

INTRODUCED: July 27, 2015

AN ORDINANCE No. 2015-158-170

To accept a deed from the School Board conveying 2100 Sussex Street to the City and to authorize the Chief Administrative Officer to act on behalf of the City in executing such deed.

Patron – Mayor Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 14, 2015 AT 6 P.M.

WHEREAS, section 22.1-129 of the Code of Virginia (1950), as amended, provides for a school board to convey title to real property owned by the school board for which the school board has determined that it has no use to the city comprising the school division by adopting a resolution that such real property is surplus and recording such resolution along with the deed to the property with the clerk of the circuit court for the city where such property is located; and

WHEREAS, section 15.2-1803 of the Code of Virginia (1950), as amended, provides that no deed purporting to convey real estate to a locality shall be valid unless accepted by the locality and executed by a person authorized to act on behalf of the locality; and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 14 2015 REJECTED: _____ STRICKEN: _____

WHEREAS, by adopting a resolution dated September 5, 2006, the School Board of the City of Richmond declared that real property located at 2100 Sussex Street in the city was surplus; and

WHEREAS, the School Board has delivered a deed memorializing the conveyance of every interest it may have in the real property located at 2100 Sussex Street; and

WHEREAS, in conformance with section 15.2-1803 of the Code of Virginia (1950), as amended, the City Council desires to accept from the School Board the conveyance of every interest the School Board might have in the real property located at 2100 Sussex Street and to authorize the execution of the deed by the Chief Administrative Officer;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That (i) the City hereby accepts the deed from the School Board conveying every interest it might have in the real property located at 2100 Sussex Street, provided such deed is in a form approved by the City Attorney, (ii) the Chief Administrative Officer is hereby authorized to act on behalf of the City in executing such deed, (iii) the Chief Administrative Officer's signature on the deed shall be deemed acceptance by the City of such deed and (iv) the Chief Administrative Officer, with the assistance of the City Attorney, is hereby authorized to take such other actions as may be necessary to complete the conveyance of every interest the School Board might have in the real property located at 2100 Sussex Street by the School Board to the City.

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



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

JUN 12 2015
4-3710
Chief Administration Office
City of Richmond

O&R REQUEST

DATE: June 10, 2015

RECEIVED
EDITION: 1

TO: THE HONORABLE MEMBERS OF CITY COUNCIL

JUN 18 2015

THROUGH: DWIGHT C. JONES, MAYOR

OFFICE OF CITY ATTORNEY

THROUGH: SELENA CUFFEE-GLENN, CHIEF ADMINISTRATIVE OFFICER

THROUGH: PETER L. DOWNEY, INTERIM DEPUTY CHIEF ADMINISTRATIVE OFFICER FOR ECONOMIC DEVELOPMENT AND PLANNING

FROM: DOUGLAS C. DUNLAP, INTERIM DIRECTOR OF ECONOMIC & COMMUNITY DEVELOPMENT

RE: Acceptance of real estate located at 2100 Sussex Street by the City from the School Board of Richmond, Virginia.

ORD. OR RES. No. _____

PURPOSE: To ACCEPT A DEED FROM THE SCHOOL BOARD CONVEYING 2100 SUSSEX STREET (TAX PARCEL #E0000911004) TO THE CITY AND TO AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO ACT ON BEHALF OF THE CITY IN EXECUTING SUCH DEED.

REASON: In conformance with Section 15.2-1803 of the Code of Virginia, an ordinance is needed to accept from the School Board the conveyance of the real property located at 2100 Sussex Street and to authorize the execution of the deed by the Chief Administrative Officer.

This property was formerly controlled by the School Board and used as Whitcomb Court Elementary School. On September 5, 2006 the School Board approved the attached Resolution #06-44548 conveying management and control of the property to the City for disposition. The building is currently vacant and the site is used for outdoor recreation.

RECOMMENDATION: The City Administration including the Department of Economic Development and Community Development recommend approval.

