

# CITY OF BATAVIA

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**DATE:** March 18, 2013  
**TO:** City Council  
**FROM:** Jason Bajor, Assistant City Administrator  
Scott Buening, Director of Community Development  
**SUBJECT:** Façade and Downtown Improvement Grant Program Revisions

**Issue:** In November of 2012, the Community Development Committee commenced a discussion on the City's overall economic development incentive programs in an effort to assess their success and areas in which greater financial review and due diligence could be appropriately applied. Within this discussion, the attention soon focused on the Façade and Downtown Improvement Grant Programs, as they are currently the most commonly utilized of the incentive programs. During the course of these discussions, various options toward revising the programs were considered and the input of both the Batavia Chamber of Commerce and MainStreet organizations were also included. At the March 4<sup>th</sup> meeting of the Community Development Committee, the final proposed revisions to the programs were agreed to and this matter now comes before the City Council with the Committee's recommendation for approval.

**Analysis – Façade Grant Program:** The following are the current provisions and proposed changes to the Façade Grant Program (proposed changes are highlighted in bold):

- Maintain the 50/50 match provision between property/business owner and the City.
- Maintain the minimum project budget of \$1,000 (i.e. minimum grant of \$500) and maximum project budget amount of \$10,000 to (i.e. maximum grant of \$5,000).
- **Property owner must be co-applicant with any business requesting assistance.**
- **Implement a “claw-back” provision where if the owner sells the building within a specified period, a portion of the grant would be refunded to the City. Currently proposed is a 3-year period – 100% refunded within the 1<sup>st</sup> year, 66% within the 2<sup>nd</sup> year, and 33% within the 3<sup>rd</sup> year. There would be no refund applicable after the 3<sup>rd</sup> year and the obligation would be conveyed via a lien on the property.**
- **Include an economic development assessment of the project's impact/value for the City Council's consideration prior to approval. Also include a financial analysis of the tenant to include: financial statements, tax returns, and applicable credit and background checks. (Special Note: This information shall be considered confidential and not subject to public disclosure - based upon the opinion of legal counsel).**
- **Include tuck pointing as an allowable improvement for grant eligibility, however, under a one-time only provision.**

- **Include business signage as an allowable improvement for grant eligibility; with guidelines as to permitted and non-permitted signage types and a claw back/refund provision should the business close prior to a suitable time period (The details of this program will be presented under a separate cover to the CDC at a future meeting).**

**Analysis – Downtown Improvement Grant Program:** The following are the current provisions and proposed changes to the Downtown Improvement Grant Program (proposed changes are highlighted in bold):

- Maintain the 50/50 match provision between property/business owner and the City.
- **Reduce the minimum project budget to \$1,000, down from \$2,500 (i.e. minimum grant of \$500)** and maintain the maximum project budget amount at \$50,000 (i.e. maximum grant of \$25,000).
- **Property owner must be co-applicant with any business requesting assistance.**
- **Implement a “claw-back” provision where if the owner sells the building within a specified period, a portion of the grant would be refunded to the City. Currently proposed is a 3-year period – 100% refunded within the 1<sup>st</sup> year, 66% within the 2<sup>nd</sup> year, and 33% within the 3<sup>rd</sup> year. There would be no refund applicable after the 3<sup>rd</sup> year and the obligation would be conveyed via a lien on the property.**
- **Include an economic development assessment of the project’s impact/value for the City Council’s consideration prior to approval. Also include a financial analysis of the tenant to include: financial statements, tax returns, and applicable credit and background checks. (Special Note: This information shall be considered confidential and not subject to public disclosure - based upon the opinion of legal counsel).**
- **Restrict the allowable improvements for grant eligibility to accessibility improvements and permanent, code-related construction and remodeling (i.e. electric, plumbing, etc.).**

**Conclusion:** The consensus opinion of the CDC, Chamber of Commerce, MainStreet and city staff is that the Façade and Downtown Improvement grant Programs remain key components of the City’s incentive programs to attract and maintain business activity within its downtown area. The changes outlined above are not intended to thwart the programs’ success, but rather, enhance the City’s ability to evaluate the financial viability of its potential investment and determine whether it meets the redevelopment goals for the downtown area.

attachments: Resolution 13-49-R

Façade Improvement Grant Narrative and Application

Downtown Improvement Grant Narrative and Application

cc: Bill McGrath, City Administrator  
Peggy Colby, Director of Finance  
Jeff Albertson, Building Commissioner

