of obsolete industrial property. An increase in productive capacity, even though significant, shall not constitute an impediment to the issuance of a certificate if other criteria in this policy and the law are met. This provision shall not apply to a new facility.

CHARTER TOWNSHIP OF CLINTON
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE POLICY (CONT.)

- e. The granting of the certificate will not place an undue burden upon the taxpayers of the Charter Township of Clinton, including the school districts and the County of Macomb.
7. An original application and five (5) copies (total of six complete sets) shall be submitted to the Charter Township of Clinton Clerk accompanied by an application fee of ***\$1,500.00.*** ***The Clerk shall refer the application to the Charter Township of Clinton Assessor for review and recommendation to the Economic Development Corporation.*** The Economic Development Corporation shall then submit recommendation to the Charter Township of Clinton Board of Trustees for final action. In the event the applicant does not qualify for exemption for any reason, the applicant may be refunded, upon written request, within 60 days of said denial, 50% (\$750.00) of the application fee.
8. On June 18, 1990, the Charter Township of Clinton Board of Trustees adopted a policy through resolution of the Township Board to limit the grant of an Industrial Facilities Exemption Certificate to a period of not exceeding one (1) year where the applicant or any shareholder, general partner or owner of the applicant has outstanding (or is a shareholder, general partner or owner of an entity who has outstanding) delinquent real or personal taxes.
9. As of December 31, 1993, the Legislature approved P.A. 334 of 1993 which amends the Industrial Facilities Act, and requires all applicants to complete the attached Letter of Agreement.
10. As of January 1, 1998, the State Tax Commission shall require that there be attached to all exemption certificate applications an Affidavit, signed by an official of Clinton Township and by a representative of the applicant, which states that no payment of any kind in excess of the fee allowed by Act 198, as amended, has been made or promised in exchange for favorable consideration of an exemption certificate application.

Charter Township of Clinton



**ECONOMIC DEVELOPMENT
CORPORATION
TOWNSHIP OF CLINTON**

BOARD OF DIRECTORS:

Timothy D. Backhurst
 Albert H. Callewaert
 Louis A. Comaianni
 Kenneth R. Knox
 Shirlee A. Mast
 Ralph Pety
 Shanon Rupkus
 Carlo Santia
 Henry Sommerstorfer
 Robert H. Steiner

LEGAL COUNSEL

Joseph P. Ciaramitaro, Jr.

RECORDING SECRETARY

Alisa Petronski

EX-Officio MEMBER

Eric F. Jackson

CIVIC CENTER

40700 Romeo Plank Road
 Clinton Twp., MI 48038-2900
 Phone: (586) 286-8000
 Fax: (586) 228-1770

Economic Development Corporation

GUIDELINES FOR DETERMINING LENGTH OF INDUSTRIAL FACILITIES TAX ABATEMENT IN EXISTING INDUSTRIAL DEVELOPMENT DISTRICT OR PROPOSED SINGLE-USE DISTRICT

The Clinton Township Economic Development Corporation and Board of Trustees will consider granting *one year* of tax abatement for each evaluation point awarded below. Maximum number of years awarded cannot exceed 12 years (11 years for speculative buildings).

EVALUATION FACTORS

TOTAL POINTS AWARDED

1.	<u>Total Investment Value</u>	
	~ Up to \$350,000	2
	~ \$350,001 - \$600,000	4
	~ \$600,001 - \$1,000,000	5
	~ Over \$1,000,000	7
2.	<u>Employees</u> (new and retained)	
	~ 1 - 10 employees	2
	~ 11 - 20 employees	4
	~ Over 20 employees	5
3.	<u>Location</u>	
	~ District located in Sections 34 and 35 (14 Mile Road to 15 Mile Road, Little Mack to Harper)	4

NOTE: The above guidelines award points for three primary factors (i.e. investment, employment and geographic location) which are considered to be of value to the Township. Other factors may also be considered in determining the length of tax abatement. These may include aesthetic considerations, historical or proposed community involvement, the nature of the particular business or other qualitative issues. These factors may potentially result in additional points/years at the discretion of the Board of Trustees.

