

A RESOLUTION APPROVING THE PROVISION
OF \$85,000 IN ECONOMIC DEVELOPMENT
INVESTMENT PROGRAM FUNDS TO
VECTRONA, LLC

WHEREAS, the City of Virginia Beach Development Authority (the "Authority") was created pursuant to Chapter 643 of the Acts of Assembly of 1964, as amended (the "Act");

WHEREAS, one of the primary purposes of the Act is to enable development authorities "to promote industry and develop trade by inducing manufacturing, industrial, governmental and commercial enterprises to locate in or remain in the Commonwealth....";

WHEREAS, pursuant to §6 of the Act, the Authority has the power, *inter alia*, "to sell, exchange, donate and convey any or all of its facilities or other properties whether realty or personalty whenever the Authority shall find any such action to be in furtherance of the purposes for which the Authority was organized";

WHEREAS, pursuant to §7 of the Act, "the Authority may foster and stimulate the development of industry in the area within its jurisdiction... [and] may accept, and expend for the purposes stated above, money from any public or private source....";

WHEREAS, pursuant to §10 of the Act, the City of Virginia Beach (the "City") "is authorized and empowered to make appropriations and to provide funds for the operation of the Authority and to further its purposes";

WHEREAS, the economic development goals and objectives of the City include achieving a higher ratio of nonresidential to residential real estate assessments, investing in land and infrastructure to benefit future economic growth, and maximizing the return of economic development efforts through the development and implementation of programs and strategies that facilitate new business investment and encourage retention and expansion activities, thereby improving the overall quality of life in the City;

WHEREAS, the City established the Economic Development Investment Program ("EDIP") as part of its overall effort to enhance the City's ability to accomplish these goals and objectives;

WHEREAS, pursuant to the authority and empowerment set forth in §10 of the Act, City Council authorized the transfer of funds in the EDIP account to the Authority and the provision of future EDIP appropriations to the Authority to enable the Authority to more effectively continue its efforts to foster and stimulate economic development by inducing businesses to locate or remain in the City;

WHEREAS, the Department of Economic Development (the "Department"), acting on behalf of the Authority, has induced Vectrona, LLC, a Virginia limited liability company (the "Recipient"), to expand and relocate its operation to 468 Viking Drive, Virginia Beach, Virginia 23452 (the "Property");

WHEREAS, the inducement includes an agreement to recommend the award to Recipient of \$85,000.00 in EDIP funds to underwrite a portion of costs associated with the expansion and relocation of the Recipient's operation at the Property;

WHEREAS, Recipient has represented in its application and the Director of Economic Development (the "Director"), upon review of the application submitted by Recipient, has determined and has advised the Authority it will meet at least one of the following performance criteria (the "Performance Criteria") within thirty-six (36) months after the date of this Resolution.

- (a) Tax Revenues: The net amount of direct tax revenues returned to the City as a result of the Recipient's operation will exceed the amount of EDIP Funds provided in thirty-six (36) months; or
- (c) Employment Opportunity: For every \$2,125.00 of EDIP funds received, Recipient will create one (1) new "full-time equivalent" employment opportunity in its operation with an average annual salary of over \$75,001.00, excluding benefits.

WHEREAS, the Director of Economic Development, upon review of the application submitted by Recipient, has determined and has advised the Authority that one or more of the following criteria has been met: (i) the net amount of direct tax revenues returned to the City as a result of Recipient's expanded operation will exceed the amount of EDIP funds provided in thirty-six (36) months, or (ii) every Two Thousand One Hundred Twenty-Five and 00/00 Dollars (\$2,125.00) in EDIP funds provided to the Recipient will create or retain at least one (1) new "full-time equivalent" employment opportunity in its operation with an average annual salary over \$75,001.00, excluding benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF VIRGINIA BEACH DEVELOPMENT AUTHORITY:

- 1. That the Authority hereby finds:
 - a. that the provision of \$85,000.00 in EDIP funds to Vectrona, LLC, a Virginia limited liability company (the "Recipient") will primarily serve the valid public purpose of fostering and stimulating economic development in the City; and
 - b. that the provision of the EDIP funds is in furtherance of the purposes for which the Authority was created; and
 - c. that it is unlikely the Recipient would expand its operations within the City without the stimulus of the EDIP award.
- 2. That the Authority hereby further finds that, based on the direct benefits to the City of Virginia Beach and its citizens resulting from the capital investment and employment opportunities to be generated by the Recipient as a result of its proposed location in Virginia Beach, the provision of \$85,000.00 in EDIP funds to the Recipient will only incidentally enure to the benefit of private interests.