**CITY OF BATAVIA, ILLINOIS  
RESOLUTION 13-49-R**

**A RESOLUTION AUTHORIZING REVISIONS TO THE FAÇADE AND DONWTOWN  
IMPROVEMENT GRANT PROGRAMS**

**WHEREAS**, the City desires to promote economic activity within its downtown business district; and

**WHEREAS**, improvements made to the exterior and interior of properties contribute to a vibrant and economically sustainable environment; and

**WHEREAS**, the City has determined that the Façade and Downtown Improvement Grant Programs are an effective manner by which to assist and incent improvements to existing properties and promote business activity; and

**WHEREAS**, the proposed changes to the programs will encourage and assist new businesses in locating in the downtown; and

**WHEREAS**, continuing with these programs will further the goal of improving the downtown by encouraging further investment into the downtown business district.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

**SECTION 1:** that the City Council hereby adopts the revisions to the Façade and Downtown Improvement Grant Programs attached hereto as **Exhibit 1**.

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 18<sup>th</sup> day of March, 2013.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 18<sup>th</sup> day of March, 2013.

\_\_\_\_\_  
 Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Thelin Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	0 Absent		Abstentions				
Total holding office: Mayor and 14 aldermen										

ATTEST:

\_\_\_\_\_  
 Heidi Wetzel, City Clerk



**City of Batavia**  
 Community Development Department  
 100 North Island Avenue  
 Batavia IL 60510  
 Phone (630) 454-2700  
 Fax (630) 454-2775

# Application for Downtown Grant Improvement Programs

Grant Applying for (Check One only):

\_\_\_\_\_ Façade Grant

\_\_\_\_\_ Downtown Improvement Grant

**All Tax Increment Financing Grant application funds are subject to compliance with the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et. seq.). By submitting an application for these grants, applicant acknowledges and agrees that they will comply with the provisions of the Act.**

Property / Project  
 Address \_\_\_\_\_

Name of Tenant \_\_\_\_\_

Lease Expiration Date \_\_\_\_\_

Number of Tenants \_\_\_\_\_

Number of Commercial Units \_\_\_\_\_

Number of Residential Units \_\_\_\_\_

Current/Proposed Use of Building \_\_\_\_\_

Historic District Designation \_\_\_\_\_

Submittal Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Property Owner's Name

\_\_\_\_\_

Phone Number \_\_\_\_\_

Mobile Number \_\_\_\_\_

E-Mail \_\_\_\_\_

Business/Applicant Name \_\_\_\_\_

Business Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Mobile Number \_\_\_\_\_

E-Mail \_\_\_\_\_

Business/Applicant  
 Signature \_\_\_\_\_

Property Owner Signature

\_\_\_\_\_

Project Description :

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Additional Information to be Submitted with Application**  
**Check Each Completed Item**

- Total Anticipated Budget: \$ \_\_\_\_\_
- Design Services Grant Requested? Y\_\_ N\_\_. Amount: \$ \_\_\_\_\_ (Maximum \$1,000)
- Total Anticipated Grant Request (Maximum 50% of total cost, Limit of \$500 to \$25,000 for Downtown Improvement Grant, \$500 to \$5,000 for Façade Grant):  
\$ \_\_\_\_\_
- Completed Certificate of Appropriateness (COA) Application Form (attached) (Façade Grants Only)
- Itemized List of Proposed Improvements
- Completed Bids, Based on Prevailing Wage, From Two Contractors For Work Specified on the Itemized List
- Digital Photographs of Façade Elevations (include CD or flash memory, or copies of photos already sent to the City of Batavia via email) (Façade Grants Only)
- Drawings and/or Modified Photographs Showing Proposed Improvements
- Paint and Material Samples
- Proof of Ownership of Property and Executed Lease
- Three (3) years of immediate past tax returns for business (Business Owner Only)
- Business Financial Statements (Business plan, income statement) (Business Owner Only)
- Authorization to Conduct Credit and Background Check (Business Owner Only)
- Authorization to Record Lien on property (Property Owner Only)
- Proprietary Information Certification (Optional)

# City of Batavia Façade Improvement Program

## INTRODUCTION

The façade Improvement Program is designed to enhance the overall appearance and image of Batavia's Downtown Historic District. The City of Batavia will provide matching grants to encourage façade improvements of storefronts in the Downtown Historic District. Under the program building/business owners are eligible for up to 50% of the actual façade improvement costs, up to the maximum amount established by the Batavia City Council. If more applications are received than current funding levels will allow, the City reserves the right to prioritize the applications or prorate the funds awarded on the basis of the location of the project, the extent of the work, the level of private funding, and the relative impact of the proposed improvements on the area.

