

TAX INCREMENT FINANCING ASSISTANCE POLICY & APPLICATION



VILLAGE OF ASHWAUBENON
Approved January 26, 2021



Village of Ashwaubenon Tax Increment Financing (TIF) Assistance Application Packet

Dear Applicant:

This packet contains information and materials necessary for submitting an application for tax incremental financing (TIF) assistance from the Village of Ashwaubenon.

This packet includes the following:

- Ashwaubenon's Tax Incremental Financing Policy;
- Criteria for Village of Ashwaubenon TIF Assistance;
- TIF Assistance Application Approval Process Overview;
- TIF Application;
- Personal Profile Form;
- Economic Disclosure Statement;
- Sources and Uses of Funds, Detailed Pro Forma, and Revenue Projections Worksheets;

If any of these items is missing from your packet, please contact Greg Wenholtz at (920) 492-2320.

If you have not already, prior to filling out the application materials, please schedule a pre-submittal meeting with our Community Development Department to discuss the project, necessary approvals, and the TIF assistance process.

Please note that the items in this packet are updated periodically. Please check the Village website at www.ashwaubenon.com for updates before making a formal submission for TIF assistance.



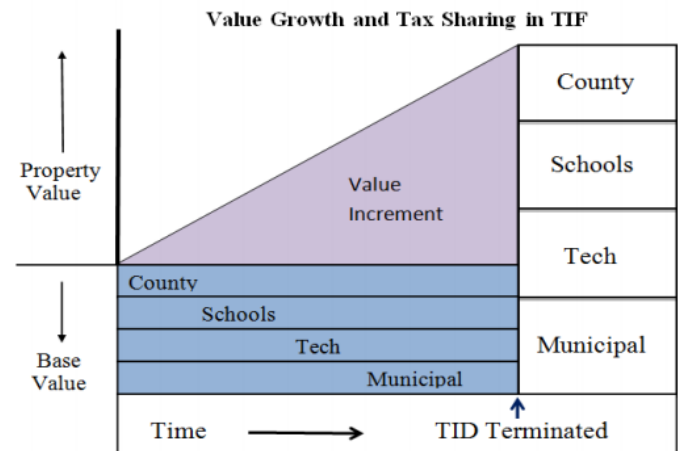
Village of Ashwaubenon Tax Increment Financing (TIF) Tax Incremental Financing Policy

What is TIF?

Tax incremental financing (TIF) is a method of financing that generates tax revenue to be used toward funding infrastructure and development, which otherwise would not occur.

When a Tax Increment District (TID) is created, property owners within the district continue to pay the same property tax rates as those outside the district. The difference is those tax collections, over and above the "base value" are placed into a special fund that is used to pay for project costs. Once all costs incurred by the creation of the TID are recouped by

Sharing the Tax Base



the additional value increment created, the TID is closed and the additional property taxes created are shared by all taxing entities. The use of TIF varies from project to project and district to district. In most cases, the Village uses TIF to promote redevelopment of older parts of the community. The Village has used TIF to create industrial parks through land acquisition and construction of infrastructure as well.

Purpose:

The purpose of this Policy is to articulate to existing or potential businesses the Village of Ashwaubenon's desire to promote economic development that is consistent with the Village's Comprehensive Plan and provides a community benefit that will ultimately be shared by all taxing entities (Village, School, Technical College, County, and State) impacted through the establishment of a Tax Increment District (TID). ***Notwithstanding compliance with any or all of the guidelines herein, the provision of TIF assistance is a policy choice to be evaluated on a case-by-case basis by the Village Board.*** The burden of establishing the public value of TIF shall be placed upon the applicant and the application must substantially meet the criteria contained herein. The Village Administration reserves the right to bring any TIF proposal forward for Village Board consideration. Meeting statutory requirements, policy guidelines or other criteria listed herein does not guarantee the provision of TIF financial assistance nor does the approval or denial of one project set precedent for approval or denial of another project.

TIF Authority:

The authority and regulations for Tax Incremental Financing and the establishment of Tax Increment Districts are found in Wis. Stats. § 66.1105. The Village of Ashwaubenon reserves the right to be more restrictive than provided under the statutes.

Basic Provisions:

As a matter of policy, the Village of Ashwaubenon will consider using Tax Incremental Financing to assist private development in those circumstances where the proposed private project shows a demonstrated financial gap and the financial assistance request is the minimum necessary to make the project feasible. The developer is expected to have exhausted every other financial alternative(s) prior to requesting the use of TIF, including, but not limited to, equity participation, other federal and state funds, bonds, tax credits, loans, etc.

It is the intent of the Village to provide the minimum amount of Tax Incremental Financing assistance to make the project viable and not solely to broaden a developer's profit margin on the project. Prior to consideration of a Tax Incremental Financing request, the Village will undertake (at the requestor's cost) an independent analysis of the project to ensure the request for assistance is valid.

In requesting TIF assistance, the developer must demonstrate that there will be a substantial and significant public benefit to the community by eliminating blight, strengthening the economic and employment base of the Village, positively impacting surrounding neighborhoods, increasing property values and the tax base, creating new and retaining existing jobs, and implementing the Village's Comprehensive Plan.

Each project and location is unique and therefore every proposal shall be evaluated on its individual merit, including its potential impact on public service levels, its overall contribution to the economy and its consistency with the Comprehensive Plan, Strategic Plan or other community planning documents. Each project must demonstrate probability of financial success.

"But for" Standard – Each project must demonstrate sufficient need for the Village's financial assistance, so that without assistance, the proposed project would not occur. Every other financial alternative is to be exhausted prior to the use of TIF, including, but not limited to, equity participation, other federal and state funds, bonds, tax credits, loans, etc. TIF assistance will be utilized as gap financing. Each project must demonstrate probability of economic success.

TIF Objectives:

The Village will consider utilizing Tax Incremental Financing to meet the following basic objectives:

1. Stimulate and continued revitalization of the Village by:
 - a. Improving infrastructure;
 - b. Creating a variety of housing opportunities;
 - c. Preventing or eliminating blight conditions;
 - d. Constructing mixed-use developments;
 - e. Attracting desirable businesses and retaining existing businesses.
 - f. Remediating adverse environmental (brownfield) conditions.
 - g. Encouraging development projects that enhance the streetscape and pedestrian experience and improve the vitality of the area or neighborhood.
 - h. Assemblage of properties for redevelopment.
2. Promote efficient usage of land through redevelopment.
3. Strengthen the economic base of the Village and support economic development.
4. Stabilize and upgrade targeted neighborhoods.
5. Create and retain family supporting jobs in the Village.
6. Increase property values and tax revenues.
7. Leveraging the maximum amount of non-Village funds into a development and back into the community.