Charter Township of Clinton
Economic Development Corporation

**APPLICATION
FOR
NEW INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE**

① APPLICANT INFORMATION

Business name _____

Address _____

Telephone _____ Fax _____

Represented by _____

*(include address and
telephone, if different
from above)*

② PROJECT INFORMATION *(Check all that apply)*

Real Property Personal Property

New facility Expansion of existing facility

Speculative building Rehabilitation/Restoration of existing facility

Location of proposed project _____
(Address preferred, if unknown use legal description)

Current zoning of project site: I-1 Light Industrial I-2 Heavy industrial Other: _____

Name of Industrial Development District _____

Project commencement date _____
(List the building permit date or footings inspection date. Date must be within 6 months of the date of this application. If this application is for a speculative building, list the date of occupancy. If application pertains to personal property, list the first installation date.)

Please describe nature of Applicant's business _____

3 COMPANY INFORMATION

Company Partners/Officers/Directors and their home addresses

_____	_____
_____	_____
_____	_____
_____	_____

Shareholders and their addresses

_____	_____
_____	_____
_____	_____

If any of the above Partners/Officers/Directors are affiliated with any other company, please give name, company name, and company address

_____	_____	_____
_____	_____	_____
_____	_____	_____

List all community involvement by the applicant and its Partners/Officers/Directors *(Examples include: Kiwanis, Lions, Rotary, Goodfellows, Chamber of Commerce, etc.)* NOTE: The EDC is particularly interested in Applicants actively involved in their community. A strong participation in community service will assist in determining the period of tax abatement recommended for approval.)

When did applicant begin operation of business in Clinton Township? _____

Previous location(s) of applicant's business _____

List previous tax abatements received in Clinton Township or elsewhere _____

4 SPECIFIC INFORMATION

New construction: Briefly describe size, story height, and type of new building or addition

Speculative building: Resolution adopted by Township Board on _____

Name of Developer/Builder _____

Personal Property: Purchase and installation Installation only Not applicable

5 PROJECT COST INFORMATION

Cost of **land improvements** (*Example: paving, fencing, sidewalks*) _____

Cost of **building improvements & real leasehold improvements** _____

Cost of **furniture and fixtures** (Schedule 2c – Section A) _____

Cost of **machinery and equipment** (Schedule 2c – Section B) _____

Cost of **office equipment** (Schedule 2c – Section D) _____

Cost of **coin operated/vending equip.** (Schedule 2c – Section E) _____

Cost of **computer equipment** (Schedule 2c – Section F) _____

Cost of **personal leasehold improvements** (Schedule 2c – Sec M) _____

Total estimated project cost _____

6 EMPLOYMENT INFORMATION

Number of existing employees prior to start of project _____

Number of new employees to be hired as a result of this project _____

Total number of employees anticipated upon completion of project _____

Estimated number of employees who will be residents of Clinton Township _____

Is the applicant employing (or planning to employ) students and/or residents attending local schools and colleges? Has the applicant contacted any Clinton Township schools regarding cooperative training programs? Please explain:

7 COMMUNITY IMPACT INFORMATION

Describe any additional road or utility services this project will require

Describe the benefits this project will provide to the Charter Township of Clinton, its residents and businesses

Describe anticipated new business and/or industry that will develop in Clinton Township as a result of this project

Reason for this exemption request _____

State any additional information which will assist in reviewing and deciding this application

Number of years of exemption requested (1 - 12 years) _____

SIGNED: _____

DATE: _____

TITLE: _____

CLERK'S ACKNOWLEDGMENT OF RECEIPT

The foregoing application and accompanying application fee of One Thousand Five Hundred (\$1,500) Dollars was received on this _____ day of _____, _____.

GEORGE FITZGERALD, Clerk
Charter Township of Clinton

PLEASE READ!

- A) The application should be filed after the Industrial Development District is established by the Charter Township of Clinton Board of Trustees. Contact the Township Assessor's office to verify that the subject parcel is located within an approved Industrial Development District.
- B) Contact the Township Assessor's office to determine if you are using the latest revision of the application and to review the application process. Applications and instructions are periodically updated.
- C) The application must be filed within six months from the commencement of the project. Commencement of the project is defined as the date of the building permit or date of the footings inspection if this is a new building/addition. For speculative buildings or transfers, use the date of occupancy.
- D) File one (1) original and five (5) copies (total of six complete sets) of the application along with an application fee of One Thousand Five Hundred (\$1,500) Dollars with the Township Clerk's office. Retain a copy of the application for your records.

