

EXHIBIT "A"

Downtown Restaurant Forgivable Loan

About the Program

The purpose of the Downtown Restaurant Forgivable Loan Program (hereinafter the "Program") is to increase the economic viability of downtown Aurora by encouraging more restaurants. The Program will offer a forgivable loan for one-third (1/3) of the costs up to a maximum of \$100,000 associated with the renovation of storefront or office space for use as a sit down restaurant (hereinafter the "Forgivable Loan"). This Program is intended to complement and support the city's plans to maintain a quality downtown. Restaurants are considered a desirable use for the downtown in that they create more activity after business hours and bring more pedestrian traffic to the benefit of other downtown businesses. The intention of the Program is to create a more viable and attractive area through private/public partnership.

Geographic Area

The Program will only be offered to businesses located within the boundaries of those properties eligible for the Finish Line Grant consisting of the downtown TIF District, TIF 1, and a portion of TIF 3. An existing restaurant in Aurora that is outside of the geographic area would not be eligible for funds unless it opens an additional location within the boundaries of the geographic area.

Program Eligibility

Eligibility requirements to receive a Forgivable Loan for the renovation of storefront or office space for use as a restaurant (hereinafter the "Project") are as follows:

- 1. Improvements**
Eligible improvements include code required improvements; life/safety improvements; repair work to floors, walls, and ceilings; upgrading/retrofitting mechanical systems; demolition; space reconfiguration; installation cost of permanent fixtures (with the exception of costs associated with trade fixtures or equipment specific to the business); finishing work (i.e. painting, coverings for ceilings, walls and floors), and soft costs (i.e. building permits, space/floor plans).
- 2. Amount**
The cost of the Project must be no less than sixty-six thousand dollars (\$66,000.00) in order to be considered eligible for the Program. Approved applicants under the Program are eligible to receive a forgivable loan for up to one-third (1/3) of the cost for eligible improvements. The maximum forgivable loan amount is one hundred thousand dollars (\$100,000).
- 3. Ownership**
Eligible applicants include the owners of commercial, office or mixed-use buildings or tenants of a commercial, office, or mixed use buildings who have obtained the building owner's consent relative to the Project application provided that the building is located within the eligible geographic area.
- 4. Businesses**
An eligible business must earn at least sixty-five percent (65%) of its gross income from food and beverage sales. Eligible businesses also must provide sit-down food service. Businesses offering exclusively carry-out and/or delivery service are not eligible. Existing restaurants may apply for a Forgivable Loan if they upgrade or expand their facilities pursuant to the Program parameters.
- 5. Fees**
Professional, architectural, engineering, and City permit fees may be included in the total improvement costs. The Program will fund up to twenty-five percent (25%) or two thousand five hundred dollars (\$2,500), whichever is less, of architectural rendering fees prior to Project approval of the improvements. All requests for architectural rendering fees prior to approval must have proper documentation and invoices. There are no application fees associated with the Program. However, if

EXHIBIT "A"

an applicant owes money to the City, all accounts must be brought current before any portion of the Forgivable Loan is disbursed.

6. Franchise Stores
Special approval is required for all freestanding franchise stores. Franchise stores, which follow a company design policy, may apply on a case-by-case basis.
7. Conformance
All improvements must conform to current building and zoning codes of the City of Aurora. The business owner must maintain the property in compliance with all federal and local laws, ordinances, and regulations.
8. Administration
Seize The Future Development Foundation will administer the Program. Applications should be submitted to Seize the Future at 43 W. Galena Blvd. A separate request for a building permit, an electrical permit and/or other permits and licenses shall be submitted to the City of Aurora.
9. Procedural Requirements
 - A. An applicant must have a preliminary meeting with representatives from Seize the Future to determine eligibility for this Program.
 - B. The owner and/or applicant shall submit the following documents to Seize the Future:
 - i. Pre-application form;
 - ii. Preliminary plans and preliminary cost estimates;
 - iii. Business plan;
 - iv. Details of signage and/or awning design;
 - v. Proof of ownership, lease, and/or owner's approval
 - C. After review by Seize the Future and approval of the Forgivable Loan, a Certificate of Eligibility will be given to the owner/applicant.
 - D. Upon the receipt of the Certificate of Eligibility, the owner and/or applicant shall proceed as follows:
 - i. Submit final plans and cost estimates to Seize The Future; and
 - ii. Apply for proper building permits; and
 - iii. Submit three contractor bids for the work outlined in the Downtown Improvement and Renovation Grant Program application. Also indicate the preferred contractor; and
 - iv. Submit a fully executed Forgivable Loan Agreement
 - E. Upon receipt of the items set forth in D above, a Notice to Proceed shall be given to the owner/applicant by Seize the Future.
 - F. Upon issuance of the Notice to Proceed, improvements and renovations may start after the required building permits have been issued. All necessary inspections should be coordinated through the City's Building & Permits Division.
 - G. The Forgivable Loan recipient must submit an affidavit containing his or her sworn statement that he or she has paid at least two-thirds of the approved cost of the Project. Original paid receipts from contracts amounting to at least two-thirds of the approved Project must be attached to the affidavit.
 - H. Upon completion of the Project and after all final inspection from the Building Division have passed, the building will be inspected by Seize The Future for conformance with the application.
 - I. Upon determination of conformance, and receipt of all required documents Seize the Future will process and disburse the loan.

EXHIBIT "A"

10. Forgivable Loan Terms

One-tenth (1/10) of the Forgivable Loan amount shall be forgiven for each full year after the recording of the lien that a restaurant is operated at the Project location. Release of the lien will be recorded by Seize the Future ten (10) years after the recording of the lien, or earlier if repayment of the Forgivable Loan (or applicable portion thereof) is made to Seize the Future from the date the agreement was executed, provided that no business other than a restaurant has operated at the premises. Anytime a business other than a restaurant operates at the Project location, the lien balance shall become permanent (no more amortized "forgiveness") and Seize the Future will record a document to this effect. In the event that any business other than a restaurant operates at the location of the Project, the balance of the loan shall be immediately due and payable from the property owner and the recipient of the Forgivable Loan.