

**CITY DEVELOPMENT CORPORATION OF EL CAMPO
SITE IMPROVEMENT GRANT PROGRAM
FISCAL YEAR ENDING SEPTEMBER 30, 2024**

APPLICATION & PERFORMANCE AGREEMENT

The City Development Corporation of El Campo (CDC) seeks to increase the taxable value of our commercial properties, create or retain jobs, increase Sales Tax receipts, and improve the image of El Campo through the restoration, improvement, and rehabilitation of commercial properties and buildings located within the El Campo City limits. Funded as an economic development incentive, the CDC has designed this **Site Improvement Grant Program**.

Please read this Application & Performance Agreement document carefully and completely.
It is a legally binding contract.

SITE IMPROVEMENT GRANT PROGRAM DETAILS:

1. The City Development Corporation of El Campo Site Improvement Grant Program is set up as a single payment reimbursement to property owners per building/business/site. Grants are for 10% of the project on a matching funds basis, with a maximum funding amount of \$50,000.00.
2. Grants will be reviewed and awarded on a first come, first served basis by the CDC Board. Funding for all grants over \$25,000.00 must also be approved by the El Campo City Council.
3. Minimum grant amount considered will be \$500.00.
4. Building/Property owners are limited to one grant per building/site based on the tract/owner information available from the Wharton County Appraisal District.
5. Eligible projects are new commercial construction and/or permanent improvements to existing commercial buildings and sites located within the city limits of El Campo, Texas.
6. Budgeted grant funds are available beginning October 1st of each year, on a first come, first served basis, until funds are depleted.
7. Grants may be submitted for work that has already been started or is in progress, or completed if application is submitted within six months of completion.
8. All submitted work will be reviewed and any funding approved by the City Development Corporation of El Campo Board of Directors. **Any deviation from the grant project as presented and approved may result in the total or partial withdrawal of the grant.**
9. Facades must be maintained after project completion. Improper or incorrect maintenance will affect all future grant eligibility or could result in the claw back of grant funds.
10. **This document, when completed, signed and submitted to the City Development Corporation of El Campo, becomes a legal and binding contract. Please review it with your attorney prior to submission.**

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- First step, to determine eligibility for grant, discuss project plans with CDC Staff. You may set up an appointment by calling the City Development Corporation of El Campo offices at 979-543-6727.
- Fill out the Site Improvement Grant application **completely and sign**. All grant applications must include written proposals on all project work from all contractors. Self-contracted work will be reimbursed by actual legitimate expenses, excluding labor.
- Return the completed application form with all required documentation and bids/contract proposals to the City Development Corporation of El Campo Office at 707 Fahrenthold Street, not later than the third Tuesday of the month, to be placed on the agenda for the CDC Board Meeting, held the fourth Monday of the month at 2:00 pm. **Please verify the meeting date as it is subject to change.**
- The approval process will include without limitation the following:
 - (a) All grant projects must be approved for a building permit by the City of El Campo.
 - (b) Notwithstanding anything stated in this application to the contrary, final approval for any grant shall be determined by vote of the CDC Board of Directors.
 - (c) The CDC Board of Directors shall consider only applications which have been properly and fully completed and which contain all information and attachments required in the application or requested by staff or the CDC Board of Directors.
 - (d) 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 CDC Board of Directors to determine the bid components and authenticity of the bid. Preference should always be given to local contractors and suppliers when possible.
 - (e) An applicant who submits an application that was denied a grant by the CDC Board of Directors may be eligible to re-submit a grant application six (6) months from the date the prior application was declined. Recommendations and/or corrections by the CDC Board must be included or the resubmission will not be considered.
 - (f) Applicants receiving approval by the CDC Board of Directors shall commence construction described within ninety (90) days from the date the grant is awarded by the CDC Board of Directors. All applicants must complete the construction described in the application within nine (9) months from the date the grant is approved by the CDC Board of Directors. 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 CDC Board of Directors shall not be obligated to allow extensions but may do so for good cause determined solely by the CDC Board of Directors. The extensions, if granted, shall be for the term and for the conditions determined exclusively by the CDC Board of Directors. An extension denial cannot be appealed and shall be final.