INSTRUCTIONS FOR COMPLETING MICHIGAN DEPARTMENT OF TREASURY STATE TAX COMMISSION FORM 1012 (Rev. 4/04)

- 1a. Enter the name of the company applying for abatement. Applicant must be the occupant and operator of the facility.
- 1b. Enter four digit Standard Industrial Classification Code. This code is found in the 1987 Standard Industrial Classification Manual available at the Township Assessor's office.
- 1c. Enter the street number and street name for the **location** of the facility where tax abatement is being requested. **Also attach the legal description and property identification number for this location.** This attachment will be known as **Exhibit 1**. (The Township Assessor's office can provide you with a copy of the legal description.) If this is a new project and the address is not yet available, please enter the street name and parcel number.
- 1d. Enter Clinton Township.
- 1e. Enter Macomb.
2. Indicate type of application. "NEW" includes additions to existing buildings.
- 3a. Enter the appropriate school district name for the location of the facility.
- 3b. Enter the five digit school code:
- | | | | |
|-----------------|-------|---------------|-------|
| Clintondale | 50070 | L'Anse Creuse | 50140 |
| Chippewa Valley | 50080 | Mount Clemens | 50160 |
| Fraser | 50100 | | |

4. Enter maximum number of years requested for exemption. New facilities are eligible for a maximum of 12 years; speculative buildings qualify for a maximum of 11 years.
5. Explain the scope of the project. The exemption applies to buildings, building improvements, machinery, equipment, furniture and fixtures. Describe the size and type of building or addition, whether new or speculative. Describe the personal property to be acquired. Describe the proposed use of the facility. Attach additional pages if necessary.
- 6a. Enter the estimated cost of land improvements, building improvements, and leasehold improvements (also known as real property costs). Land improvements include paving, sidewalks, fencing, lighting, etc. Itemize these improvements and their cost on a separate sheet to be identified as **Exhibit 2a**. DO NOT include the cost of the land in this figure. Itemize the estimated cost of building improvements for new buildings and new additions. List the type and estimated cost of each building improvement on **Exhibit 2b**. Attach a copy of the building permit, identified as **Exhibit 3**, if the project has begun. For speculative buildings list the purchase price or estimated cost of the building.
- 6b. Enter the actual/estimated cost of all furniture and fixtures, machinery and equipment, office equipment, computer equipment and leasehold improvements (of a personal nature) installed within six months prior to the date of this application and anticipated to be installed within the next two years. Itemize the complete list of furniture and fixtures on **Exhibit 2c - Section A** including the description, expected installation date (month/day/year), and estimated cost. Itemize and enter the actual/estimated cost of all machinery and equipment installed within the same time frame mentioned above on **Exhibit 2c - Section B**. Office equipment is reported on **Section D**, coin operated/vending equipment on **Section E**, computer equipment on **Section F**, and leasehold improvements categorized as personal property on **Section M**.

Provide a certified affidavit (see example on page 7) as proof of the date installation of personal property commenced. The certified affidavit will be known as **Exhibit 3**.

In your estimated cost figures, please be sure to allow for inflation costs, freight, sales tax, and set-up charges.

- 6c. Enter the total project cost by adding together the real and personal property costs. The State Tax Commission will allow the *final* project cost to exceed the *estimated* project cost by **no more than 10%**. If costs exceed 10%, the certificate holder must request a revision by making application to the Charter Township of Clinton. Also note that **only** the machinery, equipment, furniture and fixtures listed on Exhibit 2c (Sections A – M) will be subject to tax abatement. Purchases of equipment, furniture, etc. not on the original list will not receive the benefits of tax abatement, unless the certificate holder makes an additional application for tax abatement. Exhibit 2c (Sections A – M) will be the history list to be used every year when completing and filing the annual Personal Property Statement.

7. List beginning and ending dates (month/day/year) of the project for real property and personal property. Completion of the project must be within 2 years from the date the Industrial Facilities Exemption Certificate is issued. Proof must be furnished on **Exhibit 3** as stated above in 6a and 6b.

If the building is leased, please attach a complete copy of the current lease agreement as executed, verifying lessee has direct tax liability to Clinton Township (**Exhibit 4**). Language that states real and personal property taxes are paid “as additional rent” or “paid to landlord” is unacceptable.

Applications for additions to existing buildings must submit a current executed lease or addendum to the original lease for the new addition.