The Director of Community Development, (hereinafter referred to as "Director"), or his/her designee, is responsible for staff administration of the Façade Improvement Program.

## APPLICATION POLICIES

### A. Eligibility

1. Projects are required to comply with the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et. seq.). By submitting an application for these grants, applicant acknowledges and agrees that they will comply with the provisions of the Act.
2. Projects must be located in the Downtown [Historic District](#) and in an active [Tax Increment Finance District](#).
3. Projects must have a minimum budget of \$1,000.00.
4. Projects eligible for grants may receive reimbursement for up to 50% of the actual façade improvement costs to a maximum of \$5,000.
5. Projects must include improvements to a building façade consisting of a front, side or rear of a building adjacent to a public street, public alley or public parking lot.
6. Eligible improvements include, but are not necessarily limited to:
  - Awnings, canopies, and shutters
  - Doors
  - Landscaping
  - Lighting (exterior)
  - Specialty Painting
  - Restoration of original architectural features
  - Stairs, porches, railings, and exits
  - Tuckpointing (once per building)
  - Windows

7. Projects and expenses such as the following are not eligible:
  - Projects that are essentially maintenance, including, but not limited to cleaning of masonry, and roof repair and replacement
  - New construction or expansion projects
  - Signs
  - Furnishings, equipment or personal property not affixed to the real estate
  - Interior remodeling or utilities upgrades
  - Pest extermination
  - Parking lot resurfacing
  - Building or land acquisition
  - Any permit or legal fees
  - Work begun prior to application submittal; work done after application submittal may be eligible for grant funding
  - Emergency, safety-related demolition expenses
  - Work proposed on property with an active code compliance citation

#### B. Design Services Grant

Services of an appropriate design professional of up to \$1,000 per project is available for schematic design, subject to the \$5,000 total grant limit.

#### C. Evaluation Criteria

The City will evaluate applications based on the information submitted as well as the economic environment which the project is located within. As part of the evaluation process, staff will review and evaluate the applicant's tax returns, business plan, financial statements, credit and background checks as well as other comparable businesses located in the downtown area. City staff will make recommendations to the Community Development Committee and the City Council as part of this application.

In addition, the Secretary of the Interior's Standards for Rehabilitation, in conjunction with the Batavia Historic Preservation Commission Design Guidelines, shall be used as the evaluation criteria, pending approval by the City Council of local design guidelines.

#### The Secretary of the Interior's Standards for Rehabilitation

The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and its environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and reserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy history materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

#### D. Demolition

While emergency, safety-related and minor exploratory demolition may be necessary, such demolition may prohibit inclusion in the Program.

#### E. Contractors

Qualified Applicants may serve as their own contractor, but in this case, only materials cost may be covered by the grant.

#### F. Lien

The Property Owner and Applicant shall agree and consent to the City recording a lien on the property in the amount of the grant. Said lien will remain in the property until the end of the third year following the payment of the grant when it will then be released by the City. If the property is sold prior to the end of the third year, the lien shall be repaid to the City on a prorated annual basis. (i.e. if the property is sold during the first year following a grant award, 100% of

the grant must be repaid. If it is sold during the third year following a grant award, 33% of the grant shall be repaid)

### APPLICATION PROCEDURES

1. Applicants shall contact the Community Development Department to establish potential eligibility of proposed improvements and the availability of grant program funds.
2. A completed application form and required submittals shall be submitted to the Community Development Department, including appropriate drawings, budget estimates, and proof of ownership and executed lease with owner's written consent.
3. Grants are accepted on a continual basis. Meetings to review applications are typically held within 2-3 weeks after a completed application is submitted.
4. The Applicant or a designated representative is expected to attend the meeting of the Historic Preservation Commission (HPC) when the application is being discussed, to present and explain proposed improvements and to receive review comments. The HPC shall not take action on an application unless the Applicant or a representative is present.
5. The HPC shall make a formal recommendation to the Community Development Committee on each application.
6. Revised and completed plans shall be submitted to the Director. Applicants shall also submit at least two competitive bids for all work being proposed in the project, with names of contractors, copies of all bids and anticipated dates of construction and completion. Sole source bidding may be approved by the HPC for specialized work if reasonable attempts to obtain a second bid have been unsuccessful. Eligible contractor Applicants shall submit copies of estimates for all materials, along with anticipated dates of construction and completion, as part of the application.
7. If the CDC recommends approval, the application and Agreement shall be forwarded to the City Council for approval as provided in sections 7 & 8 under "Administrative Procedures", herein.
8. If approved by the City Council, the Agreement shall be signed by the Applicant and the City of Batavia as provided in section 7 of "Administrative Procedures," herein.
9. Applicants shall apply for and receive a building permit prior to undertaking any work requiring a permit under the Building Code. The building permit fee will be waived for all work approved under the Façade Improvement Program.
10. Construction shall proceed according to the approved plans and subject to periodic inspections. Construction must be completed within 180 days of

execution of the Agreement, unless a written extension is granted by the City Council.

11. Applicants shall submit contractors' certified payroll forms, final receipts and lien waivers to the Community Development Department to request reimbursement.
12. Applicants shall maintain the property without changes or alterations to work funded by the Façade Improvement Program for a minimum period of three (3) years from the date of project completion.

#### ADMINISTRATIVE PROCEDURES

1. Upon submittal, the Director shall inform the applicant of the availability or anticipated availability of funds in the grant program's budget. If funds could be available, the Director will review the application to ensure that it contains all necessary information, including drawings and specifications, preliminary cost estimates and proof of ownership or executed lease with owner's written consent. The Director will prepare written notification to the Applicant confirming receipt of the application. If the application is incomplete, a detail of all remaining items will be included. The Director will also advise the Applicant of the submittal deadline for all material needed to make the application complete. When the application is complete the Director will accept the application and will notify each Applicant of the HPC meeting when the application will be discussed.
2. If, in the opinion of the Director the application requires additional design work before it can be reviewed, the Director will forward notification of this requirement as part of the written confirmation of the application.
3. A Design Services Grant up to \$1,000 for professional design services may be awarded as part of the Façade Grant Application approval. An application for a Design Services Grant shall contain a cost estimate from a licensed design professional along with the scope of work for the design of the project. This application request is a part of the Façade Grant Application.
4. Once a completed application is submitted, the Director shall forward all applications to the HPC. The HPC shall review the applications at a public meeting and make comments on the application. The HPC may meet with Applicants and arrange for site visits to the properties. Upon completion of its review process, the HPC shall forward its comments to the Director, along with any other appropriate or related information.
5. The Director shall prepare a report to the CDC transmitting the HPC recommendation, including a Resolution for the awarding of grant and applicable Agreement for each application. All reports shall include bid information and any revisions requested by the HPC.
6. The CDC shall review each application, together with the Resolution, and make its recommendation for approval or disapproval to the City Council. The Applicant or a representative shall attend the CDC meeting when the application

is being discussed. The CDC shall not take action on an application unless the Applicant or a representative is present.

7. If the CDC recommends approval, the Director shall prepare the Façade Improvement Program Agreement, as an exhibit to the Resolution, and forward to the City Council.
8. If approved by City Council, the Agreement shall be signed by the Applicant and the City of Batavia as provided in section 9 of “Application Procedures,” herein.
9. When the project is completed, the HPC shall inspect all work done and provide notification to the Director, confirming that the Applicant has made the improvements as per the Agreement.
10. Upon confirmation by the HPC that the work has been satisfactorily completed; the Director shall approve the release of a check in the amount of the approved grant to the Applicant.

# City of Batavia Downtown Improvement Grant

## INTRODUCTION

The Downtown Improvement Grant Program is designed to enhance the overall economic viability and appearance of downtown Batavia by assisting in the funding of improvements that will lead to additional business activity in the downtown. The City of Batavia will provide matching grants to encourage improvements to the interior of downtown buildings to make them safe, accessible and code compliant for new and expanding businesses. Under the program building or business owners are eligible for up to 50% of the actual improvement costs, up to a maximum amount of \$25,000. Applications will be accepted on an ongoing basis and grants will be awarded based on goals for the downtown contained in adopted Redevelopment Plans, the Comprehensive Plan and other City Council objectives. Grants will be awarded depending on the availability of funds.

