

INTRODUCED: April 8, 2024

AN ORDINANCE No. 2024-112

To create the Diamond District Community Development Authority.

Patrons – Mayor Stoney, Ms. Jordan, President Nye, Ms. Newbille, Ms. Trammell, Mr. Addison,
Ms. Lynch, Ms. Robertson, and Vice President Lambert

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 8 2024 AT 3 P.M.

WHEREAS, the Council (the “Council”) of the City of Richmond, Virginia (the “City”), has received a petition (the “Petition”) for the creation of the Diamond District Community Development Authority (the “CDA”) from the Economic Development Authority of the City of Richmond, Virginia (the “EDA”); and

WHEREAS, the EDA has represented that it is the fee simple owner of more than fifty-one percent (51%) of the land area or assessed value of the land proposed to be included within the geographic boundaries of the CDA (as hereinafter described, the “CDA District”); and

WHEREAS, the Council proposes to create the CDA in order to provide or otherwise fund the public infrastructure improvements, facilities and services described in the Petition in connection with the development or redevelopment of the property that will comprise the CDA District; and

AYES: 6 NOES: 0 ABSTAIN:

ADOPTED: MAY 8 2024 REJECTED: STRICKEN:

WHEREAS, the creation of the CDA to assist in providing or otherwise funding the public infrastructure improvements, facilities and services described in the Petition (a) will benefit the citizens of the City by promoting increased employment opportunities in the City, (b) will facilitate the successful expansion of the City’s tax base through increased real property, personal property, sales, meals and business, professional and occupational license tax revenues from the increase in investment and economic activity in the CDA District, (c) will be necessary or desirable for development or redevelopment within or affecting the CDA District or to meet the increased demands placed upon the City as a result of development or redevelopment within or affecting the CDA District, and (d) will provide new recreational facilities for use by residents of the City and the Commonwealth of Virginia (the “Commonwealth”); and

WHEREAS, the Council has conducted a public hearing on _____, 2024, on the adoption of this ordinance, and notice thereof was published on _____, 2024, _____, 2024, _____, 2024, and _____, 2024, in accordance with § 15.2-5156 of the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2, Code of Virginia of 1950, as amended (the “Act”); and

WHEREAS, the EDA has waived in writing its right to withdraw its signature from the Petition in accordance with § 15.2-5156(B) of the Act;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Publication of Notice.** The Council hereby deems the notice of public hearing published on _____, 2024, as the first notice for purposes of § 15.2-5156(A) of the Act.

§ 2. **Creation of Authority; Powers under the Act.** The Council hereby finds that the creation of the CDA is in the public interest of the City and its citizens. The Diamond District Community Development Authority is hereby created as a public body politic and corporate and political subdivision of the Commonwealth in accordance with the applicable provisions of the Act.

The CDA shall have the powers set forth in the Act.

§ 3. **Boundaries of CDA.** The CDA boundaries shall initially include the property identified in the attached Exhibit A (as previously defined and as may be adjusted in accordance with the provisions of this ordinance, the “CDA District”). In accordance with § 15.2-5157 of the Act, a copy of this ordinance shall be recorded in the land records of the Circuit Court of the City of Richmond for each tax map parcel within the initial boundaries of the CDA District upon its adoption. The boundaries of the CDA District (a) may be expanded by the Council by subsequent ordinance or resolution upon petition filed pursuant to the Act and (b) may be adjusted by the City to exclude certain land as long as the owners of at least fifty-one percent (51%) of the land area or assessed value of land that will remain in the CDA District after the adjustment originally petitioned for the creation of the CDA.

§ 4. **Facilities and Services.** The CDA is created for the purpose of exercising the powers set forth in the Act, including acquiring, financing, funding, designing, constructing, equipping and providing for the construction, installation, operation, maintenance (unless dedicated to and accepted by an appropriate governmental entity other than the CDA), enhancement, replacement, relocation and alteration of all or portions of the public infrastructure improvements, facilities and services more particularly described in the Petition, which description is incorporated herein by reference. The CDA shall not provide services that are provided by, or obligated to be provided by, any other authority already in existence pursuant to the Act unless such authority provides the certification required by § 15.2-5155(B) of the Act.