If personal property is leased, please provide a complete copy of all current executed leases.
8. The State Education Tax is six mills. The Michigan Economic Development Corporation may abate three or six mills of the State Education Tax if the company requests abatement **prior to site selection**. This request should be made through the Account Manager of the Michigan Economic Development Corporation and must meet established criteria.
9. Enter number of existing employees who will continue to work at the project site as a result of this request for tax abatement.
10. Enter number of anticipated new employees to be hired by applicant within two years of project completion.
- 11a. Refers to rehabilitation applications only.
- 11b. Refers to rehabilitation applications only.
- 11c. Refers to rehabilitation applications only.
- 12a. Check box for Industrial Development District unless application is for rehabilitation.
- 12b. Enter date the Industrial Development District was established.
- 12c. If application is for a speculative building check YES. Attach a copy of the resolution adopted by the Township Board (**Exhibit A**). Attach a non-occupancy statement from the building owner (**Exhibit B**) and affidavit from the Assessor (**Exhibit C**) certifying that the building has not been occupied since completion and that Applicant is the first tenant.

PAGE 2 OF APPLICATION

- 13a. Enter the name of person who prepared the application.
- 13b. Enter the preparer’s telephone number.
- 13c. Enter the preparer’s fax number.
- 13d. Enter preparer’s email address.
- 14a. Enter name of person who should be contacted to attend meetings, answer questions, etc.

- 14b. Enter the contact person's telephone number.
- 14c. Enter the contact person's fax number.
- 14d. Enter the contact person's email address.
- 15a. Enter the name of the company officer that will be signing the application.
- 15b. Signature of the company officer.
- 15c. Enter date the application was signed by the company officer.
- 15d. Enter the mailing address of the company.
- 15e. Enter the company's telephone number.
- 15f. Enter the company's email address.

OTHER ATTACHMENTS

- 16. Attach a copy of the Resolution Establishing Industrial Development District and identify as **Exhibit 5**.
- 17. Attach the Letter of Agreement initialed, signed, and dated by the owner or president of the company and identified as **Exhibit 6**.
- 18. Attach the Affidavit of Fees signed/dated by the company officer and identified as **Exhibit 7**.
- 19. If the company does not have a previous Industrial Facilities Exemption Certificate, please include a copy of the Worker's Compensation Insurance policy page displaying worker codes and descriptions. This will be identified as **Exhibit 8**.
- 20. The following exhibits will be provided by the Clerk's Office:
 - Exhibit 9** Copy of the notice and certified letter to taxing authorities regarding the hearing to approve the application.
 - Exhibit 10** Certified copy of the resolution approving the application.
- 21. Township Assessor will include Treasury form 3222 Fiscal Statement for Tax Abatement Request if required.
- 22. Upon preliminary completion of the application and preparation of exhibits, contact the Township Assessor's Office to schedule a meeting to review the application.

23. The completed application will be presented to the Clinton Township Economic Development Corporation for review and recommendation to the Township Board. Upon approval of the Township Board, the application will be forwarded to the State Tax Commission prior to October 31. Applications submitted to the STC after October 31 will be processed for the following year.
24. Actual date of completion of the entire project must be furnished to the State Tax Commission and the Township Assessor within 30 days after completion of the project.
25. Final cost of the project, broken down between real and personal property must be furnished by the applicant to the State Tax Commission and the Assessor within 90 days after completion of the project.

REQUIRED EXHIBITS FOR STC APPLICATION

New Industrial Facilities Exemption Certificate

This list will assist you in submitting the necessary attachments

**→ DO NOT INCLUDE THIS LIST
WHEN SUBMITTING APPLICATION
THIS IS A CHECK LIST ONLY**

***EXHIBIT 1** - Legal description of project including the parcel identification number*

***EXHIBIT 2a** - Itemized list of land improvements*

***EXHIBIT 2b** – Itemized list of building improvements and leasehold improvements including estimated costs*

EXHIBIT 2c** - Complete listing of itemized machinery, equipment, furniture, fixtures, etc. on forms identified as **Exhibit 2c (Section A – Section M)

***EXHIBIT 3** - Proof of project commencement:*

Building construction: Provide copy of building permit or footings inspection report, or a certified affidavit from the contractor.

Personal Property: Provide certified statement (**sample on next page**) as proof of the date installation commenced.

