

WESTERN VIRGINIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

MINUTES

The February Board of Directors' meeting of the Western Virginia Regional Industrial Facility Authority (WVRIFA) was held on Friday, February 15, 2019 at 10:54 a.m. at the Roanoke Valley-Alleghany Regional Commission office (Top Floor Conference Room), 313 Luck Avenue, SW, Roanoke, VA.

1. **CALL MEETING TO ORDER**

Chairman Larrowe called the WVRIFA Board of Directors' Meeting to order at 10:54 a.m.

2. **ROLL CALL**

Chairman Larrowe asked Virginia Mullen to call the roll of the WVRIFA Board. Ms. Mullen reported that a quorum was present.

Board Members Present: Gary Larrowe, Botetourt County; Ken McFadyen, Botetourt County; Dan O'Donnell, Roanoke County; Bob Cowell, Roanoke City; Barry Thompson, Town of Vinton; Michael Burnette, Franklin County; Melinda Payne, City of Salem and James Taliaferro, City of Salem.

Staff Present: Beth Doughty, WVRIFA Director and John Hull, WVRIFA Assistant Director; Sam Darby, WVRIFA Counsel; Sherry Dean and Virginia Mullen, WVRIFA Administrative Staff.

Others Present: Alicia Petska, Roanoke Times; Sean Horne, Balzer Associates; and Chris Burns, Balzer Associates.

3. **APPROVAL OF CONSENT AGENDA ITEMS**

The following Consent Agenda items were distributed earlier: (A) December 21, 2018 Minutes and (B) Financial Reports Ending December 31, 2018.

WVRIFA Board Action:

Michael Burnette moved for the approval of items A&B under the Consent Agenda, as distributed. The motion was seconded by Bob Cowell and carried.

4. **PUBLIC COMMENT PERIOD**

Chairman Larrowe opened the public comment period. No comments were received and Chairman Larrowe closed the comment period.

5. **CONSIDERATION OF VDOT OPTION AGREEMENT**

A draft VDOT Option Agreement and supporting resolution were distributed earlier. John Hull reported that the agreement was needed by VDOT for the Auxiliary Lane Project, requesting right away on approximately 0.36 acres and additional 0.10 acres for drain easement. VDOT conducted an appraisal on the property and valued the land at \$12,100.00. There is a little bit of overlap between VDOT drain easement and Roanoke Gas utility easement. There is a language in the option agreement that ensures cooperation when construction occurs. Staff reported that at the WVRIFA Participation Committee Meeting (held prior), the Participation Committee recommended approval of the VDOT Option Agreement, as presented.

WVRIFA Board Action:

Dan O'Donnell moved for the approval of the Resolution and VDOT Option Agreement, as presented. The motion was seconded by Melinda Payne and carried.

6. **CONSIDERATION OF UTILITY EXTENSION DESIGN**

Beth Doughty reported that Sean Horne and Chris Burns, with Balzer and Associates, had presented earlier to the Participation Committee on the extension and utility design and entrance road plans. Doughty added that the Participation Committee had recommended to forward to the WVRIFA Board approval of the Utility Design Plans, as presented.

WVRIFA Board Action:

Barry Thompson moved for the approval of the Utility Extension Design Plans, as presented. The motion was seconded by Bob Cowell and carried.

7. **APPROVAL OF PARTICIPATION COMMITTEE FY19 REVISION BUDGET AND FY20 BUDGET**

Beth Doughty reported that the FY19 Revision Budget and FY20 Budget for the Participation Committee were previously distributed in the agenda packet.

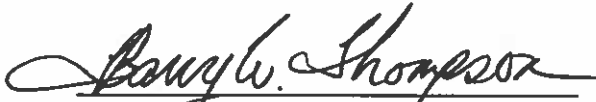
WVRIFA Board Action:

Dan O'Donnell moved for the approval of the Participation Committee FY19 Revision Budget and FY20 Budget, as presented. The motion was seconded by Melinda Payne and carried.


8. **OTHER BUSINESS**

Beth Doughty reported that her staff recently received informal notification of a \$135,000 grant from the Virginia Economic Development Partnership's Virginia Business Ready Sites Program. Doughty complimented John Hull for his hard work on the grants, adding that approximately half a million dollars in grants has been received for the Wood Haven Road project to-date.

The WVRIFA Board of Directors' meeting adjourned at 11:03 a.m.



