RESOLUTION OF THE CITY OF VIRGINIA BEACH DEVELOPMENT AUTHORITY APPROVING A PLAN OF FINANCING WITH THE CITY OF VIRGINIA BEACH, VIRGINIA

WHEREAS, the City of Virginia Beach Development Authority (the "Authority") is a political subdivision of the Commonwealth of Virginia duly created by Chapter 643 of the Virginia Acts of Assembly of 1964, as amended (the "Act"); and

WHEREAS, the Act authorizes the Authority to acquire, improve, maintain, equip, own, lease and dispose of "Authority facilities," as defined in the Act, to finance or refinance such facilities, to issue its revenue bonds, notes and other obligations from time to time for such purposes and to pledge all or any part of its assets, whether then owned or thereafter acquired, as security for the payment of the principal of and interest on any such obligations; and

WHEREAS, the City of Virginia Beach, Virginia (the "City"), desires to undertake the financing from time to time of projects for the acquisition, construction, renewal, upgrade, replacement and other improvements for various public facilities and equipment, including projects for public buildings and structures; public school facilities; public streets and roads and related infrastructure; computer and information technology systems; aquarium facilities; communications systems and related hardware and software; public parks and other recreational facilities; and funding for sports tourism area and economic development programs (collectively, the "2026 Projects"); and

WHEREAS, the City further desires to achieve debt service savings by refinancing certain of the public facility revenue bonds and refunding revenue bonds (collectively, the "Prior Bonds") previously issued by the Authority on behalf of the City to finance or refinance various public facilities; and

WHEREAS, in furtherance of the purposes of the Act, the City has requested the Authority to undertake the 2026 Projects and refinancing of the Prior Bonds through the issuance of its public facility revenue bonds in the maximum principal amount of $175,000,000 and its public facility refunding revenue bonds in the maximum principal amount necessary to pay the principal of, premium if any, interest on and related issuance costs of any Prior Bonds to be refunded and to use the proceeds thereof to finance costs incurred in connection with the 2026 Projects, the refunding of the Prior Bonds, and the costs of issuance of such bonds; and

WHEREAS, at the request of the City Council by resolution adopted on August 11, 2026 (the "Council Resolution"), the Authority proposes to issue its Public Facility Revenue Bonds in the maximum principal amount of $175,000,000 (the "Series 2026 Project Bonds") and its Public Facility Refunding Revenue Bonds (the "Series 2026 Refunding Bonds") in the maximum principal amount necessary to pay the principal of, premium if any, interest on and related issuance costs of any Prior Bonds to be refunded (the "Series 2026 Refunding Bonds" and collectively with the Series 2026 Project Bonds, the "Series 2026 Bonds") for such purposes; and

WHEREAS, the City administration has recommended that Kutak Rock LLP, Richmond, Virginia, be approved as bond counsel;

WHEREAS, there have been presented to this meeting drafts of the following documents (the "Documents"), proposed in connection with the undertaking of the 2026 Projects, the refunding of the Prior Bonds and the issuance and sale of the Series 2026 Bonds, which forms were approved by the City Council pursuant to the Council Resolution:

(a) Thirteenth Supplemental Agreement of Trust draft, to be dated the first day of the month of its execution and delivery (the "Thirteenth Supplemental Agreement"), supplementing the Agreement of Trust dated as of September 1, 2003, as previously supplemented, including the form of the Series 2026 Bonds (collectively, the "Trust Agreement"), all between the Authority and U.S. Bank Trust Company, National Association (successor to Wachovia Bank, National Association), as successor trustee (the "Trustee"), pursuant to which the Series 2026 Bonds are to be issued and which is to be acknowledged and consented to by the City;

(b) Twelfth Supplemental Support Agreement draft, to be dated the first day of the month of its execution and delivery, supplementing and amending the Support Agreement dated as of September 1, 2003, as previously supplemented and amended (the "Support Agreement"), all between the Authority and the City pursuant to which the City will make annual payments to the Authority, subject to annual appropriation by the City Council, in amounts sufficient to pay the principal of and interest on the Series 2026 Bonds; and

(c) Preliminary Official Statement draft of the Authority, to be dated the date of its public distribution, relating to the public offering of the Series 2026 Bonds (the "Preliminary Official Statement.")

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

1. The following plan for financing the 2026 Projects and refunding of the Prior Bonds is hereby approved, subject to Section 14 hereof.

(a) The Authority will issue the Series 2026 Project Bonds in a maximum aggregate principal amount not to exceed $175,000,000. The Authority will issue the Series 2026 Refunding Bonds in in the maximum principal amount necessary to pay the principal of, premium if any, and interest on any Prior Bonds to be refunded plus issuance costs and expenses related to any such refunding. The Authority will use the proceeds of the Series 2026 Bonds to finance the costs of the 2026 Projects and proceeds of the Series 2026 Refunding Bonds to refund the Prior Bonds selected for refunding, all within the limitations of paragraph (b) and Section 2 below, and at the election of the City Manager pay all or a portion of the issuance cost of the Series 2026 Bonds. Pursuant to the Support Agreement, the City will make Annual Payments and Additional Payments (as each is defined in the Support Agreement) to the Authority in amounts sufficient to amortize the Series 2026 Bonds and to pay the fees or expenses of the Authority and the Trustee. The obligation of the Authority to pay principal of and premium, if any, and interest on the Series 2026 Bonds will be limited to Annual Payments and Additional Payments received from the City.

The Series 2026 Bonds will be secured by an assignment of the Annual Payments and certain Additional Payments due under the Support Agreement, all for the benefit of the holders of the Series 2026 Bonds. The undertaking by the City to make Annual Payments and Additional Payments will be subject to the City Council making annual appropriations in an amount sufficient for such purposes. The plan of financing for the 2026 Projects shall contain such additional requirements and provisions as may be authorized by the City and the officers of the Authority herein authorized.

(b) In connection with the refunding of the Prior Bonds, the City Manager, on behalf of the Authority, is authorized to select the principal maturities of the Prior Bonds or portions of such maturities to be refunded, and the officers of the Authority are authorized and directed to cause to be called for optional redemption any such maturity or portion thereof to be redeemed prior to its stated maturity on the date or dates requested by the City Manager and in accordance with the provisions of such bonds to be refunded; provided such maturities or portions thereof selected are expected in the aggregate to provide a minimum savings of 3.0% on a net present value basis as determined by the City's financial advisor, Davenport & Company LLC (the "Financial Advisor"). In connection with the refunding herein authorized, the City Manager, on behalf of the Authority, is authorized to retain the services of independent consultants to provide verification reports (the "Verification Agent") on aspects of the refunding and is further authorized to retain the services of one or more escrow agents (the "Escrow Agent") and to enter into escrow agreements with them to the extent needed to hold portions of the proceeds of the Series 2026 Bonds, defeasance securities purchased with such proceeds and other funds as needed pending their application to refund the Prior Bonds or portions thereof selected to be refunded.

2. Subject to Sections 3 and 14, the Authority hereby authorizes the issuance of the Series 2026 Bonds pursuant to the Trust Agreement on such terms as shall be satisfactory to the City Manager; subject to the following:

(a) With respect to the sale of the Series 2026 Project Bonds (i) the true or "Canadian" interest cost of such bonds shall not exceed (A) 5.00% respecting any such bonds issued as tax-exempt obligations and (B) 6.50% respecting any such bonds issued as taxable obligations (in each taking into account any original issue discount or premium), (ii) shall mature annually in installments through serial maturities or mandatory sinking fund payments beginning no later than October 15, 2027, and ending no later than October 15, 2046 (iii) such bonds shall be sold to the purchaser or purchasers thereof at a price not less than 99% of the aggregate principal amount thereof and (iv) such bonds shall be subject to optional redemption beginning no later than October 15, 2037 at an optional redemption price of no more than 100% of the principal amount to be redeemed plus accrued interest to the optional redemption date; and

(b) With respect to the sale of the Series 2026 Refunding Bonds (i) the true or "Canadian" interest cost of such Series 2026 Refunding Bonds shall not exceed 5.00% (taking into account any original issue discount or premium), (ii) such Series 2026 Refunding Bonds shall mature not later than the end of the fiscal year in which the related series of Prior Bonds being refunded matures and (iii) such Series 2026 Refunding Bonds shall be sold to the purchaser or purchasers thereof at a price not less than 99% of the aggregate principal amount thereof.

