

APPROVED

**RESOLUTION**



A Resolution authorizing the City Manager to execute a Management Agreement by and between the City of Battle Creek, Battle Creek Tax Increment Financing Authority, Battle Creek Unlimited, and BC/CAL/KAL Inland Port Authority of South Central Michigan Development Corporation.

NO. 697

BCU ✓  
BC/CAL/KAL  
BC TIFA  
Finance

BATTLE CREEK MICH., April 23, 1991

Resolved by the Commission of the City of Battle Creek:

WHEREAS, the Battle Creek Tax Increment Financing Authority entered into an agreement on May 25, 1982, with Battle Creek Unlimited and BC/CAL/KAL for the marketing and management of the Fort Custer Industrial Park; and

WHEREAS, the City entered into an agreement with Battle Creek Unlimited and BC/CAL/KAL on July 12, 1983, which also provided for certain similar marketing and management functions in the same Fort Custer Industrial Park; and

WHEREAS, the Battle Creek Tax Increment Financing Authority has adopted various amendments to its Tax Increment Financing Authority Plan on September 2, 1986; June 27, 1989, and September 19, 1990; and

WHEREAS, the Tax Increment Financing Authority Plan and its amendments set forth various items designated as improvements which are being performed by Battle Creek Unlimited and BC/CAL/KAL under the terms of the 1982 and 1983 agreements; and

WHEREAS, it is the desire of all parties to memorialize previous agreements and Plan amendments in a single agreement; and

WHEREAS, this proposed Management Agreement is an extension of both the 1982 and 1983 agreements, and is continued on the same term as those agreements from July 1 through June 30, and is renewed annually until terminated as provided in the 1982 agreement; and

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WHEREAS, this proposed Management Agreement extends the 1982 agreement and does not replace it, and is further intended to recognize the activities of Battle Creek Unlimited and BC/CAL/KAL that are properly being paid for by the Battle Creek Tax Increment Financing Authority for services provided according to the Tax Increment Financing Authority Plan, even though those services are set forth in the 1983 agreement;

NOW, THEREFORE, BE IT RESOLVED THAT the City Manager is hereby authorized to execute a Management Agreement, a copy of which is attached hereto and made a part hereof, by and between the City of Battle Creek, Battle Creek Tax Increment Financing Authority, Battle Creek Unlimited, Inc., and BC/CAL/KAL Inland Port Authority of South Central Michigan Development Corporation.

CITY OF BATTLE CREEK  
Interoffice Memorandum

Date: April 18, 1991

TO: The Honorable Mayor and  
Members of the City Commission

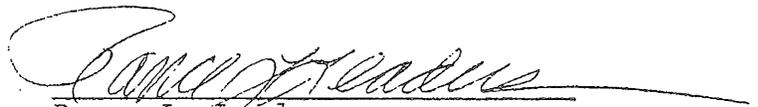
FROM: Rance L. Leaders, City Manager

SUBJECT: Management Agreement

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Battle Creek Unlimited and the Battle Creek Tax Increment Financing Authority have taken action to authorize the execution of a Management Agreement that consolidates and clarifies terms and conditions of previous agreements adopted by the City, BCTIFA, Battle Creek Unlimited, and BC/CAL/KAL (BC/CAL/KAL Board will act on this Agreement at their next meeting.)

Based on the State Legislature's initiatives to eliminate, or significantly reduce, the ability of Tax Increment Financing Authorities and Downtown Development Authorities to use Tax Increment Financing revenue for various projects, it is recommended that this Management Agreement be executed to provide a clear contractual relationship between the parties.

  
Rance L. Leaders  
City Manager

RLL/mm

Attachment

MANAGEMENT AGREEMENT

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 1991, by and between the City of Battle Creek, hereinafter called "City", Battle Creek Tax Increment Financing Authority, hereinafter called "BCTIFA", Battle Creek Unlimited, Inc., a Michigan nonprofit corporation, hereinafter called "BCU", and BC/CAL/KAL Inland Port Authority of South Central Michigan Development Corporation, a Michigan nonprofit corporation, hereinafter called "BC/CAL/KAL".

WHEREAS, the BCTIFA entered into an agreement on May 25, 1982, with BCU and BC/CAL/KAL for the marketing and management of the Fort Custer Industrial Park; and

WHEREAS, the City entered into an agreement with BCU and BC/CAL/KAL on July 12, 1983, which also provided for certain similar marketing and management functions in the same Fort Custer Industrial Park; and

WHEREAS, the BCTIFA has adopted various amendments to its Tax Incremental Financing Authority Plan on September 2, 1986, June 27, 1989 and September 19, 1990; and

WHEREAS, the TIFA plan and its amendments set forth various items designated as improvements under Part Two, Section VII - D, which are being performed by BCU and BC/CAL/KAL under the terms of the 1982 and 1983 agreements.

BCTIFA agrees to pay for all services and improvements being furnished by BCU and BC/CAL/KAL, pursuant to the 1982 and 1983 agreements which are defined by the Battle Creek Tax

**HOLMES  
MUMFORD  
SCHUBEL  
NORLANDER &  
MACFARLANE**

ATTORNEYS  
68 E Michigan Mall  
Battle Creek, Michigan 49017

Incremental Authority Development Plan, adopted May 22, 1981,  
as amended, and

BCU and BC/CAL/KAL agree to perform the services and  
improvements as set forth for the term of this contract.

BCU and BC/CAL/KAL will continue to receive funding as  
provided in the 1982 agreement, based upon the approval of the  
annual budget presented by BCU and BC/CAL/KAL to BCTIFA. Any  
additional compensation beyond that provided in the approved  
budget must be approved by BCTIFA by resolution after notice to  
BCTIFA at a regular or special meeting of BCTIFA called for  
that purpose.

This agreement is an extension of both the 1982 and 1983  
agreements and is continued on the same term as those agree-  
ments from July 1 to June 30, and is renewed annually until  
terminated as provided in the 1982 agreement.

Attached to this agreement and incorporated herein is the  
1982 agreement between BCTIFA, BCU and BC/CAL/KAL, and the 1983  
agreement between City and BCU and BC/CAL/KAL. The Tax  
Incremental Financing Plan of 1981 and its amendments are  
referred to in this agreement and the provisions of Part Two,  
Section VII - D, that relate to the services and improvements  
to be performed by BCU, BC/CAL/Kal are incorporated herein.  
The plan and its amendments are on file with the City, BCTIFA  
and BCU. Excerpts of the plan are attached.

**HOLMES  
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60 E. Michigan Mall  
Creech, Michigan 49017

This agreement extends the 1982 agreement and does not replace it and is further intended to recognize the activities of BCU and BC/CAL/KAL that are properly being paid for by BCTIFA for services provided according to the TIFA Plan, even though those services are set out in the 1983 agreement.

Form Approved  
4-18-91  
D.L.  
City Attorney

CITY OF BATTLE CREEK

By: [Signature]

Its: \_\_\_\_\_

BATTLE CREEK TAX INCREMENT  
FINANCING AUTHORITY

By: [Signature]

Its: Chairman

BATTLE CREEK UNLIMITED, INC.

By: [Signature]

Its: President

BC/CAL/KAL INLAND PORT AUTHORITY  
OF SOUTH CENTRAL MICHIGAN  
DEVELOPMENT CORPORATION

By: [Signature]

Its: Executive Director

Prepared by:  
John R. Holmes (P15083)  
(616) 968-6146  
/kms

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