

INTRODUCED: January 9, 2023

AN ORDINANCE No. 2023-028

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Deed of Quitclaim of Utility Easement between the City of Richmond and 2400 Afton Avenue LLC, for the purpose of vacating by quitclaim deed certain easements on the property known as 2400 Afton Avenue, for nominal consideration, to 2400 Afton Avenue LLC.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 13 2023 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to execute a Deed of Quitclaim of Utility Easement between the City of Richmond and 2400 Afton Avenue LLC, for the purpose of vacating by quitclaim deed (i) the City's perpetual easement for the construction, reconstruction, maintenance, and operation of facilities for controlling the flow of surface water, storm water and sanitary sewers, and gas, water, and overhead and underground electric facilities and (ii) any separate 25 foot easement located in the area shown on the plat attached to the instrument recorded in Office of the Clerk for the Circuit

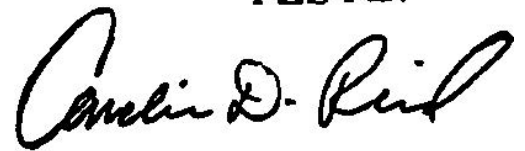
AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 13 2023 REJECTED: _____ STRICKEN: _____

Court of the City of Richmond, Virginia, in Book 552, Page 222, that may exist on the property known as 2400 Afton Avenue, for nominal consideration, to 2400 Afton Avenue LLC. Such Deed of Quitclaim of Utility Easement shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, reading "Carlin D. Reed". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

City Clerk



City of Richmond

Intracity Correspondence

O&R REQUEST

DATE: December 9, 2022 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor *LM Stoney*

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer *Lincoln Saunders*

THROUGH: Robert C. Steidel, Deputy Chief Administrative Officer *RC Steidel*

THROUGH: April N. Bingham, Director of Public Utilities *AB 12/9/22*

FROM: Jonathan M. Cosby, Interim Engineering Manager, Water Utility, Department of Public Utilities *JM Cosby* 12/12/22

RE: Approval for Chief Administrative Officer to authorize Quitclaim to Vacate Utility Easements at 2400 Afton Avenue, Parcel No. S0080237007

ORD. OR RES. No. _____

PURPOSE: To authorize the Chief Administrative Officer to execute a quitclaim deed (the "Quitclaim Deed") to vacate a perpetual easement for the construction, reconstruction, maintenance and operation of facilities for controlling the flow of surface water, storm water and sanitary sewers, and gas, water, and overhead and underground electric facilities ("the Confirmed Easement") and any separate 25' easement located in the area shown on the plat attached to the instrument recorded in the Clerk's Office, Circuit Court in the City of Richmond, Virginia in Book 552, pages 222-225 (the "Undetermined Easement"), to the extent the Undetermined Easement exists. Execution of the Quitclaim Deed is contingent upon execution of a Deed of Drainage and Utility Easements (the "Replacement Deed") by the property owner and the City. The Replacement Deed shall grant the City easements to install, operate and maintain utility facilities, both existing and future, upon specified areas of the property owner's property.

REASON: The Property owner proposed development on the Property that is in conflict with the Confirmed Easement and may be in conflict with the Undetermined Easement, to the extent the Undetermined Easement exists. Vacation of the Confirmed Easement and the Undetermined Easement, to the extent the Undetermined Easement exists, will release the City's property interest(s) within the easement to the owner.

RECOMMENDATION: The City Administration recommends adoption of this Ordinance.

BACKGROUND: The Department of Public Utilities ("DPU") determined that the Confirmed Easement is no longer necessary. DPU additionally determined that the Undetermined Easement, to the extent it exists, is no longer necessary.

FISCAL IMPACT / COST: None.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: January 9, 2023

CITY COUNCIL PUBLIC HEARING DATE: January 23, 2023

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing and Transportation.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None.