Barry W. Thompson, Secretary
WVRIFA Board of Directors

Attest 

RESOLUTION OF THE
WESTERN VIRGINIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

Authorizing the Grant of an Option

WHEREAS, the Western Virginia Regional Industrial Facility Authority (the "Authority"), an authority formed and existing in accordance with the provisions of Chapter 64 of Title 15.2 of the Code of Virginia, 1950, as amended, and being the Virginia Regional Industrial Facilities Act (§§ 5.2-6400 through 15.2-6416) (the "Act"), has been asked to grant to the Commonwealth of Virginia, Department of Transportation an option (the "Option") to purchase certain real estate located on Wood Haven Road in Roanoke County, Virginia (the "Property") for the purpose of providing necessary right of way for the auxiliary lane project and stormwater drainage from Interstate 81.

WHEREAS, the Executive Director has advised the Board of Directors of the Authority that the Option is necessary for the construction of the project; the Participation Committee has unanimously approved the grant of the Option; and the Executive Director has recommended to the Board that it approve the Option, the form of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, be it resolved by the Board of Directors of the Western Virginia Regional Industrial Facility Authority that the Chairman is hereby authorized and directed to convey the Option and is further authorized to take such further action as may be necessary or convenient to convey the Option; and,

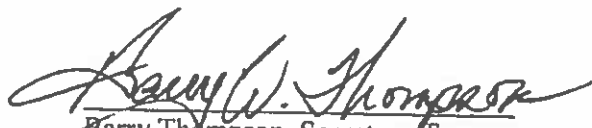
BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized and directed to execute and deliver the Option in substantially the form attached as Exhibit A, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Chairman, whose approval shall be evidenced conclusively by the execution and delivery thereof, and to take all such further action as may be necessary or convenient to convey the Option.

This resolution shall take effect immediately.

Directors absent	<u>0</u>
Votes For	<u>6</u>
Votes Against	<u>0</u>
Abstentions	<u>0</u>

CERTIFICATION

The undersigned secretary of the Western Virginia Regional Industrial Facility Authority does hereby certify that the foregoing is a true, complete and correct Resolution adopted by a vote of a majority of the Directors of the Western Virginia Regional Industrial Facility Authority, present at a regular meeting of the Board of Directors of the Western Virginia Regional Industrial Facility Authority duly called and held February 15, 2019, at which a quorum was present and acting throughout, and that the same has not been amended or rescinded and is in full force and effect as of the date of this certification February 15, 2019.



Barry Thompson, Secretary/Treasurer
Western Virginia Regional Industrial Facility
Authority

(SEAL)

TAX MAP #026.17-01-3.00 and 026.17-01-01

RW-10 (LA)
Revised 6/16

PREPARED BY VDOT
UNDER SUPERVISION OF THE
OFFICE OF THE ATTORNEY GENERAL

Exempted from recordation taxes
and fees under Sections 58.1-811(A)(3),
58.1-811(C)(5), 58.1-3315, 25.1-418,
42.1-70, 17.1-266, and 17.1-279(E)

UPC: 108906
Route: 81 Project: 0081-080-903, RW201
County: Roanoke
From: 0.0415 Mi. East of Int. N. Electric Road
To: 0.109 Mi. West of Int. SBL I-81 Entrance Ramp
(This block for Department of Transportation use only.)

This Option, granted this 15th day of February, 201~~8~~⁹, by Western Virginia Regional Industrial Facility Authority, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as "landowner" (even though more than one), to the COMMONWEALTH OF VIRGINIA, Department of Transportation, 731 Harrison Avenue, Salem, Virginia 24153 hereinafter referred to as "Commonwealth".

WITNESSETH: That for and in consideration of One Dollar (\$1.00) cash in hand paid to the landowner by the Commonwealth, receipt of which is hereby acknowledged, the landowner does hereby grant the Commonwealth the option to purchase the land hereinafter described, and if such option be exercised as hereinafter provided, the landowner will convey all its rights and interests in such land unto the Commonwealth by deed of general warranty, properly executed, acknowledged, and delivered with usual covenants of title, free of all encumbrances.

The land subject to this option is described as follows:

Parcel 009

Being shown on Sheets 14, 14RW, 15, 15RW, 16, 16RW, 17 and 17RW of the plans for Route 181, State Highway Project 0081-080-903, RW201, beginning on the Southeast (right) side of the Route 181 NBL construction baseline from a point in the lands of the landowner opposite baseline Station 265+80.40 to a point in the lands of the landowner opposite baseline Station 269+69.17, and from opposite baseline Station 273+34.00 to baseline Station 281+24.75 and containing 15, 614 square feet (0.36 acre) more or less, land.

Together with a permanent right and easement to use the additional areas shown as being acquired for the property construction and maintenance of a drainage structure right of Station 266+75.00 to Station 269+25.00, containing 3,875 square feet (0.089 acre), more or less.

