

**APPLICATION FOR FINANCIAL
ASSISTANCE**

Utica Civic Development Corporation

1 Kennedy Plaza
Utica, New York 13502
(315) 792-0195 telephone
(315) 797-6607 fax

Jack N. Spaeth, Executive Director

A non-refundable application fee of \$500.00 must be submitted
at the time of application.

Please submit the original application and sixteen copies.

All applications must be submitted 10 days prior to meeting.

Name of Applicant

Number (to be provided by the agency)

Note to Applicant:

The information requested by this form is necessary to determine the eligibility of your project for Utica Civic Development Corporation (the "UCDC") benefits. Please answer all questions, inserting "none" or "not applicable" where appropriate. If you are providing an estimate, please indicate by inserting "est" after the figure. Attach additional sheets if more space is needed for a response than is provided.

Return the original application and sixteen copies with a check in the amount of \$500.00 made payable to: Utica Civic Development Corporation, 1 Kennedy Plaza, Utica, New York 13502, Attn.: **Jack N. Spaeth**, Executive Director.

All information contained in this application will be treated confidentially, to the extent permitted by law. Be advised that any action brought before the UCDC is public information. All agenda's for the UCDC are issued prior to full agency meetings and posted in public domain.

A project financed through the UCDC involves the preparation and execution of significant legal documents. Please consult with an attorney before signing any documents in connection with the proposed project.

Part I: Applicant Information

Note: In responding to the following questions, please keep in mind that the Applicant will be party to all of the documents and is the individual or entity which will receive the actual financial assistance from the UCDC.

Applicant

1(a) Applicant's Legal Name: _____

1(b) Principal Address: _____

1(c) Telephone/Facsimile Numbers: _____

1(d) Email Address: _____

1(e) Federal Identification Number: _____

1(f) Contact Person: _____

1(g) Is the Applicant a Corporation: If yes, Public Private
If public, on which exchange is it listed? _____

Subchapter S

Sole Proprietorship

General Partnership

Limited Partnership

Limited Liability Corporation/Partnership

DISC

Other (specify) _____

1(h) State of Organization (if applicable) _____

Applicant's Stockholders, Directors and Officers (or Partners)

2(a) Provide the following information with respect to parties with 15% or more in equity holdings:

<u>Name</u>	<u>Home Address</u>	<u>Percentage of Ownership</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

2(b) Is the Applicant, or any of the individuals listed in 2(a) above, related directly or indirectly to any other entity by more than 50% common ownership? If so, indicate name of such entity and the relationship.

2(c) Is the Applicant affiliated with any other entity, directly or indirectly, other than as listed in the response to 2(a) above? If yes, please indicate name and relationship of such other entity and the address thereof:

Applicant's Counsel and Accountant

3(a) Applicant's Attorney

Name/Title: _____

Firm: _____

Address: _____

Telephone/Fax: _____

3(b) Applicant's Account

Name/Title: _____

Firm: _____

Address: _____

Telephone/Fax: _____

Business Description

4(a) Describe the nature of your business and principal products and/or services. Attach additional sheets if necessary.

Part II: Project Information

5(a) Explain your project in detail. This description should include an explanation of all activities which will occur due to this project. Attach additional sheets if necessary.

Reasons for Project

6(a) Please explain in detail why you want to undertake this project.

6(b) Why are you requesting the involvement of the UCDC in your project?

6(c) How will the Applicant's plans be affected if UCDC approval is not granted?

6(d) Is the proposed project reasonably necessary to discourage the Applicant from removing such other plant or facility to a location outside the State of New York?

Yes No If yes, please explain briefly.

Is the proposed project reasonably necessary to preserve the competitive position of the Applicant in its respective industry? Yes No If yes, please explain briefly.

6(e) Will financing by the UCDC result in the removal or abandonment of a plant or other facility of the applicant or any related entity presently located in another area of New York State? Yes No If yes, please explain briefly the reason for the move.

6(f) Has the Applicant or any related entity previously secured financial assistance in the City of Utica (whether through the UCDC, the Utica Industrial Development Agency, the Empire State Development Corporation, or any other entity)? Yes No If yes, please explain (indicate date of benefit, location of facility and outstanding balance).

6(g) Has the Applicant or any related entity secured financial assistance for this project anywhere within the United States within the last 90 days or does the Applicant or any related entity anticipate receiving financial assistance within the next 90 days?

Yes No If yes, please explain.

