

CITY OF BRIGHTON

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING CERTAIN ECONOMIC INCENTIVES TO 76 COMMERCE CENTER, INC., FOR ITS CONSTRUCTION OF APPROXIMATELY ONE MILLION SEVEN HUNDRED SEVENTY THOUSAND (1,770,000) SQUARE FEET OF INDUSTRIAL AND COMMERCIAL BUILDINGS (THE “PROJECT”), IN THE FORM OF A FIFTY PERCENT (50%) REDUCTION IN BUILDING USE TAX ON CONSTRUCTION MATERIALS FOR THE CONSTRUCTION OF THE PROJECT, ESTIMATED TO BE SEVEN HUNDRED FIFTEEN THOUSAND DOLLARS (\$715,000), SUBJECT TO THE REQUIREMENTS AND CONDITIONS SET FORTH IN THE AGREEMENT FOR ECONOMIC INCENTIVES; SETTING FORTH THE REQUISITE FINDINGS RECOGNIZING THE VALID PUBLIC PURPOSE AND COGNIZABLE BENEFIT JUSTIFICATIONS FOR SUCH ECONOMIC INVENTIVE; APPROVING THE AGREEMENT FOR ECONOMIC INCENTIVES; AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

RESOLUTION NO. 2017-92

WHEREAS, the City Council of the City of Brighton enacted Resolution No. 04-121, recognizing the valid public purpose and cognizable benefit (“quid pro quo”) justification for encouraging new businesses to locate and/or expand in Brighton, and setting forth the justifications and criteria and procedures for considering an economic incentive package for such businesses; and

WHEREAS, the City Council has indicated in Resolution No. 04-121 that a valid public purpose or cognizable benefit may include, among other things, the creation of new jobs, an increase in sales tax revenues, the promotion of business and industry, the incentive to young people to remain in the City to live and work, an increase in the tax base, improvement in property values, and the ability to be competitive in the labor market; and

WHEREAS, 76 Commerce Center LLC (“76 Commerce Center”) is under contract to purchase and acquire fee title to certain industrial and commercial lands located in the Bromley Interstate Business Park/Bromley Park Filing 102, Lot 2, Block 1 (the “Property”) and desires to build thereon approximately one million seven hundred seventy thousand (1,770,000) square feet of industrial and commercial buildings for the development of a large industrial business park (the “Project”); and

WHEREAS, 76 Commerce Center has requested from the City an incentive package in the form of a fifty percent (50%) reduction in building use taxes related to the construction of the Project, and a commitment by 76 Commerce Center that the Project will expand the employment

base in the City, and increase the sales tax and property tax base of the City, as well as attract new businesses such as manufacturing operations, additional suppliers to existing businesses, restaurant, and lodging facilities; and.

WHEREAS, the Assistant City Manager and the Director of Economic Development, as instructed by the City Council, have negotiated an economic incentive package with 76 Commerce Center; and

WHEREAS, the economic incentive package includes a fifty (50%) percent reduction of certain City of Brighton building use taxes on construction materials related to the construction of the Project on a phase by phase basis, estimated at seven hundred fifteen thousand dollars (\$715,000); and

WHEREAS, in reliance on the representations and agreements of 76 Commerce Center in regard to the Project, the City finds and determines that the incentive package is justified under the public purpose and cognizable benefit provisions of Resolution No. 04-121, and that the terms and provisions of the attached Agreement for Economic Incentives Between the City of Brighton, Colorado and 76 Commerce Center, Inc., Exhibit A, are fair and reasonable to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brighton, Colorado as follows:

1. That a valid purpose and cognizable benefit to the City exists for the 76 Commerce Center, Inc. Project, and justifies the provision of an economic incentive for the following reasons:
 - a. Creation of new job opportunities;
 - b. Generation of increased real and personal property taxes annually;
 - c. Promotion of new business and industry;
 - d. Putting to beneficial use presently underutilized real estate in the City of Brighton; and
 - e. Significant investment in the construction of the Project.
2. That the economic incentive of a fifty (50%) percent reduction of certain building use taxes related to the construction of the 76 Commerce Center Project on a phased by phase basis, estimated at seven hundred fifteen thousand dollars (\$715,000) is approved, subject to the conditions, requirements, understandings and agreements more particularly set forth in the Agreement for Economic Incentives.
3. That the Agreement for Economic Incentives between 76 Commerce Center, Inc. and the City of Brighton, attached as Exhibit A, and incorporated herein, is hereby approved and adopted by the City Council, and that the Mayor is authorized to execute the Agreement on behalf of the City, and the City Clerk to attest thereto.

RESOLVED THIS 15th DAY OF August, 2017.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

Exhibit A

An Agreement for Economic Incentives between the
City of Brighton, Colorado and 76 Commerce Center, Inc.