§ 5. **Articles of Incorporation.** Attached hereto as Exhibit B are the proposed Articles of Incorporation of the CDA. The Chief Administrative Officer is authorized and directed to execute and file such Articles of Incorporation on behalf of the Council with the State Corporation Commission in substantially the form attached as Exhibit B with such changes, including, without limitation,

insubstantial changes to the boundary description of the CDA District described therein, as the Chief Administrative Officer may approve. The Chief Administrative Officer is authorized to approve such changes or corrections to the Articles of Incorporation prior to filing with the State Corporation Commission as do not change the purpose or function of the CDA as set forth in this ordinance and in the Petition.

§ 6. **Capital Cost Estimates.** The Council hereby finds, in accordance with § 15.2-5103(B) of the Act, that it is impracticable to include capital cost estimates, project proposals and project service rates, except as preliminarily summarized in the Petition.

§ 7. **Membership of the Authority.**

(a) The powers of the CDA shall be exercised by a board (the “CDA Board”) consisting of five (5) members.

(b) All CDA Board members shall be appointed by the Council in accordance with the provisions of § 15.2-5113 of the Act.

(c) The initial members of the CDA Board shall be as set forth in the Articles of Incorporation for the terms set forth therein.

(d) CDA Board members shall receive no compensation from the CDA for their service as CDA Board members.

§ 8. **Plan of Finance; Issuance of Bonds.**

(a) The public infrastructure improvements, facilities and services to be undertaken by, or on behalf of, the CDA, the City or the EDA as described herein and in the Petition shall be funded from all or some of the following sources: (i) bonds or other obligations for the payment of money to be issued by the CDA (the “Bonds”) or bonds or other obligations for the payment of money to be issued by the EDA or the City; (ii) rates, fees and charges for the use of, or the benefit derived from, the services and/or facilities provided, owned, operated, or financed by the CDA benefiting property

within the CDA District (including, but not limited to, a hotel surcharge on guest stays at hotels located in the CDA District and a consumer use surcharge on consumer purchases occurring in the CDA District) to be imposed pursuant to § 15.2-5158(A)(6) of the Act; and (iii) any other legally available funds or revenues of the CDA.

(b) The proceeds from the sale of any Bonds will be used to (i) pay (A) the costs of the infrastructure, facilities and services as described herein and in the Petition, (B) the costs of financing such infrastructure, facilities and services, and (C) certain interest on the Bonds prior to and during construction and for up to one year after completion of construction and (ii) fund any required reserves in connection with the Bonds.

(c) The CDA may enter into one or more agreements with some or all of the following parties—the City, the EDA, any other appropriate governmental entities and any developer entity undertaking the redevelopment of the Property (or their respective successors and assigns)—(i) to make available the above-referenced revenues as security for the repayment of any bonds or other obligations for the payment of money issued by the EDA or the City for the purpose of paying the costs of the Infrastructure described herein and any related financing and administrative costs and funding related capitalized interest and reserves and (ii) to pay (or reimburse any appropriate governmental entities for prior payments of) the costs of such Infrastructure.

(d) Any Bonds or any other financing arrangements entered into by the CDA will be indebtedness of the CDA, will not be a debt or other obligation of the City and will not constitute a pledge of the faith and credit of the City.

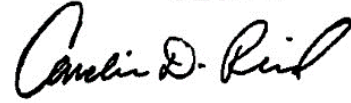
§ 9. **Recordation of Ordinance.** The Council hereby directs that a copy of this ordinance be recorded in accordance with § 15.2-5157 of the Act.

§ 10. **Effective Date.** This ordinance shall be in force and effect upon adoption.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

**A TRUE COPY:
TESTE:**

A handwritten signature in cursive script that reads "Carolin D. Reed".

City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2024-0290

File ID: Admin-2024-0290

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department: Chief Administrative Office

Cost:

File Created: 04/08/2024

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 04/08/2024

Indexes:

Agenda Number:

Patron(s): Mayor Stoney (By Request)

Enactment Date:

Attachments: Admin-2024-0290_Diamond District Community Development Authority AATF.pdf, Admin-2024-0290_CDA Ordinance Diamond District Exhibit A.pdf, Admin-2024-0290_CDA Ordinance Exhibit B Diamond District - Articles of Incorporation for CDA, Admin-2024-0290_Diamond District - AATF Petition to Create CDA (unexecuted).pdf, Admin-2024-0290_Petition to Create CDA EDA Signature Page, Admin-2024-0290_Sample Criteria for Selection of CDA Board Members

Enactment Number:

Contact:

Introduction Date:

Drafter:

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	4/8/2024	Sharon Ebert	Approve	4/10/2024
1	2	4/8/2024	Lincoln Saunders	Approve	4/10/2024
1	3	4/8/2024	Mayor Stoney	Approve	4/10/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-0290

O&R Transmittal

DATE: April 4, 2024

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

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

FROM: Sharon L. Ebert, Deputy Chief Administrative Officer - Planning & Economic
Development Portfolio

RE: Creation of Diamond District CDA

ORD. OR RES. No.

