

INTRODUCED: May 23, 2016

AN ORDINANCE No. 2016-174

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute and deliver to Dale A. Stewart and Sallie P. Stewart a Deed of Release and Termination of Easement Agreement for the purpose of terminating a certain easement held by the City across the properties known as 5600 Riverside Drive and 5606 Riverside Drive.

\_\_\_\_\_  
Patron – Mayor Jones

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: JUNE 27 2016 AT 6 P.M.

WHEREAS, to satisfy a condition of Ordinance No. 79-11-17, adopted February 12, 1979, which closed to public use and travel a portion of Breckenridge Road from Riverside Drive to the Southern Railroad tracks, G. E. Ganzert and Ruth T. Ganzert, by a Deed of Easement dated April 6, 1979, and recorded in the records of the Clerk's Office of the Circuit Court of the City of Richmond in Deed Book 554, page 1539, granted to the City of Richmond an easement for ingress and egress across the properties known as 5600 Riverside Drive and 5606 Riverside Drive, identified as Tax Parcel Nos. C005-0099/004 and C005-0099/005, respectively, in the 2016 records of the City Assessor, and shown on a plat entitled "Plat Showing a Parcel Line

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

ADOPTED:        JUNE 27 2016        REJECTED:        \_\_\_\_\_        STRICKEN:        \_\_\_\_\_

Modification on Two Parcels of Land along the North Line of Riverside Drive, City of Richmond, Virginia,” prepared by Balzer and Associates, dated September 7, 2015, and last revised March 31, 2016, a copy of which is attached to this ordinance; and

WHEREAS, at the request of the current owners of 5600 Riverside Drive and 5606 Riverside Drive, the City now desires to terminate the aforementioned easement by executing and delivering to Dale A. Stewart and Sallie P. Stewart a Deed of Release and Termination of Easement Agreement;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute and deliver to Dale A. Stewart and Sallie P. Stewart a Deed of Release and Termination of Easement Agreement for the purpose of terminating a certain easement held by the City across the properties known as 5600 Riverside Drive and 5606 Riverside Drive and identified as Tax Parcel Nos. C005-0099/004 and C005-0099/005, respectively, in the 2016 records of the City Assessor, provided that such Deed of Release and Termination of Easement Agreement shall be substantially in the form of the document attached to this ordinance and first shall be approved as to form by the City Attorney.

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

O & R REQUEST

APR 26 2016

Chief Administration Office  
City of Richmond

4-5090

RECEIVED

MAY 13 2016

OFFICE OF CITY ATTORNEY



CITY OF RICHMOND  
INTRACITY CORRESPONDENCE

DATE: April 25, 2016

EDITION:

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: John J. Buturla, Deputy Chief Administrative Officer, Operations

THROUGH: Robert C. Steidel, Director Department of Public Utilities

FROM: Rosemary H. Green, Deputy Director II Department of Public Utilities

RHG 04-25-16

RE: Deed of Release and Termination of Easement Agreement to vacate a City utility access easement.

ORD. OR RES. No. \_\_\_\_\_

**PURPOSE:** To authorize the Chief Administrative Officer to sign a Deed of Release and Termination of Easement Agreement to vacate a forty (40)-foot wide City utility access easement across private property known as 5600 and 5606 Riverside Drive and described as Tax Parcel Nos. C0050099004 and C0050099005.

**REASON:** The owners of the above-mentioned property have proposed that the City vacate its existing forty (40)-foot wide utility access easement across their property and replace it with a new thirty (30)-foot wide access easement located slightly to the west. This easement relocation would support the property owners' broader goal of creating a developable residential parcel at the 5606 Riverside Drive address. The Richmond Department of Public Utilities (DPU) has determined that the proposed relocation of the City's easement will not adversely affect utilities operations in the area, and the City Planning Commission reviewed and approved the relocation plan as to its general location at its April 4, 2016 meeting.

**RECOMMENDATION:** Approval is recommended by the City Administration.

**BACKGROUND:** Richmond City Council adopted Ordinance No. 79-11-17 on February 12, 1979, to i) close a portion of Breckenridge Road from Riverside Drive to the Southern Railroad tracks to public use and travel, and ii) to reserve for the City a utility access easement providing access to a 42" trunk sewer running along the James River immediately to the north of the 5600 and 5606 Riverside Drive parcels, which the presently requested ordinance would vacate. DPU has deemed the plan to replace the existing easement with an adjacent easement to the west acceptable, because, i) there are no City-owned utility facilities within the existing easement, and ii) replacing the existing easement with the new, adjacent easement will allow for similar and sufficient access to the trunk sewer.

