

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HARRISONBURG, VIRGINIA APPROVING GRANTS TO
AND PERFORMANCE AGREEMENTS WITH SHENANDOAH VALLEY
ORGANIC, LLC.**

WHEREAS, the Commonwealth of Virginia has approved two grants to Shenandoah Valley Organic, LLC, a Virginia limited liability company, and its wholly owned subsidiary, Organic Plant, LLC, a Virginia limited liability company (collectively referred to as “the Company”), one grant being for \$500,000.00 from the Commonwealth’s Development Opportunity Fund (the “COF Grant”) and one grant being for \$500,000.00 from the Governor’s Agricultural and Forestry Industrial Development Fund (the “AFID Grant”); and

WHEREAS, the COF Grant and the AFID Grant require the City to provide a Local Cash Grant of \$500,000.00 and a waterline extension valued at \$300,000.00 to the Company in order for the Company to receive the COF and AFID Grants; and

WHEREAS, the Commonwealth of Virginia has requested that the City and the Economic Development Authority of the City of Harrisonburg approve (1) a Commonwealth’s Development Opportunity Fund Performance Agreement dated November 24, 2020, between the City, Authority, the Company and the Virginia Economic Development Partnership Authority (“VEDP”) and (2) an as yet undated Governor’s Agricultural & Forestry Industries Development Fund Performance Agreement between the City, Authority and the Company; and

WHEREAS, City Council now desires to (i) evidence its approval of both Performance Agreements described above and (ii) to approve the Local Cash Grant to the Company and the waterline extension and, further, (iii) to authorize such grants to the Company and authorize payment thereof to the Company in accordance with the Agreements and this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, as follows:

1. Council approves the Performance Agreements as described above, and a Local Cash Grant in the amount of \$500,000.00 from the City’s Economic Development funds (together with the waterline extension) and authorizes the Mayor or Vice Chairman to execute the Performance Agreements.

2. Upon receipt from the Commonwealth of the funds from the COF Grant and the AFID Grant the City Manager shall approve and transfer such grant funds to the Authority to enable the Authority to make the grant funds described herein and in the Agreements, together with all or a portion of the City's Local Cash Grant of \$500,000.00, which may be paid in three annual installments, for the Authority to make such grants to the Company in accordance with instructions provided by the City Manager.

3. City Council hereby authorizes all such further actions as may be consistent with or in furtherance of the Performance Agreements approved in this Resolution. Further, the City Council hereby authorizes and directs the Mayor and Vice Mayor, any one or more of whom may act, to take all such further actions and to execute and deliver all such legal documentation, if any, as may be advised by legal counsel to the City, all in furtherance of the purposes and the intent described in this Resolution.

4. All other acts of the City that are in conformity with the purposes and intent of this Resolution and in furtherance of the Performance

ADOPTED AND APPROVED this 13th day of April, 2021.

MAYOR

ATTESTEE:

CITY CLERK