



# 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 # 13**

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

**June 19, 2019**

#### **MOTION**

**Made By: Dr. Smoot, Seconded By: Mr. Stinson**  
**Action: Motion Carried, Unanimously**

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

**WHEREAS**, § 33.2-1509 of the *Code of Virginia* provides funds 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 Botetourt County Board of Supervisors has, by appropriate resolution, requested Economic Development Access 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 \$906,000; 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 (CTB) policy on Economic Development Access.

Resolution of the Board

Economic Development Access Program – Botetourt Center at Greenfield, West Center Drive –  
Botetourt County

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**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 the Botetourt Center at Greenfield property, located off of International Parkway (Route 839), Project ECON-011-827, 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
  - 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 August 19, 2024, 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 July 19, 2024, 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 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 Policy of the Commonwealth Transportation Board (CTB), the Botetourt 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 the Botetourt Center at Greenfield property development. 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 ensure 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).

Botetourt County plans to develop a section of the Botetourt Center at Greenfield comprising 5 parcels totaling 73 acres owned by the County, located off of International Parkway (Route 839) and 0.74 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 southwestward for 3,000 feet to a cul-de-sac that will provide access to the 5 parcels. The project will also include turn lanes along International Parkway. Botetourt County will administer design and construction of the proposed access road project.

Botetourt County's plans for the proposed access road will provide for a 24-foot wide asphalt roadway with shoulders and ditches, extending southwest from International Parkway approximately 0.57 mile in length within 50 feet of right of way to provide adequate access to the parcels within this additional development of Botetourt Center at Greenfield. VDOT Salem District staff concurs with the plans for the project and with the estimated project cost for eligible items and quantities of \$906,000. Botetourt County will be responsible for the required EDA Program matching funds and all project costs exceeding the state EDA Program allocation. Documentation of qualifying capital investment of \$3,250,000 or provision of appropriate surety from the County will be required prior to funding authorization.

**Recommendation:** VDOT recommends the maximum allocation of \$650,000 (\$500,000 unmatched and \$150,000 matched) from the Economic Development, Airport and Rail Access

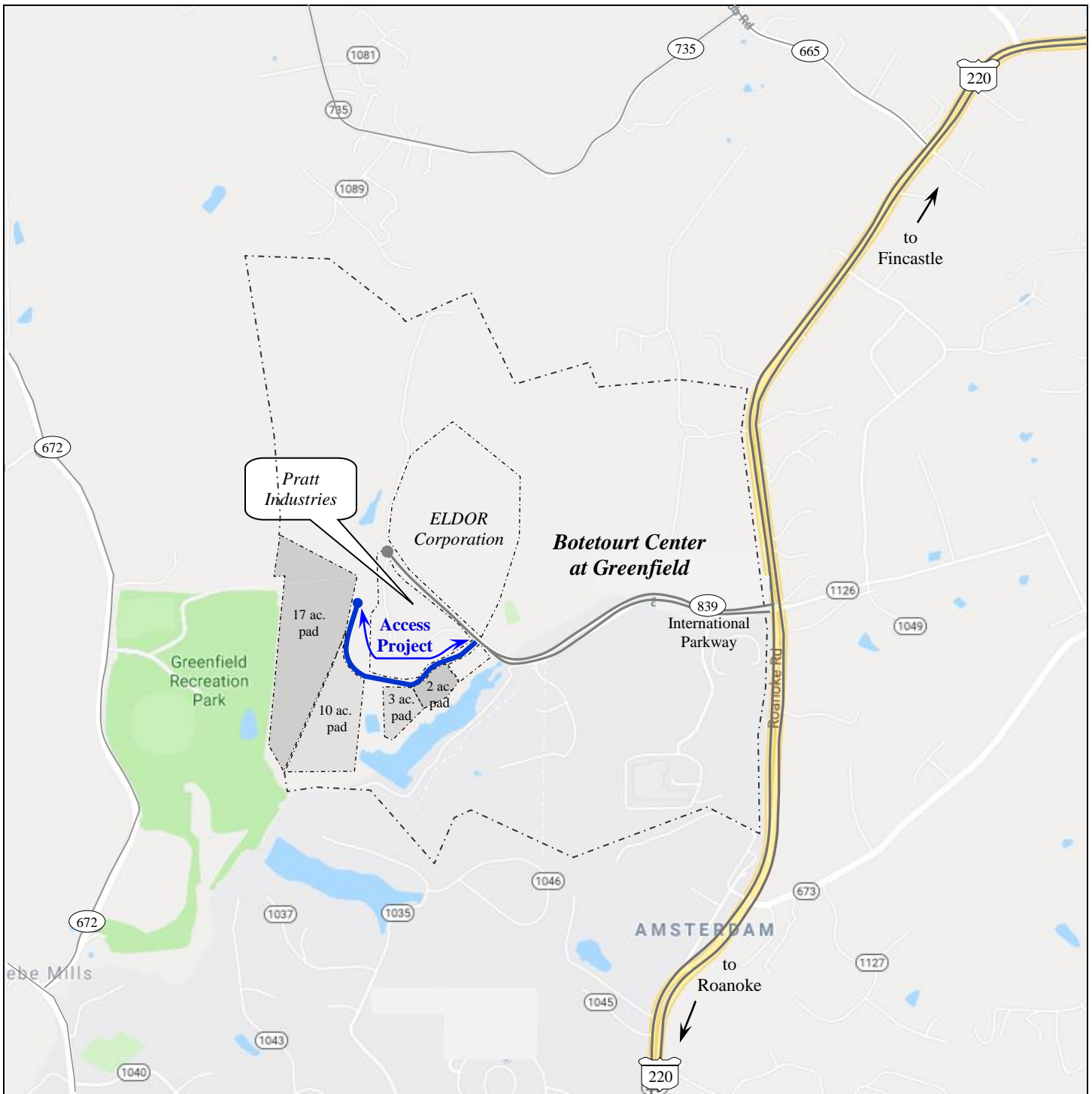
Fund be approved for construction of this project, subject to certain contingencies as set forth in the accompanying resolution.