Structure for Tax Incremental Financing Assistance:

1. Tax Incremental Financing assistance will be provided by the Village on a “pay-go” basis. Requests for up-front financing may be considered on a case-by-case basis if increment generation is sufficient to meet initial financing and debt service costs and is not the first dollars spent on a project. For “pay-go” structured projects, the project owner shall agree to pay all other outstanding Village of Ashwaubenon property tax bills prior to disbursement of any pay-go payments by the Village. Requestors of up-front financing are responsible for understanding and accepting all tax implications of this type of financing.
2. No Mortgage Guarantees. The Village will not provide mortgage guarantees.
3. Personal Guarantee. The Village will require a personal guaranty for receiving TIF assistance. Amount and form shall be acceptable to the Village.
4. The property owner shall agree not to protest to the Board of Review or Circuit Court the Assessor’s determination of the property value for the properties for which the grant is requested.
5. The Village will require the property remain taxable for, at a minimum, the duration of the TIF assistance.
6. The Village will retain a maximum of 10% of any tax increment received from the project to reimburse for administrative costs. Until such time as the project generates positive tax increment, the Village will charge an administrative fee to the developer to partially offset the cost of record keeping, report preparation, accounting, and any other related administrative duties.
7. When the project is intended as a for-sale development (i.e., office, retail or residential condominiums), the developer must retain ownership of the overall project until final completion; provided, however, that individual condominium units may be sold as they are completed. For all other projects, the developer must retain ownership of the project at least long enough to complete it, to stabilize its occupancy, to establish the project management and to initiate payment of taxes based on the increased project value.
8. Projects receiving assistance will be subject to a “look back” provision. The look back mandates a developer to provide the Village or its financial advisor with evidence of its annualized cumulative internal rate of return on the investment (IRR) at specified periods of time after project completion. The IRR shall be calculated with equity, revenues, and expenses in accord with generally accepted accounting principles.

When the developer owns the subject property and rents space to tenants, supporting documentation shall include certified records of project costs and revenues including lease agreements and sales on a per square foot basis. If the records indicate that the developer has received a higher return on equity, a higher return on cost, or a higher internal rate of return than originally proposed to the Village at the time of development agreement, the developer and the Village shall split, on a 50/50 basis, the increase above the originally projected rates of return.

When the subject property is a for-sale development and the IRR cannot be completed, the developer is to provide financial data after the project is completed. This shall include

a calculation of profit on total development costs minus the TIF assistance. If the financial records indicate that the developer has received a higher return on equity, a higher return on cost, or a higher internal rate of return than originally contemplated at the time of development agreement approval, the developer and the Village shall split, on a 50/50 basis, any increase at or above original projected rates of return.

Exceptions to TIF Policy.

The Village reserves the right to amend, modify, or withdraw these policies or require additional statements or information as deemed necessary. Any party requesting waiver from the guidelines found herein or on any other forms provided for TIF assistance may do so via written communication provided to the Village with the burden being on the requestor to demonstrate that the exception to these policies is in the best interests of the Village.



Village of Ashwaubenon Tax Increment Financing (TIF) Tax Incremental Financing Policy

Criteria for TIF Assistance:

The following financial criteria will be used in evaluating TIF assistance:

1. **Equity Requirement.** Developers must provide a minimum 15% equity of total project costs. Projects that exceed the 15% equity requirement will be looked upon favorably by the Village. Equity is defined as cash or un-leveraged value in land or prepaid costs attributable to the project. TIF shall not be used to supplant cash equity.
2. **50% Rule.** No more than 50% of the net present value of the tax increment generated by a private development shall be made available to the project.
3. **Payback Period.** 20-year maximum payback period. Preference will be given to projects with payback periods of 10 years or under. Payback periods cannot exceed the remaining life expectancy of the TID.
4. **TIF Cap.** The total amount of TIF assistance should not exceed 25% of total project costs. This limitation may be waived if the project involves redevelopment of existing structures or the assembly and clearance of land upon which existing structures are located.
5. **Self-Supporting Projects.** Each project requesting TIF assistance should generate sufficient tax increment to cover the requested TIF assistance and a portion of any public infrastructure costs within the district.
 - a. No increment from other private development projects within the district may be used to supplement another project's inability to generate sufficient tax increment to cover project costs.
6. **Land Assembly Cap.** TIF assistance for land/property assembly costs will not be provided in an amount exceeding 10% of the fair market value of the land. The fair market value will be determined by an independent appraiser contracted by the Village with cost of appraisal paid for by developer.
7. **Internal Rate of Return.** The amount of assistance provided to a developer will be limited to the amount necessary to provide the developer a reasonable rate of return on investment in the project and the subject site. A developer's return on equity, return on cost or internal rate of return will be based on current market conditions as determined by the Village or Village's financial advisor. In no case shall the internal rate of return exceed 30%.
8. **Taxable Increase.** The project should result in an increase in taxable valuation of at least 20% above base value upon project completion.



Village of Ashwaubenon Tax Increment Financing (TIF) Application Approval Process Overview

The Village reviews all applications for tax incremental financing (TIF) assistance. The process outlined below usually takes between 2-4 weeks, although more complex projects typically require more time to review and approve.

1. Convene Introductory Meeting Prior to Formal Submission of TIF Application

Prior to preparation of a formal TIF application, prospective applicants should request a meeting with the appropriate staff to discuss the concept of the potential project and its scope as well as to obtain general information.

2. Submission and Review of TIF Application

The Village requires submission of a formal application for TIF assistance in order to consider an applicant's request for TIF assistance. TIF assistance may only be used to pay for eligible costs in accordance with the applicable Wisconsin Statutes. An application must include the items referenced in the TIF application checklist (see the enclosed application) and applicants are required to demonstrate a financial need for TIF assistance as well as the public benefit of the payment.

3. Prepare and Negotiate Term Sheet

This document spells out the business terms and conditions associated with the agreed upon TIF assistance following developer negotiations with Village staff.

