

July 29, 2024

Mr. D. Wayne Moore, Esquire
Moore, Mullins and Corbett, PC
606 Thimble Shoals Boulevard
Building A, Suite 3
Newport News, Virginia 23606-4535

RE: Commonwealth Green Public Right-of-Way Improvements

Dear Mr. Moore:

Thank you for your letter, dated July 24, 2024, in which you requested the County reconsider a reduction in the surety amount for the aforementioned project. As you may be aware, the County of York entered into a Development Agreement with Commonwealth Green LLLP, a Virginia registered limited liability partnership, on August 1, 2014 and the original amount of the Letter of Credit was established at \$800,000.00 and over the course of the project the amount of surety has been reduced to its current amount of \$441,750.00 which the County believes is a fair and equitable amount given the conditions of the proposed public road improvements that have constructed at this time.

While, the County appreciates the developer (Commonwealth Green LLLP) has made efforts recently to ensure that the majority of the physical improvements are satisfactorily constructed, in order for the street extension to be accepted into the Secondary System of State Highways, Commonwealth Drive must be formally inspected by the Virginia Department of Transportation (VDOT). After the inspection, a punch list is prepared by VDOT and sent to the developer. All items on the punch list must be completed to VDOT's satisfaction. Until that occurs, the County agrees with the VDOT staff that Commonwealth Drive remains incomplete.

Regrettably, the County of York cannot consider a reduction of the Letter of Credit amount at this time until the street is formally accepted into the Secondary System. As has been previously discussed with the development partners, final construction of all of the components of the plan are required before VDOT will schedule another formal inspection from which they will generate a punchlist. Previous inspections have not resulted in completion of the outstanding items identified for repair or construction by VDOT and the punch lists have therefore expired. A new inspection is necessary before VDOT will certify the road as complete. After that is received by the County and recommended for inclusion into the State Secondary System, the Board of Supervisors will request the inclusion of the street extension into the Secondary System. Ultimately, VDOT must accept the street with formal notification to the County. When all of these steps have been completed, the County will release the surety in its entirety.

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Should you have any questions regarding this matter or if you need further information you may contact me (757)-890-3551 or Susan.Kassel@yorkcounty.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Kassel". The signature is fluid and cursive, with a large loop at the end of the last name.

Susan D. Kassel

Director of Planning and Development Services

Copy to: Mark L. Bellamy, County Administrator
Earl W. Anderson, Chief of Development Services