

Downtown Infrastructure Improvement Program

1. **Sponsored by:** The City of Odessa, the Odessa Development Corporation ("ODC"), and Downtown Odessa, Inc.
2. **Purpose:** The Downtown Infrastructure Improvement Program is designed to encourage businesses to promote or develop new or expanded business enterprises in the Odessa Downtown area pursuant to 501.103 Texas Local Government Code.
3. **Incentives:** The ODC will reimburse up to 50%, but not more than \$200,000, toward the total project cost for a Qualifying Infrastructure Project as described herein. Grant amounts shall be determined on a case by case basis for infrastructure improvement. The funds are available on a cost reimbursement basis only. No funds will be paid "up front" or advanced prior to the completed construction. Owner or lessee is responsible for at least 50% of total project cost.
4. **Boundaries:** The Downtown boundaries are 1st Street, Adams Avenue, 10th Street and Bernice Avenue, and grants are available only for property within these boundaries. The amount of grant funds available shall be determined based on location of the property in accordance with the following tiered system:
 - a. **Tier 1:** 100% of 50% of grant funds shall be available for properties located within the boundaries of 3rd Street, N. Jackson Ave., 7th Street, and N. Lincoln Ave.;
 - b. **Tier 2:** 75% of the 50% of grant funds shall be available for properties located within the boundaries of 2nd Street, N. Hancock Ave., 8th Street, and N. Sam Houston Ave.;
 - c. **Tier 3:** 50% of the 50% of grant funds shall be available for properties located within the boundaries of 1st Street, N. Tom Green Ave., 9th Street, N. Washington Ave.; and
 - d. **Tier 4:** 25% of the 50% of grant funds shall be available for properties located outside the boundaries of Tier 1 through Tier 3 but still within the Downtown boundaries as described above.
5. **Infrastructure:** A "Qualifying Infrastructure Project" means planned improvements, repairs, or remediations that are necessary to meet City Code requirements in order to promote or expand business enterprises, including but not limited to the following: environmental remediation, water-sewer-electric or gas utilities, fire suppression systems, and other approved site improvements necessary to satisfy code requirements. Housing and projects for the general infrastructure needs of the city and not for the promotion and development of new or expanded business are not eligible.

6. Application Process:

- a. Applications for Downtown Infrastructure Grants will be available from Downtown Odessa, Inc.
- b. Applications shall first be presented to the Downtown Odessa, Inc., Design Committee to determine if the project meets the program criteria and design guidelines. However, if located on City owned property being developed for a business, the application will be submitted to the City Manager for review
- c. Once approved by the Design Committee or City Manager, successful applications shall be presented to the ODC Board of Directors for approval.
- d. Applications approved by the ODC Board shall be presented to the City Council for final Approval.

7. Guidelines: The following guidelines are applicable to the Downtown Infrastructure Improvement Program:

- a. Final approval for a Downtown Infrastructure Improvement application must be obtained from the City Council of the City of Odessa prior to any work being performed. Any work done prior to final approval shall not be eligible for reimbursement.
- b. Improvements must be made in conformance with all applicable building codes, laws and zoning requirements. Further, improvements for buildings which are located on properties with outstanding property taxes or City-related liens are not eligible for incentive funding.
- c. The determination of eligibility for any project or specific project item is on a case by case basis.
- d. Grantee shall invest at least 50% of their own funds in the project. The ODC will reimburse up to 50%, but not more than \$200,000, toward the total project cost for a Qualifying Infrastructure Project.
- e. Infrastructure subject to reimbursement includes interior ADA requirements, Fire Codes, Building Codes.
- f. Infrastructure subject to reimbursement includes approved infrastructure projects that are specifically designed to bring the buildings up to City Code requirements. Business specific improvements, including but not limited to improvements such as kitchen equipment, will not be eligible. Each project shall be reviewed for qualification on an individual basis.

- g. Fire Code required Sprinkler Systems shall always qualify as a reimbursable infrastructure cost.
- h. Eligible infrastructure costs shall be reimbursed upon completion of the project by the Grantee, the submission of the required paperwork for a compliance audit, and the issuance of a certificate of occupancy.
- i. Applicant, whether lessee or owner, that is intending to use only a portion of a building or structure may apply for the portion that they intend to use without requiring them to do infrastructure for the entire property. However, applicant, whether lessee or owner, that is intending to make use of a portion of the building **or** the entire building or structure, shall be limited to 1 (**one**) Downtown Infrastructure Improvement application for all eligible infrastructure improvements in that building or structure.
- j. So long as the lessee has permission to make improvements that qualify under the grant then no additional restrictions shall apply solely because the applicant is a Lessee.

8. Taxes:

- a. Regardless of whether the Applicant is the owner of the property or the lessee, façade improvement grants are only available for buildings that are located on properties that have no outstanding property taxes or City-related liens.
- b. Property taxes must be kept current throughout the application and construction phases or the property shall be deemed ineligible and any agreements shall be cancelled.

9. Ownership:

- a. Regardless of whether the Applicant is the owner of the property or the lessee, the building owner must maintain ownership throughout the application and construction phases and the property shall not be listed for sale or the property shall be deemed ineligible and any grant agreements shall be cancelled.
- b. Regardless of whether the Applicant is the owner of the property or the lessee, if the owner sells the building within one (1) year of the payment of the grant funds, the owner shall repay the full amount of the grant.
- c. Regardless of whether the Applicant is the owner of the property or the lessee, if the owner sells the building after one (1) year has passed but within two (2) years of the payment of the grant funds, the owner shall repay fifty percent (50%) of the grant amount.