4. Present Proposed Term Sheet to Village Board (closed session, if applicable)

5. Draft and Negotiate Final Development Agreement

6. Present Final Development Agreement to Village Board (open session)

7. Execute Final Development Agreement

8. Implement Project / Payout Funds



Village of Ashwaubenon Tax Increment Financing (TIF) Assistance Application Requirements

The Village of Ashwaubenon is committed to working with the development community in a manner that is respectful of the timelines associated with business, while protecting the Ashwaubenon taxpayers. To balance these goals, the Village reviews all applications for TIF assistance in accordance with this application packet. In order for the Village to effectively and efficiently evaluate a request for TIF assistance, the Applicant must:

- Provide all applicable items in a single submission;
- Organize the submission and present the required information in the manner indicated below; and
- Provide one (1) hard copy and one (1) digital copy (PDF) of the submission.

Applications should be mailed/emailed to the Ashwaubenon Department of Community Development. Failure to provide all required information in a complete and accurate manner could delay processing of your application. The Village reserves the right to reject or halt the processing of applications that lack all required items.

General Project Information

1. Summary Letter

Provide a summary of the project in the form of a letter addressed to the Village Manager. The letter should not exceed two (2) pages in length and should include only the following essential information about the project:

- | | |
|---|--|
| ▪ Description of site or building, including address and TIF District | ▪ Amount of TIF assistance requested |
| ▪ Current and proposed uses | ▪ Statement regarding why TIF is essential |
| ▪ Description of end users | ▪ Summary of increment projections |
| ▪ Project start and end dates | ▪ Profitability |
| ▪ Name of developer and owner | ▪ Description of public benefits, including job creation |
| ▪ Total development costs | |
| ▪ Overview of private-sector financing | |

2. Project Narrative

Provide an in-depth overview of the project in narrative format. The narrative must include a description of the following aspects of the project:

- Current condition of the site and historical overview that includes the size and condition of any existing structures, environmental conditions, and past uses of the site.

- Proposed use(s) of project (e.g. industrial, commercial, retail, office, residential for sale or for rental, senior housing, etc).
- Construction information about the project including: size of any existing structure to be demolished or rehabbed; size of any new construction; types of construction materials (structural and finish); delineation of square foot allocation by use; total number and individual square footage of residential units; type of residential units (e.g. for-sale, rental, condominium, single -family, etc); number of affordable residential units; degree of affordability of residential units (i.e. 100% AMI, 80% AMI, 60% AMI); number and type of parking spaces; and construction phasing.
- Confirm that this project is consistent with the TID Project Plan for the district, and the goals and objectives identified in the Village's Comprehensive Plan. A copy of the Comprehensive Plan and TID project plans can be found on the Village Website www.ashwaubenon.com within the Development Center link.

3. Site Maps

Provide a map that shows the location of the site. Also provide a map that focuses on the project and its immediate surroundings. Both maps should be no larger than 11x17. Larger maps will be required for projects presented to the Village Board.

Detailed Project Information

4. List of PINs

Identify the specific Parcel Index Numbers (PINs) included in the proposal. Also include the "base" assessed value for each of these PINs. This information can be obtained from the TIF Project Plan and from the Village's Assessors Office.

5. Table of Residential Unit Mix

Provide a detailed overview of the residential units in the project. Details must include: the number and type of unit (i.e. number of bedrooms and bathrooms), unit size measured in square feet, construction cost per square foot, base sales price, "write-down" for affordable units, and the projected amount of total sales revenue.

6. Renderings of Project

Provide preliminary architectural elevations, plans and renderings for the project. These drawings should be no larger than 11x17 inches. Larger drawings will be required for projects presented to the Village Board.

7. Project Timeline

A comprehensive project timeline is required. Include anticipated dates for site acquisition, project start and completion, as well as other project milestones. Multi-phase projects must include details for each phase. The timeline should also identify any critical or time-sensitive dates as well as any time constraints facing the Applicant.

8. Public Benefits

Fully describe the public benefits that can be realized by the completion of this project. Projects with a high degree of public benefits are typically more likely to receive TIF assistance. Examples of public benefits include, but are not limited to the following:

- Creation of affordable housing
- Creation of new permanent jobs
- Creation of new retail choices in an underserved neighborhood
- Rehabilitation of a historic building
- Catalyst for new private investment in a neighborhood
- Re-occupancy of a vacant building
- Elimination of blight
- Incorporation of environmentally-friendly features
- Increased sales tax revenue
- Increased property tax revenue
- Job-training opportunities

This statement should include qualitative examples of public benefits as well as quantifiable and measurable outcomes of the short-term and long-term benefits to the neighborhood and to the Village of Ashwaubenon. Support documentation for the estimates of public benefits can be included in the Professional Studies Section.

9. Residential Displacement

Identify the number of residents, if any, who have been or will be displaced as a direct result of this project. The Applicant must address options available for re-housing any residents displaced by the project.

10. Demonstration of Need

Provide a detailed statement that accurately and completely explains why TIF assistance is needed. This statement should provide the reasons why the project would have unacceptable financial returns without TIF.

“But for” Standard – Each project must demonstrate sufficient need for the Village’s financial assistance, so that without that assistance, the proposed project would not occur. Every other financial alternative is to be exhausted prior to the use of TIF, including equity participation, other federal and state funds, bonds, tax credits, loans, etc. TIF assistance will be utilized as gap financing. Each project must demonstrate probability of economic success.

11. Equity Greater, Equal to TIF

Developers must provide a minimum 15% equity of total project costs. Projects that exceed the 15% equity requirement will be looked upon favorably by the Village. Equity is defined as cash or un-leveraged value in land or prepaid costs attributable to the project. Donated Developer or Construction Management fees shall not be constituted as equity investment. The Village Board may make exceptions to TIF Policy.

12. 50% Rule

No more than 50% of the net present value of the tax increment generated by a private development project shall be made available to that project as gap financing. The Village Board may make exceptions to TIF Policy.

13. Evidence of Site Control

Submit documents to verify that the developer has or will have control of the project site. Acceptable documentation may include deeds, title policies, leases, options, and real estate sales contracts. If the property has yet to be acquired in a manner other than a private real estate transaction, provide a statement regarding the method of acquisition, status and next steps of the related processes.

Project Financial Information

14. Sources and Uses of Funds

Identify the sources of funds used to finance the project. Typical sources include equity, lender financing, mezzanine financing, government financing, other anticipated types of public assistance, and any other types or methods of financing. Describe the sources of equity. Include a term sheet for lender financing, if available.

Be aware that TIF assistance is only available as a reimbursement after the project is complete. Thus, the project budget must identify the up-front sources intended to finance the development costs of the project. If determined, specify the specific line items of the project budget that each source will finance.

