

RESOLUTION NO. ____-2012

A RESOLUTION APPROVING THE GRANTING OF AN INDUCEMENT TO A GREAT AMERICAN BRAND D/B/A A&W RESTAURANTS, INC., PURSUANT TO THE KENTUCKY BUSINESS INVESTMENT ACT CREATED BY HOUSE BILL 3 OF THE 2009 EXTRAORDINARY LEGISLATIVE SESSION, WHEREBY LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT AGREES TO FOREGO THE COLLECTION OF ONE PERCENT (1%) OF THE OCCUPATIONAL LICENSE FEES THAT WOULD OTHERWISE BE DUE TO IT, WHICH SHALL BE RETAINED BY A GREAT AMERICAN BRAND D/B/A A&W RESTAURANTS, INC., FOR A TERM OF NOT LONGER THAN TEN (10) YEARS FROM THE ACTIVATION DATE ESTABLISHED BY THE KENTUCKY BUSINESS INVESTMENT PROGRAM, SUBJECT TO THE LIMITATIONS CONTAINED IN THE KENTUCKY BUSINESS INVESTMENT ACT AND ANY AGREEMENT A GREAT AMERICAN BRAND D/B/A A&W RESTAURANTS, INC., HAS WITH THE KENTUCKY ECONOMIC DEVELOPMENT FINANCE AUTHORITY RELATED TO THE PROJECT, AND TAKING OTHER RELATED ACTION.

WHEREAS, the 2009 General Assembly adopted in Extraordinary Session the Kentucky Business Investment Program pursuant to House Bill 3 (the "Act") to induce the creation of certain qualifying projects that would create jobs in Kentucky; and

WHEREAS, the Kentucky Economic Development Finance Authority has preliminarily approved the participation of A Great American Brand d/b/a A&W Restaurants, Inc., in the Kentucky Business Investment Program; and

WHEREAS, the Council of the Lexington-Fayette Urban County Government is willing to approve the granting of an inducement to A Great American Brand d/b/a A&W Restaurants, Inc., pursuant to the Act, whereby it would forego the collection of the one percent (1%) of the occupational license fee that would otherwise be due to it related to the employees who meet the requirements of the Kentucky Business Investment Program, which shall be retained by A Great American Brand d/b/a A&W Restaurants, Inc., for a term of not longer than ten (10) years from the activation date established by the program, subject to the limitations contained in the Act and any agreement.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the granting of an inducement to A Great American Brand d/b/a A&W Restaurants, Inc., be and hereby is approved pursuant to Kentucky Business Investment Program of the Kentucky Jobs Development Act, as amended by House Bill 3 of the 2009 Extraordinary Legislative Session.

Section 2 – That pursuant to Kentucky Business Investment Program, Lexington-Fayette Urban County Government hereby agrees to forego, and authorizes A Great

American Brand d/b/a A&W Restaurants, Inc., to retain, the one percent (1%) of the occupational license fee due from the wages of those employees whose jobs meet the criteria related to the qualifying project under the Kentucky Business investment Program, as determined by the Kentucky Economic Development Finance Authority, for a term of not longer than ten (10) years from the activation date established by the Kentucky Business Investment Program, subject to the limitations contained in the Kentucky Business Investment Act as set forth in House Bill 3 of the 2009 Extraordinary Legislative Session and any agreement A Great American Brand d/b/a A&W Restaurants, Inc., has with the Kentucky Economic Development Finance Authority related to the project.

Section 3 - A Great American Brand d/b/a A&W Restaurants, Inc., pursuant to its agreement with the Kentucky Economic Development Finance Authority, shall simultaneously be entitled to a credit against the local occupational tax equal to the one percent (1%) of its taxable wages.

Section 4 – That the Mayor, the Clerk of the Urban County Council, and other appropriate officers and employees of the Urban County Government are hereby authorized to execute, acknowledge and deliver any documents and such other instruments and papers and to take such other actions as may be necessary or desirable to effect the transactions authorized above.

Section 5 – That the preamble to this Resolution is incorporated herein as if set out in full.

Section 6 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL