

RESOLUTION

**A RESOLUTION OF THE COMMISSION
OF KNOX COUNTY, TENNESSEE,
DELEGATING TO THE INDUSTRIAL
DEVELOPMENT BOARD OF THE
COUNTY OF KNOX THE AUTHORITY
TO NEGOTIATE, ACCEPT AND/OR
WAIVE PAYMENTS IN LIEU OF TAXES
IN CONNECTION WITH PROJECT EMERALD,
AND FINDING THAT SUCH PAYMENTS
OR THE WAIVER THEREOF ARE
DEEMED TO BE IN FURTHERANCE OF
THE PUBLIC PURPOSES OF THE BOARD
AS DEFINED IN TENN. CODE ANN.
§ 7-53-305.**

RESOLUTION: R-24-4-902

**REQUESTED BY: COUNTY MAYOR AND
FULL COMMISSION**

**PREPARED BY: BASS, BERRY & SIMS PLC
KNOXVILLE, TN**

**APPROVED AS TO FORM
AND CORRECTNESS: _____
DIRECTOR OF LAW**

**APPROVED: _____
DATE**

**VETOED: _____
DATE**

**VETO
OVERRIDE: _____
DATE**

**MINUTE
BOOK _____ PAGE _____**

WHEREAS, the Commission (the “Commission”) of Knox County, Tennessee (the “County”) has met pursuant to proper notice; and

WHEREAS, The Industrial Development Board of the County of Knox (the “Board”) is as an industrial development board duly organized and existing under the provisions of Title 53 of Chapter 7, Tennessee Code Annotated; and

WHEREAS, the Board currently owns approximately 336 acres in the eastern part of the County, which constitutes Midway Business Park (the “Project Site”); and

WHEREAS, a corporation identified as Project Emerald (the “Company”) has proposed to construct and equip a corporate campus that is expected to include manufacturing, office, warehouse and training uses, on the Project Site (the “Project”); and

WHEREAS, the Company has requested the Board to continue to hold ownership of the Project Site; and

WHEREAS, the Company has furthermore requested the Board to lease the Project Site to the Company and to permit the Company to make payments in lieu of ad valorem taxes; and

WHEREAS, the Commission has previously delegated authority to the Board to negotiate and accept payments in lieu of ad valorem tax from lessees of the Board; and

WHEREAS, the expansive size and nature of the Project is such that it does not fit within the scope of, or the policies related to, the previous delegation; and

WHEREAS, the Commission hereby desires to specifically delegate to the Board the authority to negotiate, accept and/or waive from the Company payments in lieu of ad valorem tax, as such payments are related to the Project, upon the finding that such payments are deemed to be in furtherance of the public purposes of the Board as defined in Tenn. Code Ann. § 7-53-305(b).

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:

Section 1. The Commission hereby finds that the negotiation and acceptance by the Board of payments in lieu of ad valorem taxes, as such payments are related to the Project, consistent with this resolution are deemed to be in furtherance of the public purposes of the Board as defined in Tennessee Code Annotated Section 7-53-305, and the Commission hereby consents and delegates to the Board the right to negotiate and accept such payments from the Company.

Section 2. The terms of the agreement between the Board and the Company concerning payments in lieu of ad valorem taxes shall be determined by the Board; provided, however, such agreement shall not result in payments in lieu of taxes that are less than the taxes that would otherwise be payable for a period of more than ten (10) years as to any improvements, equipment or other property from the year each asset is placed in service following a reasonable construction period and, provided further, such ten-year period may be extended to up to fifteen (15) years if the Company meets certain performance criteria with respect to jobs, wages and capital investment as established by the Board in the agreement with the Company.

Section 3. The Board's agreements concerning payments in lieu of ad valorem taxes relating to the Project Site may contain such administrative provisions not inconsistent with this resolution as the Board deems appropriate.

Section 4. If any notifications are to be made to effectuate this Resolution, then the County Clerk is hereby requested to forward a copy of this Resolution to the proper authority.

Section 5. This Resolution is to take effect from and after its passage, as provided by the Charter of the County, the public welfare requiring it.

Presiding Officer of the Commission Date

County Clerk Date

Approved:_____
County Mayor Date

Vetoed:_____
County Mayor Date