

INTRODUCED: September 26, 2022

AN ORDINANCE No. 2022-273

As Amended

To (i) declare surplus and direct the sale of a portion of the City-owned real estate known as 2101 Commerce Road, consisting of 1.546 acres  $\pm$ , for nominal consideration to 2107 West Commerce LLC and (ii) retain certain easements for the purpose of providing access from the public right-of-way to an adjacent parcel of real estate known as 2107 Commerce Road.

Patron – Mayor Stoney

Approved as to form and legality  
by the City Attorney

PUBLIC HEARING: OCT 10 2022      AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, notwithstanding any provision of section [~~8-34~~] 8-58 of the Code of the City of Richmond (2020), as amended, to the contrary, a portion of the City-owned real estate known as 2101 Commerce Road, consisting of approximately 1.546 acres, identified as Tax Parcel No. S008-0276/010 in the 2022 records of the City Assessor, and labeled as “Parcel B” on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28994, dated June 28, 2022, and last revised August 8, 2022, and entitled “Plat Showing Division of City Owned Parcel S008-0276-010 with a Portion Being Conveyed and Consolidated with Parcel S008-0276-009,” a copy of which is attached to and made a part of this ordinance, is hereby declared surplus

AYES:        9                      NOES:        0                      ABSTAIN:        \_\_\_\_\_

ADOPTED: OCT 10 2022      REJECTED: \_\_\_\_\_      STRICKEN: \_\_\_\_\_

real estate and directed to be conveyed to 2107 West Commerce [~~Properties~~] LLC for nominal consideration for the purpose of providing access from the public right-of-way to an adjacent parcel of real estate known as 2107 Commerce Road and identified as Tax Parcel No. S008-0276/009 in the 2022 records of the City Assessor.

§ 2. That the City shall retain a 20-foot public access easement, consisting of approximately 8,538 square feet, over, under, and across the real estate known as 2101 Commerce Road, identified as Tax Parcel No. S008-0276/010 in the 2022 records of the City Assessor, and labeled as “20’ Wide FLT Esmt. (Fall Line Trail Connector) 8,538 Sq. Ft. to be Retained by City,” on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28994, dated June 28, 2022, last revised August 8, 2022, and entitled “Plat Showing Division of City Owned Parcel S008-0276-010 with a Portion Being Conveyed and Consolidated with Parcel S008-0276-009,” a copy of which is attached to and made a part of this ordinance.

§ 3. That the City shall retain a stormwater drainage easement, consisting of approximately 1,024 square feet, over, under, and across the real estate known as 2101 Commerce Road, identified as Tax Parcel S008-0276/010 in the 2022 records of the City Assessor, and labeled as “Proposed Drainage Easement 25’ Wide,” drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28994, dated June 28, 2022, last revised August 8, 2022, and entitled “Plat Showing Division of City Owned Parcel S008-0276-010 with a Portion Being Conveyed and Consolidated with Parcel S008-0276-009,” a copy of which is attached to and made a part of this ordinance.

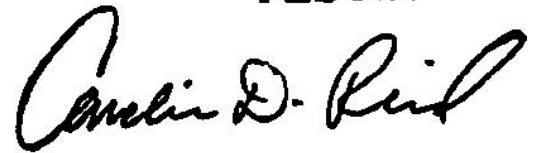
§ 4. That the conveyance authorized by section 1 of this ordinance shall be conditioned upon the (i) City’s acquisition of the six parcels of real estate owned by West Commerce Properties LLC, known as 2215 Concord Avenue, 2237 Concord Avenue, 2110 Lumkin Avenue, 2114 Rear

Bellemeade Road, 2101 Rear Commerce Road, and 2600 Rear Lynhaven Avenue, and identified as Tax Parcel Nos. S008-0490/017, S008-0490/031, S008-0490/016, S008-0276/008, S008-0276/012, and S008-0418/003, respectively, in the 2022 records of the City Assessor pursuant to Ordinance No. \_\_\_\_\_ - \_\_\_\_, adopted \_\_\_\_\_ \_\_\_\_, \_\_\_\_\_ and (ii) consolidation of the City-owned real estate described in section 1 of this ordinance with the real estate known as 2107 Commerce Road and identified as Tax Parcel No. S008-0276/009 in the 2022 records of the City Assessor.

