

**RESOLUTION APPROVING ECONOMIC DEVELOPMENT INCENTIVE
FOR PETER DEFRIES CORPORATION**

NO. 2015-98

WHEREAS, the City Council of the City of Commerce City ("City Council"), by Resolution No. 2014-56, adopted the Commerce City Economic Development Incentives Program ("Incentive Program"), effective January 1, 2015;

WHEREAS, Peter DeFries Corporation ("Business"), whose principal business address is 8525 Jefferson N.E., Albuquerque, NM 80202, has submitted a Business Incentive Application under the Incentive Program to establish a restaurant at 15150 East 104th Avenue in the City of Commerce City ("City").

WHEREAS, the estimated combined value of capital improvements planned for the opening of the Business in the City, including fixed value assets and new construction (collectively, "Capital Improvements"), is \$2,450,000, the Business anticipates creating eighty full or part time jobs in the City, and the estimated taxable sales in the City during the first two years of operation is \$4,400,000 ("Tax Revenue");

WHEREAS, the City Council has reviewed the Business Incentive Application and staff report and finds and determines that granting incentives to the Business, subject to conditions to be established by an Incentive Agreement consistent with this Resolution, is and shall be in the best interests of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

1. The City shall rebate to the Business the following amounts as incentives for the Capital Improvements:
 - a. **Ten percent (10%)** of the City's non-dedicated sales and use taxes (at the 3.5% rate) payable and remitted to the City in connection with the Capital Improvements; and
 - b. **Fifty percent (50%)** of the building permit fees and building plan review fees payable and remitted to the City in connection with the Capital Improvements;

Such incentives shall apply whether the taxes and fees are paid to the City directly by the Business or through vendors or contractors.

2. The City shall rebate to the Business **forty percent (40%)** of the City's non-dedicated sales taxes (at the 3.5% rate) generated from the operations of the Business in the City during the first twenty-four months of operation and timely remitted to the City.
3. All incentives provided to Business shall be conditioned on verification of the City sales and/or use tax and fee payments received by the City

4. All incentives provided to Business shall be payable in the certain percentages depending on the date that restaurant operations are commenced in the City, as set forth below:

<u>Incentive Percentage</u>	<u>Date</u>
100%	December 31, 2016
75%	March 31, 2017
50%	June 30, 2017
0%	After June 30, 2017

5. The City Manager is authorized to negotiate and execute an Incentive Agreement with the Business consistent with the Incentive Program and this Resolution to establish any additional conditions deemed necessary and in the City's best interests, which conditions shall govern the payment of any incentives.

RESOLVED AND PASSED THIS 5TH DAY OF OCTOBER 2015.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk