



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

Agenda item # 10

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 23, 2021

MOTION

Made By: Ms. DeTuncq, **Seconded By:** Mr. Johnsen
Action: Motion carried, unanimously

**Title: Economic Development Access to
Botetourt Center at Greenfield, West Center Drive (deallocation),
Project ECON-011-827 – Botetourt County
And
Economic Development Access to
Botetourt Center at Greenfield
Project ECON-011-846 – Botetourt County**

WHEREAS, § 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, “in the event there is no such establishment or ... firm contract, a locality 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, on June 19, 2019, the Commonwealth Transportation Board allocated \$650,000 from the Economic Development, Airport and Rail Access Fund to provide access to property within Botetourt Center at Greenfield in Botetourt County, Project ECON-011-827, subject to certain contingencies; and

Resolution of the Board

Economic Development Access – Botetourt Center at Greenfield – Botetourt County

June 23, 2021

Page 2 of 3

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

WHEREAS, Botetourt County by formal resolution has requested Economic Development Access (EDA) Program funds to serve eligible property to be located within the Botetourt Center at Greenfield property, located off of International Parkway (Route 839) and said access is estimated to cost approximately \$789,000; and

WHEREAS, it appears that this request falls within the intent of § 33.2-1509 of the *Code of Virginia* and complies with the provisions of the Commonwealth Transportation Board's EDA Fund Policy, and its accompanying regulations at 24 VAC 30-271-20; and

NOW, THEREFORE, BE IT RESOLVED, that the action of the Commonwealth Transportation Board on June 19, 2019, allocating Economic Development, Airport and Rail Access funds for the access Project ECON-011-827, is hereby rescinded and the \$650,000 project allocation shall be returned to the Economic Development, Airport, and Rail Access Fund.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that \$644,500 (\$500,000 unmatched and \$144,500 matched) of the Economic Development, Airport and Rail Access Fund is allocated to provide adequate access to eligible property within the Botetourt Center at Greenfield property, located off of International Parkway (Route 839), Project ECON-011-846, 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 Botetourt County (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

Resolution of the Board

Economic Development Access – Botetourt Center at Greenfield – Botetourt County

June 23, 2021

Page 3 of 3

- c. Provision by the LOCALITY of either i) documentation of a least \$3,222,500 of eligible capital outlay attributed to qualifying business on property served exclusively by this project, or ii) should documentation of capital outlay be insufficient, an appropriate bond or other acceptable surety device by the LOCALITY to VDOT, not to expire before June 23, 2026, 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 23, 2026, at least \$3,222,500 of eligible capital outlay on property 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 \$3,222,500 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 in accordance with the CTB's Economic Development Access Fund Policy. 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. 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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CTB Decision Brief

Economic Development Access – Botetourt County Botetourt Center at Greenfield

Issue: Pursuant to § 33.2-1509 of the *Code of Virginia* and the Economic Development Access (EDA) Fund Policy of the Commonwealth Transportation Board (CTB), Botetourt County has requested funds from the EDA Program to assist in improving road access to eligible property comprising Botetourt Center at Greenfield County.

Facts: §33.2-1509 of the Code of Virginia authorizes the CTB to expend funds set aside for constructing access roads to economic development sites on which certain establishments as prescribed by the Code or other establishments that meet the 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. In the event there is no such establishment already constructed or construction of such establishment is not under firm contract, a locality may guarantee to the CTB by bond or other acceptable device that such will occur.

The CTB's Economic Development Access Fund Policy (CTB Policy) sets forth certain criteria which must be met for projects to be eligible for such funding and directs the Commissioner of Highways to establish administrative procedures to administer to assure adherence to the CTB Policy and legislative requirements. The Commissioner established such administrative procedures in the Economic Development Access Program Guide administered by the Local Assistance Division of the Virginia Department of Transportation (VDOT).