§ 5. That the Chief Administrative Officer is hereby directed to execute, on behalf of the City, the deed and such documents, all of which must first be approved as to form by the City Attorney, as may be necessary to consummate the conveyance of the Property upon the satisfaction of all conditions for which sections 2, 3, and 4 of this ordinance provide.

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

**A TRUE COPY:  
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Reid". The signature is fluid and cursive, written over the printed name "Carolin D. Reid".

**City Clerk**

O&RRequest  
August 25, 2022  
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# CITY OF RICHMOND

## INTRACITY CORRESPONDENCE

### O&R REQUEST

**DATE:** August 25, 2022

**EDITION:** 1

**TO:** The Honorable Members of City Council

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

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

**THROUGH:** Robert C. Steidel, DCAO - Operations Portfolio

Robert C. Steidel  
Digitally signed by Robert C. Steidel  
Date: 2022.08.30 09:24:33 -04'00'

**THROUGH:** Sharon L. Ebert, DCAO – Planning & Economic Development Portfolio

**THROUGH:** Reginald Gordon, DCAO – Human Services

**FROM:** Christopher E. Frelke - Director of Parks, Recreation & Community Facilities

**RE:** Land Swap to Facilitate Expansion of Broad Rock Creek Park

**ORD. OR RES. No.**

### PURPOSE:

1. To declare surplus and authorize the conveyance of a 1.546 +/- acre portion of the parcel of city-owned real estate located at 2101 Commerce Road (Tax Parcel No. S008-0276-010) to 2107 West Commerce LLC, labeled as "PARCEL B" and "AREA TO BE CONVEYED" on the Plat attached hereto and referred to as DPW DWG # N-28994, dated June 28, 2022 and revised August 8, 2022 (the "City to West Commerce Conveyance Area"), for the purpose of providing a means of legal access from the public right-of-way street to the adjacent land presently land-locked parcel of real estate owned by 2107 West Commerce LLC (Tax Parcel No. S008-0276-009), subject to the following provisions:
  - The City is to retain the following easements in the City to West Commerce LLC Conveyance Area:

- A 20' wide public access easement for the construction and use of the Fall Line Trail Connector over/across/under that appx. 8,538 sq. ft. area labeled on the Plat as "20' WIDE FLT ESMT. (FALL LINE TRAIL CONNECTOR) 8,538 SQ. FT. TO BE RETAINED BY CITY"
  - A storm water drainage easement over the appx. 1,024 sq. ft. portion of the City to West Commerce LLC Conveyance Area labeled on the Plat as "PROPOSED DRAINAGE EASEMENT 25' WIDE SEE NOTE 1"
  - Upon conveyance of the City to West Commerce LLC Conveyance Area, such real estate is to be consolidated with the parcel of real estate located at 2107 West Commerce Road (Tax Parcel No. S008-0276-009).
2. To authorize the City's acquisition of the following six (6) parcels of real estate from West Commerce Properties LLC for the purpose of expanding Broad Rock Creek Park (the "Park").

| Address                   | Parcel ID   | Acreage | Owner                        |
|---------------------------|-------------|---------|------------------------------|
| 2101 Rear Commerce Road   | S0080276012 | 4.3     | WEST COMMERCE PROPERTIES LLC |
| 2114 Rear Bellemeade Road | S0080276008 | 1.4747  | WEST COMMERCE PROPERTIES LLC |
| 2600 Rear Lynhaven Ave    | S0080418003 | 0.459   | WEST COMMERCE PROPERTIES LLC |
| 2215 Concord Ave          | S0080490017 | 1.86    | WEST COMMERCE PROPERTIES LLC |
| 2237 Concord Ave          | S0080490031 | 0.096   | WEST COMMERCE PROPERTIES LLC |
| 2110 Lumkin Ave           | S0080490016 | 0.093   | WEST COMMERCE PROPERTIES LLC |

**REASON:** Council approval is necessary for the conveyance of surplus City-owned real estate property and for the City's acquisition/acceptance of privately-owned real estate.

**RECOMMENDATION:** The City Administration recommends approval.

**BACKGROUND:** The Estate of Dick Edmunds is the owner of the parcel located at 2107 West Commerce (Tax Parcel No S008-0276-009) and the six (6) other parcels mentioned under Purpose. 2107 West Commerce parcel is a land-locked and has no legal access to

public right-of-way. The City owns the parcel located at 2101 Commerce Road ("City Parcel") which has frontage on Commerce Road and abuts to the 2107 West Commerce parcel. The City Parcel is not developed and is being used to access Edmunds property.

