



EMERGENCY Historic Acquisition or Stabilization APPLICATION

This is the governing document for the application.

2009/2010 COUNTY COUNCIL MEMBERS

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EMERGENCY Historical facility acquisition and/or stabilization program

The Volusia ECHO Program funds, for the purpose of use in this program, are to be used under emergency situations, solely to finance acquisition and/or stabilization of projects which are deemed by the County Council to be of critical public importance and which are determined to be endangered by:

- immediate development
- elimination of public access and/or structural conditions that are recently and unexpectedly revealed
- immediate demolition – demolition permit requested

The applicant shall demonstrate the critical and paramount importance of the project including but not limited to:

- creditable evidence of the importance of the historic project
- the emergency that has resulted in the request for direct funding support
- the inability of the applicant to provide the necessary funding support for the acquisition or capital project expenditure
- the ability of the applicant to fully support the operations and/or restoration needed to open the facility to the public within 48 months of direct funding by the County Council.

STEPS OF THE PROCESS

(1) Complete the Application (2) Present the application to the ECHO Program Coordinator (3) ECHO Program Coordinator presents the request to the ECHO Advisory Committee (4) the ECHO Advisory makes recommendation to the County Council (5) County Council decides whether or not to fund the project (6) If funding is approved, an official ECHO Emergency Funding Agreement is approved and processed (6) Funds are made available as directed in the agreement and this application guide.

APPLICANT ELIGIBILITY

1) The applicant must be one of the following entities -

Governmental:

Be a municipality within Volusia County or a budgeted department of the County of Volusia

Not For Profit:

Be a Not-For-Profit Corporation, incorporated in the State of Florida, with its principal office located in the State of Florida with a local group within Volusia County. **OR**

Be a Not-For-Profit Foreign Corporation, registered to do business in the State of Florida, with a local group within Volusia County that can provide sufficient evidence of public service to Volusia County citizens for the five year period prior to the ECHO application deadline.

The Not-For-Profit Corporation must be classified as 501(c)(3) tax exempt under Federal Internal Revenue Service regulations and designated in compliance with s. 170 of the Internal Revenue Code of 1954.

The Not-For-Profit Corporation, incorporated in the State of Florida, must possess a 501(c)(3) determination for a minimum of two years prior to the deadline of the ECHO application *OR* provide sufficient evidence of being incorporated in the State of Florida with its principal office within Volusia County for a minimum of 10 years and provide the organization's most recent five years of audited annual financial statements with Management Letters. Foreign Corporations must demonstrate five years of 501(c)(3) status in the State of Incorporation.

- 1) Not-For-Profit organizations must be accessible to a broad range of the community and its members must be accepted on a non-discriminatory basis.
- 2) The applicant may not discriminate in the schedule of fees or terms of use of the facility of this application based on residential location of users who reside within Volusia County.

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- 3) The applicant may not owe the County of Volusia any money or have any outstanding violations of Volusia County Code of Ordinances
- 1 a. It is strongly suggested applicants request a “Clean Hands” search early in the process of applying for an ECHO grant to determine their current status as the initial search may reveal conditions that may take some time to resolve.
- b. Forms and information may be found on the web at <<http://volusiaforever-echo.com/echo/>>. The ECHO Clean Hands form has instructions and lists the contacts in each of the five (5) County Departments to which it should be submitted in order to receive full information regarding Clean Hands.
- c. The County ECHO staff will conduct a Clean Hands Search of all applicants prior to presenting the recommended project to the County Council for consideration. Failure to resolve clean hands situations prior to the County Council meeting will result in the applicant being ineligible for funding.
- 4) The applicant agrees to comply with all legal, financial, reporting, and record maintenance requirements set forth in the application guidelines and agreement.
- 5) The applicant is encouraged to provide as much cash or in-kind value as possible. The applicant may request up to \$600,000.
- 6) The applicant has satisfied all administrative requirements of all previous grants / agreements received from/administered by the County of Volusia.