Summarize the uses of funds. General categories to be identified include: acquisition and related site costs, hard construction costs, and a breakdown of soft costs. All projects must include for the construction phase a monthly or quarterly cash flow (i.e., sources or "cash in" by source, and uses or "cash out" by use).

For-sale housing developments must show income from the rental or sale of commercial space, the sale or rental of parking spaces, and unit upgrades must be included. Clearly identify all assumptions (such as absorption, sales prices, taxes, etc.). Identify the profit expected at the completion of the project.

Applicants are advised that to the extent possible, sales contracts for land acquisition should not be executed until the Village of Ashwaubenon and the Applicant have agreed on an amount of TIF assistance to be provided. This is because purchase price of a development site to be acquired or recently acquired will be reviewed to determine whether or not that price exceeds the property's current market value. Market value sets the upper limit of acquisition costs that will be considered in the estimation of TIF assistance. The Village will review any market value appraisal submitted in support of an acquisition, and the Village may obtain its own appraisal or review appraisal.

15. Development Budget

Provide an accurate and detailed development budget for the project that includes a detailed breakdown of significant line item costs consistent with the sample included in the application packet. The budget should be arranged to identify acquisition and site related costs, hard costs, and soft costs. Also, identify all line items that are performed by the developer, owner, or related entities.

16. Request for TIF Assistance

Specifically state the amount of TIF assistance that is necessary to make this project possible. Also specify how the developer will fund project costs that will be reimbursed with TIF increment after those project costs have been incurred. For example, will the developer provide additional equity or borrow additional funds to "front-fund" the TIF assistance?

17. Pro Forma Income and Expense Schedule

Applicants whose projects involve the rental of commercial, retail, industrial, or dwelling space must submit pro formas that identify income and expense projections on an annual basis for an eleven-year period. A hypothetical property reversion is to be assumed. Clearly identify all assumptions (such as absorption, vacancies, debt service, operational costs etc.) that serve as the basis for the pro formas. Two sets of pro formas are to be submitted. The first set should show the project without TIF assistance and the second set with TIF assistance.

For owner-occupied industrial and commercial projects, detailed financial information must be presented that supports need for financial assistance (see below).

18. Analysis of Financial Need

Each application must include financial analyses that demonstrate the need for TIF assistance. Two analyses must be submitted: one without TIF assistance and one with TIF assistance. The applicant must indicate the minimum return or profit the applicant needs to proceed with the project and rationale for this minimum return or profit. The analyses will necessarily differ according to the type of project that is being developed.

Rental Property – For projects involving the rental of space by the developer to tenants (tenants include offices, retail stores, industrial companies, and households), an internal rate of return on equity must be computed with and without TIF assistance based on the pro forma of income and expense prepared for item 18.) The reversion at the end of the ten-year holding period must be based on the capitalized 11th year net operating income. The reversionary value is then added to the 10th year cash flow before discounting to present value. State all assumptions to the analyses.

For Sale Residential – Show profit as a percent of projects cost (minus developer fee and overhead and minus sales commissions and closing costs, which should be subtracted from gross sales revenue). Other measures of profitability may be submitted, such as profit as a percent of sales revenue.

Mixed Use Commercial / For-Sale Residential – Provide either separate analyses for each component of the project or include in the revenue sources for the for-sale portion, the sale value of the commercial component based on the net operating income of the commercial space at stabilization. Indicate how the sale value was derived.

Owner-Occupied Commercial – Provide copies of the analyses that the company used to determine the amount of TIF assistance that would be needed to allow the company to meet or exceed the company's minimum investment threshold(s) for proceeding with the project.

Competitive Projects – In instances where the Village is competing with other jurisdictions for the project (e.g., corporate headquarters, new manufacturing plant), present detailed analyses that demonstrate the capital and operating cost differential between the proposed location(s) in Ashwaubenon and locations outside the Village that are being seriously considered by the applicant.

19. TIF Performance Measures

Identify the performance outcomes of the requested TIF assistance. Actual performance will vary from project to project. Typical performance measures of TIF assistance include:

- TIF assistance as percentage of total project costs
- TIF assistance as percentage of increment generated by project
- Ratio of public (TIF) to private investment
- TIF assistance per FTE job created
- TIF assistance per FTE job retained

20. Increment Projections

Include projections of the incremental value that will be generated by this project for the remaining life of the TIF District. The value provided will be reviewed by the Village's financial advisor and assessor to confirm accuracy.

21. Financial Commitments

Submit commitment letters and/or term sheets from all lenders for proposed debt (such as construction, mezzanine, permanent, and government financing) and all other financial sources of the project (such as grants, and tax credits). Commitment letters must clearly specify the nature and terms of the obligations.

22. Most Recent Property Tax Bills

Submit a copy of the most recent second installment property tax bill for each PIN in the project.

23. Appeal of Property Taxes

Provide a statement, signed by the developer/owner, that the property has not received a Brown County real estate tax reduction and that such a reduction has not and will not be applied for if TIF assistance is awarded to the project.

24. Other Village of Ashwaubenon Assistance

Identify all other forms of public assistance that are requested of the Village of Ashwaubenon and its respective agencies and divisions. Examples include: land write-down, utilities, etc.

Professional Studies

25. Market Studies

Applications for commercial and residential projects must include a comprehensive market study. Market studies are not required for industrial projects. The market study must identify target markets, analysis of competition, demographics, market rents, letters of intent/interest from prospective tenants, or for housing developments sale prices or rental rates of comparable properties.

26. Appraisal

All projects that involve the transfer of land must include a recent appraisal. Projects that include land as a form of equity or collateral must also submit a recent appraisal. The appraisal must value the property "as is", and the impact on value must be considered for such items as demolition, environmental remediation, relocation of utilities, lease buy-outs, and other work necessary to make the site developable. The property must be valued assuming that the highest and best use is the proposed use.

All appraisals must be performed by a designated MAI or bank-approved appraiser. The initial appraisal may need to be updated or amended at the request of the Village. Also, the Village may obtain its own appraisal or review appraisal. Contact the Village if there are questions or concerns about the approach to the appraisal.

27. Environmental Studies and Reports

Submit copies of all available environmental reports for the property (Phase I, Phase II, etc.) and characterize the extent of environmental contamination on the site, if any. If environmental contamination is present on the site, provide the process by which the applicant intends to obtain case closure from the WDNR.

