

## AN ORDINANCE No. 86-240 - 218

To accept the offer of Hampton Commons Development Company to acquire for the sum of \$38,000 surplus real estate, a portion of Westview Avenue lying 259.10 feet, more or less, northerly of the north right of way line of Grove Avenue and extending in a northerly direction 722.56 feet, more or less, varying in width from 7.7 feet to 10 feet, more or less, to the south right of way line of Guthrie Avenue (proposed to be closed), containing 6,587 square feet, more or less, and the portion of Guthrie Avenue extending easterly from Granite Avenue 416.21 feet, more or less, along its north right of way line to Westview Avenue, and 423.65 feet, more or less, along its south right of way line to the west right of way line of Westview Avenue (to be closed), containing 31,505 square feet, more or less, each of said parcels being shown "shaded" on plan prepared by the Department of Public Works, Drawing No. O-21515-A, entitled: "Proposed Closing of Guthrie Ave. & a Portion of Westview Ave. in Block Bounded by Grove, Granite, Patterson and Seneca Avenues", dated April 2, 1986, upon certain terms and conditions.

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Patron - City Manager

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Approved as to form and legality  
by City Attorney

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WHEREAS, the City of Richmond, pursuant to the adoption of Ordinance No. 86-217-202 on September 8, 1986, closed a portion of Westview Avenue lying 259.10 feet, more or less, northerly of the north right of way line of Grove Avenue and extending in a northerly direction 722.56 feet, more or less, varying in width from 15.4 feet to 20 feet, more or less, to the south right of way line of Guthrie Avenue (proposed to be closed), shown "shaded" on plan

prepared by the Department of Public Works, Drawing No. O-21515-A, entitled: "Proposed Closing of Guthrie Ave. & a Portion of Westview Ave. in Block Bounded by Grove, Granite, Patterson and Seneca Avenues", a copy of which is attached to the draft of this ordinance; and said closed portion of Westview is hereby declared surplus and authorized to be sold; and

WHEREAS, the City of Richmond, pursuant to the adoption of Ordinance No. 86-218-203 on September 8, 1986, closed a portion of Guthrie Avenue extending easterly from Granite Avenue 416.21 feet, more or less, along its north right of way line to Westview Avenue, and 423.65 feet, more or less, along its south right of way line to the west right of way line of Westview Avenue (to be closed), shown "shaded" on attached plan prepared by the Department of Public Works, Drawing No. O-21515-A, entitled: "Proposed Closing of Guthrie Ave. & a Portion of Westview Ave. in Block Bounded by Grove, Granite, Patterson and Seneca Avenues", and such property is hereby declared surplus and authorized to be sold; and

WHEREAS, the City Manager, pursuant to Sections 12-206, et seq. of the Code of the City of Richmond, 1985, may recommend an acceptance of a bid for the purchase of real estate if the City Manager shall determine the bid to be in the best interest of the City; and

WHEREAS, Hampton Commons Development Company has submitted an offer of \$38,000 for the purchase of the easterly one-half of the portion of Westview Avenue to be closed and the portion of Guthrie Avenue, a copy of which offer is attached to the draft of this ordinance; and

WHEREAS, the City Manager, after considering and weighing all factors, has recommended to Council that the offer of Hampton Commons Development Company to purchase said surplus real estate should be accepted; NOW,

THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the offer of Hampton Commons Development Company to purchase for \$38,000 surplus real estate, (i.e., the portion of Guthrie Avenue to be closed and the easterly one-half of the portion of Westview Avenue to be closed), containing 38,092 square feet, more or less, occasioned by the closing of a portion of Westview Street and a portion of Guthrie Avenue, owned by the City of Richmond, shown shaded on a plan on file in the office of the Department of Public Works, entitled: "Proposed Closing of Guthrie Ave. & a Portion of Westview Ave. in Block Bounded by Grove, Granite, Patterson and Seneca Avenues", a copy of which is attached to the draft of this ordinance, is hereby accepted. The City Manager or his designee is authorized and directed to execute a deed conveying the said real estate in conformance with this ordinance.

Conveyance of said property shall be made expressly subject to any and all easements, whether of record or discernible from an accurate physical survey and inspection of the property, and to conditions and restrictions of record; the City will reserve in the deed of conveyance the easements shown cross-hatched and shaded in said portion of Guthrie Avenue to be closed, such easements to be retained containing 24,956 square feet, more or less.