BACKGROUND: The 2100 Sussex Street property consists of approximately 6.047 acres of land and 58,946 sf school building that was constructed in 1957. The site was

O & R Request

formerly used as Whitcomb Court Elementary School until the property was vacated at the end of the 2005-06 school year. The building is currently vacant and the property is used for outdoor recreation. The 2100 Sussex Street site is adjacent to the Whitcomb Court housing complex. On September 5, 2006 the School Board approved the attached Resolution #06-44548 conveying management and control of the 2100 Sussex Street property to the City for disposition. On October 22, 2014 the School Board approved the attached resolution noting the condition under which they would provide a quitclaim deed to the City.

FISCAL IMPACT/COST TO CITY: The City will continue to maintain the property until it is transferred to RRHA for redevelopment. The City intends to maintain the property at a cost of approximately \$40,000 per year.

REVENUE TO CITY: The property can support future residential development which if completed and owned by a private entity will then generate new real estate tax revenue.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: June 22, 2015

CITY COUNCIL PUBLIC HEARING DATE: July 13, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: City Planning Commission July 6, 2015.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Mayor, Chief Administrative Officer, Public Utilities, Finance, Budget, Public Works, Economic and Community Development

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: School Board Resolution #06-44548 dated September 5, 2006. School Board Resolution dated October 22, 2014. Quitclaim Deed dated October 22, 2014.

STAFF: Lee Downey, Economic Development and Planning 646- 7646

Douglas Dunlap, Economic & Community Development 646-6822

Jane Ferrara, Economic & Community Development 646-6737

Paul McClellan, Economic & Community Development 646-3061

OG- 44548

RESOLUTION

WHEREAS, certain real property located north of Whitcomb Street between Sussex Street and Lebanon Street (the "Property") was obtained in 1956 by the City of Richmond, Virginia (the "City") through condemnation for the establishment of a public school; and

WHEREAS, the Property is further described as follows:

Beginning at a center stone on the north line of Whitcomb Street, which stone is 561.69 feet west of the west line of Conrad Street; thence, in a northerly direction along a line at right angles to the north line of Whitcomb Street 756 feet, more or less, to a point; thence, in a westerly direction at an angle of 94 degrees, 42 feet, more or less, to a point; thence, in a northerly direction at an angle of 89 degrees and 45 minutes, 268 feet more or less to an old creek bed; thence in a westerly direction along the old creek bed, 272 feet, more or less, to a point; thence, in a southerly direction, 1110 feet, more or less, to a center stone on the north line of Whitcomb Street; thence eastwardly along the north line of Whitcomb Street, 280.82 feet to a center stone, the point of beginning.

WHEREAS, the Property, including the building and the surrounding real estate, with the street address of 2100 Sussex Street, Richmond, Virginia 23225, was the site of Whitcomb Court Elementary School from the school's inception until June 2006; and

WHEREAS, effective at the end of the 2005-06 school year, the Property was vacated due to a decline in student enrollment district wide and the consolidation of schools; and

WHEREAS, the students and faculty have been reassigned to other schools within the school division; and

F. Howell 10:30

WHEREAS, the Property is currently vacant and is under the management and control of the School Board of the City of Richmond (the "School Board"); and

WHEREAS, pursuant to Section 22.1-129(A) of the Code of Virginia, the School Board has now determined that it has no further use for the Property.

BE IT THEREFORE RESOLVED by the School Board of the City of Richmond that it declares the Property surplus, and conveys the management and control of the Property to the City for disposition.

BE IT FURTHER RESOLVED by the School Board that pursuant to Section 42-21 of the City Code, and City Council Resolution No. 2001-R63-62, adopted April 23, 2001, the School Board requests that should the City sell the Property, the proceeds of the sale of the Property, if any (including any financial benefit received by the City related to historic tax credits, if any), be placed into the capital fund known as the Revenue for Permanent Public Improvements ("RFPP") fund, and that such funds be specifically earmarked and used only for the construction of new school properties or for the repair or renovation of existing active school properties.