3. That as of the date of this Resolution, the Recipient has not filled any of the new full-time job positions being incentivized by this EDIP award.

4. That based on these findings, the Authority hereby approves the provision of \$85,000.00 in EDIP funds to the Recipient to underwrite a portion of the costs associated with the expansion and relocation of the Recipient's operation in Virginia Beach.

5. That disbursement of EDIP Funds by the Authority shall be at the discretion of the Director of the Department of Economic Development of the City of Virginia Beach or his designee (the "Director"), who shall be authorized to require appropriate verification as to qualifying expenditures.

6. That disbursement of EDIP funds to the Recipient shall be on a pro-rata reimbursement basis upon presentation of original receipts for qualifying expenditures to the Director. At the sole discretion of the Director, disbursement may not be prior to the completion of the Employment Opportunity Performance Criteria. Disbursement of EDIP funds shall be from time to time, but not more frequently than once per month, until fully expended.

7. That as a condition of receiving EDIP Funds, each new job created must be maintained without interruption for thirty-six (36) months from the date of this Resolution (the "Performance Period") or the funds advanced for that new job may be subject to recapture as set forth in Section 8, below.

8. The Director may require the Recipient to enter into a Recapture Agreement approved by the Director to allow for the recapture of funds for any new job created that is subsequently terminated or eliminated by the Recipient. Such Recapture Agreement shall provide for the repayment by the Recipient of that portion of EDIP funds so disbursed prorated for the percentage of the Performance Criteria satisfied prior to the expiration of the Performance Period, and shall contain certain other provision as may be determined or required by the Director. Should an individual new job become vacant but Recipient is actively seeking a replacement employee, EDIP funds advanced for that new job shall not be subject to recapture.

8. As a further condition of receiving the EDIP Funds, the Recipient shall conduct operations in the building at the Property (or such other locations in the City of Virginia Beach as may be agreed to by the Authority) for a minimum of five (5) years from the time of this award. Even if the requirement of paragraph 1 is met, for each year less than five that the Recipient conducts operations at the Property (or other agreed to location) upon written request from the Authority, the Recipient shall pay to the Authority, as EDIP recapture and not as a penalty, one-fifth (1/5) of the amount of the EDIP Funds provided. Such amount shall be paid within fifteen (15) business days after receipt of request from the Authority, and if not paid by such date, the amount due will bear interest at the rate of ten percent (10%) per annum from such date until paid, and such interest shall be payable by the Recipient in addition to the amount due as calculated above.

9. The Authority may terminate this award and decline to pay any unpaid funds if the recipient has not requested the full \$85,000.00 within thirty-six (36) months of the date of this Resolution.

Adopted this 19th day of July, 2022, by the City of Virginia Beach Development Authority.


CITY OF VIRGINIA BEACH
DEVELOPMENT AUTHORITY

By: 
Secretary/Assistant Secretary

APPROVED AS TO CONTENT:


Economic Development

APPROVED AS TO LEGAL SUFFICIENCY:


City Attorney

A RESOLUTION APPROVING THE PROVISION
OF \$350,000 IN ECONOMIC DEVELOPMENT
INVESTMENT PROGRAM FUNDS TO
SANJO VIRGINIA BEACH, INC.

WHEREAS, the City of Virginia Beach Development Authority (the "Authority") was created pursuant to Chapter 643 of the Acts of Assembly of 1964, as amended (the "Act");

WHEREAS, one of the primary purposes of the Act is to enable development authorities "to promote industry and develop trade by inducing manufacturing, industrial, governmental and commercial enterprises to locate in or remain in the Commonwealth...";

WHEREAS, pursuant to §6 of the Act, the Authority has the power, *inter alia*, "to sell, exchange, donate and convey any or all of its facilities or other properties whether realty or personalty whenever the Authority shall find any such action to be in furtherance of the purposes for which the Authority was organized";

WHEREAS, pursuant to §7 of the Act, "the Authority may foster and stimulate the development of industry in the area within its jurisdiction... [and] may accept, and expend for the purposes stated above, money from any public or private source....";

WHEREAS, pursuant to §10 of the Act, the City of Virginia Beach (the "City") "is authorized and empowered to make appropriations and to provide funds for the operation of the Authority and to further its purposes";

