

**RESOLUTION APPROVING BUSINESS INCENTIVE FOR
NATIVE GRILL AND WINGS COMMERCE CITY, LLC
NO. 2014-59**

WHEREAS, on December 17, 2012, the City Council adopted Resolution No. 2012-82, which adopted the 2013 Commerce City Business and Development Incentives program (the “Incentive Program”);

WHEREAS, Native Grill & Wings Commerce City, LLC, whose principal business address is 1757 E. Baseline Road #6-122, Gilbert, AZ 85233 (the “Business”), has submitted under the Incentive Program a Business Incentive Application for Prospective Business, Job Creation and New Sit-Down Restaurant Incentives to establish a sit-down restaurant in the Reunion Marketplace located at East 104th Avenue and Chambers Road (the “Prospective Business”);

WHEREAS, the estimated combined value of capital improvements planned for the Business, including fixed value assets and new construction (collectively, the “Capital Improvements”), is Two Million Three Hundred Fifty Thousand dollars (\$2,350,000.00) (the “Capital Investment”);

WHEREAS, the City Council has reviewed the Business Incentive Application and staff report and finds that the information provided in the Business Incentive Application supports the incentives set forth herein.

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

1. Approval. The following Incentives described in the Business Incentive Application are hereby approved:
 - Prospective Business Incentives
 - Job Creation Incentives
 - New Sit-Down Restaurant Incentives
2. Prospective Business Incentives.
 - a. The City shall rebate to the Business **ten percent (10%)** of the City’s non-dedicated 3.5% sales and/or use taxes remitted to the City, either directly by Business or indirectly through its vendors and/or contractors, in conjunction with construction-related Capital Improvements. The amount of such rebates is currently estimated to be five thousand four hundred twenty-five dollars (\$5,250.00).
 - b. The City shall rebate to the Business fifty percent (50%) of City building permit and plan check fees associated with the Capital Investment. The amount of such rebates is currently estimated to be seven thousand six hundred thirty-eight dollars (\$7,638.00).

3. Job Creation Incentives.

- a. For each new FTE¹ job created, for which the pay is *above* the average wage for Adams County, Colorado, the City shall to the Business provide Five Hundred dollars (\$500.00) in tax rebates.
- b. For each new FTE job created, for which the pay is *above* the average wage for Adams County, Colorado, AND the job position is filled by a Commerce City resident, the City shall to the Business provide an additional Five Hundred dollars (\$500.00) in tax rebates.
- c. New jobs must be created and positions filled within twelve (12) months from completion of construction and/or commencement of business operations within the facility.

4. New Sit-Down Restaurant Incentives. Upon verification of the City sales tax received from the Business for each of the first two years of operation, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, Sales Tax Rebates in the amount of fifty percent (50%) of the City's non-dedicated 3.5% sales tax received for the first and second years the Business is in operation.

5. Notwithstanding the foregoing, in no event shall the amount of Incentives paid to the Business exceed the amount of applicable taxes and fees collected by the City in conjunction with the Capital Improvements. Additionally, in the event the Capital Investment actually made or the number of jobs actually created by the Business are more or less than estimated, the amount of the Incentives awarded shall be adjusted accordingly.

RESOLVED AND PASSED THIS 19th DAY OF MAY, 2014.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

¹ "FTE" is calculated as follows: number of positions in the particular pay category earning above average wage multiplied by the total number of hours to be worked per week by all positions in such category, divided by 40 (hours).