

TOMBALL

ECONOMIC DEVELOPMENT CORP.

Old Town Façade Improvement Grant Program Guidelines & Criteria



Overview/Goals

The Old Town Façade Improvement Grant (FIG) Program promotes economic development and stimulates business in the City through public-private partnerships by offering economic incentives for renovation, rehabilitation, restoration, and enhancement of facades in Old Town Tomball.

Goals: Tomball's Old Town has been identified as a key focus area for economic development. This program is intended to serve as a tool to build upon the strengths of the area and maintain its unique character. Goals include:

- (A) To preserve Old Town as a unique and historic resource for the community;
- (B) To stimulate compatible reinvestment to the area;
- (C) To attract new customers, tourists, and businesses to Old Town Tomball.



Program Description

The grant program is a 50% match of all approved project costs in an amount up to \$50,000 for eligible commercial property and business owners in the Old Town Tomball District (See Figure 1), or eligible commercial properties zoned as Old Town Mixed Use. **A minimum investment of \$10,000.00 in façade improvements is required to be eligible for funding through this program.** These grants are intended to encourage high quality, lasting building improvements which respect the unique Old Town character of the building and surrounding area.

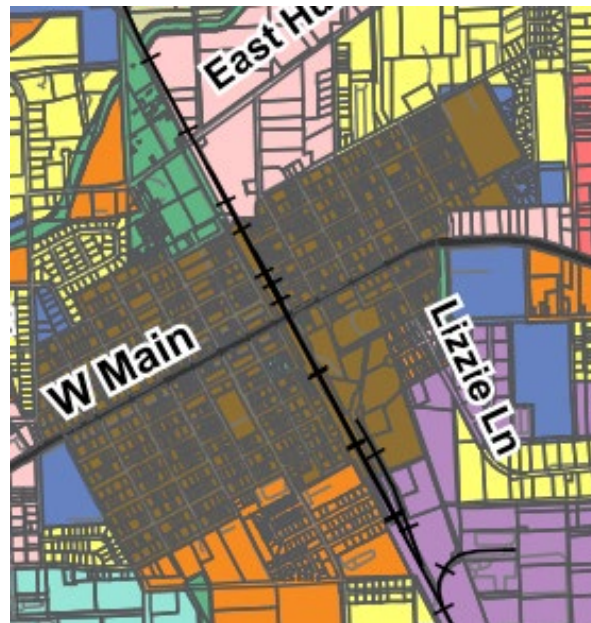
Priority will be given to projects that are making substantial façade improvements as well as improvements to the structural integrity of the building to sustain the building stock in Old Town Tomball. **Grants are not available for general or deferred maintenance.**

Applications will be evaluated and funded in accordance with the attached Evaluation Scoring System.

NOTE: Properties located outside of the Old Town Tomball District or not zoned Old Town Mixed Use **WILL NOT** be considered for funding through this Program (see Business Improvement Grant Guidelines and Criteria for more funding opportunities).

Figure 1:

 Old Town District



Criteria

Eligible Reimbursements: Exterior Façade Improvements eligible for funding include, but are not limited to, the following items:

- Complete façade rehabilitation
- Exterior painting that incorporates a major visual change (maintenance painting does not apply)
- Significant masonry cleaning and/or restoration
- Exterior treatments such as brick, tile, stucco, stone, wood, or siding
- Removal/replacement of inappropriate or incompatible exterior finishes or materials
- New or enhanced exterior building lighting that creates a noticeably enhanced appearance (replacement of current lighting that is simply repair does not enhance the appearance of the building, such as replacement of inoperable fixtures and is not eligible)
- Door/window/storefront system/trim replacement or repair (if part of overall rehabilitation project; general building maintenance repairs do not qualify)
- New or restored façade elements, such as cornices, soffits, canopies, and other detail elements
- Awnings as part of a rehabilitation project
- Signs (new, repairs, replacement, removal) as part of a rehabilitation project

- Roofing (when in conjunction with other improvements)

Eligible Interior Reimbursements: Interior Improvements may be eligible for funding **only** when being made in conjunction with significant exterior façade improvements. Interior improvements may include, but are not limited to, the following items:

- ADA compliance improvements
- Architectural/structural repairs or upgrades
- Asbestos removal
- HVAC, electrical or plumbing improvements

Ineligible Reimbursements:

- Construction that has commenced or been completed prior to approval of the project application
- **Interior improvements alone are not eligible for funding**
- Buildings that are not located within the Old Town District (Figure 1)
- New building construction
- Routine maintenance
- Security Bars
- Personal property, furniture, racks, shelves or counter space
- Interior furnishings or enhancements that are not permanently affixed to the building
- Permit or capital recovery fees
- Financing costs
- In-kind, donations, or “sweat equity” contributions

Before



After





Program Eligibility

1. Commercial and mixed-use buildings and structures located within the Old Town District (See Figure 1) shall be eligible for this program.
2. Any new business planning to locate within the Old Town District, or any business currently located within the Old Town District, shall be eligible for this program.
3. A *business* is defined as an occupation, profession, or trade in the purchase or sale of goods or services in an attempt to make profit.
4. The proposed project must comply with applicable zoning regulations, city-approved planning studies, comprehensive plan designations, City Ordinances, Building Codes, and Americans with Disabilities Act (ADA) Guidelines.
5. If the property is not in compliance with any of the abovementioned items in (4) these violations must be mitigated by the project. The grant recipient will be deemed ineligible for funding if any of these are not met at the time in which the applicant submits documentation for grant reimbursement.
6. Grants may not be used for refinancing existing loans, working capital, inventory, permits, inspections, security fencing or gates, home occupations, roof repair or replacement (by-itself), interior remodeling or improvements that are not permanent fixtures of the building, new construction, and routine maintenance.



Guidelines

1. Proof of the applicant's ownership of the subject facility or facilities, or proof that the owner of such facility has approved the application for such grant funds, shall be required.
2. The owner of a business to be operated within a leased facility, and the owner of such lease facility, must apply jointly for the program. Copies of a lease agreement and proof of ownership of the leased facility shall be required.
3. A business or property owner will be ineligible for the program if the proposed property has received funds from the Old Town Façade Improvement Grant Program within the last five fiscal (5) years.
4. A business or property owner may apply for one (1) Old Town Façade Improvement Grant per physical location (address) set forth herein within five (5) fiscal years (October 1 to September 30) from the approval date of the grant. A business that receives grant funding during a fiscal year through the Old Town Façade Improvement Grant Program shall be ineligible to make subsequent applications for the Business Improvement Grant Program until the next fiscal year.
5. The maximum amount of funding available to any one applicant, business establishment, or property owner at one physical location (address) shall be \$50,000.00 per five (5) fiscal years unless applying and receiving funds under the Business Improvement Grant Program.
6. All grants are reimbursement grants and will only be funded after completion of the project in accordance with drawings and specifications approved by the

TEDC, and after the applicant submits to the TEDC final paid itemized invoices/receipts for all applicable labor and materials, proof of payment (cleared check, credit card statement/transaction, etc.) that match the amounts reflected on the itemized receipts/invoices for all applicable labor and materials along with quality digital photographs of the completed work shall also be required to be submitted by email to: tgleason@tomballtxedc.org

7. Reimbursement grants are a cash payment of up to the approved percentage of funds expended by the applicant on the improvements and are not to exceed the limits set forth in paragraph (5) hereof. In-kind contributions to the project costs are not eligible reimbursements.
8. The TEDC may award grant funds to an applicant, with certain provisions, conditions, or other requirements that the TEDC deems necessary or appropriate. The applicant shall be obligated to make the improvements in accordance with the application submitted to and approved by the TEDC. Thereafter, any modifications must first receive written approval by the TEDC Executive Director. Failure to obtain such written approval prior to making any such modifications shall render the applicant ineligible to receive grant funding.
9. The applicant shall be responsible for obtaining all applicable permits related to the improvement project, and failure to do so will render the applicant ineligible to receive grant funding.
10. The improvements, as presented in the application, must be completed in their entirety. Failure to complete all stated improvements shall render the applicant ineligible to receive grant funding.
11. Upon approval of a grant application, and during the construction of the improvements, a representative or representatives of the TEDC shall have the right, at all reasonable times, to have access to and inspect the work in progress.
12. The applicant shall not begin any improvements prior to receiving written approval of grant funding from the TEDC.
13. The applicant must complete the improvement project within nine (9) months of receiving written approval therefore from the TEDC. Failure to complete the improvements within the required time period shall result in the loss of the grant funds allocated for the project. Time extensions may be granted at the discretion of the TEDC.
14. 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 and subsequently closes, within twelve (12) months after the funding of the grant, the applicant shall be considered in default of its obligations under the grant, and shall be required to reimburse the TEDC the grant money received.
15. The applicant must agree that, in the event of default of its obligations, the applicant shall repay to the TEDC the amount of grant funds it has received, with interest, at the rate of 10% per annum, within thirty (30) days after the TEDC notifies the applicant of the default. The form of such payment shall be a cashier's check or money order, made payable to the Tomball Economic Development Corporation.