28. Other Studies and Reports

Include as appropriate other reports in support of information that is presented in the application.

Developer Information

29. Ownership Structure

Submit an organizational chart and narrative description of the ownership structure of the development and ownership entities, which includes information on individuals involved in each. The financial relationship of each entity must be clearly and accurately described. Where applicable, also identify the relationship between the developer/owner and the operating entity. Indicate the entities that will serve as construction manager and general contractor for the project, if known.

30. Financial Statements

Provide year-end historical (prior 3 years) and interim financial statements of the Applicant and owning and/or operating entity if different from the Applicant. Financial Statements should include accountant audited or compiled Balance Sheet, Income Statement, and Statement of Cash Flows.

31. Resumes and Experience of Principals

Submit resumes for each of the principals of the developer, owner, and operator. Also include a brief history that identifies the development entity's experience and previous involvement in developing similar projects and the ownership or operating entity's experience or ability in managing similar projects.

32. Economic Disclosure Statement

Submit a *Village of Ashwaubenon Economic Disclosure Statement* (EDS) for each of the business entities with a financial interest in this project.

33. Principal Profile Information

Submit the requested information for each of the principals and business entities involved in this project. This information will be used to verify that the applicants and related associates do not have any outstanding debts to the Village. All outstanding village debt must be paid in full in order for the Village to proceed with processing an application for TIF assistance.

34. Developer Licenses

Contractors/developers/brokers, may be required to be licensed by the State of Wisconsin. Provide a copy of any applicable licenses.



Village of Ashwaubenon TIF Application Checklist

Include this Checklist when applying for TIF Assistance. If any of the required items are omitted from the application, please provide a brief explanation.

General Project Information

- ☐ Summary Letter
- ☐ Copies to Village
- ☐ Project Narrative
- ☐ Site Map(s)

Professional Studies

- ☐ Market Studies
- ☐ Appraisal
- ☐ Environmental Studies and Reports
- ☐ Other Studies and Reports

Detailed Project Information

- ☐ List of PINs
- ☐ Table of Residential Unit Mix
- ☐ Renderings of Project
- ☐ Project Timeline
- ☐ Public Benefits
- ☐ Residential Displacement
- ☐ Demonstration of Need
- ☐ Equity Greater, Equal to TIF
- ☐ 50% Rule
- ☐ Evidence of Site Control

Developer Information

- ☐ Ownership Structure
- ☐ Financial Statements
- ☐ Resumes and Experience of Principals
- ☐ Economic Disclosure Statement (EDS)
- ☐ Principal Profile Information
- ☐ Developer License Number

Project Financial Information

- ☐ Sources and Uses of Funds
- ☐ Development Budget
- ☐ Request for TIF Assistance
- ☐ Pro Forma Income and Expense Schedule
- ☐ Analysis of Financial Need
- ☐ TIF Performance Measures
- ☐ Increment Projections
- ☐ Financial Commitments
- ☐ Most Recent Property Tax Bills
- ☐ Appeal of Property Taxes
- ☐ Other Village of Ashwaubenon Subsidies

PRINCIPAL PROFILE

The following information must be provided for each individual that is an owner, partner, investor, director or officer of the applicant entity or of any entity holding an interest in the applicant. The information will be provided only to the Finance Department for the purpose of determining whether any of the listed persons have outstanding water bills, traffic or parking tickets, or other obligations. All outstanding obligations must be satisfied before the VILLAGE will proceed with the application.

Name
Home Address
Date of Birth
Driver's License Number
License Plate Number

Name
Home Address
Date of Birth
Driver's License Number
License Plate Number

Name
Home Address
Date of Birth
Driver's License Number
License Plate Number

TIF COMPLIANCE INFORMATIONAL AFFIDAVIT

NOTICE: THIS AFFIDAVIT IS TO BE COMPLETED AT THE TIME OF PROPOSAL SUBMISSION. APPLICANT AGREES THAT THEY HAVE READ, BEEN INFORMED AND UNDERSTOOD THE FOLLOWING PROVISIONS ASSOCIATED WITH THE APPLICATION FOR TIF FINANCING. IN ADDITION, IF AWARDED A CONTRACT, APPLICANT AGREES TO COMPLY AND REQUIRE ALL PARTICIPATING SUBCONTRACTORS TO COMPLY WITH ALL REQUIREMENTS FOR EACH OF THE FOLLOWING APPLICABLE PROVISIONS:

- Job Creation/Retention (*initial attachment*)

I, _____ HEREBY DECLARE AND AFFIRM that I am the _____ and duly authorized representative of _____
(Title - Print or Type)

_____ located at _____
(Name of Company - Print or Type)

(Address, Village, State and Zip of Company)

(_____) _____
(Phone)

Have you previously participated in any Federally funded or Village funded projects with any company?

Yes ☐ No ☐ If yes, please provide project address

Developer/Company: _____ Amount: _____ Year: _____

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS DOCUMENT ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED ON BEHALF OF THE APPLICANT TO MAKE THIS AFFIDAVIT.

Signature: _____

Name of Affiant: _____

Date: _____

State of _____

County (Village/Village) of _____

This instrument was acknowledged before me on _____ (date)

by _____ (name/s of person/s)

as _____ (Type of authority, e.g., officer, trustee, etc.)

of _____ (name of party on behalf of whom instrument as executed)

(Seal)

Signature of Notary Public

**INSTRUCTIONS FOR COMPLETING
VILLAGE OF ASHWAUBENON
ECONOMIC DISCLOSURE STATEMENT
AND AFFIDAVIT**

The Village of Ashwaubenon (the "Village") requires disclosure of the information requested in this Economic Disclosure Statement and Affidavit ("EDS") before any Village committee, department or Village Board action regarding the matter that is the subject of this EDS. Please fully complete each statement, with all information current as of the date this EDS is signed. If a question is not applicable, answer with "N.A." An incomplete EDS will be returned and any Village action will be delayed.

Please print or type all responses clearly and legibly. Add additional pages if needed, being careful to identify the portion of the EDS to which each additional page refers.

For purposes of this EDS:

"Applicant" means any entity or person making an application to the Village for action requiring Village Board or other Village committee approval.

"Disclosing Party" means any entity or person submitting an EDS.

"Entity" or **"Legal Entity"** means a legal entity (for example, a corporation, partnership, joint venture, limited liability company or trust).

"Person" means a human being.