SAMPLE FORM

*** PLEASE SUBMIT ON YOUR COMPANY'S LETTERHEAD ***

CERTIFIED STATEMENT REGARDING DATE ON WHICH INSTALLATION OF PERSONAL PROPERTY COMMENCED

I, _____, in my capacity as _____,
(name) *(title)*

of the Applicant, _____, do hereby certify that installation
(name of company)

of the new machinery and equipment, furniture and fixtures which is the subject of this

Application commenced on _____.
(date)

Signature

Date

EXHIBIT 4 - Copy of current executed lease agreement for building and/or personal property. See complete instructions on page 3 of 9 (#7)

EXHIBIT 5 - Certified copy of the resolution establishing the Industrial Development District including the legal description of the district

NOTE: Available from Clinton Twp. Assessor's Office

EXHIBIT 6 - Letter of Agreement signed by applicant's owner or president

NOTE: You may use the blank Letter of Agreement form provided with this application packet

EXHIBIT 7 - Affidavit of Fees signed by applicant

NOTE: You may use the blank Affidavit of Fees form provided with this application packet

EXHIBIT 8 - First time applicants must attach a copy of their Worker's Compensation policy displaying worker codes and descriptions

EXHIBIT 9 - (Supplied by Clinton Township Clerk's Office)
Copy of the notice and certified letter to taxing authorities regarding the hearing to approve the application

EXHIBIT 10 - (Supplied by Clinton Township Clerk's Office)
Certified copy of the resolution approving the application

EXHIBITS A - C
PERTAIN TO SPECULATIVE BUILDINGS
(include only if applicable)

EXHIBIT A - (Supplied by Clinton Township Assessor's Office)
Copy of resolution establishing a speculative building

EXHIBIT B - *Statement from the owner of the speculative building verifying that no one has occupied the building prior to this applicant*

EXHIBIT C - (Supplied by Clinton Township Assessor's Office)
Affidavit from the Assessor verifying that no one has occupied the building prior to this application for abatement

TOTAL AMOUNT
APPROVED BY STC: _____

IFT CERTIFICATE #: _____

MAX 10% = _____

Section A - Furniture & Fixtures

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V	COLUMN VI	COLUMN VII	
ORIGINAL ESTIMATED COST	EXPECTED INSTALLATION DATE (MO/DAY/YR)	ORIGINAL LIST DESCRIPTION	ACTUAL PURCHASE DATE (MO/DAY/YR)	ACTUAL INSTALLATION DATE (MO/DAY/YR)	ACTUAL DESCRIPTION ON DEPRECIATION SCHEDULE (INCLUDING MODEL AND SERIAL NUMBER)	ACTUAL COST	
←		PAGE TOTALS				→	

TOTAL AMOUNT
APPROVED BY STC: _____

MAX 10% = _____

IFT CERTIFICATE #: _____

Section B - Machinery & Equipment

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V	COLUMN VI	COLUMN VII	
ORIGINAL ESTIMATED COST	EXPECTED INSTALLATION DATE (MO/DAY/YR)	ORIGINAL LIST DESCRIPTION	ACTUAL PURCHASE DATE (MO/DAY/YR)	ACTUAL INSTALLATION DATE (MO/DAY/YR)	ACTUAL DESCRIPTION ON DEPRECIATION SCHEDULE (INCLUDING MODEL AND SERIAL NUMBER)	ACTUAL COST	
	←	PAGE TOTALS				→	

TOTAL AMOUNT
APPROVED BY STC: _____

IFT CERTIFICATE #: _____

MAX 10% = _____

Section E - Coin Operated or Vending Equipment

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V	COLUMN VI	COLUMN VII
ORIGINAL ESTIMATED COST	EXPECTED INSTALLATION DATE <i>(MO/DAY/YR)</i>	ORIGINAL LIST DESCRIPTION	ACTUAL PURCHASE DATE <i>(MO/DAY/YR)</i>	ACTUAL INSTALLATION DATE <i>(MO/DAY/YR)</i>	ACTUAL DESCRIPTION ON DEPRECIATION SCHEDULE <i>(INCLUDING MODEL AND SERIAL NUMBER)</i>	ACTUAL COST
← PAGE TOTALS →						

