

RESOLUTION NO. 2004 - 7

A RESOLUTION PROVIDING FOR THE REFUNDING OF ALL AND/OR A PORTION OF THE TOWN'S ALLOCABLE SHARE OF SALES TAX REVENUE COLLECTED BY PAUL FAUCETTE DOING BUSINESS AS SLV AUTO, TRUCK, & AG, INC. WITHIN THE INCORPORATED LIMITS OF THE TOWN OF LA JARA.

WHEREAS, the said Paul Faucette doing business as **SLV AUTO, TRUCK, & AG, INC.**, (hereinafter referred to as "Faucette"), has opened up and is now conducting, and maintaining a new, start-up commercial retail business establishment and venture known as **PARTS PLUS** located at 508 Spruce Street within the incorporated limits of the Town of La Jara that will deal primarily in the sale at retail of automotive, truck and farm tractors and implements repairs parts and services, and

WHEREAS, said commercial retail business establishment is required to apply for and be issued by the State of Colorado a retail sales tax license that will require the business establishment to collect and remit the state's and town's sales tax at their present respective rates on sales made at retail, and

WHEREAS, in the interest of stimulating the location of new, start-up retail businesses within the incorporated limits of the town while at the same time giving to the new, start-up retail businesses a competitive advantage over its or their competitors engaged in a similar business in the larger towns and cities not within the exterior boundaries of the County of Conejos while said fledgling, new, start-up retail business in the Town of La Jara establishes a sustainable clientele that will promote and enhance its continued viability and existence within the incorporated limits of the Town, the said Faucette doing business as Parts Plus, has made application to the Town for an abatement for a period of years from having to collect from his or its customers the Town's portion of the retail sales tax, and

WHEREAS, the Board of Trustees of the Town of La Jara finds and determines that it is in the best interests of the Town and its citizens to promote and stimulate the location of new, start-up commercial retail business ventures and enterprises within the incorporated limits of the Town in that such commercial retail ventures and enterprises will stimulate the local economy by way of the potential for increased employment opportunities, increased sales tax revenues to the Town, and the improvement of the aesthetics of the Town, and that consideration of the application of Faucette should be considered favorably, and

WHEREAS, by means of Ordinance No. 2004- 3 duly passed and adopted by the Town of La Jara, at a regular meeting of the Board of Trustees held on September 9, 2004, the effective date of which was, after publication thereof as provided by law, the 21st day of September, 2004, the Board of Trustees has the legislative power and authority, to consider favorably and thereafter grant such tax abatement incentives Faucette as the Board of Trustees finds and determines necessary and advisable.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES AS FOLLOWS:

1. That the said Paul Faucette, doing business as **SLV AUTO, TRUCK, AND AG, INC.**, shall at all times nevertheless collect the full amount of state and local sales tax with respect to retail sales made at **PARTS PLUS** in the interest of not creating or imposing on the Colorado Department of Revenue an accounting or allocation burden with respect to sales taxes remitted to the Colorado Department of Revenue by Faucette, and that, from the gross amount remitted back to the Town, the Town will remit back to Faucette a certain portion thereof as more clearly set forth herein below, as follows:

**SECTION ONE
COLLECTION OF AND REMITTANCE BACK OF SALE TAX**

1. For the remainder of the 2004 calendar year after the effective date of Ordinance No. 2004 - 3, the amount of La Jara's sales tax revenues remitted by the Colorado State Department of Revenue to the Town allocable to sales tax collected by Faucette will be refunded in full by the Town to Faucette upon receipt by the Town of such allocable share.

2. For all of calendar year 2005, two-thirds of the amount of La Jara's sales tax revenues remitted by the Colorado State Department of Revenue to the Town allocable to sales tax collected by Faucette will be refunded by the Town to Faucette upon receipt by the Town of such allocable share, the Town to keep the remaining one-third of such sales tax revenues
3. For all of calendar year 2006, one-third of the amount of La Jara's sales tax revenues remitted by the Colorado State Department of Revenue allocable to sales tax collected by Faucette will be refunded by the Town to Faucette upon receipt by the Town of such allocable share, the Town to keep the remaining two-thirds of such sales tax revenues
4. Beginning January 1, 2007, and all years subsequent thereto, there will be no further remittances to Faucette of any portion of sales tax collected allocable to Faucette.

SECTION THREE
ASSIGNMENT

No assignment of the provisions and benefits of this Resolution by Faucette to a third-party purchaser shall be valid without the expressed and specific consent of the Board of Trustees of the Town of La Jara and only after a Resolution to that effect is passed by the Board of Trustees of the Town of La Jara at a regularly-scheduled or special meeting at which a quorum is present.

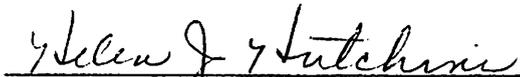
SECTION FOUR
SEVERABILITY

If any section, subsection, part, subpart, paragraph, subparagraph, sentence, clause, word, or phrase of this Resolution is found to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. In the event the entire Resolution is found to be unconstitutional or invalid for any reason by a court of competent jurisdiction, then and in that event the parties referenced herein shall proceed as if there had been no agreement in place *ab initio* with no corresponding remittance of any or all portions of sales tax remitted back to the Faucette, and if required by such Court, amounts previously remitted by the Town to Faucette shall be refunded back to the Town by Faucette in such form, manner and amounts as determined by the court..

THIS RESOLUTION WAS CONSIDERED, DISCUSSED, AND ADOPTED on the 9th day of December, 2004, by the Board of Trustees of the Town of La Jara at a regularly scheduled meeting at which a quorum was present.

THE BOARD OF TRUSTEES OF THE TOWN OF
LA JARA

ATTEST:


Helen J. Hutchins, Town Clerk

By: _____


Austin Valdez, Mayor

(SEAL)