During the June 19, 2019 CTB action meeting, the CTB approved an allocation of EDA funds for a project at the Botetourt Center at Greenfield in Botetourt County. Since that allocation, the County has attracted a new business to the business park and this business has requested an alternate access road to the park. Because there have been minimal expenditures on the approved project, the County is requesting that the Board cancel the EDA allocation for Project ECON-011-827 in the amount of \$650,000 in order to pursue the new access road project.

The new access road request is to develop a section of the Botetourt Center at Greenfield comprising 2 parcels totaling 91.8 acres owned by the County, located off of International Parkway (Route 839) and 0.95 miles west of Route 220. The parcels do not currently have access to a public road system. The County proposes to construct a new roadway extending from International Parkway (Route 839), and continuing west for 820 feet to a cul-de-sac that will provide access to the 2 parcels. Botetourt County will administer design and construction of the proposed access road project. The plans will provide for a 24-foot wide asphalt roadway with shoulders and ditches, extending southwest from International Parkway (Route 839) within 80 feet of right of way to provide adequate access to the parcels. VDOT Salem District staff concurs with the plans for the project and with the estimated project cost for eligible items and quantities of \$789,000. Botetourt County will be responsible for financial arrangements to provide for the required EDA Program matching funds, as appropriate, and all project costs exceeding the state EDA Program allocation to fully fund the project. Documentation of qualifying capital investment of \$3,222,500 or provision of appropriate surety from the County will be required prior to funding authorization.

Recommendation: VDOT recommends \$644,500 (\$500,000 unmatched and \$144,500 matched) from the Economic Development, Airport and Rail Access Fund be approved for construction of this project, subject to certain contingencies as set forth in the accompanying resolution.

Action Required by the CTB: The *Code of Virginia* and the CTB’s Economic Development Access Fund Policy specify that the CTB shall approve of the allocation of funds for the design of the access road project. A resolution is provided for formal vote.

Result, if Approved: VDOT and Botetourt County will proceed with the Economic Development Access road project.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None

WHEREAS, the County of Botetourt hereby guarantees that all ineligible project costs and all costs not justified by eligible capital outlay will be provided from sources other than those administered by the Virginia Department of Transportation.

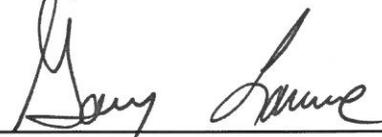
NOW, THEREFORE, BE IT RESOLVED, THAT, the Botetourt County Board of Supervisors hereby requests that the Commonwealth Transportation Board provide Economic Development Access Program funding to provide an adequate road to this property; and,

BE IT FURTHER RESOLVED THAT: The Botetourt County Board of Supervisors hereby agrees to provide a surety or bond, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the Commonwealth Transportation Board's allocation less eligible capital outlay credit as determined by VDoT; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur on Tax Map 88, Parcel (26) 2, consisting of 35.568 acres, within five years of the Commonwealth Transportation Board's allocation of funds pursuant to this request; and,

