

Issue Analysis Form (rev. July 2013)



Date: September 14, 2021
Item: GO Virginia grant - MOU agreements
Lead Department(s): County Administration
Contact Person(s): Jeff Stoke, Deputy County Administrator

Description and Current Status

Keith Boswell, Virginia Gateway Region (VGR) Executive Director, has been awarded funds from GO Virginia for a regional grant to perform site studies throughout our region. VGR is allocating \$537,200 for four (4) sites in Prince George County. Grant funding is going to Timmons Engineering to perform the work required by VEDP to raise the Tier ranking from 2 to 4 for certain industrial sites in and around Southpoint Business Park. The grant administrator requires an MOU between the locality and the private site owner so that the locality will have the right to market the property. We have reached out to the three private property owners for their agreement. The fourth property is County-owned.

Government Path

| | | |
|--|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Planning Commission action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does this require a public hearing? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If so, before what date?

Fully executed MOUs with private property owners will allow VGR to move forward with the Virginia Department of Housing and Community Development / GO Virginia on this grant process.

Fiscal Impact Statement

Matching funds were previously allocated to this grant (\$838,417 already awarded by the Utilities Department to fund a water line extension down Route 460). No additional funding is required. GO Virginia recognized the local investment of the water line project to assist the sites.

County Impact

The County would be participating in a regional grant application to have our industrial sites Tier levels increased from 2 to 4 (out of a max of 5) for future development.

Notes

A listing of the four (4) proposed sites - Hardware Drive County Owned Land, Southpoint VP-166 (lot 15), Southpoint VP-169 (lot 16), Chudoba Industrial Park, and Crater Property (shared between Petersburg and Prince George).

Board of Supervisors
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia, this 14th day of September 2021:

Present:

Floyd M. Brown, Jr., Chairman
Marlene J. Waymack, Vice-Chair
Alan R. Carmichael
Donald Hunter
T. J. Webb

Vote:

A-9

On motion of _____, seconded by _____, which carried unanimously, the following Resolution was adopted:

RESOLUTION: AUTHORITY TO EXECUTE AGREEMENT WITH ROSLYN FARM CORPORATION FOR THE GO VIRGINIA GRANT RECEIVED BY VIRGINIA'S GATEWAY REGION.

WHEREAS, the Board authorized Prince George County to support and provide matching funds to Virginia's Gateway Region for their GO Virginia regional grant to perform site studies throughout our region on November 24, 2020; and

WHEREAS, the grant will be utilized to pay Virginia's Gateway Region contractor Timmons Engineering to prepare required documents that will move Prince George County industrial sites from a VEDP Tier 2 to Tier 4 thereby making the site more shovel ready for business prospects; and

WHEREAS, this agreement is for the Chudoba Industrial Park site, also identified as parcel #340(0A)00-028-B; and

WHEREAS, the grant administrator, Virginia Department of Housing and Community Development on behalf of GO Virginia, requires an agreement between the locality and the private site owner so that the locality will have the right to market the property.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Prince George this 14th day of September 2021, hereby authorizes the execution of the agreement with Roslyn Farms Corporation for the GO Virginia grant received by Virginia's Gateway Region.

A Copy Teste:

Percy C. Ashcraft
County Administrator

AGREEMENT BETWEEN
THE COUNTY OF PRINCE GEORGE VIRGINIA
AND ROSLYN FARM CORPORATION

THIS AGREEMENT (“Agreement”), made this 3rd day of SEPTEMBER, 2021, by and between the **COUNTY OF PRINCE GEORGE VIRGINIA**, a political subdivision of the Commonwealth of Virginia, (“County”), and **ROSLYN FARM CORPORATION** (“Roslyn Farm”).

WITNESSETH:

WHEREAS, Roslyn Farm is the owner of property located in Prince George County, Virginia, known as Chudoba Industrial Park, and also known as 340(0A)00-028-B (“Property”); and

WHEREAS, the County desires to market and promote the sale of the Property; and

WHEREAS, Roslyn Farm desires to develop and market the Property for business use until such time as the Property is sold; and

WHEREAS, both parties now desire to enter into an agreement providing for the marketing of the Property and for the utilization of a GO Virginia Grant for the Property.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, the parties hereto mutually covenant and agree as follows:

1. **County’s Duties**. The County shall market the Property for industrial purposes and promote the sale of the Property on behalf of Roslyn Farm.
2. **Roslyn Farm’s Duties**. Roslyn Farm shall develop and market the Property for business use until such time that the Property is sold for the intended use.

3. Term of Agreement. The term of the agreement shall be five (5) years from the effective date of the Agreement with the option to renew for additional five (5) year periods.
4. Sales Price. There is not a set sales price for the Property at this time and the pricing shall be based upon capital investment, job creation, wages and other factors related to the specific end user.
5. Reimbursement by Roslyn Farm. Roslyn Farm agrees if the Property is permanently withdrawn from the market, or if Roslyn Farm wishes a change of use that falls outside of the GO Virginia Grant's parameters, Roslyn Farm will reimburse the County for the Site Enhancement Funds spent on the Property through the GO Virginia Grant program.
6. Termination. The Agreement may be terminated by either party, with or without cause, upon ninety (90) days advance written notice.
7. Interpretation. Interpretation of the provisions of this Agreement shall be in accordance with the laws of the State of Virginia.
8. Enforcement. Any action maintained by either party for the enforcement or interpretation of the terms of this Agreement shall be filed in the courts of Prince George County, Virginia.
9. Severability. Any term of this Agreement which is prohibited by, or is unlawful or unenforceable under Virginia law shall be ineffective only to the extent of such prohibition, without invalidating the remaining terms of this Agreement.

10. Binding Upon Successors. This Agreement shall be binding upon the parties hereto and their successors in interest, including but not limited to heirs, assigns, executors, and administrators.
11. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed to be original, but all of which shall constitute one and the same agreement.
12. Modification. No modification of this Agreement shall be effective unless made in writing and signed by both parties.
13. Entire Agreement. This Agreement constitutes the entire, full, and complete understanding and agreement of the parties, and may not be modified orally or in any other manner than by agreement in writing signed by all parties to the Agreement or their respective successors in interest.
14. Notices. Any legal notice by any party shall be deemed to have been duly given if either delivered personally or enclosed in a registered, postage prepaid envelope addressed to the following:

If to the County:

Prince George County
c/o County Administrator
6602 Courts Drive, Third Floor
Prince George, Virginia 23875

If to Roslyn Farm:

Roslyn Farm Corporation
c/o Nicholas G. Walker
320 C Charles Dimmock Parkway Suite 1
PO Box 727
Colonial Heights, VA 23834

IN WITNESS THEREOF, the parties hereafter have caused this Agreement to be duly executed the date and year above written, all by due authority.

For the County of Prince George, Virginia

Percy C. Ashcraft,
County Administrator


Date

Attest:

Name: _____

Date


For Roslyn Farm Corporation



Name: Robert C Walker

9-3-21

Date

Attest 

Name: NICHOLAS WALKER

9/3/2021

Date

Approved as to form:

Dan N. Whitten
County Attorney