And being a part of the same lands acquired by Carl A. Peoples and Marjorie W. Peoples, husband and wife, with right of survivorship by deed dated June 5, 1954 from P.C. Poff and Annie B. Poff, husband and wife, of record in the aforesaid Clerk's Office in Deed Book 510, page 340. The said Carl A. Peoples died testate and devised his interest in said real estate to his wife, in Will File 200500310. Marjorie W. Peoples died testate and devised her interest in said real estate to her three children, Gary Douglas Peoples, Kenneth Landon Peoples, Beverlee Diane Peoples Butler, by her Will dated September 26, 2008, probated on November 29, 2010, of record in Will File 201000688, appointing Kenneth Landon Peoples as Executor. Kenneth Landon Peoples, Executor, conveyed said real estate to Western Virginia Regional Industrial Facility Authority of record with the aforesaid Clerk's Office, Instrument Number 201612158, dated December 9, 2016. and

Being a part of the same lands acquired by Earl E. Bowman, Jr. and Elizabeth H. Bowman, as tenants by the entirety, by deed dated August 6, 1971 from Earl E. Bowman and Annie Frances Bowman, husband and wife, of record in the aforesaid Clerk's Office in Deed Book 923, page 590. Earl E. Bowman, Jr. and Elizabeth H. Bowman conveyed said real estate to Western Virginia Regional Industrial Facility Authority of record with the aforesaid Clerk's Office, Instrument Number 201612165, dated December 2, 2016.

The total consideration for the conveyances provided for herein is as follows:

\$12,100.00 in full for land, permanent drainage easement, any and all appurtenances thereon, and any and all damages.

AND FURTHER WITNESSETH: THAT WIEREAS, all or part of this highway has been designated as a Limited Access Highway in accordance with the provisions of Sections 33.2-401, 33.2-402, 33.2-403 and 33.2-404, of the 1950 Code of Virginia, as amended;

NOW, THEREFORE, for the aforesaid consideration the landowner also agrees to grant and convey unto the Commonwealth with general warranty any and all easements of access, light or air, incident to the lands of the landowner abutting upon the Limited Access Highway, and/or upon any of its ramps, loops, or connections at and with intersecting highways, the line or lines along which the easements to be conveyed lie being described as follows:

Being shown on Sheets 14, 14RW, 15, 15RW, 16, 16RW, 17 and 17RW of the plans for Route 181, State Highway Project 0081-080-903, RW201, beginning on the Southeast (right) side of the Route 181 NBL construction baseline from a point in the lands of the landowner opposite baseline Station 265+80.40 to a point in the lands of the landowner opposite baseline Station 269+69.17, and from opposite baseline Station 273+34.00 to baseline Station 281+24.75 and containing 15, 614 square feet (0.36 acre) more or less.

It is understood and agreed that the risk of loss or damage by fire, wind storm or any other causes to the structure or structures, if any, hereunder optioned and situated in whole or in part upon the hereinabove described land will remain with the landowner until final settlement is made.

The landowner by the execution of this instrument acknowledges that the plans for this project as they affect its property have been fully explained to the authorized representative.

There have been no other promises, consideration or representations made which are not set forth in this instrument.

The consideration mentioned above represents the value of all estates or interests in such land, and the damages to the value of the remaining lands of the landowner which may result by reason of the use to which the Commonwealth will put the land to be conveyed. The landowner agrees to accept the legally proportionate share to such total consideration for its interest and rights in the land.

In the event the landowner is unable to convey marketable title to the Commonwealth as herein provided, and the Commonwealth should elect to institute condemnation proceedings for the purpose of acquiring title to such land, it is agreed by the landowner that this instrument may be introduced in such proceedings as evidence of the value of the land and said damages, if any, to the remaining property of the landowner.

This option may be exercised by the Commonwealth at any time within one year from the date hereof, or any further extensions as may be agreed upon in writing by the parties. The option shall be exercised by any one of the following methods:

- (1) By mailing of notice to the landowner, such notice to be by certified letter mailed to the last known place of abode of the landowner, and effective as of the time of posting of such letter;
- (2) By demanding a deed from the landowner by a duly authorized agent of the Commissioner of Highways such demand to be made either by the posting of a letter as provided in (1), or by oral demand, the latter method to be effective as of the time of actual receipt by the landowner;
- (3) By the entry of the officers, agents, or employees of the Commissioner of Highways upon the lands to be conveyed, for the purpose of commencing construction or improvement of the highway or other project for which the land is to be utilized.

The landowner hereby covenants and agrees for its heirs, successors and assigns that the consideration herein mentioned shall be in lieu of any and all claims to compensation and said damages by reason of the location, construction and maintenance of the transportation project by the Commonwealth, including such drainage facilities as may be necessary, and that the Commonwealth shall have the right to enter upon and take possession of the land prior to the execution and delivery of the deed which is to be executed in the event this option is exercised.