Chairman

September 5, 2006
Date

INSTRUMENT # 06-44548
RECORDED IN THE CLERK'S OFFICE OF
CITY OF RICHMOND ON

DEC 28 2006 AT 12:30

BEVILL M. DEAN, CLERK

BY:  DEPUTY CLERK

Prepared By:
Harrell & Chambliss LLP
VSB# 22098
707 E. Main Street, Suite 1000
Richmond, VA 23219

Tax Parcel # E0000911004 – 2100 Sussex Street, Richmond, VA 23225

THIS QUITCLAIM DEED, made and entered into as the 22nd day of October, 2014, by and between the **SCHOOL BOARD OF THE CITY OF RICHMOND** (“Grantor”) and the **CITY OF RICHMOND** (“Grantee”).

WHEREAS, pursuant to Section 22.1-129(A) of the Code of Virginia (“Section 22.1-129 (A)”), Grantor has declared surplus, the real estate described in the Schedule A attached hereto (the “Property”) and conveyed the management and control of the Property to Grantee, by resolution dated September 5, 2006; and

WHEREAS, Grantor has no ownership interest in the Property but desires to comply with Grantee’s request that it enter into a quitclaim deed pursuant to Section 22.1-129(A), to evince that it has released and conveyed any interest it might have in the Property.

WITNESSETH:

That for valuable consideration received, the receipt of which is hereby acknowledged by the Grantor, the Grantor hereby quitclaims, releases, and conveys unto the Grantee any and all right, title and interest it may possess in and to the Property.

Notwithstanding, pursuant to Section 42-21 of the City Code, and City Council Ordinance No. 2013-22-71, adopted May 13, 2013, (the “Ordinance”) should Grantee sell, lease or otherwise utilize the Property, the proceeds of the sale, lease or other use of the Property, subject to certain withholdings described in the Ordinance, shall be placed into a special reserve assigned to support public schools in the City. The City

Council may appropriate funds from this reserve for the construction of new public school facilities or for the capital repair or renovation of existing active school properties.

WITNESS the following signatures and seals:

GRANTOR:

SCHOOL BOARD OF THE CITY OF RICHMOND

By: Donald L. Coleman
Donald L. Coleman, Chairman

STATE OF VIRGINIA

CITY/COUNTY OF Richmond, to-wit:

The foregoing instrument was acknowledged before me this 22 day of October, 2014 by Donald L. Coleman, as Chairman of the School Board of the City of Richmond.

My commission expires: 4/30/17

Notarial Registration Number: 358079

Antoinette W. Hopkins
Notary Public



GRANTEE:

CITY OF RICHMOND, VIRGINIA
a municipal corporation

By _____
Selena Cuffee-Glenn
Chief Administrative Officer

As authorized by Ordinance No: _____

Adopted _____, 2015

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:

The foregoing Deed was acknowledged before me this _____ day of _____, 2015, by Selena Cuffee-Glenn, Chief Administrative Officer of City of Richmond, Virginia, a municipal corporation, on behalf of such municipal corporation.

Notary Public

My commission expires: _____

Notary Registration Number: _____

Approved as to form:

Assistant City Attorney

Grantee's Address:
City of Richmond
Department of Economic &
Community Development
Main Street Station
1500 East Main Street, Suite 400
Richmond, Virginia 23219

SCHEDULE A

ALL that certain lot, piece or parcel of land in the City of Richmond, Virginia, with improvements thereon, known as 2100 Sussex Street as more particularly described as follows:

Beginning at a center stone on the north line of Whitcomb Street, which stone is 561.69 feet west of the west line of Conrad Street; thence, in a northerly direction along a line at right angles to the north line of Whitcomb Street 756 feet, more or less, to a point; thence, in a westerly direction at an angle of 94 degrees, 42 feet, more or less, to a point; thence, in a northerly direction at an angle of 89 degrees and 45 minutes, 268 feet more or less to an old creek bed; thence in a westerly direction along the old creek bed, 272 feet, more or less, to a point; thence, in a southerly direction, 1110 feet, more or less, to a center stone on the north line of Whitcomb Street; thence eastwardly along the north line of Whitcomb Street, 280.82 feet to a center stone, the point of beginning.