The Estate of Dick Edmunds is offering a land swap of six (6) parcels that will increase the Park's land area and provide an opportunity for Fall Line Trail connectivity to the City's newest park currently in development at Broad Rock Creek Park. In exchange, the Estate is seeking to acquire a portion of the City Parcel, which land will be added to the Estate's land-locked 2107 West Commerce parcel. Transferring a portion of the vacant City Parcel will provide the right-of-way access necessary to render to privately-owned 2017 West Commerce parcel developable and, in turn, increase the development footprint along Commerce Road in this important redevelopment corridor.

Furthermore, the six parcels the Edmunds estate is willing to convey to the City in exchange will provide for the expansion of the Park and an opportunity for creation of the Fall Line Trail connector trail through the FLT Connector easement the City will retain on the City Parcel to the six parcels the City will acquire. This would provide a direct connection to the Park to the regional Fall Line Trail (FLT), a 40+ mile shared-use path currently under development by the Commonwealth. The connector trail will also provide transportation (pedestrian and bicycle) access to the neighboring community, linking to this flagship Park and to the FLT itself. This will serve the continued expansion of the city's growing bikeway network, providing opportunities for both recreation and low-cost, non-motorized transportation.

The City will also be retaining permanent drainage easement on the portion of the City Parcel being conveyed to the Edmunds.

The City will be conveying approximately 1.546+/- acres of the City Parcel; however, will retain both a storm water drainage easement (1,024SF) and a FLT Connector Easement (8,538SF) – the estimated value of such conveyance is approx. \$111,362 per 2021 assessment.

The Estate of Edmunds will be conveying 6 parcels to the City to expand the Park, which parcels total 8.283+/- Acres – the estimated value of such conveyance is \$106,000 per 2021 assessment. The City and the Edmunds accept this as an equal swap without any additional/monetary compensation.

**FISCAL IMPACT / COST:** None

**FISCAL IMPLICATIONS:** None

**BUDGET AMENDMENT NECESSARY:** None

**REVENUE TO CITY:** None

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** Sept. 26, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** Oct. 10, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** No Committee referral pursuant to Council Rules of Procedure

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission

**AFFECTED AGENCIES:** Parks, Recreation & Community Facilities, Public Works, Economic Development, Planning & Development Review, City Attorney's Office

**RELATIONSHIP TO EXISTING ORD. OR RES.:** N/A

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Plat entitled "PLAT SHOWING DIVISION OF CITY OWNED PARCEL S008-0276-010 WITH A PORTION BEING CONVEYED AND CONSOLIDATED WITH PARCEL S008-0276-009 DPW DRAWING # N-28994", dated June 28, 2022 and revised August 8, 2022

**STAFF:** Chris Frelke, Parks  
Ryan Rinn, Parks  
M. S. Khara, DPW  
Chris Nizamis, Economic Development (Real Estate Strategies)



| LINE TABLE |             |          |
|------------|-------------|----------|
| NO.        | BEARING     | DISTANCE |
| L1         | N84°36'11"E | 50.00'   |
| L2         | N84°44'03"E | 61.61'   |

