

**Resolution Approving Reimbursement Agreement and Recommending Approval of an Act 381 Brownfield Plan**

RESOLUTION TO APPROVE A REIMBURSEMENT AGREEMENT JACKSON BEAN MANAGEMENT, LLC AND TO RECOMMEND APPROVAL OF THE BROWNFIELD PLAN FOR 99 W. MICHIGAN AVENUE TO THE CITY COMMISSION.

At a regular meeting of the Battle Creek Brownfield Redevelopment Authority (BCBRA) Board of Directors held in the Battle Creek Unlimited Board Room at the Frederick R. Brydges Custom Cargo Center at 4950 W Dickman Road, Suite 1, Battle Creek 49037 on May 19<sup>th</sup>, 2025, at 3:00 PM.

PRESENT: Michelle Darner, Ted Dearing, Justin Hodge, Tha Par, Tino Smith, Alana White, and Jeremy Wilson.

ABSENT: Steve Claywell, Travis Grimley, Shannon Visger, and Jason Woodard.

MOTION BY: Ted Dearing

SUPPORTED BY: Tino Smith

**WHEREAS**, the Battle Creek Brownfield Redevelopment Authority (the “Authority” or “BCBRA”), pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the “Act”), has prepared and recommended for approval by the Battle Creek City Commission, a new Brownfield Plan (the “Plan”) for the redevelopment of 99 W. Michigan Avenue located within the jurisdictional boundaries of the Authority pursuant to and in accordance with Section 13 of the Act; and

**WHEREAS**, the BCBRA has, at least 10 days before the meeting of the BCBRA Board of Directors at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions (the “Taxing Jurisdictions”) which are affected by the Financing Plan about the fiscal and economic implications of the proposed Financing Plan, and the Board of Directors has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Financing Plan in accordance with Sections 14(4) and (5) of the Act; and

WHEREAS, the BCBRA has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets the requirements for a Brownfield Plan set forth in Section 13 of the Act;

- C. The proposed method of financing the eligible activities, as described in the Plan, is feasible and the BCBRA has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
- E. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

**WHEREAS**, the BCBRA desires to recommend the Plan to the City of Battle Creek City Commission for consideration and approval as required under Section 14 of Act 381; and

**WHEREAS**, the BCBRA also desires to approve a Reimbursement Agreement with the Developer related to the Eligible Activities and Tax Increment Revenues described in the Plan, which does not require City Commission approval.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **The BCBRA hereby approves the Reimbursement Agreement** between the BCBRA and Jackson Bean Management, LLC in a form substantially similar to the form presented, subject to any amendments and revisions deemed to be necessary or desirable to legal counsel or staff of the BCBRA.
2. **The BCBRA hereby recommends the approval of the Brownfield Plan** for 99 W. Michigan Avenue by the Battle Creek City Commission pursuant to Section 14 of Act 381 and directs staff to transmit the Plan and this resolution to the local governing body for consideration.
3. **Severability.** Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part declared to be invalid.
4. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

UPON A VOTE FOR THE ADOPTION OF SAID RESOLUTION, THE VOTE WAS:

AYES: Michelle Darner, Ted Dearing, Justin Hodge, Tha Par, Tino Smith, Alana White, and Jeremy Wilson.

NAYES: None

ABSTAINED: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)

)ss.

COUNTY OF CALHOUN)

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I, the undersigned, the duly qualified and acting Public Notary of County of Calhoun, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Battle Creek Brownfield Redevelopment Authority Board of Directors at a regular meeting held on the 19<sup>th</sup> day of May, 2025, the original of which resolution is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting.

IT WITNESS WHEREOF, I have hereunto set my official signature, this 19<sup>th</sup> day of May, 2025.

  
Paula A. Young, Notary Public  
Calhoun County, Michigan

PAULA A. YOUNG  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF CALHOUN  
MY COMMISSION EXPIRES Jul 20, 2028  
ACTING IN COUNTY OF