§ 2. This ordinance shall be in force upon adoption and effective upon satisfaction of all terms and conditions requisite for said portions of said streets being closed.

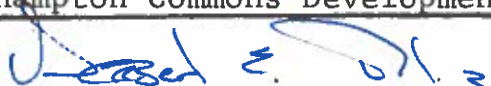
The undersigned offers to pay to the City of Richmond the sum of  
\$ 38,000.00 for the purchase of the following real  
estate:

38,092 square feet of land shown shaded on map #0-  
21515-A, subject to reservation by the City of the  
easement shown crosshatched and shaded on the  
drawing and the eastern one-half of Westview Avenue,  
shown shaded on the drawing.

Enclosed is a certified or cashier's check in the amount of  
\$ 3,800.00, which will be credited on the purchase price if  
accepted, and refunded if not accepted by City Council. It is understood  
that if a sale of this property is authorized by the Council, the balance  
of the purchase price should be paid to the City upon delivery of the deed  
within fifteen days after notice is given to the undersigned that the deed  
is ready for delivery; otherwise, sale of the real estate shall be void and  
the proceeds of the check accompanying this offer shall be retained by  
the City as liquidated damages and not as a penalty.

The undersigned agrees also to pay to the City of Richmond the  
cost of recording the deed to the said property which cost will be paid  
at the same time as the balance of the purchase price.

The undersigned hereby requests and authorizes the City Attorney  
or any person designated by him to present a deed of recordation in the  
clerk's office of the appropriate court and agrees that presenting the said  
deed for recordation shall constitute delivery of said deed by the City to  
the undersigned.

Hampton Commons Development Company  
By   
Herbert E. Fitzgerald, III  
Address 5409 Patterson Avenue  
Richmond, Virginia 23226  
Telephone (804) 282-9029

City of Richmond  
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219  
804 • 780-4347

September 16, 1986

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of September 15, 1986, the City Planning Commission voted  
(6-0-1 abstention) to recommend APPROVAL of:

Ordinance No. 86-240

To accept the offer of Hampton Commons Development Company to acquire for the sum of \$38,000 surplus real estate, a portion of Westview Avenue, \*\*\* containing 6,587 square feet, \*\*\* and the portion of Guthrie Avenue, \*\*\* containing 31,505 square feet, \*\*\* shown shaded on plan, \*\*\* O-21515-A, entitled: "Proposed Closing of Guthrie Ave. & a Portion of Westview Ave. in Block Bounded by Grove, Granite, Patterson and Seneca Avenues", etc.

This paper deals with the disposition of portions of Westview and Guthrie Avenues which were closed to public use and travel by City Council actions at its September 8 meeting. The Commission recommended approval of the closings, which are necessary to implement a special use permit adopted last May for the development of condominiums on the adjacent property. As was pointed out when the closing ordinances were presented, the subject portion of Guthrie Avenue and one-half of the portion of Westview Avenue revert to the City upon closing. In order to convey the former rights-of-way to the developers of the condominium site as per the original intent, the subject ordinance declares the properties surplus and accepts the offer of the developers to purchase. A purchase price of \$38,092 has been agreed upon by the petitioner and the City Real Estate Agent. The figure represents a land value of \$1 per square foot. Conveyance will be subject to the City's retention of a utility easement in the closed portion of Guthrie Avenue.

Very truly yours,

Jon P. Weersing  
Secretary

JPW:lk

cc: Mr. Herbert E. Fitzgerald - Applicant  
Director - Department of Public Works  
Director - Department of General Services  
City Real Estate Agent

**ORDINANCE OR RESOLUTION SUMMARY**  
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. .... 86-240 .....	Subject  To Accept Offer for Surplus Property - Portions of Westview & Guthrie Avenues/ \$38,000.
Requested by ..... City Manager .....	
Received City Manager's Office ..... -- .....	
Summarized ..... 9/15/86 .....	

**SUMMARY**

This Ordinance would accept the offer of Hampton Commons Development Company to acquire for \$38,000 surplus real estate.

Total area - 38,092 sq. ft.  
                   6,587 sq. ft. - portion of Westview Avenue  
                   31,505 sq. ft. - portion of Guthrie Avenue

These portions were closed to public use and travel by Ordinances #86-217-202 and #86-218-203, adopted September 8, 1986.

Purchase price - \$38,092.

**COUNCIL ACTION**

On Docket ..... 9/22/86 .....
Amended .....
Adopted .....
Rejected .....