

**KING GEORGE COUNTY ECONOMIC DEVELOPMENT AUTHORITY**  
**January 19, 2007**

The Chairman, Mr. Glen Moore, called the special meeting of the King George County Economic Development Authority to order at 4:00 p.m. in Court Room #1, 9483 Kings Highway, King George, Virginia, with a quorum being present. Mr. Glen Moore, Mr. Terry Moore, Mr. Beverly, Ms. Churchill, and Ms. Philbrick, were in attendance. Mr. Ballenger was absent. Mr. Bryan David, County Administrator and Mrs. Theresa O'Quinn, Deputy County Administrator were also in attendance.

The purpose of the special meeting of the EDA was to review the Site Plan for Lot 16 in the King George Industrial Park.

At its meeting held on January 11, 2007, the EDA discussed the issue of Lot 16, which is now in the name of Birchwood Creek Associates, LLC as opposed to the original deed, which was in the name of Wayne Bailey and whether this change violated any of the Declaration of Protective Covenants and Restrictions governing lots sales in the King George Industrial Park. At that meeting, Mr. Bailey's attorney addressed the EDA explaining the process of the formation of the limited liability company, Birchwood Creek Associates LLC, and provided copies of documentation which verified that expenditures for development of this lot were paid by Birchwood Creek Associates, LLC. The attorney clarified that Mr. Bailey had not sold the subject lot and that it was Mr. Bailey's intent, when he purchased the lot in September of 2005, to place it in a limited liability company of which he is the sole owner. The LLC was formed in July of 2005.

Mr. David informed the EDA that he had extensive conversations with Mr. Britton, County Attorney, regarding this issue and that Mr. Britton had reviewed documentation provided by Mr. Bailey's attorney. He reported to the EDA that Mr. Britton is entirely comfortable that the transfer from Wayne Bailey to Birchwood Creek Associates, LLC did not violate Paragraph 5 of the Declaration of Protective Covenants and Restrictions clause dealing with exercising Mr. Bailey's options, as discussed in the January 11<sup>th</sup> EDA meeting.

Mr. Wayne Bailey was in attendance at the special meeting and presented information regarding development of Lot 16 and discussed the contents of the proposed site plan, which includes twelve warehouse units. Mr. Bailey responded to several questions from the Directors as to what types of businesses that might rent/purchase this type of unit, plans for advertising availability of those units, whether the units will be sold or leased, etc.

On a motion by Ms. Churchill, seconded by Mr. Beverly, and carried by a 4-1 vote, each member voting as follows: Mr. Glen Moore Aye; Mr. Beverly Aye; Ms. Churchill Aye; Ms. Philbrick Aye; and Mr. Terry Moore Nay, the King George County Economic Development Authority determined that the action taken by Mr. Bailey on Lot 16 to place the lot in a limited liability company, Birchwood Creek Associates, LLC, did not constitute a sale of the lot, did not violate the Declaration of Protective Covenants and Restrictions governing the lots in the King George Industrial Park and thereby approved the proposed site plan for Lot 16, as presented.

There was continued discussion among the Directors about the need to review and possibly amend the current Protective Covenants and Restrictions and to further discuss the approaching eighteen month deadlines for many of the lots owners to begin construction on the lots purchased in the Industrial Park. Mr. David and Mrs. O'Quinn will be meeting with the County Attorney to review the current Covenants and Restrictions and will discuss proposed changes at the February 8<sup>th</sup> meeting of the EDA.

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There being no further businesses to come before the EDA, the Chairman adjourned the meeting on a motion by Ms. Churchill, seconded by Ms. Philbrick and carried unanimously.

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GLEN R. MOORE, Chairman

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ANITA W. CHURCHILL, Secretary