

**SAMPLE RESOLUTION TO APPROVE A COMMERCIAL FACILITIES  
EXEMPTION CERTIFICATE APPLICATION  
PA 255 OF 1978 AS AMENDED**

Minutes of a [regular OR special] meeting of the [governing body] of the [governmental unit], held on [date], at [place] in [location] at [time].

PRESENT:

ABSENT:

The following preamble and resolution were offered by [presenter] and supported by [supporter].

**Resolution [resolution number] Approving Commercial Facilities Exemption Certificate Application for [applicant] Located at [address of project]**

WHEREAS, the [governmental unit] legally established the Commercial Redevelopment District [district name] on [date], after a public hearing held on [date]; and

<sup>1</sup>WHEREAS, the state equalized value of the property proposed to be exempt plus the aggregate state equalized value of property previously exempt and currently in force under Public Act 255 of 1978 [exceeds OR does not exceed] 5% of the total state equalized value of the [governmental unit]; and

<sup>2</sup>WHEREAS, exceeding 5% will not have the effect of substantially impeding the operation of the [governmental unit] or of impairing the financial soundness of an affected taxing unit; and

WHEREAS, the application was approved at a public hearing as provided by section 6[2] of Public Act 255 of 1978 on [date]; and

<sup>3</sup>WHEREAS, the application was approved for less than 12 years and the following [factors, criteria and objectives, if any] are necessary for extending the exemption; and

WHEREAS, the [applicant] is not delinquent in any taxes related to the facility; and

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<sup>1</sup>This statement is required on every resolution.

<sup>2</sup>This statement is not required unless your answer to the first statement is yes it does exceed 5%. If the answer to the first is no you may remove the second statement from the resolution altogether.

<sup>3</sup>If an application was approved for 12 years remove this statement. If the application was approved for less than 12 years and you want to offer the option of extending the certificate term in the future you must list the criteria, etc..., for extending the certificate. If you don't wish to extend the certificate in the future, state that the certificate will not be extended in place of the criteria statement.

WHEREAS, the application is for commercial property as defined in section 3[3] of Public Act 255 of 1978; and

WHEREAS, the applicant [name] has provided answers to all required questions under Section 6[1] of PA 255 of 1978 to the [governmental unit]; and

WHEREAS, the [governmental unit] requires that the construction, restoration or replacement of the facility shall be completed by [date]; and

WHEREAS, the commencement of the construction, restoration or replacement of the facility did not occur more than 45 days prior to the filing of the application for exemption; and

WHEREAS, the commencement of the construction, restoration or replacement of the facility did not occur prior to the establishment of the Commercial Redevelopment District; and

WHEREAS, the application relates to a construction, restoration or replacement program which when completed constitutes a new, replacement or restored facility within the meaning of Public Act 255 of 1978 and that is situated within a Commercial Redevelopment District established under Public Act 255 of 1978; and

WHEREAS, completion of the facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, [increase commercial activity, create employment, retain employment or prevent a loss of employment in the community] in which the facility is situated; and

<sup>4</sup>WHEREAS, the restoration includes improvements aggregating 10% or more of the true cash value of the property at commencement of the restoration as provided by section 4[6] of Public Act 255 of 1978.

NOW, THEREFORE, BE IT RESOLVED by the [governing body] of the [governmental unit]

Be and hereby is granted a Commercial Facilities Exemption for the real property, excluding land, located in Commercial Redevelopment District [district name] at [project address] for a period of [years] years, beginning December 31, [year LU approves], and ending December 30, [up to 12 years after beginning date], pursuant to the provisions of PA 255 of 1978, as amended.

AYES:

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<sup>4</sup>This statement is required if a restored project is being approved. This statement is not required for either a new or replacement facility.

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the [governing body] of the [governmental unit], County of [county name], Michigan at a [regular/special] meeting held on [date].

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Clerk