AFFECTED AGENCIES: Department of Public Utilities

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S):

ATTACHMENTS: Deed of Quitclaim Utility Easement

STAFF: Jonathan Cosby, Interim Engineering Manager, Water Utility, Department of Public Utilities, 804-646-7849

ATTACHMENT A

AFTER RECORDING RETURN TO:
City of Richmond, City Attorney's Office
900 E. Broad Street, Suite 400
Richmond, Virginia 23219

CITY OF RICHMOND, VIRGINIA
TAX MAP NO.: S0080237007

DEED OF QUITCLAIM OF UTILITY EASEMENT

THIS DEED OF QUITCLAIM OF UTILITY EASEMENT (this "Deed") is made this ____ day of _____, 20____, by and between the CITY OF RICHMOND, a municipal corporation organized under the laws of the Commonwealth of Virginia, to be indexed as grantor (the "GRANTOR"), and 2400 AFTON AVENUE LLC, a Virginia limited liability company (the "GRANTEE").

RECITALS

WHEREAS, GRANTEE is the owner of certain real property located in the City of Richmond, Virginia, designated as Tax Map No. S0080237007 and being the same real estate conveyed to GRANTEE by deed recorded in the Clerk's office of the Circuit Court of Richmond, Virginia (the "Clerk's Office") as Instrument No. 200023790 (the "Property");

WHEREAS, a perpetual easement for the construction, reconstruction, maintenance and operation of facilities for controlling the flow of surface water, storm water and sanitary sewers, and gas, water, and overhead and underground electric facilities on the Property (collectively, the "Confirmed Easement") was conveyed to the GRANTOR by deed of easement recorded in the Clerk's Office, Circuit Court in the City of Richmond, Virginia in Book 238, page 170 and marked "Exhibit A," attached hereto and made a part hereof;

WHEREAS, a separate 25' easement located in the area shown on the plat attached to the instrument recorded in the Clerk's Office, Circuit Court in the City of Richmond, Virginia in Book 552, page 222 (the "Undetermined Easement") may exist on the Property;

WHEREAS, the location of the Confirmed Easement and the Undetermined Easement (the "Easement Area") is more particularly shown on that certain plat entitled "PLAT SHOWING LOT CONSOLIDATION TOTALING 2.057 ACRES, EASEMENT VACATIONS,

& VARIOUS EASEMENT DEDICATIONS,” prepared by Timmons Group, dated September 12, 2022, revised December 7, 2022, and marked as “Exhibit B,” attached hereto and made a part hereof (the “Timmons Plat”); and WHEREAS, pursuant to the terms of Ordinance No. 20____-____, adopted by the Richmond City Council on _____, 20____, attached hereto and incorporated herein without its attachments as “Exhibit C,” GRANTOR has agreed to vacate, convey, remise, release, and forever quitclaim to GRANTEE the Confirmed Easement and the Undetermined Easement, to the extent the Undetermined Easement exists, all as more particularly set forth in this Deed.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, incorporated herein and made a part hereof, and in consideration of the mutual undertakings herein contained, ten dollars cash in hand paid (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRANTOR and GRANTEE agree as follows:

1. GRANTOR hereby vacates, conveys, remises, releases, and forever quitclaims to GRANTEE and their successors and assigns, all rights, title and interests of GRANTOR in and to the property conveyed by the Confirmed Easement and the Undetermined Easement (collectively, the “Easements”), to the extent the Undetermined Easement exists.
2. Each of the Parties hereto releases to the other, and their respective predecessors, successors and assigns, from any and all other conditions, covenants, provisions and obligations, whether accrued or not, or performed in whole, in part, or not at all, or express or implied, with respect to the Easements.
3. This conveyance is specifically made conditional upon the conveyance from GRANTEE to GRANTOR of: (1) A 124 square foot variable width permanent easement to install, operate and maintain utility facilities, both existing and future, in conformance with Ordinance No. 2022-048, upon, over, under and across the Property, the location of which easement is more particularly shown as the area labeled “C” on the Timmons Plat; and (2) A 12,199 square foot variable width permanent easement for drainage purposes generally and to install, operate and maintain any utility facilities, both existing and future, in conformance with Ordinance No. 2022-

048, upon, over, under and across the Property, the location of which easement is more particularly shown as the area labeled "D" on the Timmons Plat (collectively the "Replacement Easements"). The Replacement Easements shall be conveyed through a deed approved as to form by the City Attorney and executed and recorded contemporaneously herewith.

