

**CITY OF BENTON HARBOR
BERRIEN COUNTY, MICHIGAN
RESOLUTION NO.: 11-47**

**RESOLUTION APPROVING APPLICATION OF ALUTECH, LLC, FOR
AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE**

I, Joseph L. Harris, the duly appointed Emergency Manager for the City of Benton Harbor, Michigan (the "City"), pursuant to the power and authority granted by Act 4 of the Public Acts of Michigan of 2011, being MCL 141.1501 et seq (the "Act"), do hereby resolve and order as follows:

WHEREAS, Act 198 of the Public Acts of Michigan of 1974, as amended ("Act 198"), authorizes the City to approve applications for Industrial Facilities Exemption Certificates;

WHEREAS, pursuant to Act 198 and after a duly noticed public hearing held on October 26, 2011, the Emergency Manager of the City of Benton Harbor by a resolution adopted November 17, 2011, established an Industrial Development District as legally described in said resolution (the "District");

WHEREAS, AluTech, LLC (the "Applicant") has filed an application for an Industrial Facilities Exemption Certificate under the provisions of Act 198 for facilities to be located in the District as attached hereto as Exhibit A and the Emergency Manager of the City of Benton Harbor has set this time and date to give the Applicant, the City Assessor, a representative of each taxing unit which levies *ad valorem* property taxes in the City, and the residents and taxpayers of the City an opportunity to be heard regarding said application;

WHEREAS, written notification of the hearing has been given, not less than 7 days prior to the hearing, to the Applicant, the City Assessor and to the legislative body of each taxing unit which

levies *ad valorem* property taxes within the City and notice of the public hearing was published in The Herald Palladium, a newspaper of general circulation in the City; and

WHEREAS, the Applicant, the City Assessor, a representative of the affected taxing units, and the residents and taxpayers of the City have been given an opportunity to be heard, and the Emergency Manager has considered any objections with regard to the approval of an Industrial Facilities Exemption Certificate for the Applicant.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. That this Emergency Manager finds as follows that:
 - (a) the facilities, for which the Industrial Facilities Exemption Certificate is requested, are new facilities within the meaning of Act 198;
 - (b) the commencement of the construction and/or acquisition of the intended facilities occurred not more than six (6) months before the filing of the application for an Industrial Facilities Exemption Certificate by the Applicant;
 - (c) the facilities are calculated to have the reasonable likelihood to create employment and retain employment;
 - (d) the facilities will not cause the transfer of employment from another governmental unit in the State of Michigan to the City;
 - (e) the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificate previously granted and currently in force will not have the effect of substantially impeding the operation of the City or impair the financial soundness of the taxing units which levy *ad valorem* property taxes in the City.

2. That the application of the Applicant for an Industrial Facilities Exemption Certificate be and is hereby approved for a period of twelve (12) years.

3. That the date of completion of the facilities subject to the Industrial Facilities Exemption Certificate shall be within two years of the effective date of the Industrial Facilities Exemption Certificate issued pursuant hereto.

4. That the cost of the new facilities to be covered by the Industrial Facilities Exemption Certificate is estimated to be \$17,805,000.00.

5. That approval of the Application is contingent upon the Applicant executing the Property Tax Abatement Agreement attached hereto as Exhibit B.

6. That all resolutions or parts of resolutions in conflict herewith are rescinded.

RESOLUTION DECLARED ADOPTED.

City of Benton Harbor

By: Joseph L. Harris
Joseph L. Harris
Emergency Manager

Dated: December 16, 2011

CERTIFICATION

I, the undersigned duly qualified and Acting City Clerk of the City of Benton, do hereby certify that the foregoing is a true and complete copy of a resolution adopted on _____, 2011.

Dated: _____, 2011

Kimberly Thompson
Acting City Clerk