



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

1401 East Broad Street
Richmond, Virginia 23219

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Agenda item # 7

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

April 20, 2016

MOTION

Made By: Mr. Whitworth, Seconded By: Ms. DeTuncq
Action: Motion Carried, Unanimously

Title: Economic Development Access to
Graystone Industrial Park, Phase I and Phase II (deallocation)
Project 0875-034-781, M501 and Project 0875-034-781, M502,
Frederick County

WHEREAS, Section 33.2-1509 of the *Code of Virginia* provides a fund to "...be expended by the Board for constructing, reconstructing, maintaining or improving access roads within localities 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 Small Business and Supplier Diversity will be built under firm contract or are already constructed ..."; and

WHEREAS, on June 16, 2010, the Commonwealth Transportation Board allocated \$650,000 from the Economic Development, Airport and Rail Access Fund to provide access to the planned Graystone Industrial Park, Phase I in Frederick County, Project 0875-034-781, M501, subject to certain contingencies; and

WHEREAS, on October 20, 2010, the Commonwealth Transportation Board allocated \$650,000 from the Economic Development, Airport and Rail Access Fund to provide access to the planned Graystone Industrial Park, Phase II in Frederick County, Project 0875-034-781, M502, subject to certain contingencies; and

Resolution of the Commonwealth Transportation Board
Economic Development Access Program – Frederick County Deallocation
April 20, 2016
Page Two

WHEREAS, Frederick County has acknowledged to VDOT that the approved project intended for a prospective business establishment is no longer being pursued under the Economic Development Access Program and has agreed to cancellation of the project; and

WHEREAS, it is deemed that the administration of the Economic Development Access Program can best be served by the return of these separately approved allocations to the Economic Development, Airport and Rail Access Fund.

NOW, THEREFORE, BE IT RESOLVED, that the action of the Commonwealth Transportation Board on June 16, 2010, allocating Economic Development, Airport and Rail Access funds for the access Project 0875-034-781, M501, is hereby rescinded and the \$650,000 project allocation shall be returned to the Economic Development, Airport, and Rail Access Fund; and

BE IT ALSO RESOLVED that the action of the Commonwealth Transportation Board on October 20, 2010, allocating Economic Development, Airport and Rail Access funds for the access Project 0875-034-781, M502, is hereby rescinded and the \$650,000 project allocation shall be returned to the Economic Development, Airport, and Rail Access Fund.

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CTB Decision Brief

Economic Development Access – Frederick County Graystone Industrial Park Phase I and Phase II – De-allocation of Funds

Issue: Economic Development Access Program funds previously allocated for two projects to access separate developments of eligible property within Graystone Industrial Park are no longer needed because Frederick County's plans for each development did not proceed as anticipated. The County has stated to the Virginia Department of Transportation (VDOT) that each of the previously planned and approved access road projects is no longer required and therefore the funding for each will not be utilized.

Facts: Section 33.2-1509 of the *Code of Virginia* provides for the Commonwealth Transportation Board (CTB) to expend funds set aside for constructing access roads to economic development sites on which certain establishments as prescribed or other establishments that meet the 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.

The Frederick County Board of Supervisors requested funding on separate occasions, in separate fiscal years, from the Economic Development Access Program to assist in providing road access to eligible property within Graystone Industrial Park. On June 16, 2010, the CTB allocated \$650,000 for Phase I of the development (Project 0875-034-781 M501 – UPC 97484). Then on October 20, 2010, the CTB allocated \$650,000 for Phase II of the development (Project 0875-034-781 M502 – UPC 98555). Neither access road project was constructed or initiated, and no charges have been made against either project's Economic Development Access Program allocation.

Recommendations: VDOT staff recommends that Project 0875-034-781, M501 (UPC 97484) and Project 0875-034-781, M502 (UPC 98555) be cancelled and that each \$650,000 allocation for these projects be returned to the Economic Development, Airport and Rail Access Fund in order that the funds may be made available for new projects.

Action Required by the CTB: The *Code of Virginia* and the CTB's Economic Development (formerly, Industrial) Access Policy specifies that the CTB shall approve the allocation of funds for the construction of access road projects. Having established the Graystone Industrial Park, Phase I and Graystone Industrial Park, Phase II access road projects and allocated funding by separate resolutions of June 16, 2010 and October 20, 2010, it is now recommended that the CTB rescind its original action for each project. The June 16, 2010 and October 20, 2010 resolutions are also attached for reference.