- (g) 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 CDC Staff and/or Board of Directors 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 of El Campo's Municipal Codes and Ordinances.
 - (h) The applicant, by submission of this application, represents all the work described in the application shall be used for a building which is in compliance with all zoning codes and ordinances of the City.
 - (i) No applicant has a proprietary right to receive grant funds. The CDC Board of Directors shall consider any application within its discretionary authority to determine what grant amount would be in the best interest of the Site Improvement Grant Program.
 - (j) The applicant shall be required to furnish "before" pictures of the building's exterior, interior, roof, and foundation as part of the application request and also after pictures when the construction is completed if the grant is awarded, as a condition of final reimbursement.
 - (k) **The applicant is required to contact the City of El Campo Building Official and Fire Official before submitting the grant application** to determine the building will be eligible for a **Certificate of Occupancy** from the City after the work is completed.
 - (l) The applicant is required to obtain all applicable City permits, zoning, and development code approvals required for the project construction if a grant is awarded.
 - (m) No applicant, nor applicant's agent, representative or tenant shall be entitled to receive additional grant approval on the same property.
 - (n) An applicant is encouraged to attend CDC Board of Directors meetings where the grant application is under discussion or consideration. Failure to attend a CDC Board of Directors meeting when required shall be cause for rejection of the application.
 - (o) The CDC Board of Directors shall have sole discretion in awarding grants. The CDC Board shall award grants considering the capital investment, jobs created or retained, grant amount requested, grant funds available, the grant program, the 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 intent of the grant program.
- **Reimbursement: When the entire grant project has been satisfactorily completed and reviewed, the applicant shall present the CDC office with copies of all paid invoices. Proof of payment must accompany the invoices- such as copies of checks, credit card receipts and payment of statement with charges. NOTE- The CDC will make a single payment for reimbursement of the approved funding.**
 - 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 the fiscal year's budget are exhausted.
 - The applicant must agree to complete the project as presented. Preference will be given to owner occupied business/applicants, or business/applicants.
 - All grant recipients contractually agree to remain open for business for a minimum of twenty-four (24) months after completion of project, maintaining the employment numbers reported on the application, and staying current on all sales and/or property tax payments. This requirement will be determined by the date of grant payment, not the date the Board of Directors approve the grant.

- Approval of all applications shall be with the understanding and agreement that, in the event the business (applicant) fails to remain open as agreed, the applicant shall be considered in default of its obligations under the grant, and shall be required to reimburse the CDC the grant money received. The reimbursement amount will be determined by the Board of Directors.
- The applicant agrees that, in the event of default of its obligations, the CDC has the right to seek reimbursement for all attorney's fees and costs incurred as a result of any legal action required to seek reimbursement or claw back of grant funds received by applicant.
- The applicant must certify that the business 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 CDC notifies the applicant of the violation. The CDC shall have the authority to bring a civil action to recover any amounts which the applicant must repay the CDC under this provision, and in such action may recover court costs and reasonable attorney's fee.

**CDC SITE IMPROVEMENT GRANT PROGRAM
FISCAL YEAR ENDING SEPTEMBER 30, 2024
APPLICATION & PERFORMANCE AGREEMENT**

I (We), hereinafter referred to as "APPLICANT", on behalf of the identified entity, submit to City Development Corporation of El Campo, hereinafter referred to as "CDC", this application for consideration of a Site Improvement Grant under the provisions of the CDC's Site Improvement Grant Program.

As part of this application, APPLICANT represents to CDC the following:

1. APPLICANT has received a copy of the CDC's Guidelines and Criteria for the Site Improvement Grant Program. APPLICANT acknowledges to CDC 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 CDC 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 CDC, its servants, agents, employees, and /or elected or appointed officers.
3. By signing this document, "Application for Site Improvement 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 CDC may rely thereon as if the same had been signed by APPLICANT or APPLICANT'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 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 Site 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 CDC notifies the APPLICANT of the violation. The CDC has the right to recover court costs and reasonable attorney’s fees as a result of any civil action required to recover such repayment.

Date: _____

Business Entity Name: _____

Business EIN/Tax ID Number: _____

Contact Name and Title: _____

Mailing Address: _____

Office/Home Phone: _____ Cell Phone: _____

Email Address: _____

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

Street Address: _____

Please list additional/other companies and locations owned and/or operated by the APPLICANT:

Company Name: _____

Street Address: _____

City/State/Zip: _____

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 El Campo as *Exhibit B*.

8. New or Existing Business: _____New _____Existing

_____ has been in operation for _____ years.

9. Number of existing jobs to be retained: Full-Time _____ Part-Time _____

Number of new jobs to be created: Full-Time _____ Part-Time _____

10. If leased facility, provide the following information (*attach copy of current lease and landlord must also sign application*):

Current Landlord: _____

Address: _____

Phone Number/Email: _____

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

12. Additional Information:

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

13. Has financing been secured? Yes _____ No _____ Pending? _____

With Whom? _____

14. Please provide a copy of the State sales tax reporting form for the most current three (3) month period *(if applicable)*.
15. Please provide a copy of the personal and real property tax payment receipts for the most current year. If newly purchased, the HUD statement will document this.
16. Prior to 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 Site Improvement Grant Program shall not be construed in favor of one party over the other based on the drafting of this application.
17. APPLICANT and owner/landlord indemnify, defend and hold CDC 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.
18. CDC has delivered a copy of the guidelines and criteria for a Site Improvement Grant Program to APPLICANT for review, and the delivery hereof does not constitute an offer of an improvement grant.
19. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of the application for Site Improvement Grant Program. If any provision of this application for Site 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.
20. **Any deviation from the "as presented and approved" grant project may result in the total or partial withdrawal of the grant.**

