

GONZALES MAIN STREET

UTILITY RELOCATION GRANT PROGRAM

Gonzales Main Street in partnership with the Gonzales Economic Development Corporation seeks to improve the image of downtown Gonzales through the historic restoration and rehabilitation of commercial building facades located in the Downtown Redevelopment Area. Funded by GEDC as an economic incentive, in cooperation with GEDC, Gonzales Main Street has designed the following utility relocation grant program.

UTILITY RELOCATION GRANT PROGRAM

Please read carefully:

- The Gonzales Main Street Utility Relocation Grant Program is set up as a single payment reimbursement to property owners per building/business. Grants are available for utility relocation to the rear of the property in the amount of \$2,500.00 per grant.
- Grants will be reviewed and awarded on a first come, first serve basis.
- Building owners are limited to one grant per building.
- Grant funds focus on commercial buildings located in the Downtown Redevelopment Area.
- Grants are available beginning October 1 of each year, on a first come, first serve basis until funds are depleted.
- **No grants will be awarded for work that has already been started, in progress, or completed.**
- If awarded a utility relocation grant, any deviation from the approved grant project may result in the total or partial withdrawal of the grant.

If you have any questions, please contact the Gonzales Main Street Administrator at 830-672-2815.

Thank you!

1. Determine eligibility: Discuss project plans with City Staff. You may set up an appointment by calling the Gonzales Main Street Administrator at 830-672-2815.
2. Fill out utility relocation grant application form and sign the agreement form.
3. Return the completed application form with all original contract proposals to the Gonzales Main Street Office at City Hall, 820 St. Joseph Street not later than the first Wednesday of the month.
4. The approval process will include without limitation the following:
 - (a) All grant projects must meet current building standards (Standard Building Codes).
 - (b) Notwithstanding anything stated in this application to the contrary, final approval for any grant shall be determined by vote of the Main Street Advisory Board.
 - (c) The Main Street Advisory Board may receive recommendations from the Gonzales Economic Development Corporation, which may also review the Application. Other committee recommendations shall be advisory only.
 - (d) The Main Street Advisory Board shall consider only applications which have been properly and fully completed and which contain all information required in the application or requested by any committee or the Main Street Advisory Board.
 - (e) All construction bids submitted by an applicant must be current and must be dated no earlier than thirty (30) days prior to the application request. Bids shall be submitted on the contractor's letterhead and shall contain the contractor's name, address, telephone number and shall itemize the bid in a manner that allows the Main Street Advisory Board to determine the bid components and authenticity of the bid. Preference should always be given to local contractors and suppliers.
 - (f) An applicant who submits an application that was denied a grant by the Main Street Advisory Board may be eligible to re-submit a grant application six (6) months from the date the prior application was declined by the Main Street Advisory Board. Recommendations and corrections by the Advisory Board must be included or the resubmission will not be considered.
 - (g) Applicants receiving approval by the Main Street Advisory Board shall commence construction described within ninety (90) days from the date the grant is awarded by the Main Street Advisory Board. All applicants must complete the construction described in the application within nine (9) months from the date the grant is approved by the Main Street Advisory Board. If the applicant is unable to commence construction within ninety (90) days from the date the grant is approved or complete construction within nine (9) months from the date the grant is approved, the applicant can submit a written request for an extension for the commencement date or completion date provided the extension request is made prior to the expiration of the appropriate time limit. The Main Street Advisory Board shall not be obligated to allow extensions but may do so for good cause determined solely by the Main Street Advisory Board. The extensions, if granted, shall be for the term and for the conditions determined exclusively by the Main Street Advisory Board. An extension denial cannot be appealed and shall be final with the Main Street Advisory Board.
 - (h) As a condition of this grant application and in consideration of the opportunity to apply for a grant, the applicant consents and shall allow the Main Street Advisory Board to request City inspections to determine the grant, if awarded, shall not be used for construction to any building that is not in compliance with the City Municipal Codes and Ordinances.
 - (i) The applicant, by submission of this application, represents the construction described with the application shall be used in a building which is in compliance with all zoning codes and ordinances.
 - (j) The Main Street Advisory Board shall have sole discretion in awarding grants. The Main Street Advisory Board shall award grants considering the grant amount requested, grant funds available, the grant program, condition of the building in which the grant funds will be used, effectiveness of the construction, other grant requests, the type and nature of the construction, and the proposed construction results considering the grant program.
 - (k) No applicant has a proprietary right to receive grant funds. The Main Street Advisory Board shall consider any application within its discretionary authority to determine what grant amount would be

in the best interest of the Grant Program. The review criteria may include, but shall not be limited to, compatible architectural design, streetscape objectives, overall redevelopment of the downtown area and historical property.