4. Each individual executing this Deed represents that he or she is duly authorized to bind GRANTOR or GRANTEE, as the case may be, to the terms and provisions of this Deed.

SIGNATURES ON FOLLOWING PAGES

IN WITNESS WHEREOF, GRANTOR has hereunto affixed its signature and seal as of the day and year first herein above written.

CITY OF RICHMOND (GRANTOR)

By: _____
J. E. Lincoln Saunders
Chief Administrative Officer
City of Richmond, Virginia

Approved as to form:

By: Donnie G. Autry
Donnie G. Autry
Assistant City Attorney
City of Richmond, Virginia

**COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:**

I, _____, Notary Public in and for the City and State aforesaid, do hereby certify that J.E. Lincoln Saunders, whose name is signed to the foregoing deed of quitclaim of utility easement bearing date _____ day of _____, 20____, personally appeared before me in my City and State aforesaid and acknowledged the same to be his act and deed.

Given under my hand this _____ day of _____, 20____.

Notary Public

Notary Registration Number: _____

My commission expires: _____

2400 AFTON AVE LLC (GRANTEE)

By: _____

Name: Edward K. Solarz

Title: Manager

COMMONWEALTH OF VIRGINIA

CITY OF _____, to-wit:

I, _____, Notary Public in and for the City and State aforesaid, do hereby certify that Edward K. Solarz, on behalf of 2400 Afton Ave, LLC, a Virginia limited liability company, whose name is signed to the foregoing deed of quitclaim of utility easement personally appeared before me in my City and State aforesaid and acknowledged the same to be his act and deed.

Given under my hand this _____ day of _____, 20__.

Notary Public

Notary Registration Number: _____

My commission expires: _____

2400 AFTON AVE LLC (GRANTEE)

By: _____

Name: Jennifer S. Hunt

Title: Manager

COMMONWEALTH OF VIRGINIA
CITY OF _____, to-wit:

I, _____, Notary Public in and for the City and State aforesaid, do hereby certify that Jennifer S. Hunt, on behalf of 2400 Afton Ave, LLC, a Virginia limited liability company, whose name is signed to the foregoing deed of quitclaim of utility easement personally appeared before me in my City and State aforesaid and acknowledged the same to be his act and deed.

Given under my hand this _____ day of _____, 20__.

Notary Public

Notary Registration Number: _____

My commission expires: _____

EXHIBIT A

THIS DEED
Mailed
 DELIVERED TO
Charles R. Reed
1409 State Street
Richmond, Va.
March 12, 1958
CHAS. R. REED, Clerk
John B. Williams

THIS DEED, Made this *13th* day of December, 1957, by and between THE CITY OF RICHMOND, a municipal corporation of the Commonwealth of Virginia, party of the first part, hereinafter referred to as "Grantor", and COLONIAL STORES, INCORPORATED, a corporation organized and existing under the laws of the State of Virginia, party of the second part, hereinafter referred to as "Grantee",

W I T N E S S E T H .

That for and in consideration of Seven Hundred and Fifty Dollars (\$750.00) cash in hand paid, receipt of which is hereby acknowledged, the Grantor hereby bargains and sells, grants and conveys unto the Grantee, with General Warranty, all that certain piece or parcel of land lying and being in the City of Richmond and more particularly described as follows

Beginning at a point on the south line of Afton Avenue one hundred feet (100') west of the west line of Lynhaven Avenue, thence in a westerly direction along the said south line of Afton Avenue a distance of one hundred feet (100') to a point, thence in a southerly direction approximately one hundred fifty-five feet (155') to the north line of a twenty-two foot alley; thence in an easterly direction along the north line of said twenty-two foot alley a distance of one hundred feet (100') to a point, thence in a northerly direction approximately one hundred fifty-five feet (155') to the point of beginning

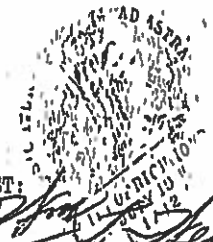
^{shown}
 Being the same land/enclosed in green lines on a plan on file in the Department of Public Works of the Grantor, entitled "Plan for the Sale of Surplus City Property on the S/L of Afton Avenue Between Columbia St & Lynhaven Ave.", marked "Drawing No. M-13261", a copy of which is attached to and made a part of this deed