(c) At the request of the City Manager, the Series 2026 Bonds may be issued in one or more series at the same time or at different times, bearing such series designations as the City Manager deems appropriate, and in consultation with the City's Financial Advisor and Bond Counsel, may be issued as tax-exempt or taxable obligations as the City Manager may determine.

3. The Authority approves the following terms of the sale of the Series 2026 Bonds. The Series 2026 Bonds may be sold by competitive bid, negotiated sale to one or more underwriters or private placement as the City Manager may determine in consultation with the City's Financial Advisor. The Series 2026 Bonds may be issued in one or more series in the principal amount determined by the City Manager, in collaboration with the City's Financial Advisor. In the case of a competitive sale, the City Manager shall receive bids and award the Series 2026 Bonds to the bidder providing the lowest "true" or "Canadian" interest cost, subject to the limitations set forth in the preceding sections of this Resolution. In the case of a negotiated sale or private placement, the City Manager and the Finance Director, with the consent of the City Manager are each authorized to enter into a purchase contract or agreement for the sale of the Series 2026 Bonds, subject to the limitations set forth in the preceding sections of this Resolution. Following the sale of the Series 2026 Bonds, the City Manager shall file a certificate with the Authority setting forth the final terms of Series 2026 Bonds, including their principal amounts, interest rates, maturity schedules, including serial maturities and term maturities, and terms of redemption. The actions of the City Manager in selling the Series 2026 Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Series 2026 Bonds shall be necessary on the part of the Authority.

4. The Chair and Vice-Chair of the Authority, either of whom may act, are hereby authorized and directed to execute the Documents, which shall be in substantially the forms submitted to this meeting, which are approved, with such completions, omissions, insertions and changes, including changes to the dates thereof, not inconsistent with this Resolution as may be approved by the officer executing them, such execution to constitute conclusive evidence of approval of any such completions, omissions, insertions and changes.

5. The Authority authorizes the distribution of the Preliminary Official Statement in form deemed "near final" as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, to prospective purchasers of the Series 2026 Bonds, with such completions, omissions, insertions and changes, including a change to the date thereof, as may be approved by the Chair or Vice-Chair, either of whom may act. Such distribution shall constitute conclusive evidence of the approval of the Chair or Vice-Chair as to any such completions, omissions, inserts and changes and that the Authority has deemed the Preliminary Official Statement to be near final as of its date.

6. The Chair and Vice-Chair of the Authority, either of whom may act, are hereby authorized and directed to approve such completions, omissions, insertions and other changes to the Preliminary Official Statement necessary to reflect the terms of the sale of the Series 2026 Bonds and the details thereof appropriate to complete it as an official statement in final form (the "Official Statement") and to execute and deliver the Official Statement to the initial purchaser or purchasers of the Series 2026 Bonds. Execution of the Official Statement by the Chair or Vice-Chair shall constitute conclusive evidence of such officer's approval as to any such completions,

omissions, insertions and changes, and that the Official Statement has been deemed final by the Authority as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission.

7. The Chair and Vice-Chair of the Authority, either of whom may act, are hereby authorized and directed to execute the Series 2026 Bonds by manual or facsimile signature. The Secretary or Assistant Secretary, either of whom may act, is hereby authorized and directed to affix the seal of the Authority to or print a facsimile thereof on the Series 2026 Bonds and attest the same by manual or facsimile signature, and the officers of the Authority are hereby authorized and directed to deliver the Series 2026 Bonds to the Trustee for authentication and delivery to the purchaser or purchasers thereof. To the extent deemed permissible under the terms of the Trust Agreement, the Trustee may authenticate the 2026 Bonds by an accepted electronic or remote means of authentication in addition to authentication by the manual signature of an authorized officer.

8. The Authority agrees to the recommendation of the City that Kutak Rock LLP, Richmond, Virginia, be appointed as bond counsel.

