

A RESOLUTION EXTENDING THE
TIME FOR SEABREEZY ENTERPRISES, LLC.
TO ACQUIRE PROPERTY AND COMMENCE
CONSTRUCTION AT CORPORATE LANDING

WHEREAS, on March 15, 2022, the City of Virginia Beach Development Authority (“Authority”) approved the sale of approximately 3.43 acres of land at Corporate Landing Business Park (the “Property”) to Seabreezy Enterprises, LLC, a Virginia limited liability company, or a related entity (“Developer”);

WHEREAS, Authority and Developer entered into a Purchase Agreement dated January 5, 2023 (“Purchase Agreement”), as amended by the First Amendment, dated September 15, 2023 (“First Amendment”), and the Second Amendment, dated September 30, 2024 (“Second Amendment”);

WHEREAS, the Purchase Agreements set forth the terms, conditions and obligations of the parties, including a provision that the Developer must acquire the Property from the Authority and commence construction of the improvements within eighteen (18) months of the date of the Purchase Agreement;

WHEREAS, as set forth in the Second Amendment, the parties agreed to extend the time for the Developer to acquire the Property until July 8, 2025;

WHEREAS, due to unanticipated market and economic circumstances, the Developer has not yet acquired the Property and has requested an additional twelve (12) months to acquire the Property and commence construction;

WHEREAS, the Developer and Authority have further agreed to amend the terms of the Purchase Agreement so that should the Developer fail to commence construction within twelve (12) months from the date of closing, the Authority has the right to repurchase the Property; and

WHEREAS, the Authority is of the opinion that the extension of time to acquire the Property and commence construction and the amendment to the Authority’s repurchase rights would allow the Developer to produce results consistent with the goals of the Authority and would be in the best interest of the Authority and the City of Virginia Beach; and

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

1. That the Authority approves the extension of time for the Developer to acquire the Property and commence construction until September 30, 2026, and the amendment to the Authority’s repurchase right to vest if construction has not commenced within twelve (12) months from the date the Developer acquires the Property or September 30, 2027, whichever first occurs.

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 ____ day of _____, 2025, 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 AMENDING THE REAL
ESTATE COMMISSION POLICY

WHEREAS, the City of Virginia Beach Development Authority (the "Authority") established a Real Estate Commission Policy (the "Policy") for the purpose of paying a commission to a real estate agent or broker who represent a prospective purchaser of property owned by the Authority within the City of Virginia Beach;

WHEREAS, based on the recommendation of staff and the City Council Liaisons, the Authority desires to amend the Policy to include paying a commission to a real estate agent or broker who represents a prospective tenant of property to be leased from the Authority; and

WHEREAS, the Authority is of the opinion that amending the Policy as contemplated herein would promote the goals 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 hereby approves the amended Policy, attached hereto as Exhibit A, and made a part hereof.
2. The Chair or Vice Chair is hereby authorized to execute and deliver any documents necessary to implement the amended Policy so long as such documents are acceptable to the Chair or Vice Chair and in a form deemed satisfactory by the City Attorney.

Adopted this ____ day of _____, 20____, by the City of Virginia Beach Development Authority.

CITY OF VIRGINIA BEACH
DEVELOPMENT AUTHORITY

By _____
Secretary/Assistant Secretary

APPROVED AS CONTENT:

Economic Development

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney

A RESOLUTION EXTENDING THE TIME TO MEET THE
PERFORMANCE CRITERIA FOR THE 2022 ECONOMIC
DEVELOPMENT INVESTMENT PROGRAM GRANT
AWARDED TO BMKV HOLDINGS, 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, on August 16, 2022, the Authority approved a resolution (the "2022 Resolution") awarding up to One Hundred Sixty-Nine Thousand Dollars (\$169,000) to BMKV Holdings, LLC, a Virginia limited liability company (the "Recipient"), to relocate its business to 1245 Perimeter Parkway, in Virginia Beach (the "Property");

WHEREAS, as set forth in the 2022 Resolution, to qualify for the entire \$169,000 award, the Recipient was required to meet the following performance criteria (the "Performance Criteria") within thirty-six (36) months after the date of the 2022 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 \$50, with the maximum award for this criteria to be limited to \$139,000 of the \$169,000 total award; and/or

(c) Employment Opportunity: For every \$1,500.00 of EDIP funds received, Recipient will create one (1) new "full-time equivalent" employment opportunity in its operation with an average annual salary of \$50,001 to \$75,000, excluding benefits, with the maximum award for this criteria to be limited to \$30,000 of the \$169,000 total award.

WHEREAS, due to unforeseen economic circumstances, the Recipient has not satisfied the Performance Criteria within the original thirty-six (36) months and has requested an extension of time to perform,

WHEREAS, staff has informed the Authority that the Recipient has made a good faith effort to comply fully with the Performance Criteria and has recommended an extension of time to satisfy the Performance Criteria, and

WHEREAS, the Authority believes an extension of time is consistent with the mission of the Authority and will further economic development in the City of Virginia Beach.

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

The Authority hereby extends the time for BMKV Holdings, LLC, a Virginia limited liability company, to satisfy the Performance Criteria set forth above until August 16, 2027. All other terms and conditions of the 2022 Resolution shall remain unchanged.

Adopted this _____ day of _____, 2025 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