COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # 4-A

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 21, 2007

MOTION

Made By: Mr. Davies Seconded By: Dr. Davis Action: Motion Carried, Unanimously

Title: Economic Development Access – Amherst County, Project 0834-005-621, N501
Amelon Industrial Park, Phase II

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 Amherst County Board of Supervisors has, by appropriate resolution, requested Economic Development Access funds to serve eligible property within the second phase of development of Amelon Industrial Park, northeast of Lynchburg, off Route 130 and said access is estimated to cost $240,000; 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 $240,000 of the 2006-2007 Fiscal Year Economic Development, Airport and Rail Access Fund be allocated to provide adequate access to eligible property within the proposed second phase of development of Amelon Industrial Park, located off Route 130, in the County of Amherst, Project 0834-005-621, N501contingent 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 Amherst (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 September 21, 2012 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 June 21, 2012, at least $2,400,000 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 $2,400,000 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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