

**North Avenue Revitalization
Commercial Catalyst Grant Agreement**
Between the City of Grand Junction and Gary Pat Withers & Brenda F. Withers

The City, by and through the City Manager and the Grant Recipient, Gary Pat Withers & Brenda F. Withers do agree to the following terms and conditions of the award of a Commercial Catalyst Grant (Grant) described herein.

The City Council has approved a grant award for a Project located at 1320 North Avenue, Parcel # _____*, as described in the Grant 294512300071* Application. In consideration of the City awarding the Grant, which consideration is acknowledged as sufficient to support the making of this agreement, the Grant Recipient agrees to fully and faithfully perform according to the following terms:

Description of the Commercial Catalyst Grant Project:

The Grant funds will be used to construct Exterior renovation of the Building

_____ (the Project), which Project more particularly described in the Grant Application, which is attached hereto and incorporated herein as if fully set forth.

The City and Grant Recipient are not partners or joint venturers and therefore the City shall have no liability for the administration of the grant or for any aspect of the Project or damages or losses associated therewith. The construction, operation and maintenance of the improvements and the risk of loss associated with any or all aspects of the project are the sole and exclusive responsibility of the Grant Applicant.

The Grant Applicant shall indemnify, protect, defend and hold harmless the City of Grand Junction and its agents and employees from all claims, damages, lawsuits, costs, and expenses for any property damage, personal injury, or other loss relating in any way to the Project and/or to the Grand Junction Commercial Catalyst Grant Program.

Grant Agreements and Conditions

In order to receive a grant award, the Grant Recipient must:

- (1) be in good standing with the City including payment of all taxes to the City of Grand Junction;
- (2) Adhere to the goals and vision for North Avenue as established in the Comprehensive Plan and the North Avenue Corridor Plans;

- (3) Ensure that all improvements are consistent with and comply with all applicable zoning, building and fire codes; and
- (4) Receive planning approval, including Grand Junction Planning Commission or City Council review where required, prior to commencement of work on the Project; obtaining all permits and other approvals are the Applicant's sole responsibility.

The Grant Recipient understands and agrees as follows:

- (1) The Grant Recipient is responsible for all construction management and associated permits, including but not limited to traffic control and any permits required by the Colorado Department of Transportation (CDOT).
- (2) The grant amount designated by the City will not be increased due to cost overruns, changes in scope or other changes made or necessitated by the applicant, its agents and/or financiers and the project grant award will at all times be within the program guidelines.
- (3) The Grant Recipient shall be solely responsible for all safety conditions on the project and/or site and for compliance with all applicable regulations, codes, and ordinances.

Reimbursement Procedure

Only the work that is described in the application and approved by the Grand Junction City Council shall be eligible for reimbursement. Disbursement of funds will be made only after the entire project or the specific portion of the project described in the grant application is complete and passes required inspections.

All documentation for reimbursement must be provided to the City with each reimbursement request; unsubstantiated reimbursement requests will be returned to the Grant Recipient. A maximum of two reimbursement requests will be allowed. Reimbursement or payment may take up to thirty (30) business days from the date of the fully documented reimbursement request to the City of Grand Junction. The City has the right to verify expenditures and the Grant Recipient hereby agrees to provide additional documentation of the expenditures requested by the City. All receipts must be provided no more than 15 months after the application has been approved.

Grant Reporting

The Grand Recipient shall submit to the City before and after photos of the project, copies of all invoices and receipts, and a signed itemized statement of the total cost of the project and a written report of the project.

The Grant Recipient shall submit the above to the City no later than thirty (30) days after completion of the project. If the project will take longer than sixty (60) days to complete, progress reports may be requested by the City and shall be provided by the Grant Recipient.

Amount of Grant

Maximum amount to be matched and/or reimbursed for the project is up to \$ 10,000. Grant Recipient shall provide funds for the rest of total project costs. The approximate budget for the project shall be as follows:

Commercial Catalyst Grant Funds	\$ <u>10,000.</u>
<u>10,096.</u> - Cash	\$ <u>10,096.</u>
APPROX. TOTAL PROJECT COST	\$ <u>20,096.</u>

Non-completion

If the Grant Recipient is not able to timely complete the project the City may in its discretion withhold Grant funds until the project is completed or may reimburse costs in proportion to the work completed. Timeliness will be determined based on the scope of the project and the reasons for delay. In any event if the Project is not completed within one year of the date of the determination to award the grant, the grant award will be forfeited.

Anticipated Start and End Dates of the Project

The project must be started within three months of approval and completed within twelve months of approval to be eligible for reimbursement. Any work done on the project prior to approval of application is ineligible for reimbursement.

The expected start date for the project will be Feb. 1, 2016 and the completion date will be 10-30-, 2016

Authority

The undersigned person(s) has/have authority to act for and on behalf of the Grant Recipient.


Signed this 5th day of Jan, 2016

CITY:



Rich Englehart, City Manager TIM Moore Interim C.M.
City of Grand Junction

GRANT RECIPIENT

 Brenda F. Withers
Signature Gary Pat Withers Printed Name Brenda F. Withers
Title: OWNERS