WHO MUST SUBMIT AN EDS:

An EDS must be submitted in any of the following three circumstances:

1. Applicants: An Applicant must always file this EDS. If the Applicant is a legal entity, state the full name of that legal entity. If the Applicant is a person acting on his/her own behalf, state his/her name.
2. Entities holding an interest: Whenever a legal entity has a beneficial interest (i.e. direct or indirect ownership) of more than 7.5% in the Applicant, each such legal entity must file an EDS on its own behalf.
3. Controlling entities. Whenever a Disclosing Party is a general partnership, limited partnership, limited liability company, limited liability partnership or joint venture that has a general partner, managing member, manager or other entity that can control the day-to-day management of the Disclosing Party, that entity must also file an EDS on its own behalf. Each entity with a beneficial interest of more than 7.5% in the controlling entity must also file an EDS on its own behalf.

**VILLAGE OF ASHWAUBENON
ECONOMIC DISCLOSURE STATEMENT
AND AFFIDAVIT**

SECTION I -- GENERAL INFORMATION

A. Legal name of Disclosing Party submitting this EDS. Include d/b/a/ if applicable:

Check ONE of the following three boxes:

Indicate whether Disclosing Party submitting this EDS is:

1. ☐ the Applicant

OR

2. ☐ a legal entity holding a direct or indirect interest in the Applicant. State the legal name of the Applicant in which Disclosing Party holds an interest: _____

OR

3. ☐ a specified legal entity with a right of control (see Section II.B.1.b.) State the legal name of the entity in which Disclosing Party holds a right of control: _____

B. Business address of Disclosing Party: _____

C. Telephone: _____ Fax: _____ Email: _____

D. Name of contact person: _____

E. Federal Employer Identification No. (if you have one): _____

F. Brief description of contract, transaction or other undertaking (referred to below as the "Matter") to which this EDS pertains. (Include project number and location of property, if applicable):

G. Which Village agency or department is requesting this EDS? _____

SECTION II -- DISCLOSURE OF OWNERSHIP INTERESTS

A. NATURE OF DISCLOSING PARTY

1. Indicate the nature of the Disclosing Party:

- | | |
|---|--|
| <input type="checkbox"/> Person | <input type="checkbox"/> Limited liability company* |
| <input type="checkbox"/> Publicly registered business corporation | <input type="checkbox"/> Limited liability partnership* |
| <input type="checkbox"/> Privately held business corporation | <input type="checkbox"/> Joint venture* |
| <input type="checkbox"/> Sole proprietorship | <input type="checkbox"/> Not-for-profit corporation |
| <input type="checkbox"/> General partnership* | (Is the not-for-profit corporation also a 501(c)(3))? |
| <input type="checkbox"/> Limited partnership* | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Trust | <input type="checkbox"/> Other (please specify) |
-

* Note B.1.b below.

2. For legal entities, the state (or foreign country) of incorporation or organization, if applicable:

3. For legal entities not organized in the State of Wisconsin: Has the organization registered to do business in the State of Wisconsin as a foreign entity?

☐ Yes ☐ No ☐ N/A

B. IF THE DISCLOSING PARTY IS A LEGAL ENTITY:

1.a. List below the full names and titles of all executive officers and all directors of the entity. For not-for-profit corporations, also list below all members, if any, which are legal entities. If there are no such members, write "no members." For trusts, estates or other similar entities, list below the legal titleholder(s).

<u>Name</u>	<u>Title</u>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

1.b. If you checked "General partnership," "Limited partnership," "Limited liability company," "Limited liability partnership" or "Joint venture" in response to Item A.1. above (Nature of Disclosing Party), list below the name and title of each general partner, managing member, manager or any other person or entity that controls the day-to-day management of the Disclosing Party. **NOTE:** Each legal entity listed below must submit an EDS on its own behalf.

<u>Name</u>	<u>Title</u>
_____	_____
_____	_____
_____	_____
_____	_____

2. Please provide the following information concerning each person or entity having a direct or indirect beneficial interest (including ownership) in excess of 7.5% of the Disclosing Party. Examples of such an interest include shares in a corporation, partnership interest in a partnership or joint venture, interest of a member or manager in a limited liability company, or interest of a beneficiary of a trust, estate or other similar entity. If none, state "None."

<u>Name</u>	<u>Business Address</u>	<u>Percentage Interest in the Disclosing Party</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SECTION III -- BUSINESS RELATIONSHIPS WITH VILLAGE ELECTED OFFICIALS

Has the Disclosing Party had a "business relationship," with any Village elected official in the 12 months before the date this EDS is signed?

☐ Yes ☐ No

If yes, please identify below the name(s) of such Village elected official(s) and describe such relationship(s):

SECTION IV -- DISCLOSURE OF SUBCONTRACTORS AND OTHER RETAINED PARTIES

The Disclosing Party must disclose the name and business address of each subcontractor, attorney, lobbyist, accountant, consultant and any other person or entity whom the Disclosing Party has retained or expects to retain in connection with the Matter, as well as the nature of the relationship, and the total amount of the fees paid or estimated to be paid. The Disclosing Party is not required to disclose employees who are paid solely through the Disclosing Party's regular payroll.

"Lobbyist" means any person or entity who undertakes to influence any legislative or administrative action on behalf of any person or entity other than: (1) a not-for-profit entity, on an unpaid basis, or (2) himself. "Lobbyist" also means any person or entity any part of whose duties as an employee of another includes undertaking to influence any legislative or administrative action.

If the Disclosing Party is uncertain whether a disclosure is required under this Section, the Disclosing Party must either ask the Village whether disclosure is required or make the disclosure.

Name (indicate whether retained or anticipated to be retained)	Business Address	Relationship to Disclosing Party (subcontractor, attorney, lobbyist, etc.)	Fees (indicate whether paid or estimated)
---	---------------------	--	---

(Add sheets if necessary)

☐ Check here if the Disclosing party has not retained, nor expects to retain, any such persons or entities.

SECTION V -- CERTIFICATIONS

A. CERTIFICATIONS

1. The Disclosing Party and, if the Disclosing Party is a legal entity, all of those persons or entities identified in Section II.B.1. of this EDS:

a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;

b. have not, within a five-year period preceding the date of this EDS, been convicted of a criminal offense, adjudged guilty, or had a civil judgment rendered against them in connection with: obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; a violation of federal or state antitrust statutes; fraud; embezzlement; theft; forgery; bribery; falsification or destruction of records; making false statements; or receiving stolen property;

c. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause A.1.b. of this Section V;

d. have not, within a five-year period preceding the date of this EDS, had one or more public transactions (federal, state or local) terminated for cause or default; and

e. have not, within a five-year period preceding the date of this EDS, been convicted, adjudged guilty, or found liable in a civil proceeding, or in any criminal or civil action, including actions concerning environmental violations, instituted by the Village or by the federal government, any state, or any other unit of local government.