6(h) Check all categories best describing the type of project:

- Manufacturing
- Industrial Assembly or Service
- Research and Development
- Warehousing
- Commercial or Recreational
- Pollution Control (specify) _____
- Other (specify) _____

6(i) Check all categories best describing the scope of the project:

- Acquisition of land
- Acquisition of existing building
- Renovations to existing building
- Construction of addition to existing building

- Demolition of existing building
- Construction of a new building

- Acquisition of machinery and/or equipment
- Installation of machinery and/or equipment
- Other (specify)

6(j) Please provide the estimated value of the issuance by the UCDC of Tax Exempt Bonds.

Assistance	Estimated Value
Issuance by the UCDC of Tax Exempt Bonds	\$ _____

Part III: Facility Information

Facility (Physical Information) If multiple locations please provide information on all.

7(a) Street Address of Facility:

7(b) City, Town and/or Village:

(Note: It is important that you list **all** incorporated municipalities in which the facility lies. This information will be used in scheduling a public hearing as required by statute.)

7(c) School District:

7(d) Tax Account Number(s):

Attach copies of the most recent real property tax bills. Include copies for all taxing jurisdiction for the site/ facility that UCDC assistance is being sought.

7(e) For what purpose was the facility site most recently used (i.e., light manufacturing, heavy manufacturing, assembly, etc.)?

7(f) Zoning Classification of location of the project: _____

7(g) Please describe in detail the facility to be acquired, constructed or renovated (including number of buildings, square footage, number of floors, type of construction,) and attach plot plans, photos or renderings, if available. **Please be as specific as possible.**

7(h) Has construction or renovation commenced? Yes No

If yes, please describe the work in detail, including the date of commencement.

If no, indicate the estimated dates of commencement and completion:

Construction commencement: _____

Construction completion: _____

7(i) Will the construction or operation of the facility or any activity which will occur at the site require any local ordinance or variance to be obtained or require a permit or prior approval of any state or federal agency or body (other than normal occupancy and/or construction permits)? Yes No **If yes, please describe.**

7(j) Will the project have a significant effect on the environment? Yes No

Important: please attach Environmental Assessment Form to this Application.

7(k) What is the useful life of the facility? _____ years

Facility (Legal Information)

8(a) With respect to the **present owner** of the facility, please give the following information:
(Note: the present owner is not necessarily the user of the facility, but that party which holds legal title to the facility.)

Legal Name: _____

Address: _____

Telephone: _____

Balance of Mortgage: _____

Holder of Mortgage: _____

If the Applicant is not the present owner of the facility, please attach any written agreements and contracts concerning the acquisition of the real property and/or equipment.

8(b) Is there a legal relationship, directly or indirectly, by virtue of common control or through related persons, between the Applicant and the present owner of the facility?
 Yes No. If yes, please explain.

8(c) Will a related real estate holding company, partnership or other entity, be involved in the ownership structure of the transaction?
 Yes No. If yes, please explain.

8(d) Will the title owner of the facility/ property also be the user of the facility?
 Yes No. If no, please explain.

8(e) Is the Applicant currently a tenant in the facility? Yes No

8(f) Are you planning to use the entire proposed facility? Yes No
 If no, please give the following information with respect to tenant(s) which will remain in the facility after the completion of the project:

<u>Name of Tenant</u>	<u>Floors Occupied</u>	<u>Square Feet Occupied</u>	<u>Nature of Business</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

8(g) Are any of the tenants related to the owner of the facility? Yes No
 If yes, please explain.

8(h) Will there be any other users other than the applicant to the UCDC be utilizing the facility? Yes No If yes, please explain. Provide detail of the contractual arrangement including any financial exchange for the use of the site or property.

Equipment

9(a) List the principal items or categories of equipment to be acquired as part of the project. (As soon as one is available but prior to final authorizing resolution, please submit a detailed inventory of said equipment.)

9(b) Please provide a brief description of any equipment which has already been purchased or ordered, attach all invoices and purchase orders, list amounts paid and dates of expected delivery. Attach a sheet if needed.

9(c) What is the useful life of the equipment? _____ years

Part IV: Employment Information

10(a) Estimate how many construction and permanent jobs will be created or retained as a result of this project.

Construction Jobs _____

Permanent Jobs to be created by Project at Applicant's facility _____

Permanent Jobs to be retained by Project at Applicant's facility _____

10(b) What is the applicant entity's current level of employment in the City of Utica at the time of application.