WHEREAS, the economic development goals and objectives of the City include achieving a higher ratio of nonresidential to residential real estate assessments, investing in land and infrastructure to benefit future economic growth, and maximizing the return of economic development efforts through the development and implementation of programs and strategies that facilitate new business investment and encourage retention and expansion activities, thereby improving the overall quality of life in the City;

WHEREAS, the City established the Economic Development Investment Program ("EDIP") as part of its overall effort to enhance the City's ability to accomplish these goals and objectives;

WHEREAS, pursuant to the authority and empowerment set forth in §10 of the Act, City Council authorized the transfer of funds in the EDIP account to the Authority and the provision of future EDIP appropriations to the Authority to enable the Authority to more effectively continue its efforts to foster and stimulate economic development by inducing businesses to locate or remain in the City;

WHEREAS, on July 19, 2016, the Authority approved a resolution awarding up to Six Hundred Thousand Dollars (\$600,000) to Sanjo Virginia Beach, Inc., a Virginia corporation (the "Recipient") (the "2016 Award");

WHEREAS, on June 16, 2020, the Authority extended the time for the Recipient to satisfy the terms of the 2016 Award and to date, \$232,359 remains outstanding;

WHEREAS, the Department of Economic Development (the "Department"), acting on behalf of the Authority, has induced the Recipient, to retain and expand its operations at 465 Progress Lane, Virginia Beach, Virginia 23454 (the "Property");

WHEREAS, the inducement includes an agreement to recommend the award to Recipient of \$350,000 in EDIP funds to underwrite a portion of costs associated with the retention and expansion of the Recipient's operation at the Property;

WHEREAS, as a part of the award recommended by this Resolution, the 2016 Award would be terminated and of no further force and effect;

WHEREAS, Recipient has represented in its application and the Director of Economic Development (the "Director"), upon review of the application submitted by Recipient, has determined and has advised the Authority it will meet the following performance criteria (the "Performance Criteria") within thirty-six (36) months after the date of this Resolution.

- (a) Tax Revenues: The net amount of direct tax revenues returned to the City as a result of the Recipient's operation will exceed the amount of EDIP Funds provided in thirty-six (36) months; and/or
- (b) Capital Investment: For every dollar of EDIP funds received, Recipient shall make a new capital investment of at least \$25.00, with the maximum award for this criteria to be limited to \$230,000 of the \$350,000 total award; and
- (c) Employment Opportunity: For every three thousand dollars (\$3,000) of EDIP funds received, Recipient will create or retain one (1) new "full-time equivalent" employment opportunity in its operation with an average annual salary of \$50,001 to \$75,000, excluding benefits, with the maximum award for this criteria to be limited to \$120,000 of the \$350,000 total award.

WHEREAS, the Director of Economic Development, upon review of the application submitted by Recipient, has determined and has advised the Authority that one or more of the following criteria has been met:

- (i) the net amount of direct tax revenues returned to the City as a result of Recipient's operation will exceed the amount of EDIP funds provided in thirty-six (36) months; and/or
- (ii) for \$230,000 of the award: for every one dollar (\$1.00) in EDIP funds provided, the Recipient will spend at least twenty-five dollars (\$25.00) in new capital investment; and
- (iii) for \$120,000 of the award: for every three thousand dollars (\$3,000) in EDIP funds provided to the Recipient will create or retain at least one (1) "full-time equivalent" employment opportunity in its operation, with an average annual salary of \$50,001 to \$75,000, excluding benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF VIRGINIA BEACH DEVELOPMENT AUTHORITY:

1. That the Authority hereby finds:
 - (a) that the provision of \$350,000 in EDIP funds to Sanjo Virginia Beach, Inc., a Virginia corporation (the "Recipient") will primarily serve the valid public purpose of fostering and stimulating economic development in the City; and
 - (b) that the provision of the EDIP funds is in furtherance of the purposes for which the Authority was created; and
 - (c) that it is unlikely the Recipient would retain and expand its operations within the City without the stimulus of the EDIP award.

2. That the Authority hereby further finds that, based on the direct benefits to the City of Virginia Beach and its citizens resulting from the capital investment and employment opportunities to be generated by the Recipient as a result of its proposed location in Virginia Beach, the provision of \$350,000 in EDIP funds to the Recipient will only incidentally enure to the benefit of private interests.