The Grantor hereby reserves unto itself a perpetual easement under and across the whole of said real estate for the construction, reconstruction, maintenance and operation of facilities

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for controlling the flow of surface water, storm water and
sanitary sewers, and gas, water, and overhead and underground
electric facilities

Except for the said easement, the Grantor covenants that
the Grantee shall have quiet possession thereof, free from the
claims of all persons, and that it will make such further assurances
of said land as may be requisite and necessary

WITNESS the following signatures and seals,

ATTEST:

[Signature] (SEAL)
City Clerk

CITY OF RICHMOND

By [Signature] (SEAL)
City Manager

STATE OF VIRGINIA

CITY OF RICHMOND, to-wit:

I, Columbus N. Dolan a Notary Public in and for the City
and State aforesaid, certify that Horace H. Edwards and W. T. Wells,
whose names as City Manager and City Clerk, respectively, are
signed to the above deed, personally appeared before me in my City
and State on the 13th day of December, 1957, and acknowledged the
same to be the act and deed of the said city

Given under my hand this 13th day of December, 1957

My commission expires on the 12th day of December, 1960.

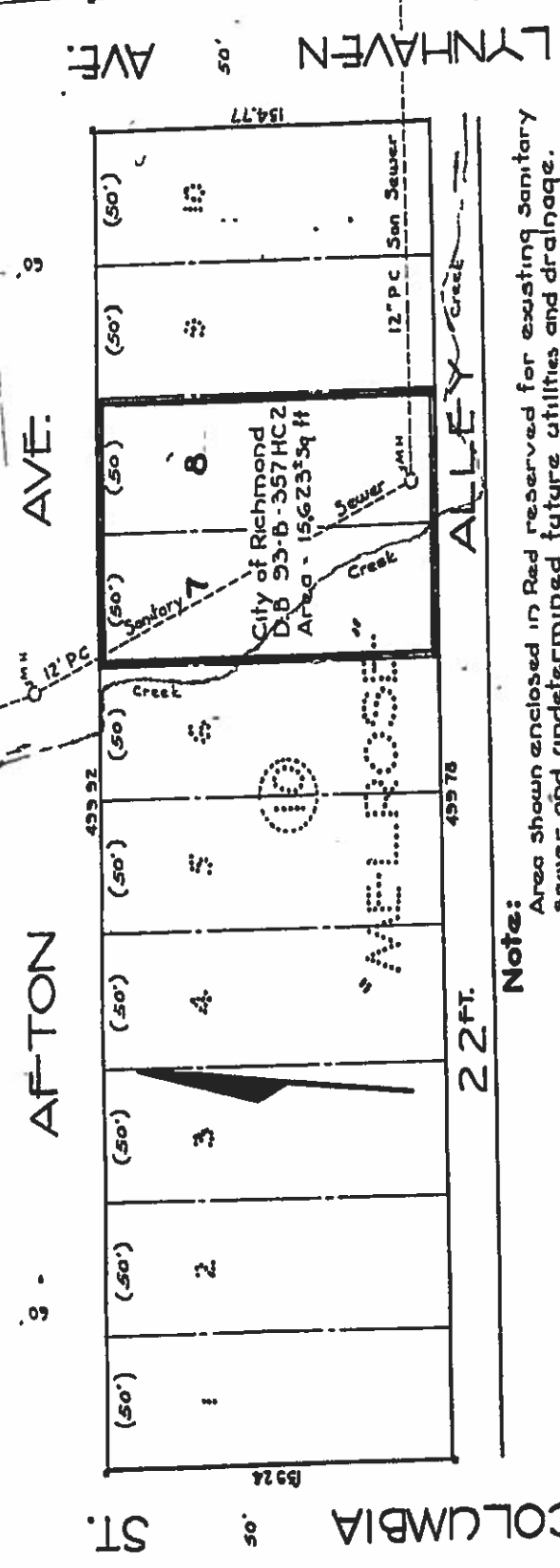
APPROVED AS TO FORM
[Signature]
Assistant City Attorney

204 1.20
24 1.00
24 3.00
24 1.00
6.20 pp.