9. The officers of the Authority are hereby authorized and directed to execute, deliver and file all certificates and documents and take all such further action as they may consider necessary or desirable in connection with the issuance and sale of the Series 2026 Bonds, including without limitation (a) execution and delivery of the certificate setting forth the expected use and investment of the proceeds of the Series 2026 Bonds to show that such expected use and investment will not violate the provisions of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations thereunder, applicable to "arbitrage bonds," (b) making any elections, at the request of the City that such officers deem desirable regarding any provision requiring rebate to the United States of "arbitrage profits" earned on investment of proceeds of the Series 2026 Bonds, (c) providing for the City to pay any such rebate amount, and (d) filing Internal Revenue Service Form 8038-G for the Series 2026 Bonds and to take such further action as they may consider necessary or desirable in connection with the issuance and sale of the Series 2026 Bonds, the undertaking of the 2026 Projects and refunding of the Prior Bonds. The foregoing shall be subject to the advice, approval and direction of bond counsel. The officers of the Authority are further authorized to appoint the City as paying agent for the Series 2026 Bonds, and as the Authority's agent generally for the purpose of carrying out any undertaking of the Authority herein authorized.

10. The City shall be responsible for monitoring after issuance of the Series 2026 Bonds the use of the proceeds thereof and of the projects financed or refinanced therewith to ensure compliance with requirements of federal tax law for as long as such bonds are outstanding, including compliance with arbitrage rebate requirements, under the City's Post-Issuance Compliance Policies and Procedures established by the City Council for the City's tax-advantaged governmental purpose bonds, and the City shall also be responsible for continuing disclosure compliance under federal securities law with respect to the Series 2026 Bonds as set forth in such policies and procedures, which the Authority hereby adopts relative to the Series 2026 Bonds.

11. The Chair or Vice Chair are each authorized to utilize the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") in connection with the investment of all or

a portion of the proceeds of the Series 2026 Bonds if requested by the City. The Authority acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the Authority or the City in connection with SNAP, except as otherwise provided in the SNAP Contract.

12. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

13. All other acts of the officers of the Authority that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Series 2026 Bonds, the undertaking of the 2026 Projects and refunding of the Prior Bonds are hereby approved and ratified.

14. The authorization provided in this Resolution approving the offering and sale of the Series 2026 Bonds is effective for as long as the Council Resolution approving the issuance of the Series 2026 Bonds remains in effect. The authorization herein granted will automatically terminate upon the termination or rescission of the Council Resolution. A certified copy of the Council Resolution shall be filed with the Authority.

15. This Resolution shall take effect immediately.

Signed by David Weiner
Secretary/Assistant Secretary
City of Virginia Beach Development Authority

Adopted on August 11, 2026.

APPROVED AS TO LEGAL
SUFFICIENCY:

Signed by Alexander Stiles
City Attorney

CERTIFICATE

The undersigned Secretary/Assistant Secretary of the City of Virginia Beach Development Authority (the "Authority"), certifies that:

1. A meeting of the Authority was held on August 11, 2026, at the time and place established and noticed by the Authority, at which the members of the Authority were present or absent as noted below. The foregoing Resolution was adopted by a majority of the members of the Authority, by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

	PRESENT/ABSENT:	**VOTE:**
William Brunke	x / _	10-0
Michael Harris	x / _	
Donald Horsley	x / _	
Akhil Jain	x / _	
Eric Keplinger	x / _	
Esmel Meeks	x / _	
Penny Morgan	x / _	
Lisa Murphy	x / _	
Patrick L. Shuler	x / _	
David Weiner	x / _	
Guenter H. Weissenseel	__ / x_	

2. The foregoing Resolution is a true and correct copy of such Resolution as adopted on August 11, 2026. The foregoing Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the City of Virginia Beach Development Authority, this 11 day of August, 2026.

Signed by David Weiner
Secretary/Assistant Secretary,
City of Virginia Beach Development
Authority

(SEAL)

A RESOLUTION APPROVING THE SALE
OF APPROXIMATELY NINE ACRES
OF PROPERTY LOCATED IN THE
CORPORATE LANDING BUSINESS PARK
TO GLOBALINX DATA CENTER, LLC

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

WHEREAS, the Authority desires to sell a portion of property designated as GPIN: 2415-14-6859, consisting of approximately nine (9) acres , located on Perimeter Parkway in the Corporate Landing Business Park in the City of Virginia Beach, Virginia, as shown on Exhibit A attached hereto (the "Property") to Globalinx data center, LLC, a Virginia limited liability company (the "Purchaser") for a purchase price of $200,000.00 per usable acre, pursuant to a Purchase Agreement, the substantive terms of which are summarized on the attached Exhibit B.

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 a Purchase Agreement with the Purchaser for the purchase of the Property on the terms outlined on Exhibit B, 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 ___11___ day of __August____, 2026, by the City of Virginia Beach Development Authority.