APPLICATION & PROJECT ELIGIBILITY

- 1) **Application Submittal.** The applicant will provide a complete application with all necessary information and documentation as required in the application form and all additional information requested by the County.
- 2) **Projects that receive County Direct Funding support may not be leased/subleased** by the owner/lessee to a for-profit entity but the owner/lessee may contract for management services when beneficial to the citizens of Volusia County. Management Agreements must maintain the public use as described within the grant application and will require approval by the County of Volusia.
- 3) **Unrestricted Ownership/Undisturbed Use of Facility.** When the project is for stabilization documentation of the ownership or lease of the facility and property shall provide for undisturbed use. Ownership will be documented by a deed and include all restrictions. For a lease the lease agreement shall be provided with all restrictions. Length of the lease shall be 40 years for acquisition and 20 years for stabilization. Leases shall not be cancelable without cause. Owners of leased property that will be the recipient of stabilization support must meet the requirements of an eligible applicant.
- 4) **Restrictive Covenants.** Restrictive Covenants, accompanied by the complete legal description of the project property, must be filed with the Clerk of the Court for the length of the Agreement period (40 years for acquisition and 20 years for stabilization). The complete legal description of the property is required and is found on the survey and/or the deed. If the project of the application is on mortgaged or leased property, a letter from the Mortgagee or Lessor, stating they agree to sign a Restrictive Covenants, must be supplied with the application. Land Management Agreements for projects on State or Federal lands not owned or leased by the applicant are acceptable in lieu of Restrictive Covenants but are subject to the same penalties of the Restrictive Covenants as stated in the ECHO Agreement.
- 5) **Acquisition Projects.** Applications which request funding for the acquisition of property must include a notarized letter of “agreement to sell” from the current property owner and provide an appraisal by a State Certified or MAI appraiser unless the sale price is \$250,000 or less, whereby a Certified General Appraisal is acceptable.
- 6) **Certified Audit/Review.** Unless the County approves an alternative method, applicants operating on less than \$150,000 annually and requesting \$250,000 or less must provide a Financial Review completed within 18 months of the application. Applicants operating on more than \$150,000 annually must provide a Certified Financial Audit.
- 7) **Drawings and maps.** Applicant must submit reproductions of drawings or pictures that show the project to be acquired or stabilized and a location map to show the location of the project.

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8) Open ECHO grants and Public Access. The project of the application may not have any open ECHO grant awards to be an eligible application. Public access must be provided within 48 months of the County Direct Funding support.

9) The building/structure or site must be over 50 years old and, (a) be on the National Register of Historic Places, **or** (b) be a contributing property within a National Register Historic District, **or** (c) be similarly designated by a local government (municipal or Volusia County), **or** (d) be a contributing property in a locally designated historic district **or** (e) be eligible for such designation (documentation of eligibility/significance comply with (Volusia Co. LDC) Chapter 62. Sec. 62-74 Criteria for Issuance of Certificate of Designation (a defensible standard).

10) Funded projects shall initiate designation of the property as appropriate, so protection will be afforded them, and rehabilitation should follow guidelines provided in the *United States Secretary of the Interior's Standards for Rehabilitation*.

11) The project stabilization shall be completed by contractors or persons with significant experience in historic architecture and preservation.

12) Competing in the ECHO Grants-In-Aid. Projects that receive Direct Funding are not restricted from competing in the ECHO Grants In Aid program but may not use the value of the acquired property or the value of the County Direct Funding support as match.