16. 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), the applicant shall repay the amount of the grant funds received by the applicant, with interest, at the rate of 10% per annum, within thirty (30) days after the TEDC notifies the applicant of the violation.
17. The TEDC shall have the authority to bring a civil action to recover any amounts that the applicant must repay to the TEDC under paragraphs 14, 15, and 16, and in such action may recover court costs and reasonable attorney's fees.



Funding

The TEDC has budgeted \$200,000.00 per fiscal year (October 1 to September 30) to fund this grant program. Grant applications received after the available funding has been exhausted may be accepted and held until the following fiscal year. The TEDC retains sole discretion to accept or reject applications received after available funding has been exhausted.

1. Upon notification to the TEDC by the applicant that a project has been completed, an inspection by a TEDC representative or representatives shall be made to confirm that such project has been completed in accordance with the application or any approved modifications thereto. Such notification shall include, but not be limited to, documentation of paid receipts for materials, labor, permits, inspection reports, an affidavit stating that all contractors and subcontractors providing work and/or materials in the construction of the project improvements have been paid and any and all liens and claims regarding such work have been released, or any other item that the TEDC may reasonably deem necessary for determining the project's completion.
2. The TEDC agrees to distribute such funds to the applicant within thirty (30) days following the inspection required in paragraph (1) hereof, and confirmation of completion of the project in accordance with the application or any approved modifications thereto. The Executive Director of the TEDC shall issue a letter to the TEDC Board of Directors notifying them of the funding action to be taken. A copy of such letter shall also be provided to the applicant.
3. Within ten (10) business days following an inspection and the presentation of the receipts as provided in paragraph (1) above, and after a determination is made by the TEDC's representative that the project has not been completed in accordance with the application, or any approved modifications thereof, the Executive Director shall issue a letter to the applicant indicating any and all areas of non-compliance. The applicant shall then have sixty (60) days, from the date of such letter, to make the modifications necessary to bring the project into compliance. Failure to complete such modifications within said sixty-day period

shall be deemed a default of applicant's obligations under the grant, and the applicant shall be ineligible to receive grant funding.



Miscellaneous

The Tomball Economic Development Corporation shall deliver a copy of these guidelines to any applicant for his/her review and the delivery hereof does not constitute an offer of an Old Town Façade Improvement Grant to the applicant.

The laws of the state of Texas shall govern the interpretation, validity, performance and enforcement of this Old Town Façade Improvement Grant Program. If any provision of this Old Town Façade Improvement Grant Program is held to be invalid or unenforceable, the validity and enforceability of the remaining provisions shall not be affected hereby.

ACKNOWLEDGMENT OF RECEIPT OF AND AGREE TO COMPLY WITH THE GUIDELINES AND CRITERIA FOR THE OLD TOWN FAÇADE IMPROVEMENT GRANT PROGRAM BY THE TOMBALL ECONOMIC DEVELOPEMNT CORPORATION

APPLICANT: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

Signature: _____

PROPERTY OWNER/LANDLORD: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

Signature: _____

This acknowledgement page must be signed and returned to the Executive Director of Economic Development. Please retain the Guidelines and Criteria for your records.

Application Process

Application

- Complete the Old Town Facade Improvement Grant (FIG) application form available online at www.tomballtxedc.org or at the TEDC office at 29201 Quinn Road, Suite B., Tomball, Texas 77375 and submit in person or email to tgleason@tomballtxedc.org.
- All required documentation must be provided in conjunction with the application in order to be considered complete.

Application Review

- Applications will be reviewed and must be approved by the BR&E Committee and submitted to the TEDC Board of Directors and Tomball City Council for final approval.

Approval

- An applicant shall be notified, in writing, within ten (10) business days of the BR&E Committee's decision to recommend approval or denial of the application.

Construction

- Construction of the project must be completed within nine (9) months from the project approval date.

Request Funds

- When the project is complete, submit request for reimbursement to tgleason@tomballtxedc.org
- To be eligible for reimbursement all final itemized invoices/receipts must be submitted with proof of payment (i.e. cancelled checks, bank statement, etc.) and digital "after" pictures of the work completed.

Payment

- A TEDC Staff member will notify you when funding is available.

**APPLICATION
for
OLD TOWN FAÇADE IMPROVEMENT GRANT PROGRAM**

I (We), hereinafter referred to as "APPLICANT", on behalf of the identified entity, submit to the Tomball Economic Development Corporation, hereinafter referred to as "TEDC", this application for consideration of an Old Town Façade Improvement Grant under the provisions of the TEDC's Old Town Façade Improvement Grant Program.