CITY OF VIRGINIA BEACH
DEVELOPMENT AUTHORITY

Signed by David Weiner
_____
Secretary/Assistant Secretary

APPROVED AS TO CONTENT:

_Signed by Emily Archer
_____
Economic Development

APPROVED AS TO LEGAL SUFFICIENCY:

__Signed by Alex Stiles
_____
City Attorney

EXHIBIT A

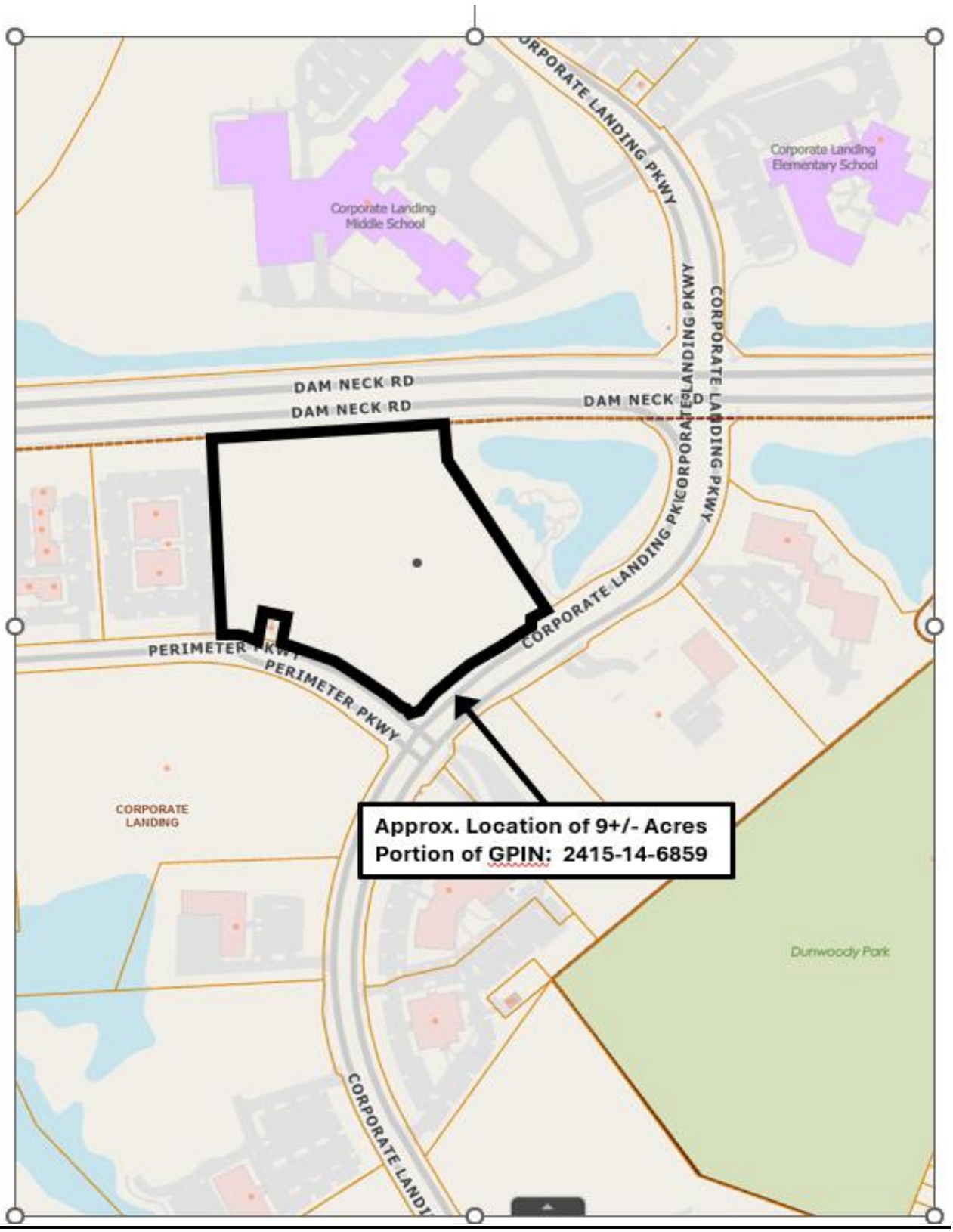

Corporate Landing Middle School
Corporate Landing Elementary School
DAM NECK RD
DAM NECK RD
CORPORATE LANDING PKWY
CORPORATE LANDING PKWY
PERIMETER PKWY
PERIMETER PKWY
CORPORATE LANDING
Approx. Location of 9+/- Acres
Portion of GPIN: 2415-14-6859
Dunwoody Park