3. That as of the date of this Resolution, the Recipient has not yet commenced construction of the proposed improvements. Or filled any of the new full-time job positions being incentivized by this EDIP award.

4. That based on these findings, the Authority hereby approves the provision of \$350,000 in EDIP funds to the Recipient to underwrite a portion of the costs associated with the retention and expansion of the Recipient's operations in Virginia Beach, with \$230,000 of the award to be based on capital investment and \$120,000 based on creation of new employment opportunities.

5. That disbursement of EDIP Funds by the Authority shall be at the discretion of the Director of the Department of Economic Development of the City of Virginia Beach or his designee (the "Director"), who shall be authorized to require appropriate verification as to qualifying expenditures.

6. That disbursement of EDIP funds to the Recipient shall be on a pro-rata reimbursement basis upon presentation of original receipts for qualifying expenditures to the Director with not more than \$230,000 to be disbursed for capital investment and not more than \$120,000 to be dispersed for creation of employment opportunities. At the sole discretion of the Director, disbursement may not be prior to the completion of the Performance Criteria. Disbursement of EDIP funds shall be from time to time, but not more frequently than once per month, until fully expended.

7. That as a condition of receiving EDIP Funds related to the employment opportunities retained and created, each job incentivized, either existing as of the date of this award, or once created, must be maintained without interruption for thirty-six (36) months from the date of this Resolution (the "Performance Period") or the funds advanced for that job may be subject to recapture as set forth in Section 8, below.

8. The Director may require the Recipient to enter into a Recapture Agreement approved by the Director to allow for the recapture of funds for any job incentivized that is subsequently terminated or eliminated by the Recipient. Such Recapture Agreement shall provide for the repayment by the Recipient of that portion of EDIP funds so disbursed prorated for the percentage of the Performance Criteria satisfied prior to the expiration of the Performance Period, and shall contain certain other provision as may be determined or required by the Director. Should an individual job be vacant but Recipient is actively seeking a replacement employee, EDIP funds advanced for that position shall not be subject to recapture.

9. As a further condition of receiving the EDIP Funds, the Recipient shall conduct operations in the New Locations (or such other locations in the City of Virginia Beach as may be agreed to by the Authority, including an Existing Location for which funds are awarded) for a minimum of five (5) years from the time of this award. Even if the requirement of paragraph 1 is met, for each year less than five that the Recipient conducts operations at the Property (or other agreed to location) upon written request from the Authority, the Recipient shall pay to the Authority, as EDIP recapture and not as a penalty, one-fifth (1/5) of the amount of the EDIP Funds provided. Such amount shall be paid within fifteen (15) business days after receipt of request from the Authority, and if not paid by such date, the amount due will bear interest at the rate of ten percent (10%) per annum from such date until paid, and such interest shall be payable by the Recipient in addition to the amount due as calculated above.

10. The 2016 Award is hereby terminated and is of no further force or effect.

11. The Authority may terminate this award and decline to pay any unpaid funds if the Recipient has not satisfied the Performance Criteria and requested the full \$350,000 within thirty-six (36) months of the date of this Resolution.

Adopted this 19th day of July, 2022, by the City of Virginia Beach Development Authority.


CITY OF VIRGINIA BEACH
DEVELOPMENT AUTHORITY

By: 
Secretary / Assistant Secretary

APPROVED AS TO CONTENT


Economic Development

APPROVED AS TO LEGAL SUFFICIENCY:


City Attorney

A RESOLUTION AUTHORIZING A LAND SWAP
BETWEEN THE MILLER GROUP AND THE
CITY OF VIRGINIA BEACH DEVELOPMENT
AUTHORITY TO FACILITATE THE EXPANSION
OF SANJO VIRGINIA BEACH, INC.

WHEREAS, the City of Virginia Beach Development Authority (the "Authority") was created pursuant to Chapter 643 of the Acts of Assembly of 1964, as amended (the "Act");

WHEREAS, one of the primary purposes of the Act is to enable development authorities "to promote industry and develop trade by inducing manufacturing, industrial, governmental and commercial enterprises to locate in or remain in the Commonwealth....";

WHEREAS, pursuant to §6 of the Act, the Authority has the power, *inter alia*, "to sell, exchange, donate and convey any or all of its facilities or other properties whether realty or personalty whenever the Authority shall find any such action to be in furtherance of the purposes for which the Authority was organized";

WHEREAS, pursuant to §7 of the Act, "the Authority may foster and stimulate the development of industry in the area within its jurisdiction... [and] may accept, and expend for the purposes stated above, money from any public or private source....";