ADMINISTRATIVE & REPORT REQUIREMENTS

If the County Council approves Direct Funding Support, recipients shall enter into a contractual Agreement with the County of Volusia that specifies the organization's responsibilities. The organization shall comply with the administrative and accounting requirements set forth in the Agreement and in their application, which includes, but is not limited to:

- 1) The Agreement provides for the terms and conditions of the grant and requires the applicant to provide a payment and performance bond jointly issued to the grantee and the County of Volusia when the project is for stabilization.
- 2) Payment of Stabilization services: The County will process payments for stabilization services following the documentation of invoices and upon verification that work is complete but will require at least 30 days to make payment. When the agreement requires using the reimbursement policy, Not For Profit organizations shall provide a Release of Lien from all contractors and subcontractors and provide proof that payments have been made.
- 3) The applicant agrees to submit reports immediately upon learning there are changes in project design or scope, and/or revisions to the budget approved in the application. The County will determine if the change impacts the integrity of the project funded.
- 4) The applicant agrees to submit a final report in a format and in a timeframe directed by the County.
- 5) Annual reports will be submitted July 15 of each year; 20 years for stabilization projects and 40 years for acquisition projects.
- 6) Maintenance of an accounting system, available for review by the County upon written request, that provides for a complete record of all fund usage.
- 7) The applicant shall install a temporary recognition sign within 90 days of the grant award and installation of a permanent recognition sign upon the project's completion at their own expense. All signs shall meet the standards set in the ECHO Grants In Aid program.

<p><i>FAILURE TO COMPLY WITH THESE CONDITIONS OR ANY OTHER CONDITIONS SET FORTH IN THE FINAL AGREEMENT MAY RESULT IN REVOCATION OF THE FUNDS AND REPAYMENT OF ALL FUNDS AS WELL AS DEBARMENT FROM FUTURE ECHO GRANT ELIGIBILITY.</i></p>

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I/We certify that all of the information contained within this application and subsequent attachments is true and correct to the best of my/our knowledge, and that the project for which application is made shall be in compliance with the Americans with Disabilities Act of 1990, and that, should funds be provided, the organization agrees to comply with the conditions of the ECHO Direct Funding Agreement including the Restrictive Covenants.

1. OFFICIAL WITH AUTHORITY TO CONTRACT FOR THE OWNER OF THE PROPERTY	
Signature: _____	
Typed Name: _____	
Title: _____	Date: _____
Phone Number: _____	
2. OFFICIAL WITH AUTHORITY TO CONTRACT FOR THE APPLICANT	
Signature: _____	
Typed Name: _____	
Title: _____	Date: _____
Phone Number: _____	
3. CHIEF FINANCIAL OFFICER FOR THE APPLICANT	
Signature: _____	
Typed Name: _____	
Title: _____	Date: _____
Phone Number: _____	
4. CONTACT PERSON AS LISTED ON FIRST PAGE OF APPLICATION FORM	
Signature: _____	
Typed Name: _____	
Title: _____	Date: _____
Phone Number: _____	

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■ **Direct Funding Application**

1. APPLICANT: (Legal name of organization as incorporated in the State of Florida)

Address: (Mailing) _____

City: _____ State: _____ Zip Code: _____

Address: (Physical Location) _____

City: _____ State: _____ Zip Code: _____

Telephone (Area/Number): _____ Fax (Area/Number): _____

Email: _____ Other: _____

2. FEID #: _____ **3. RESIDENT COUNTY COUNCIL DISTRICT OF PROJECT:** _____

4. CONTACT PERSON:

First: _____ Last: _____

Title: _____

Telephone (Area Code/Number): _____ E-Mail: _____

5. PROJECT TITLE: _____

6. PROJECT LOCATION ADDRESS: _____

City: _____ Zip Code: _____

7. TYPE OF PROJECT (Check One - See ECHO Project Categories - Appendix A – page 1):

a) Acquisition b) Stabilization c) New Construction

8. THE PROJECT SITE OR FACILITY IS (Check One):

Owned by the applicant: Leased by the applicant:

Applicant has a Land / Project Management Agreement:

Applicant requests acquisition: and applicant requests check at closing:

a) If applicant is leasing, has a Land Management or Project Management Agreement, or requesting acquisition, list the lessor or current owner, contact and address:

b) If Leased or Land or Project Management Agreement *Leases/Agreements must be binding and non-cancelable.* :Length of Lease/Agreement: _____ (years remaining)