The Director of Community Development (the Director), or his/her designee, is responsible for staff administration of the Downtown Improvement Program.

## APPLICATION POLICIES

### A. Eligibility

1. Projects are required to comply with the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et. seq.). By submitting an application for these grants, applicant acknowledges and agrees that they will comply with the provisions of the Act.
2. Projects must be located in a Tax Increment Finance (TIF) district.
2. Projects must have a minimum total budget of \$1,000.00.
3. Projects eligible for grants may receive reimbursement for up to 50% of the actual improvement costs to a maximum grant of \$25,000.
4. Eligible improvements include, but are not necessarily limited to:
  - Accessibility improvements for handicapped persons
  - Energy conservation improvements
  - Electrical work, including service upgrades
  - Fire alarm systems

- Fire sprinkler system installation or upgrade, including any needed water service improvements
- Heating, ventilation and air conditioning
- Lighting
- Plumbing
- Restoration of historic interior architectural features, including ceilings, light fixtures, floors and architectural detailing
- Utility service upgrades, including water and sewer

5. Projects and expenses such as the following are not eligible:

- Building or land acquisition
- Design services, including architectural and interior design
- Emergency or safety-related demolition expenses
- Exterior improvements eligible under the Façade Grant Program
- Flood or water damage repairs
- Furnishings, equipment or personal property not affixed to the real estate
- Legal fees
- Maintenance work
- New construction or building expansion projects
- Painting
- Parking lot resurfacing
- Pest extermination
- Structural repairs
- Work begun prior to application submittal or done without a required building permit; work done after application submittal may be eligible for grant funding at the discretion of the City Council
- Work proposed on property with an active code compliance citation

B. Evaluation Criteria

The City will evaluate applications based on the information submitted as well as the economic environment which the project is located within. As part of the evaluation process, staff will review and evaluate the applicant's tax returns, business plan, financial statements, credit and background checks as well as other comparable businesses located in the downtown area. City staff will make recommendations to the Community Development Committee and the City Council as part of this application.

In addition, the Secretary of the Interior's Standards for Rehabilitation, in conjunction with the Batavia Historic Preservation Commission Design Guidelines, shall be used as the evaluation criteria for exterior work. Interior work will be evaluated based on the

contribution the project will make to downtown redevelopment and business expansion goals.

C. Demolition

While emergency, safety-related and minor exploratory demolition may be necessary, such demolition may prohibit inclusion in the Program.

D. Contractors

Qualified Applicants may serve as their own contractor, but only the cost of materials will be considered eligible expenses to be funded by the grant.

E. Lien

The Property Owner and Applicant shall agree and consent to the City recording a lien on the property in the amount of the grant. Said lien will remain in the property until the end of the third year following the payment of the grant when it will then be released by the City. If the property is sold prior to the end of the third year, the lien shall be repaid to the City on a prorated annual basis. (i.e. if the property is sold during the first year following a grant award, 100% of the grant must be repaid. If it is sold during the third year following a grant award, 33% of the grant shall be repaid)

## APPLICATION PROCEDURES

1. Applicants shall contact the Community Development Department to establish potential eligibility of proposed improvements.
2. A complete application form and required submittals shall be submitted to the Community Development Department, including appropriate drawings, budget estimates, two current bids for the proposed work, and proof of ownership or executed lease with owner's written consent. Building Owners are required to be co-applicants on any grant application.
3. Grant applications may be submitted at any time.
4. Applicants shall submit at least two formal written bids for all work being proposed in the project. The application shall contain the names of contractors, copies of all bids and anticipated dates of construction and completion. Sole source bidding may be approved by the CDC for specialized work if reasonable attempts to obtain a second bid have been unsuccessful. Contractor Applicants shall submit copies of estimates for all materials, along with anticipated dates of construction and completion, as part of the application.