- (l) The applicant is required to obtain all applicable City permits and City approvals required for the construction if a grant is awarded.
 - (m) No applicant, nor applicant agent, representative or tenant shall be entitled to receive additional grant approval on the same property.
 - (n) An applicant is encouraged to attend Main Street Advisory Board meetings, when requested to do so, by the Main Street Advisory Board. Failure to attend a Main Street Advisory Board meeting when required shall be cause for rejection of the application.
5. Reimbursement: When the entire grant project has been satisfactorily completed and reviewed, the applicant shall present the Gonzales Main Street office with copies of **all paid invoices for a single payment reimbursement of the approved funding. Proof of payment must accompany the invoices.** The Main Street Advisory Board will consider a pay-as-you-go option. In order to qualify for this option, the applicant must show proof of need.
 6. Resubmission Process: Any application rejected by the Main Street Advisory Board shall be entitled to re-review by the Gonzales Main Street Board. The applicant shall submit a revised proposal with recommendations and guideline requirements for review to the Main Street Administrator six months after the initial denial of the grant and subsequently follow the grant process as outlined in this document.
 7. Grant requests will be considered on a first come first serve basis, with consideration that grant applications meets all current guidelines and ordinances, until funds for fiscal budget year are exhausted.
 8. The applicant must agree to complete the project as presented. Preference will be given to owner occupied business/applicants, or business/applicants who are willing to contractually agree to remain open for business for twelve (12) months after completion of project.
 9. Approval of all applications shall be with the understanding and agreement that, in the event the business (applicant) fails to remain open or the business or property is sold or transferred during construction, the applicant shall be considered in default of its obligations under the grant, and shall be required to reimburse the GMS the grant money received.
 10. The applicant must agree that, in the event of default of its obligations, the GMS has the right to reimbursement for all attorney's fees and costs, which may be incurred as a result of any legal action required to seek reimbursement of all grant funding received by applicant.
 11. The applicant must certify that the applicant does not employ nor will it employ any undocumented workers (an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or, authorized under law to be employed in that manner in the United States). The applicant must agree that if, after receiving grant funds, it is convicted of a violation under 8 U.S.C. Section 1324a(f), applicant shall repay the amount of the grant funds with interest, at the rate of 12% per annum, within 120 days after the GMS notifies the applicant of the violation. The GMS shall have the authority to bring a civil action to recover any amounts which the applicant must repay the GMS under this provision, and in such action may recover court costs and reasonable attorney's fee.

APPLICATION
for
UTILITY RELOCATION GRANT PROGRAM

I (We), hereinafter referred to as “APPLICANT”, on behalf of the identified entity, submit to Gonzales Main Street, hereinafter referred to as “GMS”, this application for consideration of a Utility Relocation Grant under the provisions of the GMS’s Utility Relocation Grant Program.

As part of this application, APPLIANT represents to GMS the following:

1. APPLICANT has received a copy of the GMS’s Guidelines and Criteria for the Utility Relocation Grant Program. APPLICANT acknowledges to GMS that in making this application APPLICANT understands the terms and provisions thereof, and all questions relating to any needed interpretation thereof have been answered by authorized representatives of GMS prior to the submission of this application.
2. APPLICANT has secured such legal, accounting, and/or other advice that may be necessary for APPLICANT to determine the desirability of making this application and/or accurately and correctly answering any questions as hereinafter set out. APPLICANT acknowledges that it has completely relied on the advice and counsel of experts and/or appropriate persons retained, employed, or compensated by APPLICANT, and that it has not relied upon, nor is APPLICANT now attempting to rely upon the advice and counsel of GMS, its servants, agents, employees, and /or elected or appointed officers.
3. By signing this document, “Application for Utility Relocation Grant” either in an individual capacity, jointly, or in a representative capacity, APPLICANT acknowledges and verifies that all of the facts, information, and allegations as herein set out are true, correct and accurate, and that GMS may rely thereon as if the same had been signed by APPLICANT or APPLICANTS’S agent. APPLICANT further acknowledges and understands that any materially false or misleading statements of fact may be considered a violation of the criminal laws of the State of Texas.
4. If APPLICANT is a corporate entity, APPLICANT swears and affirms that all applicable franchise taxes or other taxes paid for the privilege of conducting business have been fully paid, and that the APPLICANT is fully authorized to transact business in the State of Texas, and in the state of incorporation if different from the State of Texas. In addition, APPLICANT, whether a corporate entity, partnership, or other legal type business entity, or an individual, acknowledges and verifies that it is current on all current tax obligations, assessments, or other governmental levies and assessments, and that the same have paid when due and payable, and that no delinquencies exist at this time.
5. The APPLICANT hereby certifies that the APPLICANT does not and will not knowingly employ an undocumented worker. An “undocumented worker” shall mean an individual who, at the time of employment, is not (a) lawfully admitted for permanent residence to the United States; or (b) authorized under the law to be employed in that manner in the United States. APPLICANT understands and agrees that if, after receiving a Business Improvement Grant, APPLICANT is convicted of a violation under 8 U.S.C. Section 132a(f), the APPLICANT will repay the amount of the grant with interest, at the rate of 12% per annum, within 120 days after the GMS notifies the APPLICANT of the violation. The GMS has the right to recover court costs and reasonable attorney’s fees as a result of any civil action required to recover such repayment.