EXHIBIT B

PURCHASER:	Globalinx data center, LLC
DEPOSIT:	$10,000.00
DUE DILIGENCE PERIOD:	180 days after execution of the Purchase Agreement, with an option to extend the Due Diligence Period by three (3) thirty-day periods
CLOSING:	On or before August 12, 2028
SIZE:	Approximately 9 Acres
PARCEL:	Portion of GPIN: 2415-14-6859 located on Perimeter Parkway in the Corporate Landing Business Park
PRICE:	$200,000.00 per usable acre
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
CONDITIONS:	Purchaser to construct an approximately 85,000 square foot carrier-neutral colocation and interconnection space in support of subsea cables.

A RESOLUTION AUTHORIZING THE CITY OF VIRGINIA BEACH DEVELOPMENT AUTHORITY TO SUBLEASE APPROXIMATELY 200 SQ. FT. OF OFFICE SPACE TO ORCA AI DEFENSE

WHEREAS, the City of Virginia Beach Development Authority (the "Authority") entered into a lease with Town Center Associates 11, LLC, for approximately 23,000 sq. ft. of office space (the "Premises") located at 4525 Main Street, Suite 700, in Virginia Beach;

WHEREAS, Orca AI Defense, a company based in Europe that will be authorized to transact business in Virginia prior to the commencement of operations at the Premises ("Orca"), desires to sublease one office consisting of approximately 200 sq. ft. of the Premises from the Authority; and

WHEREAS, the terms and conditions of the sublease are set forth in the Summary of Terms, attached hereto as Exhibit A, and made a part hereof.

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

That the Chair or Vice-Chair is hereby authorized to execute a sublease between the Authority and Orca, or a related entity, so long as the terms and conditions are in accordance with the Summary of Terms attached hereto as Exhibit A, and made a part hereof, and such other terms, conditions and modifications as may be acceptable to the Chair or Vice-Chair and in a form deemed satisfactory by the City Attorney.

Adopted this ___11___ day of __August_____, 2026, by the City of Virginia Beach Development Authority.

CITY OF VIRGINIA BEACH
DEVELOPMENT AUTHORITY

By: ____Signed by David Weiner_____
Secretary/Assistant Secretary

APPROVED AS TO CONTENT:

Signed by Emily Archer
_____
Economic Development

APPROVED AS TO LEGAL
SUFFICIENCY:

__Signed by Alex Stiles
_____
City Attorney

EXHIBIT A

Summary of Terms

LANDLORD:	TCA Block 11 Office, LLC, a Virginia limited liability company (c/o Divaris Property Management Corp.)
TENANT / SUBLESSOR:	City of Virginia Beach Development Authority (the "Authority")
SUBLESSEE	Orca AI Defense, a company based in Europe that will be authorized to transact business in Virginia prior to the commencement of operations at the Premises (defined below), or a related entity
PREMISES:	Approx. 200 sq. ft. of office space located at 4525 Main Street, Suite 710, Virginia Beach, VA 23462 (within the City of Virginia Beach's Office of Economic Development)
TERM:	Two (2) years
RENT:	Months 1-6: N/A (no rent) Months 7-12: $7.25 / sq. ft. = $1,450 / yr. ($120.83 / mo.) Months 13-18: $14.50 /sq. ft. = $2,900 / yr. ($241.66 / mo.) Months 19-24: $20.25 / sq. ft. = $4,050 / yr. ($337.50 / mo.)
SECURITY DEPOSIT:	$0.00
CONDITIONS:	The Sublease is subject to all the terms and conditions of the Master Lease between the Landlord and the Authority.
SPECIAL FEATURES:	Sublessee shall have the right to terminate the Sublease on thirty (30) days' written notice to the Sublessor, without penalty.