TOTAL AMOUNT
APPROVED BY STC: _____

IFT CERTIFICATE #: _____

MAX 10% = _____

Section F - Computer Equipment

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V	COLUMN VI	COLUMN VII
ORIGINAL ESTIMATED COST	EXPECTED INSTALLATION DATE <i>(MO/DAY/YR)</i>	ORIGINAL LIST DESCRIPTION	ACTUAL PURCHASE DATE <i>(MO/DAY/YR)</i>	ACTUAL INSTALLATION DATE <i>(MO/DAY/YR)</i>	ACTUAL DESCRIPTION ON DEPRECIATION SCHEDULE <i>(INCLUDING MODEL AND SERIAL NUMBER)</i>	ACTUAL COST
← PAGE TOTALS →						

TOTAL AMOUNT
APPROVED BY STC: _____

IFT CERTIFICATE #: _____

MAX 10% = _____

Section M - Leasehold Improvements (Personal Property)

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V	COLUMN VI	COLUMN VII	
ORIGINAL ESTIMATED COST	EXPECTED INSTALLATION DATE <i>(MO/DAY/YR)</i>	ORIGINAL LIST DESCRIPTION	ACTUAL PURCHASE DATE <i>(MO/DAY/YR)</i>	ACTUAL INSTALLATION DATE <i>(MO/DAY/YR)</i>	ACTUAL DESCRIPTION ON DEPRECIATION SCHEDULE <i>(INCLUDING MODEL AND SERIAL NUMBER)</i>	ACTUAL COST	
	←	PAGE TOTALS				→	

LETTER OF AGREEMENT

(NOTE: This is an important agreement required by Public Act 334 of 1993.

Please read carefully and initial each item.

This agreement must be signed by the owner or president of the company.)

Mr. George Fitzgerald, Clerk
Charter Township of Clinton
40700 Romeo Plank Road
Clinton Township, Michigan 48038

RE: Agreement with the Charter Township of Clinton

Dear Mr. Fitzgerald:

_____ (the “Company”) has submitted an application to you for the granting of an Industrial Facilities Tax Exemption Certificate (IFT) pursuant to Michigan Public Acts of 1974, as amended.

To encourage the granting of the IFT and in recognition of the investment the Charter Township of Clinton (the “Township”) will be making toward the economic growth of the Company, and thus, the economic growth of the Township, I hereby agree on behalf of the Company to the following:

_____ 1. No later than the 10th day of January immediately following the second year
initials after the issuance date of the IFT, the Company shall submit a letter to the Clinton Township Assessor’s Office stating:

- a. The number of new jobs *promised* in the IFT application within the two year project period and the *actual* number of new jobs created.
- b. If the IFT was granted on the basis of job retention, the number of employees at the time of the application and current number of employees.
- c. If projection for creation or retention of jobs was not reached, give explanation.
- d. The *estimated* project cost given in the application and the *actual* project cost.
- e. If actual project costs differ substantially from projected cost, give explanation.
- f. Provide a complete listing (on Exhibit 2c) of personal property acquired during the project period. Exhibit 2c shall include installation date, description of property, model and/or serial number, and actual cost.

EXHIBIT 6

g. Exhibit 2c should be attached to the Personal Property Statement filed with the Township each and every year, indicating any disposals from the original list submitted.

_____ initials 2. No later than the 10th day of January following the issuance date of the IFT, the Company shall submit a report to the Clinton Township Assessor's Office regarding the number of employees for the **5th, 8th and 12th** year anniversary dates. In the event tax abatement is issued for a period of less than 12 years, a report shall be due no later than the 10th of January immediately following the last year of the IFT. If actual employment positions have not reached or exceeded the number given in the application, an explanation for this shall be included. This report shall be submitted beginning with the **fourth** year after the issuance date of the IFT.

The Company understands that if the estimated employment positions have not been attained as stated in the application or the construction and/or expansion project has not been completed or expenditures made as described in the application, the governing body has the right to reduce the term or revoke the IFT if it determines that the Company either carelessly or intentionally misrepresented or grossly and erroneously projected its original estimates.

_____ initials 3. The Company agrees that all ad valorem real and personal property taxes, specific IFT real and personal property taxes, and special assessments shall be paid in a timely manner, and by the signing of this Letter of Agreement acknowledges that failure to pay in a timely manner may result in the adoption of a resolution by the Township Board requesting the State Tax Commission to revoke the IFT.

_____ initials 4. The Company agrees to complete and submit all required annual Personal Property Statements to the Charter Township of Clinton Assessor's Office by the required due date. Failure to submit the necessary Statements may result in the adoption of a resolution by the Township Board requesting the State Tax Commission to revoke the IFT.