Columbus N. Dolan
Notary Public



STATE OF VIRGINIA
 CITY OF RICHMOND, to-wit:
 In the Clerk's Office of the Hustings Court Part II, of said city the
 day of March 1958.
 This deed was presented, and with the certificate and plat annexed,
 admitted to record at 1:13 o'clock P. M.
 Tester: [Signature]
 Clerk



Note: Area shown enclosed in Red reserved for existing sanitary sewer and undetermined future utilities and drainage.

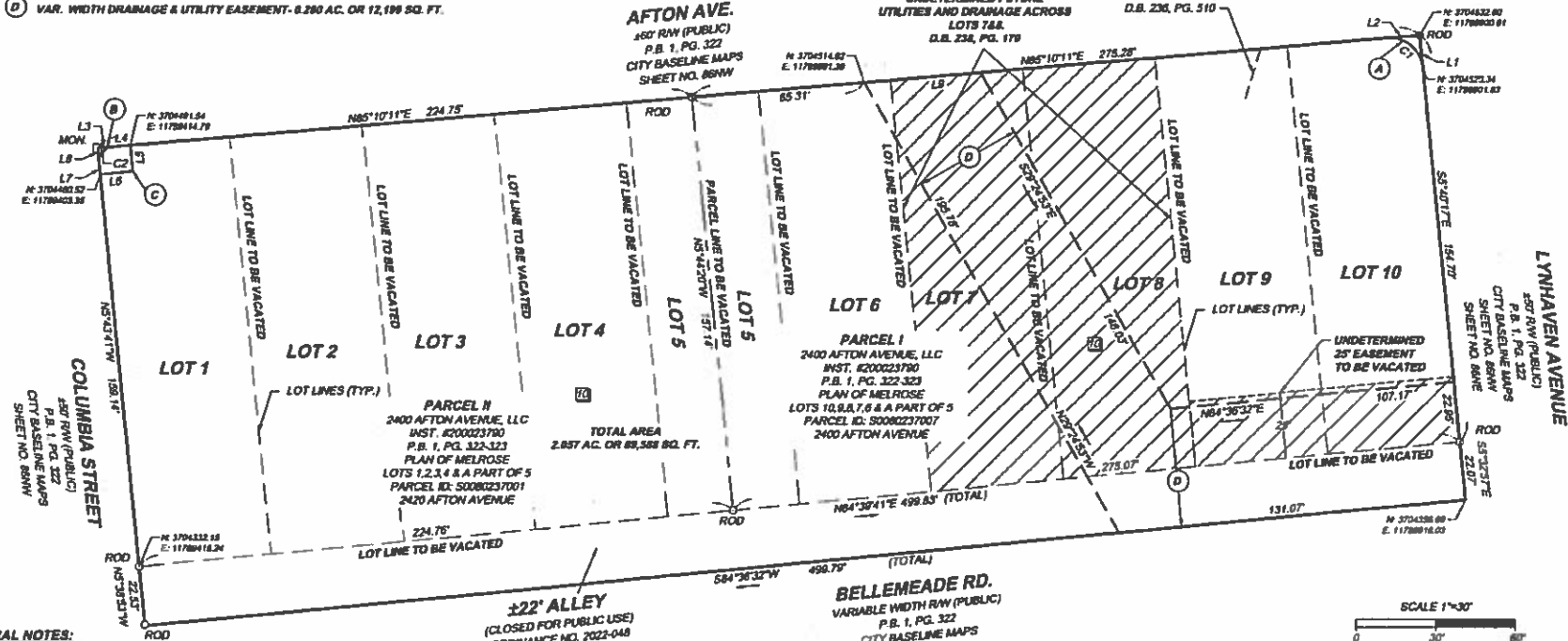
<p>Note: Area to be sold shown enclosed in Green. Property owner correct as of 6-4-57 Distances in parentheses are from P.B. 1-32 CCC "MELROSE"</p>	<p>Division of Survey Division of Construction Division of Design Bureau of Engineering <i>[Signature]</i> Director of Public Works</p>	<p>REVISIONS 1477 T-9505 6-M 11152 5/1 6CNW</p>	<p>DEPARTMENT OF PUBLIC WORKS RICHMOND, VIRGINIA</p>	<p>REVIEWED BY <i>[Signature]</i> DRAWN BY <i>[Signature]</i> CHECKED BY S.M.Jr</p>	<p>SCALE 1" = 50' DATE 6-4-57 PROJECT NO 18-66 SHEET OF DRAWING NO M-13261</p>
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PLAN FOR THE SALE OF SURPLUS CITY PROPERTY ON THE S/L OF AFTON AVENUE BETWEEN COLUMBIA ST. & LYNHAVEN AVE
 AUTHORITY Asst. Director - Request of City Real Estate Agent - See Memo Dated 4/25/76

EXHIBIT B

NEW EASEMENT SUMMARY:

- (A) VAR. WIDTH PEDESTRIAN ACCESS EASEMENT - 37 SQ. FT.
- (B) VAR. WIDTH PEDESTRIAN ACCESS EASEMENT - 8 SQ. FT.
- (C) VAR. WIDTH UTILITY EASEMENT - 124 SQ. FT.
- (D) VAR. WIDTH DRAINAGE & UTILITY EASEMENT - 8,280 AC. OR 12,196 SQ. FT.



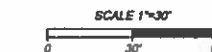
GENERAL NOTES:

- OWNER OF RECORD:
2400 AFTON AVENUE, LLC
PARCEL: S0080237007 & S0080237001
INST. # 200023790
ADDRESS: 2400 & 2420 AFTON AVENUE
- THIS PLAT IS BASED ON A CURRENT TIMMONS GROUP FIELD SURVEY FIELD WORK COMPLETED AUGUST 21, 2020. ADDITIONAL FIELD WORK COMPLETED FEBRUARY 15, 2021.
- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE BINDER.
- NO IMPROVEMENTS SHOWN HEREON.
- TOTAL AREA OF CONSOLIDATION= 2.057 AC. OR 89,588 SQ. FT.

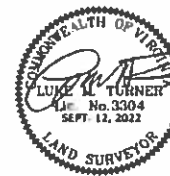
±22' ALLEY
(CLOSED FOR PUBLIC USE)
ORDINANCE NO. 2022-048
P.B. 1, PG. 322
CITY BASELINE MAPS
SHEET NO. 86NW

LINE TABLE		
LINE	BEARING	LENGTH
L1	S5°40'17"E	12.32'
L2	N85°10'11"E	12.32'
L3	N85°10'11"E	6.09'
L4	N85°10'11"E	6.39'
L5	S5°00'56"E	9.05'
L6	S84°50'04"W	12.32'
L7	N5°43'41"W	3.83'
L8	N5°43'41"W	6.09'
L9	S85°10'11"W	43.99'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	12.50'	19.45'	12.32'	89°09'32"	N50°15'03"W	17.55'
C2	6.00'	9.52'	6.09'	90°53'32"	S38°43'15"W	8.55'



EXISTING EASEMENTS TO BE VACATED
 MONUMENT FOUND (MON.)
 ROD FOUND (ROD)



**PLAT SHOWING
LOT CONSOLIDATION TOTALING
2.057 ACRES, EASEMENT
VACATIONS, & VARIOUS
EASEMENT DEDICATIONS**

CITY OF RICHMOND, VA
Date: SEPT. 12, 2022 Scale: 1"=30'
Sheet 1 of 1 J.N. 46441
Drawn by: L.M.T. Checked by: G.F.D.

Revised: 12-7-22
Revised: 11-16-22

TIMMONS GROUP

THIS DOCUMENT PREPARED AT THE
TIMMONS GROUP, 10000 WOODBURN LANE, SUITE 100, FARMERSVILLE, VA 22434
TEL: 804.338.8800 FAX: 804.338.1331 www.timmons.com

YOUR FIELD SURVEYING TECHNOLOGY PARTNER

This exhibit will
be the ordinance
once it is passed

EXHIBIT C