



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

1401 East Broad Street  
Richmond, Virginia 23219

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

*Agenda Item # 810*

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

**September 20, 2017**

#### **MOTION**

**Made By: Ms. Valentine, Seconded By: Mr. Whitworth**

**Action: Motion Carried, Unanimously**

**Title: Economic Development Access to  
White Oak Technology Park  
Project ECON-043-930 – Henrico 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**, the Henrico County Board of Supervisors has, by appropriate resolution, requested Economic Development Access Program funds to serve eligible property off of Engineered Wood Way, within White Oak Technology Park, and said access is estimated to cost approximately \$2.8 million; 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 \$650,000 (\$500,000 unmatched and \$150,000 matched) of the Economic Development, Airport and Rail Access Fund is allocated to provide adequate access to eligible property within White Oak Technology Park located off of Engineered Wood Way, Project ECON-043-930, 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 Henrico (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 by the LOCALITY of either i) documentation of a least \$3,250,000 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 October 20, 2022, 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 September 20, 2022, at least \$3, 250,000 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 \$3,250,000 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. Determination by VDOT of eligible capital outlay in accordance with current policy and procedures for administering the Economic Development Access Program.

#####

## CTB Decision Brief

### Economic Development Access – Henrico County White Oak Technology Park

**Issue:** Pursuant to § 33.2-1509 of the *Code of Virginia* and the Economic Development Access Policy of the Commonwealth Transportation Board (CTB), the Henrico County Board of Supervisors has requested funds from the Economic Development Access (EDA) Program to assist in constructing road access to eligible property located within White Oak Technology Park. Allocation of the requested funds by the CTB is sought.

**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).

Henrico County plans to facilitate the development of two parcels totaling approximately 231 acres within the 2,278-acre White Oak Technology Park owned by the County, located off of Engineered Wood Way in Sandston, Virginia. The County proposes to construct an extension of Engineered Wood Way to the property identified with this development. Henrico County will administer design and construction of the proposed access road project.

The Local Assistance Division has consulted with the Virginia Economic Development Partnership (VEDP) regarding Henrico County's plans for this development and VEDP staff has provided support for the County's plans to attract qualifying business operations to this site.

The County's plans for the proposed access road will provide for a 40-foot wide roadway with curb and gutter, within 55 feet of right of way, extending southeast from the end of Engineered Wood Way approximately 0.37 mile in length to provide adequate access to the two eligible parcels identified for this development. VDOT Richmond District staff concurs in the plans for the project and has determined that the project costs for eligible items and quantities represented in the County's \$2.8 million estimate exceed the maximum EDA Program project allocation. Henrico 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. Qualifying capital investment of \$3,250,000 or appropriate bonding from the County will be required.

**Recommendation:** VDOT recommends the maximum allocation of \$650,000 (\$500,000 unmatched and \$150,000 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 construction of the access road project. A resolution is provided for formal vote.

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

**Options:** Approve, Deny, or Defer.

**Public Comments/Reactions:** None





**COUNTY OF HENRICO, VIRGINIA**  
**BOARD OF SUPERVISORS**  
**MINUTE**

Agenda Item No. 148-17

Page No. 2 of 2

**Agenda Title: RESOLUTION — Request for Funding — Virginia Department of Transportation Economic Development Access Program— Varina District**

