

RESOLUTION

**AUTHORIZING EXECUTION OF AGREEMENTS WITH THE JAMES CITY COUNTY
ECONOMIC DEVELOPMENT AUTHORITY, THE COMMONWEALTH OF VIRGINIA, SCP-
JTL STONEHOUSE OWNER 1 LLC, NAVIEN, INC.,
AND CONSENTING TO COMMON REPRESENTATION**

WHEREAS, the Board of Supervisors of James City County, Virginia, (the "Board") convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with Sections 2.2-3711(A)(5) and 2.2-3711(A)(8) of the Code of Virginia to discuss a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, and to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel; and

WHEREAS, the Board finds that collaboration with the Economic Development Authority of James City County, Virginia, (the "EDA") and the Commonwealth of Virginia (the "Commonwealth") is necessary to attract the prospective business discussed; and

WHEREAS, the Commonwealth has committed \$850,000.00 from the Governor's Opportunity Fund (the "State Commitment") to entice and ensure the prospective business will locate in James City County (the "County") upon the former Lumber Liquidators site at 3000 John Deere Road and further identified as James City County Real Estate Tax Map No. 1210100045 (the "Site"); and


WHEREAS, the County is required to match the State Commitment and the Board desires to affirm its intent to do so.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, (the "Board") hereby supports cooperative efforts with the Commonwealth and the EDA to ensure the establishment of Navien, Inc. (the "Company") in James City County upon the Site and in furtherance thereof authorizes the County Administrator to take those actions and/or execute those documents necessary to enter into and accomplish the following:

1. An Agreement among and/or between the County, the EDA, and/or the Company to provide yearly funds to the EDA in an amount equal to one-half of the total machinery and tools, real estate, and business tangible personal property taxes paid by the Company for the fiscal years 2021, 2022, 2023, 2024; and in 2025, such amount necessary to equal a maximum aggregate rebate amount of \$466,000.00, all of which amounts shall be granted by the EDA to the Company; and
2. A contract with SCP-JTL Stonehouse Owner 1 LLC to purchase an approximately 35-acre parcel of real property located in the Stonehouse Commerce Park in an amount not to exceed \$284,000.00, plus survey, title, insurance, closing, and other incidental costs of up to \$16,000.00; and


- 3. Including \$100,000.00 in the Environmental and Resource Protection budget (which may be done in lump sum in a single year or spread over multiple years between 2021 and 2025) Account Code Number 001-303-3375, Erosion Control Fees; and
- 4. An Agreement with the Commonwealth to affirm the County's match of the State Commitment and to accept and distribute the Commonwealth's Development Opportunity Fund grants from the Commonwealth to the EDA and/or the Company.

BE IT FURTHER RESOLVED that the County Attorney's office, in compliance with Rule 1.7 of the Virginia Rules of Professional Conduct and associated comments, informed the James City County Board of Supervisors of the risks appurtenant to the County Attorney's common representation during these efforts and the Board hereby consents to such representation.



 James O. Icenhour, Jr.
 Chairman, Board of Supervisors

ATTEST:



 Teresa J. Fellows
 Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	<input checked="" type="checkbox"/>	___	___
MCGLENNON	<input checked="" type="checkbox"/>	___	___
LARSON	<input checked="" type="checkbox"/>	___	___
HIPPLE	<input checked="" type="checkbox"/>	___	___
ICENHOUR	<input checked="" type="checkbox"/>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of February, 2020.

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