SIGNATURE AND NOTARY CERTIFICATE ON FOLLOWING PAGE.

WITNESS the following signature and seal:

Western Virginia Regional Industrial Facility Authority

By [Signature] (SEAL)

Title EXECUTIVE DIRECTOR

STATE OF Virginia
CITY/COUNTY OF Roanoke

The foregoing instrument was acknowledged before me this 15 day of February,
²⁰¹⁹~~2018~~, by Beth Doughty, Executive Director of Western Virginia
Regional Industrial Authority, on behalf of the company.

My Commission expires Dec 31, 2021. Notary Registration No. 7755601.

LISA RANKIN LINK
NOTARY PUBLIC
Commonwealth of Virginia
Registration No. 7755601
My Commission Expires December 31, 2021

AFFIDAVIT OF AUTHORITY

I, Beth Dougherty, first being duly sworn, do swear or affirm that the following statements are true to the best of my knowledge, information and belief:

1. That the property, depicted in the attached plan sheet or plat, is owned by Western Virginia Regional Industrial Facility Authority, a political subdivision of the Commonwealth of Virginia (the "Business Entity.")
2. That I am Executive Director of said Business Entity.
3. That I warrant and represent that by virtue of my position I have the full and unrestricted authority to execute all documents binding upon the Business Entity described and to waive or claim any rights to which it may be entitled

Beth Dougherty (SEAL)

Date: 15 February 2019

City/County of Roanoke)
Commonwealth of Virginia) to-wit

Subscribed and sworn to before me this 15 day of February
20 19 by Beth Dougherty

Lisa Rankin Link
Notary Public

My commission expires: Dec. 31, 2021

Registration #: 7755/001

LISA RANKIN LINK
NOTARY PUBLIC
Commonwealth of Virginia
Registration No. 7755601
My Commission Expires December 31, 2021

REV 07/2012

AFFIDAVIT OF AUTHORITY

I, Gary Larrave, first being duly sworn, do swear or affirm that the following statements are true to the best of my knowledge, information and belief:

1. That the property, depicted in the attached plan sheet or plat, is owned by Western Virginia Regional Industrial Facility Authority, a political subdivision of the Commonwealth of Virginia (the "Business Entity.")
2. That I am Chair of said Business Entity.
3. That I warrant and represent that by virtue of my position I have the full and unrestricted authority to execute all documents binding upon the Business Entity described and to waive or claim any rights to which it may be entitled

Gary Larrave (SEAL)

Date: 15th February 2019

City/County of Roanoke
Commonwealth of Virginia)

) to-wit

Subscribed and sworn to before me this 15 day of February 2019,
2019 by Gary Larrave

Lisa Rankin Link
Notary Public

My commission expires: Dec. 31, 2021

Registration #: 7755601

LISA RANKIN LINK
NOTARY PUBLIC
Commonwealth of Virginia
Registration No. 7755601
My Commission Expires December 31, 2021

REV. 07/2012

Project No.0081-080-903, R201
UPC No. 108906
Parcel No. 009

Landowner(s): Western Virginia Regional Industrial Facility Authority
Property Address: 7911 Wood Haven Rd. Roanoke, VA 24019
Landowner(s) Address: P.O. Box 2569 Roanoke, VA 24010
Landowner(s) SSN/TIN:

Name of Bank/Mortgage Co.: _____

Property Address: _____

Property Owner(s)/Mortgagee(s): _____

Loan No.: _____

Lender's Mailing Address: _____

Contact Person at Lender: _____ Phone No.: _____

Are you currently in bankruptcy? (Circle one) Yes No

To Whom It May Concern:

The above described property is currently encumbered by an existing mortgage that is held by your institution. We, the undersigned property owners, hereby authorize the Virginia Department of Transportation ("VDOT") and its employees to seek, obtain and review any and all information in your possession or under your control pertaining to the above referenced mortgage.

Please consider this letter as our official request and authorization for you to disclose and provide all requested information (including copies) concerning this mortgage transaction to VDOT as they may request. Copies of this authorization shall be valid as if an original.

[Handwritten Signature]
Landowner Signature

Landowner Signature

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Roanoke

The foregoing instrument was acknowledged before me this 15 day of February
2019, by Bary McCrowe, CHAIR

[Handwritten Signature]
Notary Public

Registration Number: 7755601

My Commission expires: Dec 31 2021

LISA RANKIN LINK
NOTARY PUBLIC
Commonwealth of Virginia
Registration No. 7755601
My Commission Expires December 31, 2021