_____ initials 5. By endorsement of this Agreement, the Company understands that prior to relocating to another community the Company shall contact the Clinton Township Economic Development Corporation (EDC) Relocation Committee to assist in finding a suitable building or parcel for development within Clinton Township.

If the Company chooses to leave Clinton Township for relocation prior to the end of the term of the IFT, the Township Board has the right to recapture from the Company up to and including the total amount of the taxes abated by the IFT if it determines that the Company is intentionally removing itself from Clinton Township for the primary purpose of gaining favorable tax and/or other benefits or treatment from another municipality.

EXHIBIT 6

In the event the Company leaves the Charter Township of Clinton, or in the event at the end of two years project costs and employee projections have not been complied with within 75%, or in the event thereafter cost projections are not complied with or job projections are not complied with other than for reasons of economic hardship, and/or necessity or other valid reasons as determined by Clinton Township, the Township in its sole discretion may recapture the entire amount of taxes abated by the IFT or take other action, including but not limited to reduction in the term, or a recapture in part of previous taxes abated. In the event the project costs and employee projections have not been substantially complied with, Clinton Township shall notify the Company in writing and schedule the hearing no earlier than 45 days following such notice before the Board of Trustees prior to the Township exercising any of the remedies herein. The Company shall be entitled to present additional documentation, information and explanations regarding alleged non-compliance. In the event Clinton Township elects to recapture taxes previously abated by the IFT, the Township shall prepare and record a lien against the property for the total amount of taxes previously abated plus interest at the rate of 8% per annum compounded annually from the time the lien was recorded until it is paid. The lien shall be payable in full at any time the property or any portion thereof is sold or transferred. In addition, payments shall be collected in the same manner as ad valorem real property taxes annually with the December tax bill in equal installments computed by dividing the outstanding abated taxes by the number of years or fraction thereof during which tax abatement occurred.

_____ initials 6. The Company shall allow the Charter Township of Clinton and/or its agent upon reasonable notice the right to review during reasonable business working hours the Company's books and records concerning any and all information supporting the representations made by the Company to the Township in support of its application for tax abatement.

_____ initials 7. In the event the Company fails or refuses to submit to the Charter Township of Clinton all required letters and/or reports set forth herein when due, the Company shall be considered to be in default hereof thereby giving Clinton Township the right to take action to recapture any amount of taxes abated.

_____ initials 8. In the event the applicant does not qualify for exemption for any reason, the applicant may be refunded, upon written request, within 60 days of said denial, 50% (\$750.00) of the application fee.

_____ initials 9. Any Amendment to an already approved application requiring a further meeting of the Economic Development Corporation (EDC) will require submittal of an Amended Application along with an Amended Application Fee of one half the regular fee of \$1,500.00 or \$750.00.

EXHIBIT 6

By signatures of both the Company and the Charter Township of Clinton below, it is understood that both the Company's investment in the project and the Township's investment through the granting of an IFT is to encourage the economic growth of each. It is also acknowledged that certain economic conditions can, at times, prohibit the maintenance of the Company's targeted status. It is understood that if such conditions exist at the time of the designated company reports, the governing body of the Charter Township of Clinton will carefully evaluate the Company's situation and will inform the Company if any action is considered in order to give the Company an opportunity for correction.

WITNESSES:

(Company Name)

By: _____

Title: _____
(Owner or President)

Date: _____

WITNESSES:

ACKNOWLEDGED BY
CHARTER TOWNSHIP OF CLINTON

By: _____

Title: _____

Date: _____

AFFIDAVIT OF FEES

By signatures of both the Applicant and the Municipality below, it is understood that no payment of any kind in excess of the fee allowed by Act 198, as amended by Public Act 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certification application.

If the State Tax Commission determines after an exemption certificate has been issued that a payment of any kind in excess of the fee allowed by Act 198, as amended, has been made or promised, the State Tax Commission shall revoke the exemption certificate and may pursue other appropriate sanctions against the parties.

This requirement shall apply to all applications received by the State Tax Commission after December 31, 1997.

WITNESSES:

APPLICANT

By: _____

Title: _____

Date: _____

WITNESSES:

ACKNOWLEDGED BY
CHARTER TOWNSHIP OF CLINTON

By: _____

Title: _____

Date: _____