



County of Prince Edward
Board of Supervisors
Agenda Summary

Meeting Date: September 8, 2009
Item No.: 13
Department: Economic Development
Staff Contact: Sharon Carney, Director Economic Development & Tourism
Issue: IDA Petition for Community Development Authority

Summary:

On August 14, 2009, the Prince Edward Industrial Development Authority (IDA) approved the request to petition the County of Prince Edward for the formation of a Community Development Authority (CDA). The proposed CDA area would comprise the 94 acres that is under a contingent contract with the IDA for the development of the 150 room Granite Falls Hotel & Conference Center. The purpose of the organization of a CDA is to assist with the financing of the infrastructure improvements necessary for the development of the Center and is also a contingency of the pending contract.

Attachments: IDA Petition for the Creation of the Granite Falls CDA

Recommendation: Acknowledge receipt of the Petition to create the Granite Falls CDA.

(Note: Further action on the Petition will be considered at the October Board meeting. See Agenda Item # 14.)

Motion _____
Second _____

Fore _____
McKay _____
Ward _____

Gilfillan _____
Moore _____
Wiley _____

Jones _____
Simpson _____

**PETITION
FOR THE CREATION OF THE GRANITE FALLS
COMMUNITY DEVELOPMENT AUTHORITY**

**COUNTY OF PRINCE EDWARD, VIRGINIA
AUGUST 14, 2009**

WHEREAS, the undersigned Industrial Development Authority of Prince Edward County, Virginia (the "IDA") is the owner of certain land in the County of Prince Edward, Virginia, (the "County") that includes approximately 94 acres, located southwest of Rt. 628 (Zion Hill Rd.) (the "Real Estate");

WHEREAS, the IDA proposes to sell the Real Estate to Prince Edward Development, LLC (the "Purchaser") pursuant to a Real Estate Contract dated July 21, 2009 between the IDA and the Purchaser;

WHEREAS, the Purchaser has requested the IDA, as owner of the Real Estate, to petition the Board of Supervisors of the County to create a community development authority encompassing the Real Estate;

WHEREAS, the Purchaser desires to develop such property as a hotel and conference center, including meeting space, food service facilities and training facilities, all of which would provide additional employment, training and business opportunities for the citizens of the County, as well as infrastructure improvements benefiting the citizens of the County, and which would expand the tax base of the County; and

WHEREAS, the IDA and the Purchaser propose to create a community development authority as permitted under Virginia Code Sections 15.2-5152, et seq., and other applicable provisions of Chapter 51, Title 15.2 of the Code of Virginia of 1950, as amended (the "Act") to assist in financing certain public infrastructure necessary or desirable for development within or affecting the community development authority district;

NOW, THEREFORE, the IDA and the Purchaser respectfully request that the Board of Supervisors of the County adopt an ordinance creating the Granite Falls Community Development Authority pursuant to the provisions of the Act, and in support of such request, the IDA and the Purchaser, as appropriate, represent and state as follows:

1. **Standing and Jurisdiction.** The IDA is the owner of all the real estate to be included in the community development authority district (except for any publicly owned roads, rights of way or other publicly owned property). All such real estate is located wholly within the County.

2. **Name and Boundaries of the Proposed District.** The IDA and the Purchaser request that the Board of Supervisors create the Granite Falls Community Development Authority (the "CDA") pursuant to the authority granted in the Act. The boundaries of the CDA district (the "District") will be as described on Exhibit A attached hereto. The District will be entitled the Granite Falls Community Development Authority District. The IDA and the Purchaser request that the ordinance creating the CDA provide that the CDA shall be dissolved if the Real Estate has not been acquired by the Purchaser, or its designee, within two years after the adoption of such ordinance.

3. **Services and Facilities to be Undertaken by the CDA.** The CDA will undertake to finance, acquire and construct public improvements pursuant to Section 15.2-5158 of the Act, which public improvements may include sewer system improvements, roads and road improvements, landscaping, parking and such other facilities and services as are permitted by the Act (collectively, the "Improvements"). All Improvements will be constructed in accordance with applicable governmental standards after obtaining all necessary permits and approvals therefor.

4. **Proposed Plan for Providing and Financing the Improvements**

A. The CDA will undertake to issue revenue bonds or similar financing under the authority of the Act, specifically Virginia Code Sections 15.2-5158 and 15.2-5125, as those Sections may be amended, to finance the Improvements, including the costs of issuing such bonds and administrative costs of the CDA and the County in connection with financing the Improvements,

B. The Purchaser proposes that the CDA request the Board of Supervisors to establish a special ad valorem tax or a special assessment upon the property within the District to finance the Improvements, including administrative costs as described above, as provided in Virginia Code Sections 15.2-5158(A)(3) and 15.2-5158(A)(5).

C. The CDA or its designee will contract for the construction of the Improvements and for their operation and maintenance until such time as the Improvements are conveyed to or dedicated and accepted by the applicable governmental entity, or until such time as the responsibility for operation and maintenance is assumed by another entity in accordance with applicable laws and regulations.

5. **Benefits from Construction of Improvements**. Petitioner represents that the following benefits are expected to be derived from the construction of the Improvements by the CDA:

A. The proposed Improvements and services to be undertaken by the CDA will facilitate development in the County, will provide training, commercial and business opportunities for County residents and will promote economic development in the County by creating new jobs and will generate substantial tax revenues for the County.

B. The establishment of the CDA will help to provide for needed public improvements, including, among other things, realignment of Route 628.

6. **CDA Board Members.** The members of the Board of the CDA shall be appointed by the Board of Supervisors, under the applicable provisions of Virginia Code Section 15.2-5113 and in consultation with the Purchaser.

Respectfully submitted,

PETITIONERS:

INDUSTRIAL DEVELOPMENT AUTHORITY
OF PRINCE EDWARD COUNTY, VIRGINIA

By: *D. M. Shaver*

Its: Chairman

PRINCE EDWARD DEVELOPMENT, LLC

By: Robert J. Fowler

Its: Witness

EXHIBIT A

Description of Community Development Authority Boundaries

<u>Tax Map Parcel</u>	<u>Owner</u>	<u>Acreage</u>
51-A-40 (Portion)	Industrial Development Authority of Prince Edward County, Virginia	30.79
52-A-2	Industrial Development Authority of Prince Edward County, Virginia	<u>63.34</u>
	Total Acres:	94.13

The community development authority district will also include all public roads and rights-of-way or other publicly owned property within the boundaries of the above described district.