Lease/Agreement dates: _____ to _____ (include month /day/year)

9. IS THE PROJECT SITE / FACILTY MORTGAGED OR WILL IT BE? Yes No

Current mortgage \$ _____ At closing, mortgage will be \$ _____

Mortgage length: _____ years. Date the term ends: _____

What is the Name and Address of the Mortgagee? _____

NOTE: *Mortgagee or Lessor must agree to sign the Restrictive Covenants document if a grant is awarded unless the project is on State or Federal public land. You must include, in this application, confirmation from the Mortgagee or Lessor that they are willing to sign a Restrictive Covenants. (See section 1.6 of Tab 1 of this application)*

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10. IS THE PROJECT AN APPROVED PROJECT IN A COMMUNITY REDEVELOPMENT DISTRICT (CRA)? Have you used or are you planning to use CRA funds for this project? If yes, explain how the funds have been/will be used. Community Redevelopment Districts are specifically identified mapped areas. Funds include taxes deferred from the County.

11. TYPE OF ORGANIZATION (must be either “A” or “B” to be eligible):

- A) Municipal government or a budgeted organization of Volusia County government.
- B) The applicant is a Not-For-Profit corporation, incorporated in the State of Florida and has been classified as a 501(c)(3) tax exempt under Federal Internal Revenue Service regulations and designated in compliance with s.170 of the Internal Revenue Code of 1954.

AND

- Has been designated with the 501(c)(3) and incorporated status for a minimum of 2 years prior to the application deadline.

OR

- Has been classified as 501(c)(3) incorporated in the State of Florida for less than 2 years at the time of the application deadline but has provided sufficient evidence of operations for a minimum of 10 years in Volusia County and provided the most recent 5 years of Independent Certified Audits and Management Letters of the organization’s Annual Financial Statements.

OR

- Has been classified as 501(c)(3) registered as a Foreign Corporation doing business in the State of Florida, with a local group within Volusia County that can provide sufficient evidence of public service to Volusia County citizens for the five year period prior to the ECHO application deadline.

Note: Not-for-profits must provide Documentation of 501(c)(3) status, provide proof of a license for fundraising (Chapter 496, Florida Statutes) and, when applicable, credible evidence that they have provided 10 or more years of service.

12. Required Documents

Governments shall provide a statement as to their need for funding support and identify the amount of funds and the source of funds they will use to assist in the project and operate the project for public use.

Not For Profits shall provide a Financial Review when a funding request is \$150,000 or less, and a Certified Financial Audit for a funding request greater than \$150,000. They shall identify the amount of funds and source of funds to be used to assist in the acquisition or stabilization and also to operate the project for public use.

When applicable, Applicants shall provide sufficient evidence of in-kind service values.

13. Explain why the project is critical to our community (up to 500 words).

14. Explain why you need critical funding support from the County (up to 500 words).

15. Explain the historical significance of this project (up to 500 words). You must include an official letter of recommendation from the local historic advisory committee and the County of Volusia Historic Preservation Officer.

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- 16.** Explain current use of the project and/or future use of the project (up to 500 words). Include an explanation of users and public access (fees, hours, etc.). Explain management plan (paid workers, volunteers, etc.). Insert a five year Operational Projection (Revenues/Expenses).
- 17.** Acquisition Projects: (1) Insert a letter from the seller stating they are willing to sell, the price of the sale, and the expected closing date. (2) Insert an appraisal for the property.
- 18.** Stabilization Projects: (1) Insert professional documents that identify the critical need for and the structural elements of the stabilization project. (2) Insert an itemized budget – identify whether cash or in-kind service.
- 19.** List the project team, including historic experts, and provide resume of experience.
- 20.** Funding support for this project
- | | |
|-------------------------|----------|
| County funds requested | \$ _____ |
| Cash from the applicant | \$ _____ |
| In-Kind Services | \$ _____ |
- 21.** Project start date _____ and end date _____