COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106
Richmond, Virginia 23219

(804) 786-1830
Fax: (804) 225-4700

Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 17, 2008

MOTION

Made By: Mr. McCarthy Seconded By: by Mr. Koelemay
Action: Motion Carried, Unanimously

Title: Economic Development Access – Lunenburg County, Project 0780-055-705, N501 Woodland Business Park

WHEREAS, Section 33.1-221 of the *Code of Virginia* provides a fund to "...be expended by the Board for constructing, reconstructing, maintaining or improving access roads within counties, cities, and towns to economic development sites on which manufacturing, processing or research and development facilities, distribution centers, regional service centers, corporate headquarters, or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Business Assistance will be built under firm contract or are already constructed …" or, "in the event there is no such establishment …, a county, city, or town may guarantee to the Board by bond or other acceptable device that such will occur and, should no establishment or airport acceptable to the Board be constructed or under firm contract within the time limits of the bond, such bond shall be forfeited"; and

WHEREAS, the Lunenburg County Board of Supervisors has, by appropriate resolution, requested Economic Development Access funds to serve eligible property off of Route 137/138, southeast of Kenbridge, and said access is estimated to cost $600,000; and

WHEREAS, it appears that this request falls within the intent of Section 33.1-221 of the *Code of Virginia* and complies with the provisions of the Commonwealth Transportation Board's (CTB) policy on Economic Development Access.

NOW, **THEREFORE**, **BE IT RESOLVED,** that $450,000 ($300,000 unmatched, $150,000 matched) of the 2007-2008 Fiscal Year Economic Development, Airport and Rail Access Fund be allocated to provide adequate access to eligible property located off Route 137/138 in the County of Lunenburg, Project 0780-055-705, N501 contingent upon:

1. All right of way, environmental assessments and remediation, and utility adjustments being provided at no cost to the Commonwealth; and

2. Execution of an appropriate contractual agreement between the County of Lunenburg (LOCALITY) and the Virginia Department of Transportation (VDOT), to provide for the:

   a. design, administration, construction and maintenance of this project; and

   b. payment of all ineligible costs, and of any eligible costs in excess of this allocation, from sources other than those administered by VDOT; and

   c. provision of an appropriate bond or other acceptable surety device by the LOCALITY to VDOT, not to expire before July 17, 2013 without written permission of VDOT. Such surety device shall provide for reimbursement to VDOT of any expenses incurred by the Economic Development, Airport and Rail Access Fund for this project's construction not justified by the eligible capital outlay of establishments served by the project. If, by April 17, 2013, at least $6,000,000 of eligible capital outlay on parcels served exclusively by this project has not been expended or committed by firm contract by a qualified establishment or establishments, then an amount equal to 10% of up to $3,000,000 of the eligible capital outlay and 5% between $3,000,000 and $6,000,000 of the eligible capital outlay will be credited toward the project's allocation. This surety may be released or reduced at an earlier date upon provision of documentation of eligible capital outlay by a qualified establishment, or establishments; and

3. Provision of the required $150,000 in matching funds from the general fund of the LOCALITY; and

4. Determination by VDOT of eligible capital outlay in accordance with current policy and procedures for administering the Economic Development Access Program.

####