WHEREAS, pursuant to §10 of the Act, the City of Virginia Beach (the "City") "is authorized and empowered to make appropriations and to provide funds for the operation of the Authority and to further its purposes";

WHEREAS, the economic development goals and objectives of the City include achieving a higher ratio of nonresidential to residential real estate assessments, investing in land and infrastructure to benefit future economic growth, and maximizing the return of economic development efforts through the development and implementation of programs and strategies that facilitate new business investment and encourage retention and expansion activities, thereby improving the overall quality of life in the City;

WHEREAS, in July of 2016, the Authority induced Sanjo Virginia Beach, Inc., a Virginia corporation ("Sanjo"), to establish its United States headquarters at 465 Progressive Lane, Virginia Beach, VA 23454 (the "Existing Parcel"), which is shown on Exhibit A, attached hereto;

WHEREAS, the Existing Parcel is owned by 465 Progress Lane, LLC, a Virginia limited liability company, an affiliate of The Miller Group of Virginia, LLC, a Virginia limited liability company ("Miller Group");

WHEREAS, Miller Group constructed an approximately 27,782 square foot office and warehouse facility on the Existing Parcel, and Sanjo leases that space from 465 for its operations in the United States (the "Phase I Facility");

WHEREAS, Sanjo is planning an approximately 22,446 square foot addition to the Phase I Facility, on the Existing Parcel, to be constructed by Miller Group and leased to Sanjo by 465 (the “Phase II Expansion”);

WHEREAS, the lease rate for the Phase II Expansion would be based on the development costs of that facility; therefore, based on current development costs, it would not be economically feasible for Sanjo without assistance from the Authority;

WHEREAS, Sanjo also desires to secure the right to further expand onto the approximately 7.72 acre parcel to the north of the Existing Parcel (the “Expansion Parcel”), also shown on Exhibit A, which parcel is also owned by Oceana Development, LLC (“Oceana”);

WHEREAS, 465, Oceana and Miller Group (collectively, the “Miller Group Entites”) are related entities with common ownership;

WHEREAS, as this time, Sanjo does not have a definite timeline for expansion onto the Expansion Parcel, but 465 believes it could construct speculative space and secure tenants in the near future;

WHEREAS, the Authority owns an approximately 12.4 acres parcel in the Authority’s Corporate Landing Business Park, as shown on Exhibit B (the “Corporate Landing Parcel”) which is available for immediate development;

WHEREAS, to preserve Sanjo’s ability to expand in the future, the Authority and Miller Group Entites have agreed on terms and conditions whereby the Authority will swap the Corporate Landing Parcel for the Expansion Parcel;

WHEREAS, the Authority and Miller Group Entites agree that the value of the Corporate Landing Parcel exceeds the value of the Expansion Parcel by \$1,248,000, and have further agreed to offset that difference by (i) Miller Group making a cash payment to the Authority in the amount of \$348,000, and (ii) Miller Group giving Sanjo a \$900,000 credit toward the development costs of the Phase II Expansion so that the lease rate for the Phase II Expansion facility will be more economically viable for Sanjo (collectively, the “Land Swap”);

WHEREAS, the Land Swap will (i) facilitate the Phase II Expansion by Sanjo in Virginia Beach, (ii) preserve the Expansion Parcel for future phases of Sanjo, and (iii) lead to the development of the Corporate Landing Parcel with uses consistent with those allowed in the Corporate Landing Business Park, and

WHEREAS, the Authority is of the opinion that the Land Swap would (i) produce results consistent with the Authority’s goal of expanding the commercial tax base in the City of Virginia Beach, and (ii) induce Sanjo to continue its operations and facilitate future expansion in the City of Virginia Beach; therefore, would be in the best interests of the Authority and the City of Virginia Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF VIRGINIA BEACH DEVELOPMENT AUTHORITY:

1. The Authority approves the Land Swap, as defined above, so long as such transaction is substantially consistent with the Summary of Terms, attached hereto as Exhibit C, and incorporated herein, subject to such modifications as may be deemed appropriate and acceptable to the Chair or Vice Chair and deemed legally sufficient by the City Attorney.

2. The Chair or the Vice Chair is hereby authorized to execute and deliver all such documents and agreements and to take all such actions as such officers and City Attorney may deem necessary or desirable in connection with the transaction as contemplated herein.