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

1. APPLICANT has received a copy of the TEDC's Guidelines and Criteria for the Old Town Façade Improvement Grant Program. APPLICANT acknowledges to TEDC 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 TEDC 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 TEDC, its servants, agents, employees and/or elected or appointed officers.
 3. By signing this document, "Application for Old Town Façade 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 TEDC may rely thereon as if the same had been signed by APPLICANT or APPLICANT'S agent before a Notary Public or other authorized officer permitted by law to administer oaths and to take acknowledgements. 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. The 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 been paid when due and payable, and that no delinquencies exist at this time. The APPLICANT swears and affirms 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.
 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 an Old Town Façade Improvement Grant, APPLICANT is convicted of a violation under 8 U.S.C. Section 1324a(f), the APPLICANT shall be required to reimburse to the TEDC the grant amount received. Payments must be paid in full within thirty (30) days after the date of written notification by the TEDC. The form of such payment shall be a cashier's check or money order, made payable to the Tomball Economic Development Corporation. The TEDC has the right to recover court costs and reasonable attorney's fees as a result of any civil action required to recover such repayment.
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Promotional Rights.

By accepting grant funds, the APPLICANT authorizes the TEDC to promote the project and property including, but not limited to, displaying a sign at the site indicating participation in the Program and using photographs and descriptions of the project and property in TEDC promotional materials, press releases, social media and websites.

Applicant Information.

Applicant is: Owner Tenant Applicant

Business Entity Name: _____

Mailing Address: _____

Phone Number: _____

Email: _____

Street Address: _____

Home Address: _____

Street Address: _____

City/State/Zip: _____

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

Company Name: _____

Street Address: _____

City/State/Zip: _____

Building Owner Information. (NOTE: if applicant is a tenant, building owner must apply as a co-applicant)

Business Owner Name: _____

Building Owner Address: _____

Phone Number: _____

Email: _____

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 Tomball as *Exhibit B*.

8. Please furnish detailed drawings, plans, specifications, color schemes, or any other available supporting documents for the proposed improvements and cost estimates as *Exhibit C*.
9. Please attach a letter describing the overall project and addressing the need for the TEDC grant funds.
10. Description of proposed improvements:

| Description | Estimated Repair | Estimated Start Date | Completion Date |
|-------------|------------------|----------------------|-----------------|
| | | | |
| | | | |
| | | | |

11. 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): _____

13. Prior to APPLICANT'S execution of this application, APPLICANT has had this reviewed by an Attorney of the APPLICANT, or has had the opportunity to do so, and the parties hereto agree that based on the foregoing, this application for the Old Town Façade Improvement Grant Program shall not be construed in favor of one party over the other based on the drafting of this application.
14. APPLICANT and owner/landlord indemnify, defend, and hold TEDC 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.
15. TEDC has delivered a copy of the guidelines and criteria for an Old Town Façade Improvement Grant Program to applicant for review, and the delivery hereof does not constitute an offer of an improvement grant.
16. The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of the application for the Old Town Façade Improvement Grant Program. If any provision of this application for the Old Town Façade 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.

17. Before submitting an application to the TEDC, the APPLICANT must meet with the Development Review Committee (DRC) of the City of Tomball for a review of the proposed project improvements in order to fulfill paragraph (16) project eligibility requirement in the TEDC "Guidelines and Criteria." The APPLICANT can make an appointment by calling 281-290-1405.

VERIFICATION

I (We), the undersigned APPLICANT(S), certify that all the information furnished TEDC 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 Tomball Economic Development Corporation may or may not grant an Old Town Façade 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 Tomball Economic Development Corporation on this, the _____ day of _____, 20__.

Applicant: _____

Signature: _____

Phone: _____ Email: _____

Property Owner/Landlord: _____

Signature: _____

Phone: _____ Email: _____

The State of Texas
County of Harris

Before me, the undersigned authority, on this _____ day of _____,
_____, personally appeared _____,
known to me to be the persons whose names are subscribed to the foregoing
instrument, and acknowledged to me and that they executed the same for the
purposes therein expressed.

Notary Public in and for the State of Texas
My Commission Expires: _____

The State of Texas
County of Harris

Before me, the undersigned authority, on this _____ day of _____,
_____, personally appeared _____,
known to me to be the persons whose names are subscribed to the foregoing
instrument, and acknowledged to me and that they executed the same for the
purposes therein expressed.

