

Innovation Park- Stock Pile



City of Virginia Beach Development Authority
Open Session
March 1 , 2021

Disclosures

- Applicant's name: ASI Real Estate, LLC
- Affiliated Business Entity relationship with Property Owner:
 - Young Capital Partners, LLC (James Young)
 - ASI Investment, LLC (Jeffrey Moore)
 - Margaret Shaia
- Accountant: Elliott Davis
- Financing: Atlantic Union Bank
- Legal Services: Flora Pettit PC
- Architect/Landscape Architect/Land Planner: Kimley Horn
- Contractor: W.M. Jordan
- Engineer/Surveyor/Agent: Speight, Marshall & Francis

Stockpile Origin- Construction of New Road, Ditch...



And a Wet Pond



Remaining Stockpile



Remaining soils-
estimate of
40,000 CY

ASC-VBDA Agreement

11.1. DIRT PILE REMOVAL. Notwithstanding anything to the contrary, Landowner is and shall be obligated to remove, at its sole cost and expense, a large pile of dirt that is currently located on the Property (the “Dirt Pile”). To allow construction of Phase II as contemplated by this Agreement, Landowner shall remove the Dirt Pile from the Property, restore the portion of the Property underlying the Dirt Pile to good and clean condition, and repair any damage caused by or arising from the removal of the Dirt Pile (the “Removal”). The Removal shall be accomplished, at no cost to Recipient, on or before June 1, 2021 (the “Removal Deadline”). The contractor(s) retained by Landowner to complete the Removal shall be licensed, bonded, and insured under a policy or policies of insurance providing for commercially reasonable coverages and policy limits. Once the Removal has commenced, Landowner shall diligently and continuously proceed to complete the Removal by the Removal Deadline. Landowner shall not cause or permit its contractors to (a) cause any unreasonable interference with Recipient’s construction or business operations or (b) unreasonably disrupt the free flow of traffic and parking on the Property. If any mechanic’s or materialmen’s lien (or memorandum of such a lien) shall at any time be filed against the Property or any portion thereof by reason of labor or materials performed or provided by Landowner’s contractors or subcontractors, Landowner shall cause the same to be discharged or bonded within thirty (30) calendar days of the filing of such lien (after which Recipient may discharge or bond such lien on Landowner’s behalf, in which event Landowner shall reimburse Recipient for all expenses incurred in connection with same).

Removal Deadline:
June 1, 2021

ASC Proposal



February 19, 2021

Ms. Ihsane Mouak
Economic Development Project Manager
City of Virginia Beach Economic Development
4525 Main Street, Suite 700
Virginia Beach, VA 23462

Dear Ihsane:

As we discussed, ASC Real Estate LLC (ASC) is offering to contract directly with Valianos Grading & Clearing per their February 16, 2021 proposal (attached) to remove the stockpiled dirt at our facility located at 2009 Hudome Way as soon as possible.

Per the City of Virginia Beach Development Authority (the "Authority") in its Contribution Agreement dated December 11, 2020, Section 11.1, the Authority is obligated to remove, at its sole cost and expense, a large pile of dirt that is currently located on the Property. Accordingly, the Authority consents to ASC contracting directly with Valianos in accordance with the attached proposal and agrees to reimburse ASC no later than June 1, 2021 for the full amount of the invoices presented by Valianos and paid by ASC. All rights and obligations under the Contribution Agreement, including but not limited to the Authority's obligations under Section 11.1, will remain in full force and effect.

The Authority will assist in expediting the permitting and other actions needed to allow the dirt pile removal as soon as possible.

Please acknowledge the Authority's agreement with this arrangement below.

Sincerely,

A handwritten signature in blue ink that reads "Margaret Shaia". The signature is written in a cursive, flowing style.

Margaret Shaia
CEO

ASC contracted with Valianos
Grading & Clearing to remove
remaining soil not to exceed
\$800K.

Recommendation

Approve ASC's proposal as submitted