Adopted this 19th day of July, 2022, by the City of Virginia Beach Development Authority.

CITY OF VIRGINIA BEACH
DEVELOPMENT AUTHORITY

By: 
Secretary/Assistant Secretary

APPROVED AS TO CONTENT:


Economic Development

APPROVED AS TO LEGAL
SUFFICIENCY:



City Attorney

EXHIBIT A

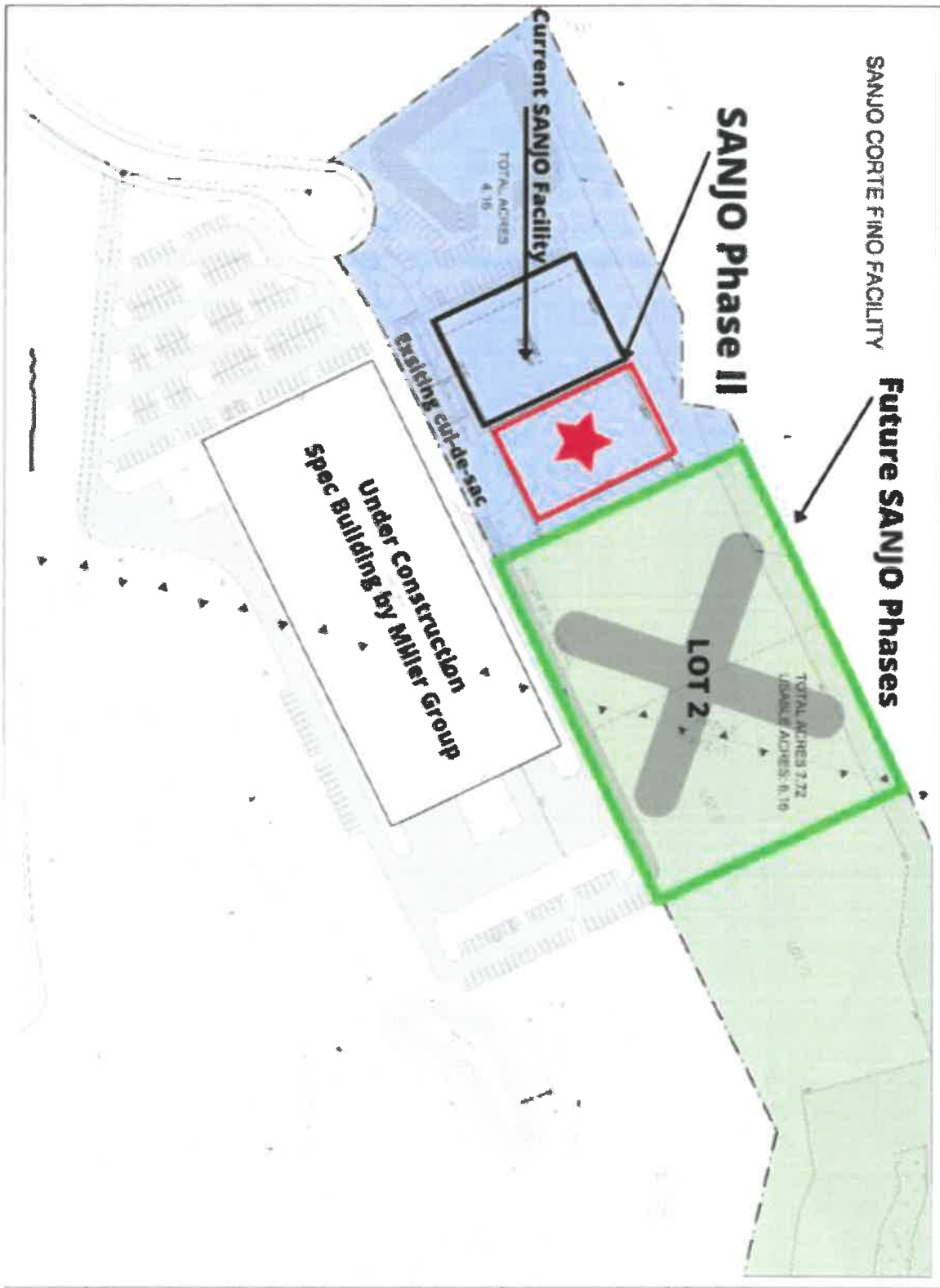


EXHIBIT C

SUMMARY OF TERMS

PARTIES: The City of Virginia Beach Development Authority, a political subdivision of the Commonwealth of Virginia (“Authority”)