**FISCAL IMPACT/COST:** NONE

**FISCAL IMPLICATIONS:** NONE

**BUDGET AMENDMENT NECESSARY:** NO

**REVENUE TO CITY:** NONE

**REQUESTED INTRODUCTION DATE:** May 9, 2016

**CITY COUNCIL PUBLIC HEARING DATE:** May 23, 2016

**REQUESTED AGENDA:** CONSENT

**RECOMMENDED COUNCIL COMMITTEE:** Land Use, Transportation, and Housing

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** City Planning Commission (Planning Commission approved as to general location on April 4, 2016)

**AFFECTED AGENCIES:** Department of Public Utilities

**RELATIONSHIP TO EXISTING ORD. OR RES:** Ordinance No. 79-11-17, adopted February 12, 1979

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

**ATTACHMENTS:** Deed of Release and Termination of Easement Agreement; "Plat Showing a Parcel Line Modification on Two Parcels of Land Along the North Side of Riverside Drive, City of Richmond, Virginia," dated March 31, 2016, and prepared by Balzer and Associates

**STAFF:** Scott Yates, Operations Manager, DPU  
Howard Glenn, Interim Deputy Director, DPU

**AFTER RECORDING RETURN TO:**  
City of Richmond, Department of Public Utilities  
Attn: C. Scott Yates  
City Hall  
900 E. Broad Street, Room 115  
Richmond, Virginia 23219

**CITY OF RICHMOND, VIRGINIA**  
**TAX MAP NO: C0050099004 and C0050099005**

## **DEED OF RELEASE AND TERMINATION OF EASEMENT AGREEMENT**

THIS DEED OF RELEASE AND TERMINATION OF EASEMENT AGREEMENT (the "Agreement") is made this \_\_\_ day of \_\_\_\_\_, 2016, 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 **DALE A. STEWART and SALLIE P. STEWART**, to be indexed as grantees (the "GRANTEES").

### **RECITALS**

WHEREAS, GRANTEES are the owners of certain real property located in the City of Richmond, Virginia, designated as Tax Parcel Nos. C0050099004 and C0050099005 and being portions of the same real estate conveyed to GRANTEES by deed recorded in the Clerk's office of the Circuit Court of the City of Richmond (the "Clerk's Office") as Instrument No. 15-6895 (the "Properties"); and

WHEREAS, GRANTOR has had the use of a forty (40)-foot wide access easement for ingress and egress through the Properties, conveyed by deed dated April 6, 1979 and recorded in the Clerk's Office in Deed Book 554 at page 1539, the location of which easement (the "Existing Easement") is more particularly shown as a "40' Easement for Ingress and Egress" on that certain plat entitled **Plat Showing a Parcel Line Modification on Two Parcels of Land Along the North Line of Riverside Drive**, prepared by **Balzer and Associates**, dated **September 7, 2015**, and marked as "Attachment A," attached hereto and made a part hereof; and

WHEREAS, GRANTEES have conveyed to GRANTOR a new thirty (30)-foot access easement through the Properties (the "New Easement") by deed dated \_\_\_\_\_ and recorded in the Clerk's Office as Instrument No. \_\_\_\_\_ (the "New Easement Deed"), the location of which New Easement is shown on Attachment A and described therein as "30' Ingress and Egress Easement (Proposed)"; and

WHEREAS, GRANTOR, having accepted the New Easement from GRANTEES, no longer has need of the Existing Easement and, pursuant to the terms of Ordinance No. \_\_\_\_\_, adopted by the Richmond City Council on \_\_\_\_\_ and attached hereto as "Attachment B," has agreed to vacate, abandon and convey and release to GRANTEES all use of the area on the Properties exclusively subject to the Existing Easement, all as more particularly set forth in this Agreement.



## 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 GRANTEES (collectively the "Parties") agree as follows:

1. GRANTOR hereby vacates, conveys and forever quitclaims to GRANTEES, their successors and assigns, all rights, title and interests of GRANTOR in and to the Existing Easement.
2. Each of the Parties hereto releases 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 Existing Easement.
3. GRANTEES expressly understand and agree that this Agreement shall not derogate from, or in any way invalidate, the rights granted to GRANTOR by the New Easement Deed.
4. Each individual executing this Agreement represents that he or she is duly authorized to bind GRANTOR or GRANTEES, as the case may be, to the terms and provisions of this Agreement.

**SIGNATURES ON FOLLOWING PAGE**

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)**

**Approved as to form:**

**BY:** \_\_\_\_\_

**BY:** \_\_\_\_\_

Selena Cuffee-Glenn  
Chief Administrative Officer  
City of Richmond, Virginia

Neil Gibson  
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 Selena Cuffee-Glenn, whose name is signed to the foregoing deed of easement, bearing date of the \_\_\_\_\_ day of \_\_\_\_\_, 2015, personally appeared before me in my City and State aforesaid and acknowledged the same to be her act and deed.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public