2. The certifications in subparts 2, 3 and 4 concern:

- the Disclosing Party;
- any "Applicable Party" (meaning any party participating in the performance of the Matter, including but not limited to any persons or legal entities disclosed under Section IV, "Disclosure of Subcontractors and Other Retained Parties");
- any "Affiliated Entity" (meaning a person or entity that, directly or indirectly: controls the Disclosing Party, is controlled by the Disclosing Party, or is, with the Disclosing Party, under common control of another person or entity. Indicia of control include, without limitation: interlocking management or ownership; identity of interests among family members, shared facilities and equipment; common use of employees; or organization of a business entity following the ineligibility of a business entity to do business with federal or state or local government, including the Village, using substantially the same management, ownership, or principals as the ineligible entity); with respect to Applicable Parties, the term Affiliated Entity means a person or entity that directly or indirectly controls the Applicable Party, is controlled by it, or, with the Applicable Party, is under common control of another person or entity;
- any responsible official of the Disclosing Party, any Applicable Party or any Affiliated Entity or any other official, agent or employee of the Disclosing Party, any Applicable Party or any Affiliated Entity, acting pursuant to the direction or authorization of a responsible official of the Disclosing Party, any Applicable Party or any Affiliated Entity (collectively "Agents").

Neither the Disclosing Party, nor any Applicable Party, nor any Affiliated Entity of either the Disclosing Party or any Applicable Party nor any Agents have, during the five years before the date this EDS is signed, or, with respect to an Applicable Party, an Affiliated Entity, or an Affiliated Entity of an Applicable Party during the five years before the date of such Applicable Party's or Affiliated Entity's contract or engagement in connection with the Matter:

a. bribed or attempted to bribe, or been convicted or adjudged guilty of bribery or attempting to bribe, a public officer or employee of the Village, the State of Wisconsin, or any agency of the federal government or of any state or local government in the United States of America, in that officer's or employee's official capacity with the Village;

b. agreed or colluded with other bidders or prospective bidders, or been a party to any such agreement, or been convicted or adjudged guilty of agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or

c. made an admission of such conduct described in a. or b. above that is a matter of record, but have not been prosecuted for such conduct.

3. Neither the Disclosing Party, Affiliated Entity or Applicable Party, or any of their employees, officials, agents or partners, is barred from contracting with any unit of state or local government as a result of engaging in or being convicted of (1) bid-rigging; (2) bid-rotating; or (3) any similar offense of any state or of the United States of America that contains the same elements as the offense of bid-rigging or bid-rotating.

4. Neither the Disclosing Party nor any Affiliated Entity is listed on any of the following lists maintained by the Office of Foreign Assets Control of the U.S. Department of the Treasury or the Bureau of Industry and Security of the U.S. Department of Commerce or their successors: the Specially Designated Nationals List, the Denied Persons List, the Unverified List, the Entity List and the Debarred List.

5. If the Disclosing Party is unable to certify to any of the above statements in this Part A (Certifications), the Disclosing Party must explain below:

If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements.

B. CERTIFICATION OF STATUS AS FINANCIAL INSTITUTION

For purposes of this Part B, the term "financial institution" means a bank, savings and loan association, thrift, credit union, mortgage banker, mortgage broker, trust company, savings bank, investment bank, securities broker, municipal securities broker, securities dealer, municipal securities dealer, securities underwriter, municipal securities underwriter, investment trust, venture capital company, bank holding company, financial services holding company, or any licensee under the Consumer Installment Loan Act, the Sales Finance Agency Act, or the Residential Mortgage Licensing Act. However, "financial institution" specifically shall not include any entity whose predominant business is the providing of tax deferred, defined contribution, pension plans to public employees in accordance with Sections 403(b) and 457 of the Internal Revenue Code.

1. CERTIFICATION

The Disclosing Party certifies that the Disclosing Party (check one)

☐ is ☐ is not

a "financial institution" as defined above.

2. If the Disclosing Party IS a financial institution, then the Disclosing Party pledges:

"We are not and will not become a predatory lender. We further pledge that none of our affiliates is, and none of them will become, a predatory lender. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the Village."

If the Disclosing Party is unable to make this pledge because it or any of its affiliates is a predatory lender within the meaning described above, explain here (attach additional pages if necessary):

If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements.

C. CERTIFICATION REGARDING INTEREST IN VILLAGE BUSINESS

1. Does any official or employee of the Village have a financial interest in his or her own name or in the name of any other person or entity in the Matter?

☐ Yes ☐ No

NOTE: If you checked "Yes" to Item C.1., proceed to Items C.2. and C.3. If you checked "No" to Item C.1., proceed to Section VI.

2. Unless sold pursuant to a process of competitive bidding, or otherwise permitted, no Village elected official or employee shall have a financial interest in his or her own name or in the name of any other person or entity in the purchase of any property that (i) belongs to the Village, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the Village (collectively, "Village Property Sale"). Compensation for property taken pursuant to the Village's eminent domain power does not constitute a financial interest within the meaning of this Part C.

Does the Matter involve a Village Property Sale?

☐ Yes ☐ No

3. If you checked "Yes" to Item C.1., provide the names and business addresses of the Village officials or employees having such interest and identify the nature of such interest:

Name	Business Address	Nature of Interest
<hr/>		
<hr/>		
<hr/>		

4. The Disclosing Party further certifies that no prohibited financial interest in the Matter will be acquired by any Village official or employee.

SECTION VI -- CERTIFICATIONS FOR FEDERALLY-FUNDED MATTERS

NOTE: If the Matter is federally funded, complete this Section VI. If the Matter is not federally funded, proceed to Section VII.

A. CERTIFICATION REGARDING LOBBYING

1. List below the names of all persons or entities registered under the federal Lobbying Disclosure Act of 1995 who have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter: (Begin list here, add sheets as necessary):

(If no explanation appears or begins on the lines above, or if the letters "NA" or if the word "None" appear, it will be conclusively presumed that the Disclosing Party means that NO persons or entities registered under the Lobbying Disclosure Act of 1995 have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter.)