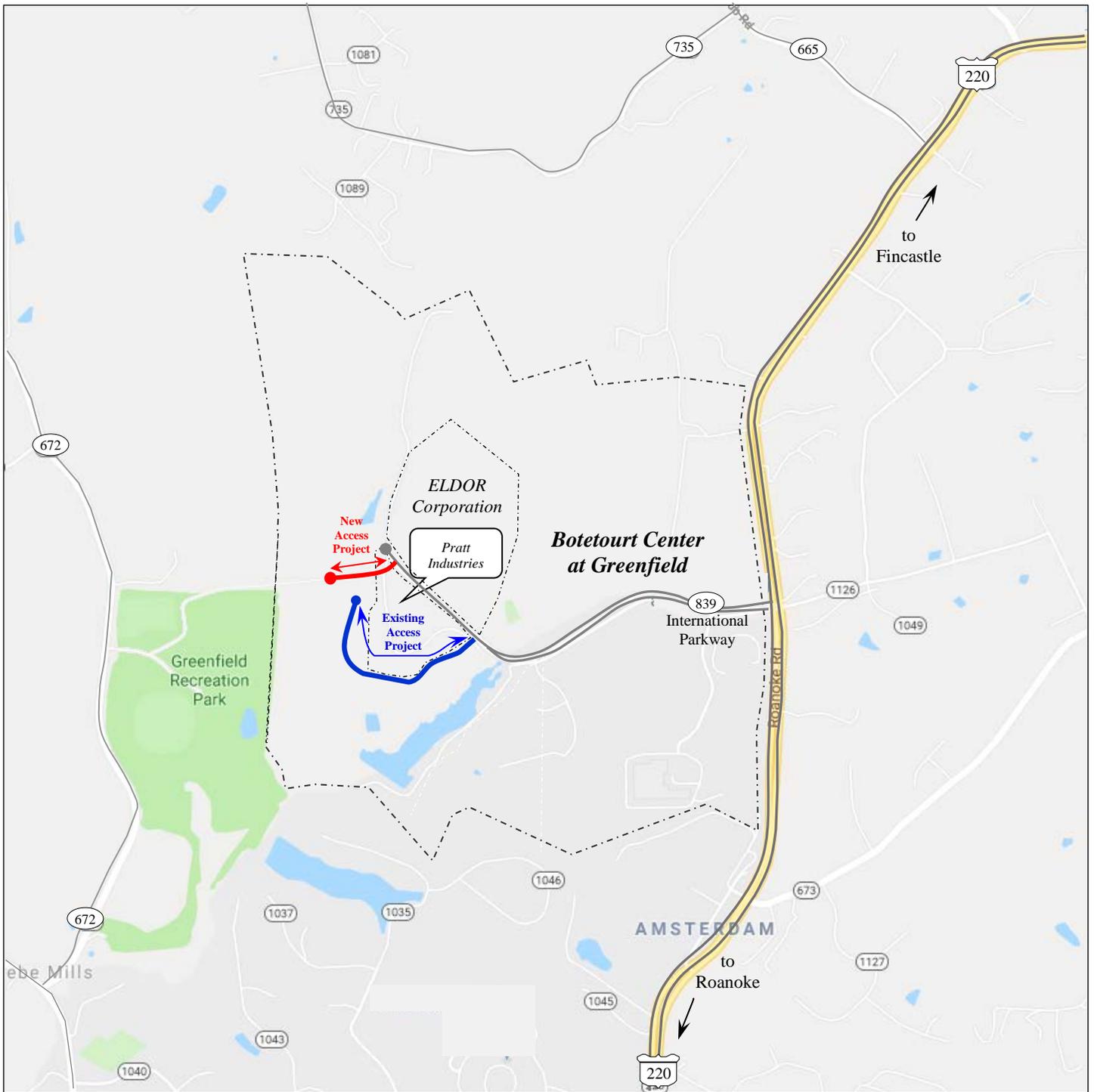
BE IT FURTHER RESOLVED THAT: The County Administrator and/or his designee(s) be authorized to act on behalf of the Botetourt County Board of Supervisors to execute any and all documents necessary to secure the funding sought through the Economic Development Access Program up to, but not exceeding, \$650,000 in State funds; and,

BE IT FURTHER RESOLVED THAT: The Botetourt County Board of Supervisors hereby requests that the new roadway so constructed will be added to and become a part of the Secondary System of State Highways pursuant to Section 33.2-1509, paragraph C., of the Code of Virginia.

A Copy TESTE:



Mr. Gary Larrowe
Botetourt County Administrator



PROPOSED ECONOMIC DEVELOPMENT ACCESS PROJECT
Botetourt Center at Greenfield
Project ECON-011-846
Botetourt County

Economic Development Site
 Continued development of Botetourt Center at Greenfield to include 2 parcels totaling approximately 91.8 acres.

Access Facility
 Project Length: 0.16 mile
 Pavement Width: 24 Feet
 Proposed R/W Width: 80 feet (minimum)
 Estimated Cost: \$789,000
 Proposed Allocation: \$644,500 (Bonded)
 (\$500,000 unmatched, \$144,500 matched)