

**VILLAGE OF WEBBERVILLE**  
115 S. MAIN ST.

**Resolution No. 2014-10**  
(Enacted October 14, 2014)

**A RESOLUTION ESTABLISHING AN INDUSTRIAL DEVELOPMENT DISTRICT  
FOR ALDI, INC.**

Minutes of a regular meeting of the Village Council of the Village of Webberville, held on October 14, 2014, at 115 South Main Street, Webberville Michigan, in Council Chambers at 6:30 PM:

PRESENT: Ackerman, Berger, Lewis, Oesterle, Hitchcock

ABSENT: - 0 -

The following preamble and resolution were offered by: Ackerman and supported by: Oesterle:

**Resolution Establishing Industrial Development District for (applicant)**

WHEREAS, pursuant to PA 198 of 1974, as amended, this Village Council has the authority to establish "Industrial Development Districts" within Village of Webberville; and

WHEREAS, ALDI, Inc. has petitioned this Village Council to establish an Industrial Development District on its property located in the Village of Webberville hereinafter described; and

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by a public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on October 14, 2014, a public hearing was held at which all owners of real property within the proposed Industrial Development District and all residents and taxpayers of the Village of Webberville were afforded an opportunity to be heard thereon; and

WHEREAS, the Village Council deems it to be in the public interest of the the Village of Webberville to establish the Industrial Development District as proposed.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Webberville that the following described parcel of land situated in the Village of Webberville, County of Ingham, and State of Michigan, to wit:

THAT PART OF N ½ OF SW 1/4 & SE 1/4 OF SEC 10 T3NR2E DESC AS: BEG @ W 1/4 COR OF SEC 10 -S86D20'39"E ON EW 1/4 LN 2683.48 FT TO CEN OF SEC -S ON NS 1/4 LN 1330.2 FT - N86D29'33"W ON S LN OF SD N ½ OF SW 1/4 50.09 FT -ALNG N'LY R/W LN OF HWY I-96 FOLLOWING 6 COURSES: S 101.22 FT, S56D52'24"W 165.64 FT, N89D26'12"W 637.5 FT, N80D10'53"W 215.32 FT, N62D41'10"W 215 FT & N55D11'10"W 124.07 FT -N00D19'11"W ON W LN OF SD SE 1/4 OF SW 1/4 57.81 FT - N86D29'33"W ON S LN OF SD N ½ OF SW 1/4 90.99 FT - ALNG N'LY R/W LN OF HWY I-96 FOLLOWING 3 COURSES; N55D11'10"W 424.91 FT, N53D55'34"W 377.5 FT & NW'LY ON 5832.58 FT RAD CURVE TO LEFT, CHD BRG N57D23'57"W 706.67 FT - N00D38'15"W ON W SEC LN 568.55 FT TO POB 76.084 AC VILLAGE OF WEBBERVILLE


is established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known as Webberville Industrial Development District No. 1.

YEAS: Ackerman, Berger, Lewis, Oesterle, Hitchcock.

NAYS: - 0 -

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Village Council of the Village of Webberville, County of Ingham, State of Michigan, at a regular meeting held on October 14, 2014.

  
Jaymee Hord, Village Clerk

**TAX ABATEMENT AGREEMENT  
(Real Property)**

This is a Tax Abatement Agreement made this 23<sup>rd</sup> day of October, 2014, providing for the terms and conditions of the issuance of an Industrial Facilities Exemption Certificate, "Tax Abatement," under Act 198, PA 1974, as amended, between the Village of Webberville, "Village," of 115 S. Main, Webberville, Michigan 48892, and ALDI, Inc., "ALDI", of 2625 N. Stockbridge Rd., Webberville, MI 48892.

**RECITALS**

- A. ALDI filed an Application for Industrial Facilities Tax Exemption Certificate with the Village of Webberville on October 15, 2014, for real property in the amount of \$ 9,231,266.00.
- B. Section 22 of Act 198 of PA 1974, as amended, provides that an Industrial Facility exemption certificate shall not be approved and issued unless a written agreement is entered into between the Village and ALDI and filed with the Department of Treasury.

IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, the parties agree as follows:

1. The Village agrees to extend to ALDI an Industrial Facility Exemption Certificate, "Abatement Certificate," in the maximum amount and for a term allowed by law on the real property improvements to its facility for 12 years after installation of the real property.

2. The issuance of the Abatement Certificate by the Village is conditioned upon ALDI's full compliance with the application procedures specified in Act 198 PA 1974, as amended, and to the extent the real property improvements are legally eligible.

3. As a condition precedent to the issuance of the Abatement Certificate, ALDI agrees as follows:

3.1 To pay to the Village all taxes abated, if it vacates the facility at any period of time during the term of this Agreement and the abatements created hereunder. Vacation of the facility means an event in which ALDI or its successors fails to maintain operations of the same or a substantially similar nature than those proposed in the application for the Abatement Certificate, for a continuous period of 90 days or more, unless such is due to a fire or other casualty.

3.2 Substantial compliance by ALDI with all representations of the cost and investment in the land and building improvements and proposed number of new jobs to be created as contained in its application.

3.3 Payment of all real taxes due the Village of Webberville and the Township of Leroy before any penalty for delinquencies attach.

3.4 Payment of all water and sewer charges before any penalty for delinquencies attach.

3.5 Payment of the \$500.00 application fee allowed by Section 5, subparagraph (3) of Act 198, PA 1974.

3.6 To comply with all Village of Webberville ordinances and Michigan and Federal statutes.

3.7 If ALDI abandons or closes its operation of the premises, it shall notify the Village of Webberville of such abandonment or closure within thirty (30) days.

4. ALDI's eligibility for receipt of the Abatement Certificate in any one year, at the Village's option, may be reviewed for compliance with all conditions in this Agreement and Resolution 2014-11. The Village may by resolution request that the Michigan Tax Commission revoke the Abatement Certificate if the purposes for which the certificate was issued are not being fulfilled as a result of a failure of the holder to proceed in good faith with the replacement, restoration, or construction and operation of the replacement facility or new facility or with the use of the speculative building as distribution/warehouse facility in a manner consistent with the purposes of this act or its application and in the absence of circumstances that are beyond the control of the holder.

5. Any real property taxes abated which become due as a result of this agreement, shall constitute a Special Assessment against the property tax parcel, payable in the same manner and method as other Special Assessments of the Village are payable.


6. ALDI understands that at the end of the term of this Agreement, the parcel shall return to the tax rolls under the full millage assessment applied by the taxing jurisdictions. The inducement to provide tax forgiveness on this real property is a limited privilege in return for new jobs and new investment in the Webberville area and the plan of this Agreement is to return tax abated property into full participation in support of community services, infrastructures and public education.

This Tax Abatement Agreement is executed this 23 day of October, 2014.

VILLAGE OF WEBBERVILLE

BY:

ITS:

  
\_\_\_\_\_  
*President*

ALDI, INC.

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

ITS: \_\_\_\_\_

PREPARED BY:

William C. Brown P 33871  
Village Attorney  
114 East Main Street, Suite 218  
Owosso, Michigan 48867  
(989)729-0071

**INDUSTRIAL FACILITIES EXEMPTION APPLICATION  
AFFIDAVIT OF FEES**

We swear and affirm by our signatures below that no payment of any kind in excess of the fee allowed by PA 198 of 1974, as amended by PA 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certification application.

City/Township/Village of: Webberville, MI

Signed: \_\_\_\_\_

Printed Name: Bradley L Hitchcock Sr

Title: President

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

Applicant: Aldi Inc. (Michigan)

Signed: \_\_\_\_\_

Printed Name: Tim Byrd

Title: Director of Finance & Administration - Tax

Date: 10/13/14

\*Please note: The Affidavit of Fees may be incorporated into the Written Agreement. It is not required to be a separate document.