COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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***Agenda item # 7-B***

**RESOLUTION**
**OF THE**
**COMMONWEALTH TRANSPORTATION BOARD**

**November 19, 2009**

**MOTION**

**Made By: Mr. McCarthy Seconded By: Mr. Martin**
**Action: Motion Carried, Unanimously**

**Title: Economic Development Access**
**Halifax County, Project 0961-041-xxx, N501**
**Day 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, 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 Halifax County Board of Supervisors has, by appropriate resolution, requested Economic Development Access Program funds to serve eligible property off of U. S. Highway 58, and said access is estimated to cost $500,000; 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 $500,000 of the Economic Development, Airport and Rail Access Fund be allocated to provide adequate access to eligible property located off U. S. Highway 58, in Halifax County, southwest of the Town of South Boston, Project 0961-041-722, 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 Halifax (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 February 19, 2015 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 November 19, 2014, at least $2,500,000 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 20% of up to $2,500,000 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. Determination by VDOT of eligible capital outlay in accordance with current policy and procedures for administering the Economic Development Access Program.

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