2. The Disclosing Party has not spent and will not expend any federally appropriated funds to pay any person or entity listed in Paragraph A.1. above for his or her lobbying activities or to pay any person or entity to influence or attempt to influence an officer or employee of any agency, as defined by applicable federal law, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress, in connection with the award of any federally funded contract, making any federally funded grant or loan, entering into any cooperative agreement, or to extend, continue, renew, amend, or modify any federally funded contract, grant, loan, or cooperative agreement.

3. The Disclosing Party will submit an updated certification at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the statements and information set forth in paragraphs A.1. and A.2. above. If the Matter is federally funded and any funds other than federally appropriated funds have been or will be paid to any person or entity for influencing or attempting to influence an officer or employee of any agency (as defined by applicable federal law), a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the Matter, the Disclosing Party must complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. The form may be obtained online from the federal Office of Management and Budget (OMB) web site at <http://www.whitehouse.gov/omb/grants/sfillin.pdf>, linked on the page http://www.whitehouse.gov/omb/grants/grants_forms.html.

4. The Disclosing Party certifies that either: (i) it is not an organization described in section 501(c)(4) of the Internal Revenue Code of 1986; or (ii) it is an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 but has not engaged and will not engage in "Lobbying Activities".

5. If the Disclosing Party is the Applicant, the Disclosing Party must obtain certifications equal in form and substance to paragraphs A.1. through A.4. above from all subcontractors before it awards any subcontract and the Disclosing Party must maintain all such subcontractors' certifications for the duration of the Matter and must make such certifications promptly available to the Village upon request.

B. CERTIFICATION REGARDING EQUAL EMPLOYMENT OPPORTUNITY

If the Matter is federally funded, federal regulations require the Applicant and all proposed subcontractors to submit the following information with their bids or in writing at the outset of negotiations.

Is the Disclosing Party the Applicant?

☐ Yes ☐ No

If "Yes," answer the three questions below:

1. Have you developed and do you have on file affirmative action programs pursuant to applicable federal regulations? (See 41 CFR Part 60-2.)

☐ Yes ☐ No

2. Have you filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance Programs, or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements?

☐ Yes ☐ No

3. Have you participated in any previous contracts or subcontracts subject to the equal opportunity clause?

☐ Yes ☐ No

If you checked "No" to question 1. or 2. above, please provide an explanation:

SECTION VII -- ACKNOWLEDGMENTS, CONTRACT INCORPORATION, COMPLIANCE, PENALTIES, DISCLOSURE

The Disclosing Party understands and agrees that:

A. By completing and filing this EDS, the Disclosing Party acknowledges and agrees, on behalf of itself and the persons or entities named in this EDS, that the Village may investigate the creditworthiness of some or all of the persons or entities named in this EDS.

B. The certifications, disclosures, and acknowledgments contained in this EDS will become part of any contract or other agreement between the Applicant and the Village in connection with the Matter, whether procurement, Village assistance, or other Village action, and are material inducements to the Village's execution of any contract or taking other action with respect to the Matter. The Disclosing Party understands that it must comply with all statutes, ordinances, and regulations on which this EDS is based.

C. If the Village determines that any information provided in this EDS is false, incomplete or inaccurate, any contract or other agreement in connection with which it is submitted may be rescinded or be void or voidable, and the Village may pursue any remedies under the contract or agreement (if not rescinded, void or voidable), at law, or in equity, including terminating the Disclosing Party's participation in the Matter and/or declining to allow the Disclosing Party to participate in other transactions with the Village. Remedies

at law for a false statement of material fact may include incarceration and an award to the Village of treble damages.

D. Some or all of the information provided on this EDS and any attachments to this EDS may be made available to the public on the Internet, in response to a Freedom of Information Act request, or otherwise. By completing and signing this EDS, the Disclosing Party waives and releases any possible rights or claims which it may have against the Village in connection with the public release of information contained in this EDS and also authorizes the Village to verify the accuracy of any information submitted in this EDS.

E. The information provided in this EDS must be kept current. In the event of changes, the Disclosing Party must supplement this EDS up to the time the Village takes action on the Matter.

The Disclosing Party represents and warrants that:

F. The Disclosing Party has not withheld or reserved any disclosures as to economic interests in the Disclosing Party, or as to the Matter, or any information, data or plan as to the intended use or purpose for which the Applicant seeks Village Board or other Village Committee action. For purposes of the certifications in G.1. and G.2. below, the term "affiliate" means any person or entity that, directly or indirectly: controls the Disclosing Party, is controlled by the Disclosing Party, or is, with the Disclosing Party, under common control of another person or entity. Indicia of control include, without limitation: interlocking management or ownership; identity of interests among family members; shared facilities and equipment; common use of employees; or organization of a business entity following the ineligibility of a business entity to do business with the federal government or a state or local government, including the Village, using substantially the same management, ownership, or principals as the ineligible entity.

G.1. The Disclosing Party is not delinquent in the payment of any tax administered by the Wisconsin Department of Revenue, nor are the Disclosing Party or its affiliates delinquent in paying any fine, fee, tax or other charge owed to the Village. This includes, but is not limited to, all water charges, sewer charges, license fees, parking tickets, or property taxes.

G.2 If the Disclosing Party is the Applicant, the Disclosing Party and its affiliates will not use, nor permit their subcontractors to use, any facility on the U.S. EPA's List of Violating Facilities in connection with the Matter for the duration of time that such facility remains on the list.

G.3 If the Disclosing Party is the Applicant, the Disclosing Party will obtain from any contractors/subcontractors hired or to be hired in connection with the Matter certifications equal in form and substance to those in G.1. and G.2. above and will not, without the prior written consent of the Village, use any such contractor/subcontractor that does not provide such certifications or that the Disclosing Party has reason to believe has not provided or cannot provide truthful certifications.

NOTE: If the Disclosing Party cannot certify as to any of the items in G.1., G.2. or G.3. above, an explanatory statement must be attached to this EDS.

CERTIFICATION

Under penalty of perjury, the person signing below: (1) warrants that he/she is authorized to execute this EDS on behalf of the Disclosing Party, and (2) warrants that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the Village.

(Print or type name of Disclosing Party) Date: _____

By:

(sign here)

(Print or type name of person signing)

(Print or type title of person signing)

Signed and sworn to before me on (date) _____, by _____,

at _____ County, _____ (state).

Notary Public.

Commission expires:_____.