5. The Applicant or a designated representative is expected to attend all meetings of the Community Development Committee (CDC) when the application is being discussed. The CDC will not take action on an application unless the Applicant or a representative is present.
6. The CDC shall make a formal recommendation to the City Council on each application.
7. Revised plans shall be submitted to the Director prior to scheduling the application for a City Council agenda if the CDC requests changes.
8. If the CDC recommends approval, the application and a Grant Agreement shall be forwarded to the City Council for approval.
9. If approved by the City Council, the Agreement shall be signed by the Applicant, Property Owner and the City of Batavia as provided in section 6 of Administrative Procedures, below.
10. Applicants shall apply for and receive a building permit prior to undertaking any work requiring a permit under the Building Code. The building permit fee will be waived for all work approved under the Downtown Improvement Grant Program.
11. Construction shall proceed according to the approved plans and subject to periodic inspections. Construction must be completed within 180 days of execution of the Agreement, unless a written extension is granted by the Director.
12. Applicants shall submit final receipts and lien waivers to the Community Development Department to request reimbursement.
13. Applicants shall maintain the property without changes or alterations to work funded by the Downtown Improvement Grant Program for a period of three (3) years from the date of completion. The City Council may require the owner of the benefiting property to consent to imposition of a lien on the property to insure that the property continues to be maintained in accordance with the terms of the grant and that there are no alterations or removal of improvements funded by the grant without the express written consent of the City. In the event there are unauthorized alterations or removal of improvements funded by the grant that result in diminution of value of the grant, the owner shall reimburse the City for the lost value. In the event the owner refuses to so compensate the City, the City shall have the right but not the obligation to foreclose the lien in order to collect the debt. The lien shall be released by the City at the end of the grant period unless foreclosure activity is taking place, it appears reasonably likely that foreclosure will be necessary or there has been a refusal by the

owner to compensate the City and the City has chosen to defer foreclosure of the lien.

### ADMINISTRATIVE PROCEDURES

1. Upon submittal, the Director will review the application to ensure that it contains all necessary information, including drawings and specifications, preliminary cost estimates, bids and proof of ownership or executed lease with owner's written consent. The Director will prepare written notification to the Applicant confirming receipt of the application. If the application is incomplete, a detail of all remaining items will be included. When the application is complete the Director will notify the Applicant of the date of the CDC meeting when the application will be discussed.
2. If the application proposes exterior work, the Director will schedule that portion of the application for a Historic Preservation Commission (HPC) meeting for review. The Applicant is expected to attend this meeting to discuss the proposal with the HPC. The HPC may schedule a site visit to assist in their review. The HPC comments will be forwarded to the CDC for their consideration.
3. The Director shall prepare a report to the CDC transmitting the application, staff recommendation, the HPC recommendation, if any, and a draft Resolution for the awarding of the grant. All reports shall include bid information and any revisions requested by the HPC.
4. The CDC shall review each application, together with the Resolution, and make a recommendation for approval or disapproval to the City Council.
5. If the CDC recommends approval, the Director shall prepare a Downtown Improvement Grant Program Agreement, as an exhibit to the Resolution, and forward to the City Council for approval.
6. If approved by City Council, the Agreement shall be signed by the Applicant and the City of Batavia.
7. When the project is completed, the Director shall inspect all work done and document that the Applicant has made the improvements as per the Agreement and approved plans.
8. Upon determination that the work has been satisfactorily completed and all lien waivers have been received, the Director shall approve the release of a check in the amount of the approved grant to the Applicant.

9. The Director shall maintain a permanent record of each complete application.

**Proprietary Information Certification**

I, \_\_\_\_\_ (print name), do hereby attest that the financial information provided with this grant application is proprietary, privileged and confidential, and disclosure of the trade secrets, commercial and financial information contained within will cause competitive harm to my business interests.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

**Background and Credit Check Authorization**

I, \_\_\_\_\_ (print name), do hereby give permission for the City of Batavia to conduct a background and credit check in relation to my application for a Downtown Façade or Improvement Grant. I will provide information that is necessary for the City to conduct such investigations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

**Lien Authorization**

I, \_\_\_\_\_ (print name), as owner of the building at \_\_\_\_\_  
(PIN \_\_\_\_\_) do hereby give permission for the City of Batavia to record a lien on this  
property in the amount of \$\_\_\_\_\_ for a City Façade or Downtown Improvement Grant.  
Said lien shall run to the City of Batavia, and shall be released at the end of the third year after which it  
is recorded. Said lien may be foreclosed on by the City if the property is sold prior to the three (3) year  
term for a prorated amount from the original lien date on a calendar year basis. Said lien shall be  
secondary to any primary mortgage lien on the property.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name