A RESOLUTION EXTENDING THE CLOSING DATE
FOR GOVSOLUTIONS, INC. TO PURCHASE
APPROXIMATELY 4 ACRES OF PROPERTY IN THE
CORPORATE LANDING BUSINESS PARK

WHEREAS, on November 18, 2025, the City of Virginia Beach Development Authority (the "Authority") approved the sale of approximately 4 acres of property located in the Corporate Landing Business Park, being a portion of GPIN: 2415-22-7788 (the "Property") to GovSolutions, Inc. (the "Purchaser");

WHEREAS, the Authority and the Purchaser entered into a purchase agreement dated April 8, 2025 (the "Purchase Agreement");

WHEREAS, a condition of the Purchase Agreement was that closing would occur on or before July 30, 2026;

WHEREAS, if closing did not occur by July 30, 2026, either party could terminate the Purchase Agreement by giving notice to the other, to date both parties have expressed a desire to proceed to closing;

WHEREAS, the Purchaser has worked diligently to satisfy the conditions of closing, but due to unforeseen circumstances, has requested an extension of time to close on the purchase of the Property; and

WHEREAS, the Authority is of the opinion that approving a six-month extension will be sufficient time for the Purchase to close on the Property and would be in the best interest of the Authority and the City of Virginia Beach.

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

1. That the Authority approves the extension of time for GovSolutions, Inc. to close on the purchase of the Property until January 31, 2027.

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 _____, 2026, by the City of Virginia Beach Development Authority.

CITY OF VIRGINIA BEACH
DEVELOPMENT AUTHORITY

APPROVED AS TO CONTENT:

Signed By Emily Archer
Economic Development

By: Signed by David Weiner
Secretary/Assistant Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

Signed by Alexander Stiles
City Attorney

A RESOLUTION APPROVING THE PROVISION
OF $64,000 IN ECONOMIC DEVELOPMENT
INVESTMENT PROGRAM FUNDS TO
ONYX REALTY PROFESSIONALS, 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 Onyx Realty Professionals, LLC, a Virginia limited liability company (the "Recipient"), to expand its operation at 3396 Holland Road, Virginia Beach, Virginia 23452 (the "Property");

WHEREAS, Recipient has represented to the Authority that it intends to utilize any funds received from the Authority as a part of a reconstruction of its facility after a casualty event (the "Reconstruction"), and that it intends to first utilize any and all insurance proceeds available to it before it uses any funds awarded by the Authority;

WHEREAS, the inducement includes an agreement to recommend the award to Recipient of $64,000 in EDIP funds to underwrite a portion of costs associated with the expansion of Recipient's operation to 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; and/or

(b) Capital Investment: For every One Dollar ($1.00) of EDIP funds received, Recipient shall make a new capital investment of at least $25.00.

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, and/or

(ii) for every one dollar ($1.00) in EDIP funds provided, Recipient will spend at least twenty-five and 00/100 dollars ($25.00) in new capital investment.

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

1. That the Authority hereby finds:

(a) that the provision of $64,000 in EDIP funds to Onyx Realty Professionals, LLC, a Virginia limited liability (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 operation 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 expansion of its operation in Virginia Beach, the provision of $64,000 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 job positions being incentivized, if applicable, by this EDIP award.

4. That based on these findings, the Authority hereby approves the provision of $64,000 in EDIP funds to the Recipient to underwrite a portion of the costs associated with the expansion 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 her designee (the "Director"), who shall be authorized to require appropriate verification as to qualifying expenditures. Further, the Director is instructed not to disperse any of the EDIP Funds until the Recipient has provided documentation to the Director that Recipient has utilized all insurance proceeds available to it for the Reconstruction.

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, except the disbursement may not be prior to the completion of the Employment Opportunity Performance Criteria, if applicable. 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 incentivized by this award, if applicable, once a new full-time job is filled, it 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, if applicable. 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 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.

10. The Authority may terminate this award and decline to pay any unpaid funds if the recipient has not requested the full $64,000 within thirty-six (36) months of the date of this Resolution.

Adopted this 11th day of August, 2026, by the City of Virginia Beach Development Authority.

CITY OF VIRGINIA BEACH
DEVELOPMENT AUTHORITY

By: Signed by David Weiner
Secretary/Assistant Secretary

APPROVED AS TO CONTENT:

Signed by Emily Archer
Economic Development

APPROVED AS TO LEGAL
SUFFICIENCY:

Signed by Alexander Stiles
City Attorney