



Prepared by: Eric Tysland, City of Burlington, 400 Washington St., Burlington, IA (319) 753-8158

Property Owner Acknowledgement of Terms for Construction

Definitions, for the purposes of this document:

- "This property" refers to 310 Jefferson Street owned by Karel A.R. van Haeften and Terry A. Arellano.
(Parcel #: 16-04-102-006)
- "Construction timeframe" is considered to be occurring until the end date of the city's Community Development Block Grant, Contract # 12-DTR-001 and any extensions thereof, and the duration of my agreement to the terms outlined in this document.
- "Façade" refers to that portion of the herein described property consisting of (side – front, side, and/or rear) facing 24 inches of the structure. This includes all architectural and construction features visible from any point on the public way outside of the building, including without limitation structural materials, facing materials, windows, doors, trim, sills, steps, railings, cornices, moldings, fences and other associated features, in addition to connected interior features that necessitate modification or maintenance in order to rehabilitate and maintain the publically visible features.

Acknowledgement of scope of work, cost and payment arrangement

I concur with the final scope of work description and renderings as it relates to my building's façade, as I have previously reviewed and approved, and as attached as Exhibit A to this document. I understand the final scope of work description and renderings as it relates to my building's façade may be changed based on the State Historic Preservation Office comments, requirements, and discoveries during construction, and other factors involved.

I understand that as a condition of being included in the project, I will be required to contribute a minimum of 30% of the estimated cost of the project allocated to my building's façade(s). In the event that the final cost of the work is different from the estimated amount, my contribution obligation will be equitably adjusted as follows: the 30% owner contribution of amount allocated, based on original estimate (\$17,000.00), plus 100% of the additional costs above the allocated amount. I understand that the current estimated cost for the scope of work to the façade(s) is \$17,500.00 and the 30% (+) owner contribution will be \$5,600.00.

I agree, as my contribution for the façade improvements, to invest in the project a sum of \$5,600.00 or greater as stated above, based on actual construction costs. I agree to deposit these funds with the City of Burlington, Iowa on or before start of construction, with \$1,275.00 of this sum having already been deposited with the City.

The City of Burlington, Iowa has the right to place a lien against this property to secure my payment. In the event I am determined to have been in material breach of this agreement by a court of competent jurisdiction, I understand I will be responsible for the reasonable attorney fees, reasonable expenses, and court costs incurred by the City in such an action.

Construction expectations

I understand that the city or other duly authorized agents will be responsible for supervision and coordination of the performance of the contract for implementation of the façade renovation to this property.

The city or other duly authorized agents or contractors may enter upon this property, and shall hold an easement for a period of seven (7) years from the date of this agreement to perform any required work, follow-up work, or inspections after first giving me reasonable notice. "Reasonable notice" shall include forty-eight (48) hours' notice via telephone, or person to person, or proof of my receipt of notice via certified U.S. Mail delivery.

Hold Harmless

I understand I shall hold harmless the City of Burlington for any damages of any kind suffered by me in connection with the work performed on my property, including but not limited to any economic loss, compensatory damages, expectancy damages, or other damages.

Acknowledgement of limitations and requirements on other work to this property

I have been informed that any other work on my entire building, including construction, rehabilitation and changes of materials, occurring in the construction timeframe are subject to federal regulations. These federal regulations include labor standards, including Davis Bacon wages, environmental review including Section 106 review for cultural and historic resources, and procurement. Federal guidance provides that if it is the same property, building, and/or owner; and, if the improvements are occurring in the same timeframe as the CDBG contract, then they are considered to be directly related to the federal project and therefore subject to federal requirements.

If I proceed to do work with a contractor that hasn't been selected according to federal procurement regulations, or implement changes that could impact historic or cultural resources, or pay contractors at a wage that is not the federally-approved Davis Bacon wage rate, or make other changes to my property in conflict with federal regulations, the city's grant and my private investment could be in jeopardy.

I have been informed that the recommended method of compliance with these regulations is to avoid doing any other work on my property in the duration of this grant. I agree to communicate with the city about any questions, concerns, or plans that I have pertaining to these requirements.

Signed this 15 day of January 2015

Property Owner(s):

(Print Name) Terry Arellano _____

(Signature) Terry Arellano _____

Duly Authorized Representative of the City of Burlington:

(Print Name) Jim Fernan _____

(Signature) Jim Fernan _____

State of Iowa
County of Des Moines

This instrument was acknowledged before me on 15 day of January, 2015, by

Terry Arellano _____

Tabetha A. Miller _____
Signature Notary Public