Sanjo Virginia Beach, Inc., a Virginia corporation (“Sanjo”)

The Miller Group of Virginia, LLC, a Virginia limited liability company (“Miller Group”)*

465 Progress Lane, LLC, a Virginia limited liability company (“456”)*

Oceana Development, LLC, a Virginia limited liability company (“Oceana”)*

**Miller Group, 465, and Oceana are all related entities with substantially similar ownership.*

PARCELS:

1. Existing Parcel: 4.16+/- acres at 465 Progress Lane, owned by 465 and shown on Exhibit A.
2. Expansion Parcel: 7.72+/- acres adjacent to 465 Progress Lane, owned by Oceana and shown on Exhibit A.
3. Corporate Landing Parcel: 12.4+/- acres in the Corporate Landing Business Park, owned by the Authority and shown on Exhibit B.

PARCELS TO BE SWAPPED: Authority to receive Expansion Parcel and Miller Group (or an affiliate) to receive Corporate Landing Parcel.

VALUATION: Corporate Landing Parcel (\$200,000 per usable acre) = \$2,480,000
Expansion Parcel (\$200,000 per usable acre) = \$1,232,000

Differential in Total Value of Parcel: \$1,248,000

VALUE EQUALIZATION: Miller Group to (a) make a \$348,000 cash payment to Authority, and (b) give Sanjo a \$900,000 credit against development costs for the Phase II on the Existing Parcel (rent being a factor in the total development costs). This credit allows rent to be feasible for Sanjo.

OPTION TERMS: Sanjo to have the option to acquire the Expansion Parcel from the Authority, with the following terms and conditions:

- (a) Include three 5-year terms at Sanjo's option;
- (b) Option Price at appraised value at the time Option is exercised;
- (c) Option to terminate if Sanjo indicates in writing it will not expand onto Expansion Parcel; and
- (d) If lease with 465 still in effect, Sanjo to assign option to Miller Group to develop under a lease (same structure as Existing Parcel).

**CORPORATE
LANDING**

DEVELOPMENT: Miller Group agrees to commence construction on light industrial facility within eighteen (18) months of Land Swap.

RESOLUTION APPROVING THE USE OF
ADDITIONAL PARKING IN THE TOWN
CENTER PUBLIC PARKING SYSTEM BY
HOTEL AT 4595 COLUMBUS STREET

WHEREAS, on behalf of the City of Virginia Beach (the “City”) and the City of Virginia Beach Development Authority (the “Authority”), the City Manager and City staff have worked with its private partners for the development of a Central Business District Project known as “The Town Center of Virginia Beach” (the “Project”);

WHEREAS, as part of the Project, the Authority owns over 4,000 structured parking spaces within five parking garages within the Project (the “Town Center Public Parking System”);

WHEREAS, TC Hotel, LLC (“TC Hotel”) owns the parcel located at 4595 Columbus Street (GPIN: 1477-54-1216) (the “Property”) which is within the area generally designated as Town Center;

WHEREAS, TC Hotel intends to construct a Hampton Inn & Suites (the “Hotel”) on the Property and has requested that parking requirements for the Hotel be satisfied in the Town Center Public Parking System;

WHEREAS, on May 12, 2020, the Authority approved the use of approximately 120 spaces in the Town Center Parking System by the Hotel;

WHEREAS, on August 18, 2020, after reconfiguration of the Hotel to add additional rooms, the Authority approved the use of approximately 145 parking spaces to satisfy the zoning requirements;

WHEREAS, the Hotel has subsequently been further reconfigured to add additional rooms and TC Hotel is requesting the use of approximately 165 parking spaces within the Town Center Public Parking System; and

WHEREAS, the Town Center Public Parking System has excess parking available; therefore, the Authority is supportive of the request for use of additional parking spaces and sees a positive economic impact to Town Center and the City of Virginia Beach should the Hotel be constructed as proposed;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF VIRGINIA BEACH
DEVELOPMENT AUTHORITY:

1. The Developer is granted the right to rely on the Town Center Public Parking System to satisfy its Off-Street parking requirements for a hotel of approximately one hundred sixty-five (165) rooms as contemplated by Section 2212 of the City of Virginia Beach’s Zoning Ordinance.