Notary Registration Number: \_\_\_\_\_

My commission expires: \_\_\_\_\_

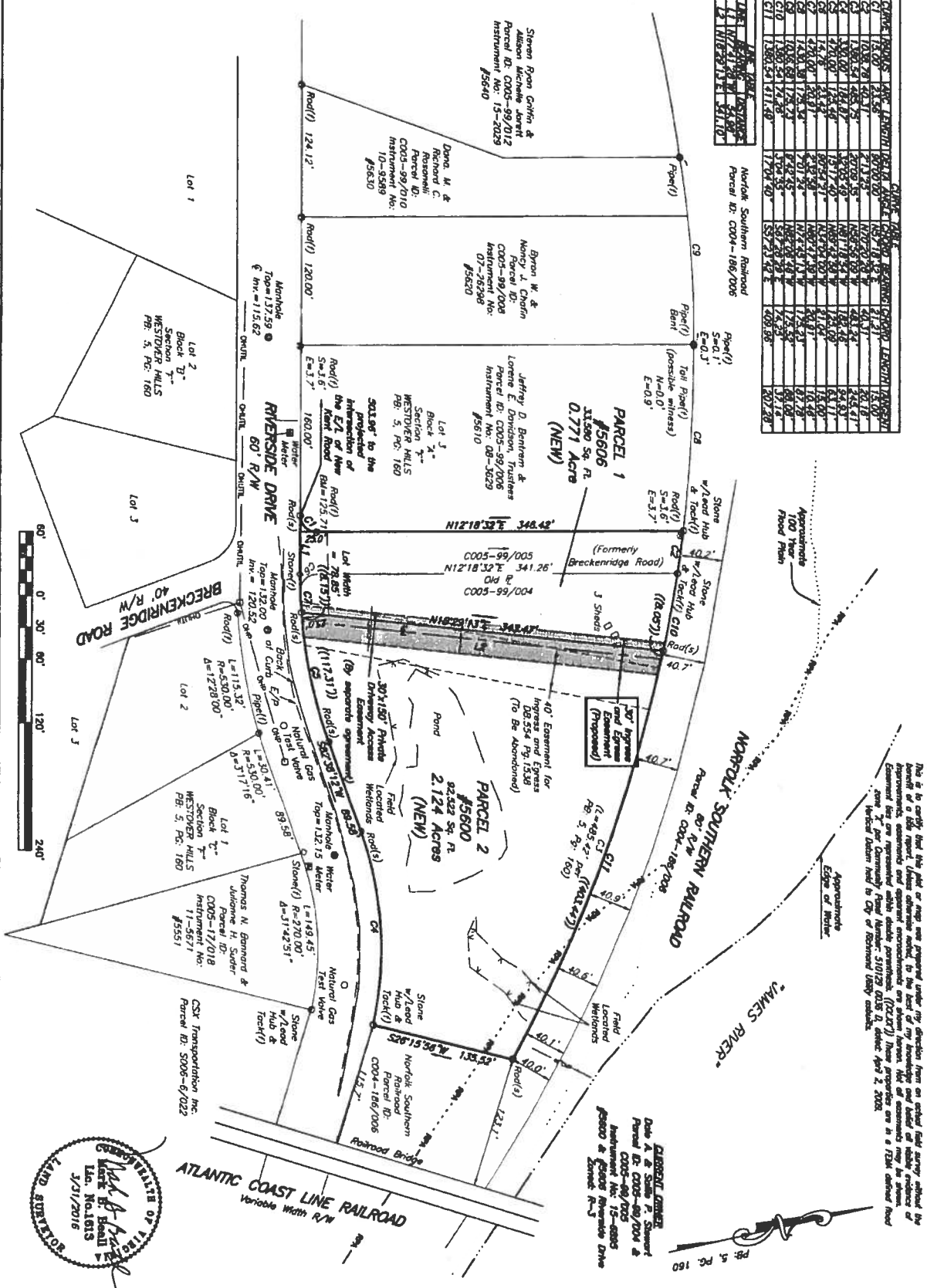
**DALE A. STEWART**

**BY:** \_\_\_\_\_

**SALLIE P. STEWART**

**BY:** \_\_\_\_\_





LINE	TYPE	DESCRIPTION	BEARING	DISTANCE	AREA
C1	PIPE	12\"/>			
C2	PIPE	12\"/>			
C3	PIPE	12\"/>			
C4	PIPE	12\"/>			
C5	PIPE	12\"/>			
C6	PIPE	12\"/>			
C7	PIPE	12\"/>			
C8	PIPE	12\"/>			
C9	PIPE	12\"/>			
C10	PIPE	12\"/>			
C11	PIPE	12\"/>			

This is to certify that this plat or map was prepared under my direction from an actual field survey without the knowledge of a false report. (Under oath) and I am a duly licensed and qualified surveyor of this Commonwealth of Virginia. My commission expires on 1/15/2016. I am a member of the Virginia Surveyors Association. My registration number is 11193065183009.00. I am a member of the Virginia Surveyors Association. My registration number is 11193065183009.00. I am a member of the Virginia Surveyors Association. My registration number is 11193065183009.00.

**PLAT SHOWING A PARCEL LINE MODIFICATION ON TWO PARCELS OF LAND ALONG THE NORTH LINE OF RIVERSIDE DRIVE**  
CITY OF RICHMOND VIRGINIA

**PREPARED BY:** [Firm Name]  
**DATE:** 08/27/2016  
**SCALE:** 1"=40'  
**SHEET NO.:** 1 OF 1  
**JOB NO.:** 55150009.00  
**DEPT.:** 55

**APPROVED BY:** [Signature]  
**DATE:** 08/27/2016