

# ALGER COUNTY BOARD OF COMMISSIONERS

Mary Ann Froberg, Clerk  
101 COURT STREET, MUNISING, MI 49862

## RESOLUTION #2023-09

### RESOLUTION SUPPORTING DARK STORE LEGISLATION

**WHEREAS**, Representative of Michigan's 38<sup>th</sup> Senate District, Senator Ed McBroom, seeks to introduce two bills, Senate Bill Numbers 19 and 20, intended to address the method by which the Michigan Tax Tribunal values certain properties, including big box and junior box stores, commonly referred to as the "Dark Store" theory of value; and

**WHEREAS**, the Tax Tribunal, on numerous occasions, has valued such properties through comparisons to sales of other big box or junior box stores that have "gone dark, " i.e., have failed to produce retail sales due to their location in the market; and

**WHEREAS**, the Tax Tribunal has also valued box stores by comparisons to sales of other box stores that were sold with a private deed restriction in place, which precluded the use of the sold box store for use as a box store; and

**WHEREAS**, these Tax Tribunal decisions across the state have resulted in artificially reduced values for thriving box stores due to comparisons to stores that either failed or were sold for some other secondary purpose, such as redevelopment for some other commercial use; and

**WHEREAS**, in Alger County the application of the "Dark Store" method has led to the reduction of public library hours and negatively impacted the County's General Fund balance, leading to reduced funding for County programs; and

**WHEREAS**, the legislation seeks to remedy these issues by requiring the Tax Tribunal to assure that box stores are valued according to their "highest and best use" by excluding the use of sale comparables sold with private restrictions in place if those restrictions substantially impair the comparable's highest and best use as compared to the property being valued; and

**WHEREAS**, the legislation seeks to require the use of sale comparables that are adequately comparable to the property being valued.

**THEREFORE**, the Board of Commissioners of Alger County, Michigan, resolves as follows:

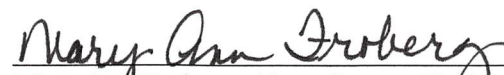
1. The Alger County Board of Commissioners hereby supports the legislation to be introduced by Senator McBroom, Senate Bill Numbers 19 and 20.

2. Any resolutions that are inconsistent with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

### CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the Alger County Board of Commissioners at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

  
Mary Ann Froberg, Alger County Clerk

Dated: April 10, 2023