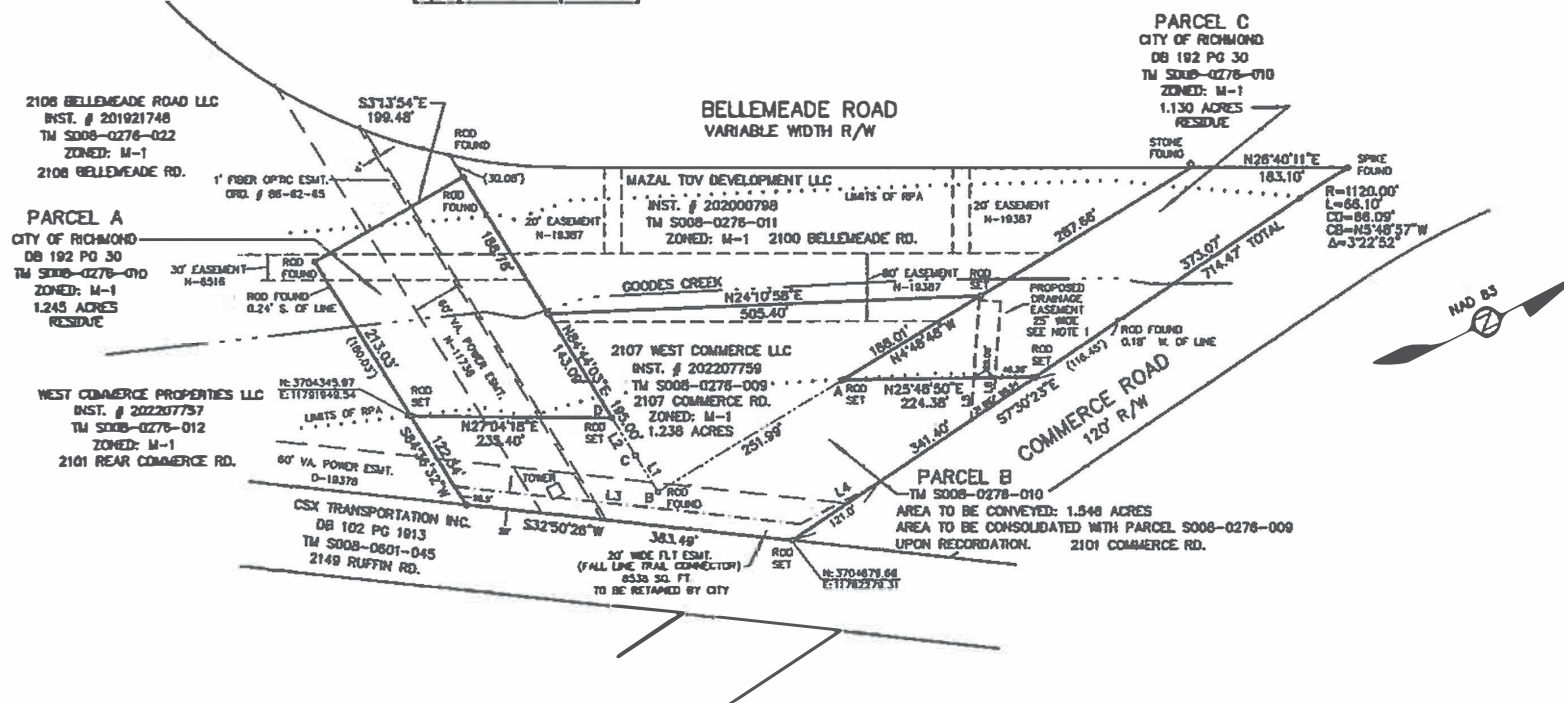
  

| EASEMENTS |             |         |
|-----------|-------------|---------|
| L3        | N32°30'28"E | 408.50' |
| L4        | N11°37'58"W | 103.07' |
| L5        | N58°40'23"W | 49.87'  |
| L6        | N58°40'23"W | 32.28'  |

NOTE 1: PORTION OF EASEMENT ON PARCEL B (1,024 SQ. FT.), TO BE RETAINED BY CITY.  
PORTION OF EASEMENT ON PARCEL C IS REQUIRED EASEMENT  
IF PARCEL EVER TRANSFERRED FROM CITY.

RPA DETERMINED BY FIELD LOCATION OF GOODES CREEK,  
DEFINED AS 100 FEET FROM EDGE OF WATERWAY.

LINE FROM A, B, C, TO D TO BE  
VACATED UPON RECORDATION.



I HEREBY CERTIFY THAT THE  
BOUNDARY SHOWN HEREON  
IS BASED ON A CURRENT  
FIELD SURVEY.  
THIS PROPERTY IS LOCATED IN  
HILL FLOOD ZONE AE, AND IS  
AS SHOWN ON FIRM # S1012900810  
DATED 4/02/08.

TITLE REPORT NOT FURNISHED

PLAT SHOWING DIVISION OF CITY OWNED PARCEL S008-0276-010  
WITH A PORTION BEING CONVEYED AND CONSOLIDATED  
WITH PARCEL S008-0276-009  
DPW DWG # N-28994  
CITY OF RICHMOND, VIRGINIA

JUNE 28, 2022 SCALE: 1" = 100'  
REVISED AUGUST 8, 2022

Dan Carney & Associates  
Professional Land Surveying  
P.O. Box 18  
Hackensack, Va 23067  
804-457-3811

JOB NO. 2205