At location to be assisted with the requested UCDC benefits _____

Other locations in the City of Utica _____

Part V: Estimated Project Cost and Financing

11(a) List the costs necessary for the construction, acquisition or renovation of the facility. Do **not** include working capital needs, moving expenses, work in progress, stock in trade, Applicant’s debt repayment, real estate broker fees or your legal fees.

Acquisition of Land	_____
Acquisition of Building(s)	_____
Renovation Costs	_____
New Construction of Buildings	_____
Machinery and Equipment (other than furniture costs)	_____
Fixtures Installation Costs	_____
Fees (other than your own broker and legal fees)	_____
Legal Fees	_____
Architectural/Engineering	_____
Interest on Interim Financing	_____
Other (specify)	_____
Subtotal	_____
UCDC Fee ¹	_____
Commitment Fee	\$1,000.00
Total Project Cost	_____

¹ See Attached Fee Schedule for UCDC Fee amount to be placed on this line

11(b) What amount of the Total Project Cost is the Applicant requesting financing by the UCDC?

Financial Information

12(a) Has the Applicant contacted any bank, financial/lending institution or private investor with respect to the financing of the proposed project?

Yes No

If yes, please provide details.

12(b) Has the Applicant received a commitment letter for said financing? Yes No

If yes, please submit a copy of said commitment letter along with this Application.

12(c) Please complete the Cost/Benefit Analysis form and attach to this Application.

REPRESENTATIONS AND CERTIFICATION BY APPLICANT

The undersigned requests that this Application be submitted for review to the Utica Civic Development Corporation's Board of Directors.

Approval of the Application can be granted solely by this UCDC's Board of Directors. The undersigned acknowledges that Applicant shall be responsible for all costs incurred by the UCDC and its counsel in connection with the attendant negotiations whether or not the transaction is carried to a successful conclusion.

The Applicant further understands and agrees with the UCDC as follows:

2. **Annual Employment Reports.** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the UCDC, the Applicant agrees to file, or cause to be filed, with the UCDC, on an annual basis, reports regarding the number of people employed at the project site as well as tax benefits received with the action of the UCDC.
2. **Absence of Conflict of Interest.** The Applicant has received from the UCDC a list of the members, officers and employees of the UCDC. No member, officer, or employee of the UCDC has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described:
3. **Hold Harmless.** Applicant hereby releases Utica Civic Development Corporation and the members, directors, officers, servants, agents and employees thereof (the "UCDC") from, agrees that the UCDC shall not be liable for and agrees to indemnify, defend and hold the UCDC harmless from and against any and all liability arising from or expense incurred by (A) the UCDC's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the UCDC, (B) the UCDC's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the UCDC with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the UCDC or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the UCDC, its agents or assigns, all costs incurred by the UCDC in the processing of the Application, including attorneys' fees, if any.
4. The applicant acknowledges that the UCDC has disclosed that the actions and activities of the UCDC are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the UCDC will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

(Applicant)

By: _____

Name: _____

Title: _____

Date: _____

If the application has been completed by or in part by other than the person signing this application for the applicant please indicate who and in what capacity:

By: _____

Name: _____

Title: _____

Date: _____

Return the original and sixteen copies of the application with a check in the amount of \$500.00 made payable to: **Utica Civic Development Corporation**, 1 Kennedy Plaza, Utica, New York 13502, Attn.: Jack N. Spaeth, Executive Director.

UCDC Fee Schedule

Commitment Fee: \$1,000 – due following the initial inducement but prior to scheduling of the public hearing; this amount is non-refundable if the applicant fails to close on the project before the UCDC. Upon closing with the UCDC this amount is applied to the legal closing fees.

Bond Fees: ½ of 1% of total bond amount

Other fees:

For an UCDC project which requires follow up action – a 1/8 of one percent of the total reissuance, redemption, new or revised mortgage, refinancing, spreading agreement or other transaction requiring action of the UCDC shall be 1/8 of one percent of total project amount for a minimum payment to the UCDC of \$500.

UCDC Counsel fee:

UCDC Counsel fees in Bond and non-bond transactions will not normally exceed the greater of (a) 2% of the Bond amount or project costs or (b) \$5,000 to \$8,500 in customary transactions.

Bond Counsel Fees:

Set by Bond Counsel based upon the nature and complexity of the transaction.

Annual Fee:

For the term in which the property remains in the UCDC's name, an annual lease payment is due in the amount of \$500. This amount is due on the anniversary date of the first date of the month in which the UCDC documents were executed. For annual fees not paid and delinquent, a late charge of \$50 per month will be levied until such time the fee plus late charges are paid.