



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

1401 East Broad Street  
Richmond, Virginia 23219

(804) 786-2701  
Fax: (804) 225-2940

*Agenda item # 3*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

March 16, 2016

#### MOTION

**Made By: Ms. Valentine, Seconded By: Mr. Dyke  
Action: Motion Carried, Unanimously**

**Title: Economic Development Access to  
Xpress Natural Gas, LLC.  
Project ECON-006-646, N501, Appomattox 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**, the Appomattox County Board of Supervisors has, by appropriate resolution, requested Economic Development Access Program funds to provide adequate access to serve the Xpress Natural Gas, LLC facility that will be built under firm contract and be located off of Westridge Lane (Route 751), within the Appomattox County Industrial Park, and said access is estimated to cost \$303,000; and

**WHEREAS**, Xpress Natural Gas, LLC has been determined by the Virginia Economic Development Partnership to be a qualifying establishment meeting the basic employer criteria under the provisions of Section 33.2-1509 of the *Code of Virginia*; and

**WHEREAS**, the proposed Xpress Natural Gas, LLC facility is expected to result in at least \$7.8 million in capital investment and employment of 50 persons and VDOT Lynchburg District staff has confirmed the proposed access road will accommodate this development; and

**WHEREAS**, it appears that this request falls within the intent of Section 33.2-1509 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 \$303,000 of the Economic Development, Airport and Rail Access Fund be allocated to provide adequate access to Xpress Natural Gas, LLC in the County of Appomattox, Project ECON-006-646, 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 Appomattox (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 and any other approved allocation for this economic development project, from sources other than those administered by VDOT; and
  - c. provision by the LOCALITY of either i) documentation of at least \$1,515,000 of eligible capital outlay by Xpress Natural Gas, LLC on the site served by this project, or, should documentation of capital outlay by Xpress Natural Gas, LLC be insufficient, ii) an appropriate bond, or other acceptable surety device, by the LOCALITY to VDOT, not to expire before June 16, 2021, 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 March 16, 2021, at least \$1,515,000 of eligible capital outlay on parcels served exclusively by this project has not been expended or committed by firm contract by Xpress Natural Gas, LLC or another qualified establishment, then an amount equal to 20% of the eligible capital outlay of up to \$1,515,000 will be credited toward the 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. Determination by VDOT of eligible capital outlay in accordance with current policy and procedures for administering the Economic Development Access Program.

####