---

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

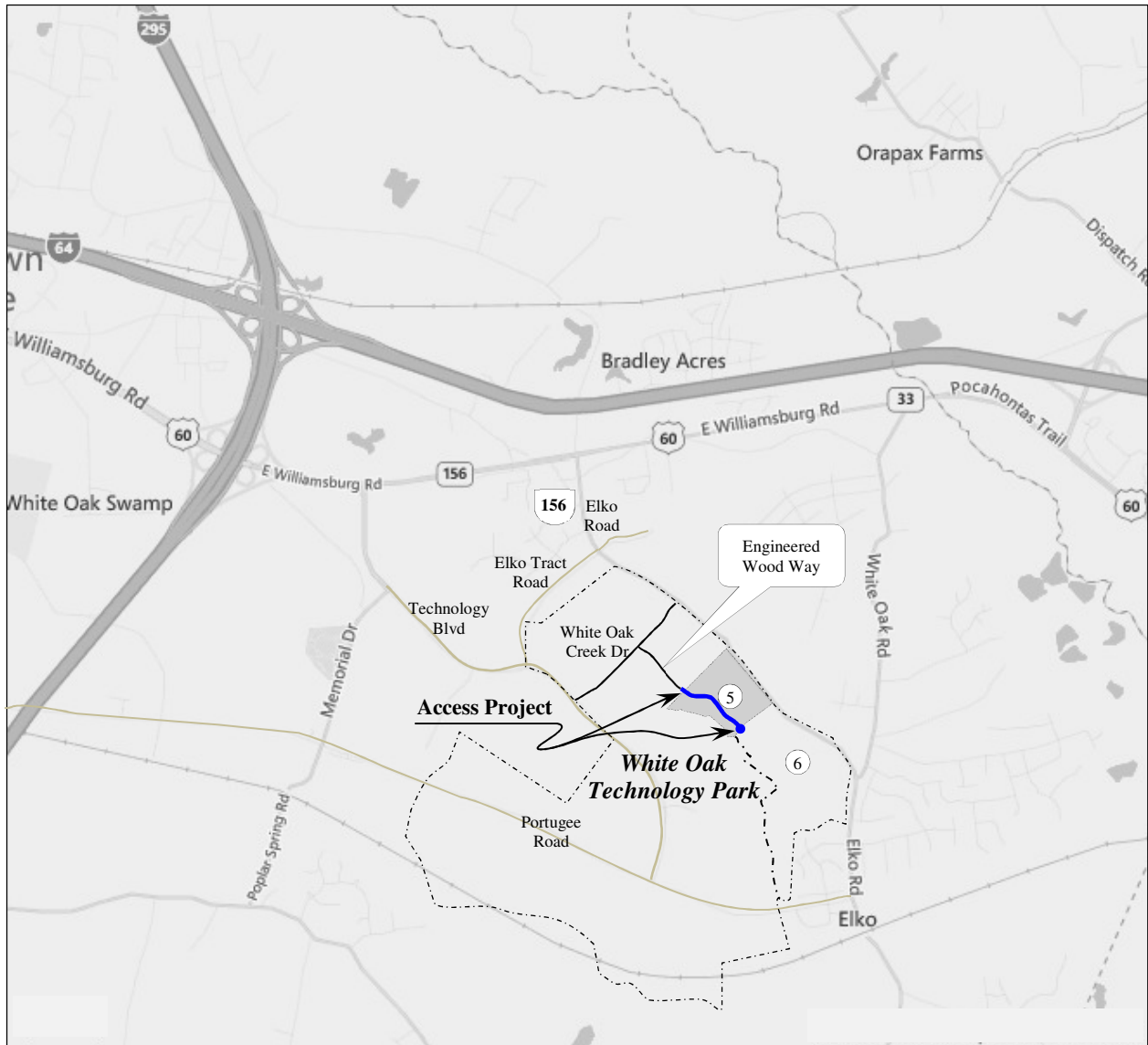
BE IT FURTHER RESOLVED that the Henrico County Board of Supervisors hereby agrees to provide a financial guarantee acceptable to and payable to VDOT, in the full amount of the Commonwealth Transportation Board's allocation less eligible private capital outlay credit as determined by VDOT; this financial guarantee shall be exercised by VDOT in the event that sufficient qualifying capital investment does not occur on Parcel 849-704-6939 within five years of the Commonwealth Transportation Board's (CTB) allocation of funds pursuant to this request or such longer period permitted under the CTB's Economic Development Access Fund Policy; and,

BE IT FURTHER RESOLVED that the County Manager and/or his designee is authorized to act on behalf of the Board of Supervisors to execute all documents necessary to secure funding in the maximum amount eligible under the Economic Development Access Program; and,

BE IT FURTHER RESOLVED that Henrico County hereby acknowledges that the new roadway so constructed will be added to and become a part of the road system of Henrico County pursuant to Section 33.2-1509(C) of the Code of Virginia.

BE IT FURTHER RESOLVED THAT: Henrico County will request the new roadway so constructed to be added to receive maintenance payments in accordance with the provisions of Section 33.2-366 of the *Code of Virginia*, and such request for street additions for assistance payments will be submitted, together with a copy of this resolution and such maps and other documents as may be necessary in the manner prescribed by VDOT.

Comments: The Directors of Public Works and the Economic Development Authority recommend approval of this Board paper, and the County Manager concurs.



**PROPOSED ECONOMIC DEVELOPMENT ACCESS PROJECT**  
**White Oak Technology Park**  
**Project ECON-043-930**  
**Henrico County**

<u>Economic Development Facility / Site</u>	<u>Access Facility</u>
Development of two parcels totaling 231 acres within 2,278-acre White Oak Technology Park	Project Length: 0.37 mile Pavement Width: 40 feet R/W Width: 55 feet Estimated Cost: \$2.8 million Proposed Allocation: \$650,000 (bonded) (\$500,000 unmatched, \$150,000 matched)