

**AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN SPACE AT THE TOWN
TRANSIT CENTER LOCATED ON THE VIRGINIA TECH CAMPUS**

WHEREAS, the Town operates Blacksburg Transit (“BT”) and for many years, the Town has worked in partnership with Virginia Tech to transport students around the Town and the Virginia Tech campus;

WHEREAS, over a decade ago, the Town and Virginia Tech entered into a collaborative arrangement to build a transit facility on the Virginia Tech campus (the “Transit Center”);

WHEREAS, the Transit Center will include a building (the “Building”), as well as bus loops, and other features;

WHEREAS, the Town applied for Federal Transit Administration (“FTA”) and Virginia Department of Rail and Public Transportation (“DRPT”) funded grants (referred to herein as the “Grant” or “Grants”) for the construction of the Transit Facility;

WHEREAS, the Town, as the recipient of the FTA and DRPT Grants, must be the owner of the Building for a forty-year term lease (the “Lease”) as set forth in said easement;

WHEREAS, Virginia Tech granted an easement dated September 26, 2016 (recorded in the Montgomery County, Virginia, Circuit Court Clerk’s Office as Instrument Number 20160007420) to the Town on three adjoining parcels of land located on the main campus of Virginia Tech to permit the Town’s construction of the Building;

WHEREAS, given that the Transit Center is located on the Virginia Tech campus, the Town and Virginia Tech agreed in earlier Memorandums of Understanding (“MOUs”) that Virginia Tech should be able to lease certain spaces in the Building;

WHEREAS, the areas to be leased have never been used as “public spaces” as described in Virginia Code § 15.2-2100, and any lease by the Town to a third party would be inconsistent with the understandings of the parties (and require Virginia Tech’s approval) so franchise process contained in Virginia Code § 15.2-2100 is not necessary; and

WHEREAS, the parties now desire to enter into this Lease as the construction of the Building nears completion.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Blacksburg:

1. That, subject to final approval by the Federal Transit Authority, the Mayor is authorized to sign and deliver a lease of by the Town of certain areas of the Building as described below:

Rooms #216, 218 and 220, the Bike Hub Areas (A14 & A16), Showers A & B (A10 & A 12), Lactation Room (B30), and shared occupancy of the IT Room (B12), and the Custodial Rooms (A04A and B04A), and shared use of the Restrooms, Public Waiting Area (A03), Social Space, Conference Room (A115), Work Area, Break Area, Visitor Waiting, Flex Office (#219, 224, 226 and 228), Conference/Training Room (#221), and Informal Meeting Areas (#201), located in the Transit Center Building (the "Building").

2. The Lease shall have a forty year term; provide for rent during the term of \$1.00 and other consideration; and shall be substantially in the form presented to the Town Council.

3. That the Operating Agreement for the Transit Center, as presented to the Town Council, is hereby approved.

4. That this ordinance shall be in effect upon its adoption.

Mayor

ATTEST:

Town Clerk

Introduction:_____

Public Hearing & Action:_____

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

Town Manager

Town Attorney