Notary Public in and for the State of Texas
My Commission Expires: _____

DOCUMENTATION CHECKLIST
for
OLD TOWN FAÇADE IMPROVEMENT GRANT PROGRAM

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

- Request Letter describing proposed project and the need for grant funds;
- All grant applications must include a drawing to scale showing design intent, materials, and colors to be used of all the proposed grant work to be done;
- 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 property (Exhibit B);
- Estimates of proposed improvements from the company to be doing the work (as much detail as possible) (Exhibit C);
 - Itemized estimates/quotes which include information and details such as color samples of paint, fabric, sign material
- Digital pictures of the site and area (interior and exterior) to be improved emailed to tgleason@tomballtxedc.org (Exhibit D);
- If submitting your application online, Signature and Notary Seal required **once approved.**

OLD TOWN FAÇADE IMPROVEMENT GRANT PROGRAM

Evaluation Scoring System

The Old Town Façade Improvement Grant Program (FIG) evaluation scoring system is based on the standards and criteria of the Program. Applications will be evaluated ~~by each Committee member~~ using this scoring system and funding of eligible improvements will be based upon a project's score and the following requirements.

- Projects must meet the applicable FIG standards and criteria, receive a score of 30 points or more, and meet all other program requirements to be considered for funding.
- Projects with a score between 46-60 will be eligible for funding up to \$50,000.00.
- Projects with a score between 30-45 will be eligible for funding up to \$40,000.00.

Evaluation Categories

| Visibility | Points Available |
|----------------------------------------------------------|-------------------------|
| Building located off of 2920 or highly visible from 2920 | 5 |
| Building located on predominantly commercial streets | 4 |
| Building located on residential or minor street | 3 |

| Existing Condition | Points Available |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Poor: The existing appearance and condition of the property is structurally unstable or dilapidated | 5 |
| Fair: The existing appearance and condition of the property is structurally stable but needs substantial renovations | 3 |
| Good: The existing appearance and condition of the property is in need of little to no structural or substantial renovations | 1 |

| Impact of Improvement | Points Available (can be combined) |
|------------------------------------------------------------------------|-------------------------------------------|
| The project includes major/complete façade work and site redevelopment | 5 |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------|---|
| The building façade is predominately brick/stone (excluding windows/doors) | 5 |
| The project includes moderate façade work and site redevelopment | 4 |
| The building includes a creative design that is an appropriate fit for the proposed location and is consistent with the downtown character | 4 |
| The building façade improvements along the alley are of the same quality as the street facing facades | 4 |
| The building preserves or restores historical features or characteristics | 3 |
| The project significantly improves the streetscape or alleyscape adjacent to the building | 2 |

| Importance to the Area | Points Available (points can be combined for mixed use project up to 15 points) |
|--------------------------------------------------------|----------------------------------------------------------------------------------------|
| Restaurant | 7 |
| Entertainment | 6 |
| Retail – desired retail uses (determined by Committee) | 6 |
| Office | 5 |
| Primary Employment | 4 |
| Retail – general retail uses | 3 |
| Other uses | Point value determined by the Committee |

| Owner vs TEDC Contribution Ratio | Points Available |
|-----------------------------------------|-------------------------|
| Greater than 7:1 | 5 |
| Greater than 4:1 but less than 7:1 | 3 |
| 1:1 up to 4:1 | 1 |

| Readiness | Points Available |
|-----------------------------------------------------------------------------------------------------------------|-------------------------|
| Applicant has architect's renderings, quotes, proof of ownership/lease and 100% of grant checklist requirements | 5 |
| Applicant has quotes and proof of ownership/lease and 50% of grant checklist requirements | 3 |
| Applicant has quotes and only 25% of grant checklist requirements | 1 |

| Local Owner/Occupant | Points Available |
|-----------------------------|-------------------------|
|-----------------------------|-------------------------|

| | |
|--------------------------------------------------------------------------------------------|---|
| Building is owned by a local landlord/owner and the business is locally owned and operated | 5 |
| Building is owned by an absent landlord, but the business is locally owned and operated | 3 |
| Building is owned by an absent landlord, and the business is not locally owned | 1 |

| Utilization of Local Businesses | Points Available |
|-----------------------------------------------------------------|-------------------------|
| Applicant is using mostly local businesses to make improvements | 5 |
| Applicant is using half local businesses to make improvements | 3 |
| Applicant is using no local businesses to make improvements | 1 |

| | |
|---------------------|--|
| Total Points | |
|---------------------|--|