



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

May 19, 2010

MOTION

Made By: _____, Seconded By: _____,
Motion Carried,

Title: Rail Industrial Access – KmX Chemical Corporation.

Location: Accomack County

WHEREAS, Section 33.1-221.1:1 of the *Code of Virginia* declares it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial or commercial sites; and

WHEREAS, the Accomack-Northampton Transportation District Commission has, by resolution dated March 2, 2010, shown support for the application of \$101,750 in Industrial Access Railroad Track funds for assistance in construction of track to serve the KmX Chemical Corporation facility improvements; and

WHEREAS, the Virginia Economic Development Partnership has, by letter dated March 18, 2010, shown support for the project and the application for rail access funds; and

WHEREAS, KmX Chemical Corporation is located in Accomack County, Virginia; and

WHEREAS, this request falls within the intent of Section 33.1-221.1:1 and is in accordance with the provisions of the Commonwealth Transportation Board's policy on the use of Industrial Access Railroad Track funds; and

WHEREAS, in accordance with the funding formula established by said policy, funding may be allocated to this project; and

WHEREAS, pursuant to the 2009 Acts of Assembly, funding is provided by the General Assembly for Industrial, Airport, and Rail Access projects; and

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WHEREAS, the Board believes that this project is for the common good of a region of the Commonwealth and serves a public purpose.

NOW THEREFORE, BE IT RESOLVED, that the Board hereby approves that \$86,200 of the Industrial, Airport, and Rail Access Fund unmatched, be provided to rehabilitate 750 feet of track to serve KmX Chemical Corporations's facility located in New Church, VA in Accomack County contingent upon:

1. All necessary right of way and utility adjustments being provided at no cost to the Commonwealth.
2. All costs above \$86,200, which is allocated herein as an industrial rail access grant, being borne by KmX Chemical Corporation or sources other than those administered by the Virginia Department of Rail and Public Transportation.
3. Execution of an agreement acceptable to the Virginia Department of Rail and Public Transportation.

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