**CDC SITE IMPROVEMENT GRANT PROGRAM
VERIFICATION OF UNDERSTANDING OF AND PROJECT IDENTITY**

I (We), the undersigned APPLICANT(S), certify that all the information furnished to the CDC 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 City Development Corporation of El Campo may or may not grant a Site Improvement 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 City Development Corporation of El Campo on this, the _____ day of _____, 20____.

Applicant _____

Applicant _____

Signature _____

Signature _____

Address _____

Address _____

Phone Number _____

Phone Number _____

Name of Property Owner/Landlord _____

Signature _____

Address _____

Business/Cell Phone Number _____/_____

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DOCUMENTATION CHECKLIST**

As a part of the application, the following documentation is required to be provided by the APPLICANT at the time of Site Improvement Grant application submission:

- _____ Completed and Signed Site Improvement Grant Application & Performance Agreement
- _____ Establishment of Business Entity Name (copy of Articles of Incorporation, DBA, etc.)
- _____ Copy of Deed or Lease Agreement if Facility Is Leased
- _____ Legal Description Of Subject Property (Exhibit A)
- _____ Vicinity Map Of Subject Property (Exhibit B)
- _____ Estimates of Proposed Improvements (Exhibit C)
- _____ Pictures of Building’s Exterior, Roof, And Foundation
- _____ Scale Drawing of Improvements or “Before” Photographs
- _____ Documentation of Property Tax Payment
- _____ State Sales Tax Reporting Form for Most Current Three-Month Period (if applicable)
- _____ Consultation with City of El Campo Building Official and Fire Official
- _____ Copy of Construction Permit and Any Other Necessary City Permits

CDC Staff Review of Application

Approved: _____ Date: _____

CDC Board Review

Approved: _____ Date: _____
Rejected: _____ Date: _____
Re-Submission: _____ Date: _____

City Council Funding Review

Approved: _____ Date: _____
Rejected: _____ Date: _____

For your information, especially if you are renovating a historic building, we include:

REHABILITATION TIPS

- Roof, foundation and structural items should always be given priority over cosmetic improvements. Carefully examine old buildings for termites, wood rot and general deterioration. When repairing a building, do not cut expenses on the roof or foundation.
- Be aware of areas on the roof and at connecting walls where water does not readily drain. Flashing should be installed at intersections to prevent leakage.
- Carefully locate air-condition units to avoid water condensations on the sides of buildings. Condensing units should be supported from the masonry walls and not placed directly on the roof.
- The top brick cornices that project about the roof deteriorate rapidly unless they are capped with metal, terra cotta, stone or concrete.
- When mortar is missing or in poor repair, moisture will enter the walls and eventually may cause structural damage. Deteriorated mortar should be removed to depths of at least three-fourths of an inch and replaced with new mortar that matches the old in color, texture and striking of the joint.
- Do not sandblast older facades. Chemicals and/or water can remove dirt and paint without damaging the surface of the building.
- Do not paint too often, many times a building only needs mild washing.
- If the building has stone or brick that has never been painted, do not create a maintenance problem by painting it.
- Existing architectural details, including old wood doors, windows, ceilings, and trim work add to the character of a building and its resale value. Attempt to repair these features rather than remove them.
- Wood windows are reasonable to repair, if a specialist window repairer can be found. If the windows are missing, custom made windows can be ordered for replacement in old buildings.
- Pressed metal ceiling panels are still being manufactured today with some of the same patterns installed originally. Deteriorated panels, therefore, can be replaced exactly.
- Do not use aluminum siding over an existing facade. It can hide water penetration into the walls and accelerate deterioration.
- Before rehabilitating a building façade, take a careful look at the structural aspects of the building. Develop a design that is compatible with neighboring buildings.
- Retain a sense of continuity by carrying exterior building design inside the structure. Demand quality!
- You may be eligible for tax credits, ask CDC staff for more information.
- Restoration of a building is good news for the community. Be sure to contact your local newspaper when your project is completed.

For your information, especially if you are renovating a historic building, we include:

SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its original intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features will disqualify any building from this program.
3. All building, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged and may disqualify any building from this program.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance may be recognized and respected.
5. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities.
6. The surface cleaning of structures shall be undertaken with the gentlest means possible.
Sandblasting and other cleaning methods that will change or damage the historic building materials shall not be undertaken.
7. Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
8. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such addition or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. New additions should be compatible to the present structure.