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

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

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

**Public Comments/Reactions:** None



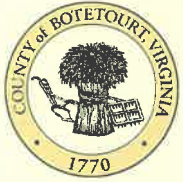
**PROPOSED INDUSTRIAL ACCESS PROJECT**  
**Botetourt Center at Greenfield, West Center Drive**  
**Project ECON-011-827**  
**Botetourt County**

Industrial Facility

Development along planned West Center Drive to include 5 parcels totaling 73 acres.

Access Facility

Project Length: 0.57 mile  
 Pavement Width: 24 Feet  
 Proposed R/W Width: 50 feet (minimum)  
 Estimated Cost: \$906,000  
 Proposed Allocation: \$650,000 (Bonded)  
 (\$500,000 unmatched, \$150,000 matched)



# Botetourt County, Virginia

## Board of Supervisors

1 West Main Street, No. 1  
Fincastle, Virginia 24090  
Phone (540) 928-2006  
Fax (540) 473-8225

Board of Supervisors

Billy W. Martin, Sr.  
*Chairman*

Donald M. Scothorn  
*Vice Chairman*

Richard G. Bailey

Stephen P. Clinton

I. Ray Sloan

The regular meeting of the Botetourt County Board of Supervisors was held on Tuesday, March 26, 2019, in Rooms 226-228 of the Greenfield Education and Training Center in Daleville, Virginia, beginning at 12:30 P. M.

**PRESENT:** Members: Mr. Billy W. Martin, Sr., Chairman  
Dr. Donald M. Scothorn, Vice-Chairman  
Mr. Steve Clinton  
Mr. I. Ray Sloan  
Dr. Richard G. Bailey

**ABSENT:** Members: None

There being no further discussion, on motion by Dr. Scothorn, seconded by Dr. Bailey, and carried by the following recorded vote, the Board adopted the following resolution requesting that the Commonwealth Transportation Board approve Economic Development Access Program funding for the West Center Drive road construction project in Botetourt Center at Greenfield.

**AYES:** Mr. Clinton, Mr. Sloan, Mr. Martin, Dr. Bailey, Dr. Scothorn

**NAYS:** None

**ABSENT:** None

**ABSTAINING:** None

### Resolution Number 19-03-09

**WHEREAS**, the Botetourt County Board of Supervisors requests assistance in the development of County-owned property for the purpose of economic development located off of International Parkway (State Route 839), in Daleville, Virginia, within the Botetourt Center at Greenfield; and,

**WHEREAS**, this property is expected to be the site of new private capital investment in land, building, and manufacturing equipment which will provide substantial taxable investment and employment opportunities; and,

**WHEREAS**, the subject property has no access to an improved public street or highway and will require the construction of a new roadway to connect with International Parkway (State Route 839); and,

**WHEREAS**, the County of Botetourt hereby guarantees that the necessary environmental analysis, mitigation, fee simple right-of-way, and utility relocations or adjustments, if necessary, for this project will be provided at no cost to the Economic Development, Airport, and Rail Access Fund; and,

**WHEREAS**, the County of Botetourt acknowledges that no land disturbance activities may occur within the limits of the proposed access project prior to appropriate notification from the Department of Transportation; and,

**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 20, 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:

  
for Mr. Gary Larrowe  
Botetourt County Administrator