2. This right shall continue so long as the Town Center Public Parking System operates unless the following four conditions exist: (i) the use of the Hotel changes, (ii) the Off-Street parking requirement for the Property increases, and (iii) the Authority determines there is not sufficient parking available in the Town Center Public Parking System to meet that need.

3. The Chair or Vice Chair is authorized and directed to execute and deliver any and all documents related to this transaction, including a development agreement, so long as such documents are acceptable to the Chair or Vice-Chair and are in a form deemed satisfactory by the City Attorney

Adopted by the City of Virginia Beach Development Authority, on the 19th day of July, 2022.

CITY OF VIRGINIA BEACH
DEVELOPMENT AUTHORITY

By: 
Secretary / Assistant Secretary

Approved as to Content:


Economic Development

Approved as to Legal Sufficiency:


City Attorney

A RESOLUTION APPROVING AN OPTION FOR
THE SALE OF APPROXIMATELY 13 ACRES OF
PROPERTY LOCATED IN THE CORPORATE
LANDING BUSINESS PARK TO MICHEAL D.
SIFEN, INC.

WHEREAS, the City of Virginia Beach Development Authority (the "Authority") is the owner of Corporate Landing Business Park in Virginia Beach, Virginia;

WHEREAS, Michael D. Sifen, Inc., a Virginia corporation (the "Purchaser") has approached staff about acquiring an option for certain property in the Corporate Landing Business Park for a potential project;

WHEREAS, the Authority has agreed to grant an option (the "Option") to Purchaser to acquire a portion of GPIN: 2415-12-2650, consisting of approximately 13 acres of land, to the south of Corporate Landing Parkway along General Booth Boulevard in the City of Virginia Beach, Virginia, as shown on Exhibit B attached hereto (the "Property");

WHEREAS, the terms for the exercise of the Option are summarized on the Summary of Terms, attached hereto as Exhibit A; and

WHEREAS, the Authority is of the opinion that granting the Option will promote the continued development of the Corporate Landing Business Park and is in the Authority's best interests.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF VIRGINIA BEACH DEVELOPMENT AUTHORITY:

1. The Chair or the Vice Chair of the Authority is hereby authorized to execute and deliver an agreement granting an Option to purchase the Property on the terms outlined on Exhibit A, and such other terms and conditions as may be satisfactory to and approved by the Chair or the Vice Chair, the Director of the City of Virginia Beach Department of Economic Development and the City Attorney.

2. The Chair or the Vice Chair is hereby authorized to execute and deliver all such other documents and agreements and to take all such actions as such officers and City Attorney may deem necessary or desirable in connection with the sale of such Property.

[SIGNATURES ON FOLLOWING PAGE]

Adopted this 19th day of July, 2022, by the City of Virginia Beach Development Authority.

CITY OF VIRGINIA BEACH
DEVELOPMENT AUTHORITY

By 
Secretary/Assistant Secretary

APPROVED AS TO CONTENT:


Economic Development

APPROVED AS TO LEGAL
SUFFICIENCY:


City Attorney

EXHIBIT A

SUMMARY OF TERMS

OPTIONEE / PURCHASER:	Michael D. Sifen, Inc., a Virginia corporation (“Sifen”)
OPTIONOR / LANDOWNER:	The City of Virginia Beach Development Authority, a political subdivision of the Commonwealth of Virginia (“Authority”)
OPTION PARCEL:	An approximately 13-acre portion of GPIN: 2415-12-2650 (Corporate Landing Business Park) as shown on <u>Exhibit B</u> .
OPTION TERM:	Initial term of one (1) year, with one (1) year extension at the option of Sifen. Otherwise, any extension shall be by mutual agreement of both parties.
OPTION FEE:	\$20,000 for the first year and, if exercised, \$25,000 for the one-year extension. Option Fee to be non-refundable if Option is terminated without purchase of the Option Parcel. Option Fee shall be applied against purchase price if the Option Parcel is acquired by Sifen or an affiliate.
PURCHASE PRICE:	\$200,000 per useable acre.
USE:	Anticipated use is for a retail center.
LANDOWNER APPROVAL:	Authority shall have approval rights over proposed anchor tenant. Sifen anticipates a new to market upscale grocery product, which would be acceptable to Authority.
COVENANTS & RESTRICTIONS:	Declaration of Protective Provisions and Covenants for Corporate Landing; Corporate Landing Design Criteria for the Business Park; Declaration of Easements; any other covenants, restrictions, and agreements of record.
REAL ESTATE COMMISSION:	N/A