Result, if Approved: The \$1,300,000 total allocated to these two projects will be returned to the Economic Development, Airport and Rail Access Fund and made available for allocation to new projects.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None



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Sean T. Connaughton
Chairman

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Agenda item # 3-B

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 16, 2010

MOTION

Made By: Dr. Davis

Seconded By: Mr. Davies

Action: Motion Carried, Unanimously

**Title: Economic Development Access to
Gravstone Corporation Office and Industrial Park
Project 0875-034-781, M501, Frederick County**

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 Frederick County Board of Supervisors has, by appropriate resolution, requested Economic Development Access Program funds to serve eligible property off U. S. Highway 11, north of the City of Winchester, and said access is estimated to cost \$2,376,000; 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 \$650,000 (\$500,000 unmatched, \$150,000 matched) of the Economic Development, Airport and Rail Access Fund be allocated to provide adequate access to eligible property located off U. S. Highway 11, north of the City of Winchester, Project 0875-034-781, M501 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 Frederick (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 16, 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 June 16, 2015, at least \$3,250,000 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 the eligible capital outlay of up to \$3,250,000 will be credited toward the project's Economic Development Access Program allocation utilized in the project's construction and the balance of the utilized allocation not justified by eligible capital outlay will be returned to VDOT and the Economic Development, Airport and Rail Access Fund. This surety may be released or reduced accordingly 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.

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Agenda item # 6

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

October 20, 2010

MOTION

Made By: Mr. Martin Seconded By: Mr. Bowie

Action: Motion Carried, Unanimously

Title: Economic Development Access
Graystone Corporation Office and Industrial Park, Phase II
Project 0875-034-781, M502, Frederick County

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 Frederick County Board of Supervisors has, by appropriate resolution, requested Economic Development Access Program funds to serve eligible property off U. S. Highway 11, north of the City of Winchester, and said access is estimated to cost \$1,882,000; 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 \$650,000 (\$500,000 unmatched, \$150,000 matched) of the Economic Development, Airport and Rail Access Fund be allocated to provide adequate access to eligible property located off U. S. Highway 11, north of the City of Winchester, Project 0875-034-781, M502 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 Frederick (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 January 20, 2016 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 October 20, 2015, at least \$3,250,000 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 the eligible capital outlay of up to \$3,250,000 will be credited toward the project's Economic Development Access Program allocation utilized in the project's construction and the balance of the utilized allocation not justified by eligible capital outlay will be returned to VDOT and the Economic Development, Airport and Rail Access Fund. This surety may be released or reduced accordingly 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.

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RECEIVED

SEP 09 2013

VDOT LOCAL ASSISTANCE DIVISION



John R. Riley, Jr.
County Administrator

540/665-5666

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August 26, 2013

Edwin Carter
Assistant Residency Administrator
VDOT Edinburg Residency
14031 Old Valley Pike
Edinburg, VA 22824

RE: UPC93792 - Economic Development Access Project Carroll Industrial Park

Dear Mr. Carter;

As requested, this letter is to acknowledge Frederick County's concurrence with the cancellation of UPC93792.

County staff has met with the subject property owners and have been advised they do not feel that they are in a position to proceed at this time.

If you have any additional questions or concerns regarding this project, please feel free to contact me or John Bishop, Deputy Planning Director-Transportation.

Si/KL

John R. Riley Jr.
County Administrator



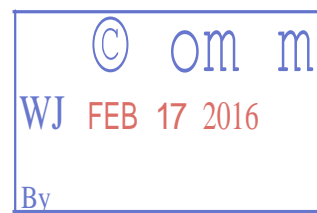
COUNTY of FREDERICK

Brenda G. Garton
County Administrator

February 4, 2016

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Steven K. Damron
Programming Specialist Senior
Virginia Department of Transportation
Staunton District
811 Commerce Road
Staunton, VA 24401



RE: UPC 97484 - Rt. 875 Economic Development Access to Snowden Bridge Property
UPC 98555 - Phase II Economic Development Access to Graystone Property

Dear Mr. Damron:

Frederick County is verifying that the above noted projects are no longer required or desired by Frederick County. Should the Commonwealth Transportation Board, or the Department of Transportation, need to take actions to remove these projects from the active project list or any other administrative action to close out these projects, you are authorized to do so.

This work is now being completed through a Revenue Sharing Project UPC 105633. Frederick County has no further interest in the Economic Development Access Projects UPC 97484 and 98555.

Respectfully yours,

Brenda G. Garton
County Administrator

BGG/tjp

cc: Bill Dandridge, Special Programs Supervisor, VDOT
John A. Bishop, Deputy Director-Transportation, Frederick County

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