Business Entity Name: _____

Mailing address: _____

Location in the City of Gonzales for which the improvement is being requested:

Street Address: _____

Other companies and locations owned and/or operated by the APPLICANT

Company Name: _____

Street Address: _____

City: _____

Company Name: _____

Street Address: _____

City: _____

6. Please attach a separate document providing a legal description of the property upon which the contemplated improvements will be located as **Exhibit A**.

7. Please attach a vicinity map locating the property within the City of Gonzales as **Exhibit B**.

8. New or existing business: _____ New _____ Existing
_____ has been in operation for _____ years.

Existing # of jobs: _____ (if applicable) Full-time _____ Part-time _____

New jobs (full-time): _____ New jobs (part-time): _____

9. If leased facility, provide the following information (*attach copy of current lease*):

Current Landlord: _____

Address: _____

Phone Number: _____

10. What other cities and/or buildings is the applicant considering to establish a new business if this application is not approved?

11. Additional Information:

Describe in detail project financing, amount of debt, terms of debt service, name of issuer of debt, etc.

12. Has financing been secured?

Yes _____

(Attach documentation)

No _____

Pending _____

With Whom? _____

13. Please provide a copy of the State sales tax reporting form for the most current three (3) month period (*if applicable*).
14. Prior to applicants execution of this application, APPLICANT has had this reviewed by the Attorney of Applicant, or has had the opportunity to do so, and the parties hereto agree that based on the foregoing, this application for the business improvement grant program shall not be construed in favor of one party over the other based on the drafting of this application.
15. APPLICANT and owner/landlord indemnify, defend and hold GMS harmless from any liability, injury, claim, expenses and attorney's fees arising out of a contractor, builder or contract for performance of improvements, or repair to buildings and facilities.
16. GMS has delivered a copy of the guidelines and criteria for a utility relocation grant program to applicant for review, and the delivery hereof does not constitute an offer of a relocation grant.
17. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of the application for business improvement grant program. If any provision of this application for business improvement grant program should be held to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this application shall not be affected thereby.

VERIFICATION

I (We), the undersigned APPLICANT(S), certify that all the information furnished GMS has been furnished freely by the APPLICANT(S), herein, and further acknowledge that no rights or privileges may be relied on as a part of any application. In addition, it is acknowledged that the Gonzales Main Street may or may not grant a Utility Relocation Grant based upon application or request hereunder purely as a matter of discretion, and that there is no legal right to rely on any previous actions taken in same or similar applications, or previous actions taken on other applications concerning the same or similar property.

Signed and submitted to Gonzales Main Street on this, the _____ day of _____, 20____.

Applicant _____

Applicant _____

Signature _____

Signature _____

Address _____

Address _____

Phone Number _____

Phone Number _____

Name of Property Owner/Landlord _____

Signature _____

Address _____

Phone Number _____

DOCUMENTATION CHECKLIST
for
Utility Relocation Grant Program

As a part of this application, the following documentation is being provided by the applicant:

- _____ Establishment of business entity name (copy of Articles of Incorporation, dba, etc.)
- _____ Copy of lease agreement (if facility is leased)
- _____ Legal description of subject property (Exhibit A)
- _____ Vicinity map of subject
- _____ Documentation of approved financing
- _____ State sales tax reporting form for most current three month period (if applicable)
- _____ Copy of construction permit.

Advisory Board Review

<u>Approved</u>	<u>Date</u>
<u>Rejected</u>	<u>Date</u>
<u>Re-Review</u>	<u>Date</u>