PURPOSE: To create the Diamond District Community Development Authority

BACKGROUND:

In furtherance of the planned development of the approximately 67.6 acre Diamond District, the Economic Development Authority of the City of Richmond, Virginia (the "EDA") petitioned the City to create the Diamond District Community Development Authority (the "CDA") pursuant to Virginia Code Section 15.2-5153. The EDA is currently the fee simple owner of appx. 47.631 acres of real estate within the geographic boundaries of the appx. 67.6-acre area comprising the proposed CDA (the "CDA District"), which easily exceeds the statutory requirement to petition for creation of a CDA (i.e., ownership of 51% or more of the total land area within the CDA District).

Establishing the CDA would provide an additional financing option by creating "a mechanism for providing or otherwise funding certain public infrastructure improvements, facilities and services that are necessary or desirable for development or redevelopment within or affecting the [Diamond District] or to meet the increased demands placed upon the City as a result of development or redevelopment within or affecting the [Diamond District]." The proposed ordinance for creation of the CDA authorizes the CDA to fund public infrastructure and the operation of the CDA through the issuance of bonds and imposition of "rates, fees and charges for the use of, or the benefit derived from, the services and/or facilities provided, owned, operated, or financed by the CDA benefiting property within the CDA District (including, but not limited to, a hotel surcharge on guest stays at hotels located in the CDA District and a consumer use surcharge on consumer purchases occurring in the CDA District) to be imposed pursuant to § 15.2-5158(A)(6)."

Creation of the CDA (a) will benefit the citizens of the City by promoting increased employment opportunities in the City, (b) will facilitate the successful expansion of the City's tax base through increased real property, personal property, sales, meals and business, professional and occupational license tax revenues from the increase in investment and economic activity in the CDA District, (b) will be necessary or desirable for development or redevelopment within or affecting the CDA District or to meet the increased demands placed upon the City as a result of development or redevelopment within or affecting the CDA District and (c) will provide new recreational facilities for use by residents of the City and the Commonwealth of Virginia (the "Commonwealth").

The CDA will be an independent legal entity led by a Board consisting of five members, all of which are to be appointed by City Council. The appointment of the initial five members must be made by Council upon adoption of the ordinance creating the CDA. Following introduction, the Administration will coordinate with

Council in identifying suitable members for appointment prior to the public hearing date. An example of sample criteria for the types of qualifications Council may wish to target in selection of CDA Board Members is attached to this OR Transmittal for reference.

COMMUNITY ENGAGEMENT: The goals for development of the Diamond District are based upon the Richmond 300 Master Plan. The City hosted numerous public meetings as part of the Richmond 300 process generally, and four meetings specifically about the Greater Scott's Addition Area to guide the creation of the Small Area Plan. The City also hosted two surveys specific to Greater Scott's Addition and garnered over 1,300 responses. The meetings and survey responses aided the City in drafting the vision and primary next steps as well as the district and open space plans included in Richmond 300 to guide the redevelopment of Greater Scott's Addition. The draft Greater Scott's Addition Small Area Plan was presented to the community in February 2020 and the final Plan was adopted as part of Richmond 300 in December 2020. During the process to rezone several hundred acres of land in Greater Scott's Addition, the City hosted two public meetings and received generally positive feedback on the proposed rezoning. The rezoning was approved by City Council in July 2021. City staff gave update presentations on the solicitation process at six City Council meetings from October 2021 to August 2022.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: Creation of the CDA has no direct impact on current City revenues as all parcels within the CDA boundaries are currently owned by governmental entities (City/EDA/VCU) and exempt from taxation.

DESIRED EFFECTIVE DATE: Upon adoption of this Ordinance

REQUESTED INTRODUCTION DATE: April 8, 2024

CITY COUNCIL PUBLIC HEARING DATE: Special Meeting of Council on May __, 2024

REQUESTED AGENDA: Regular Agenda

RECOMMENDED COUNCIL COMMITTEE: Finance & Economic Development

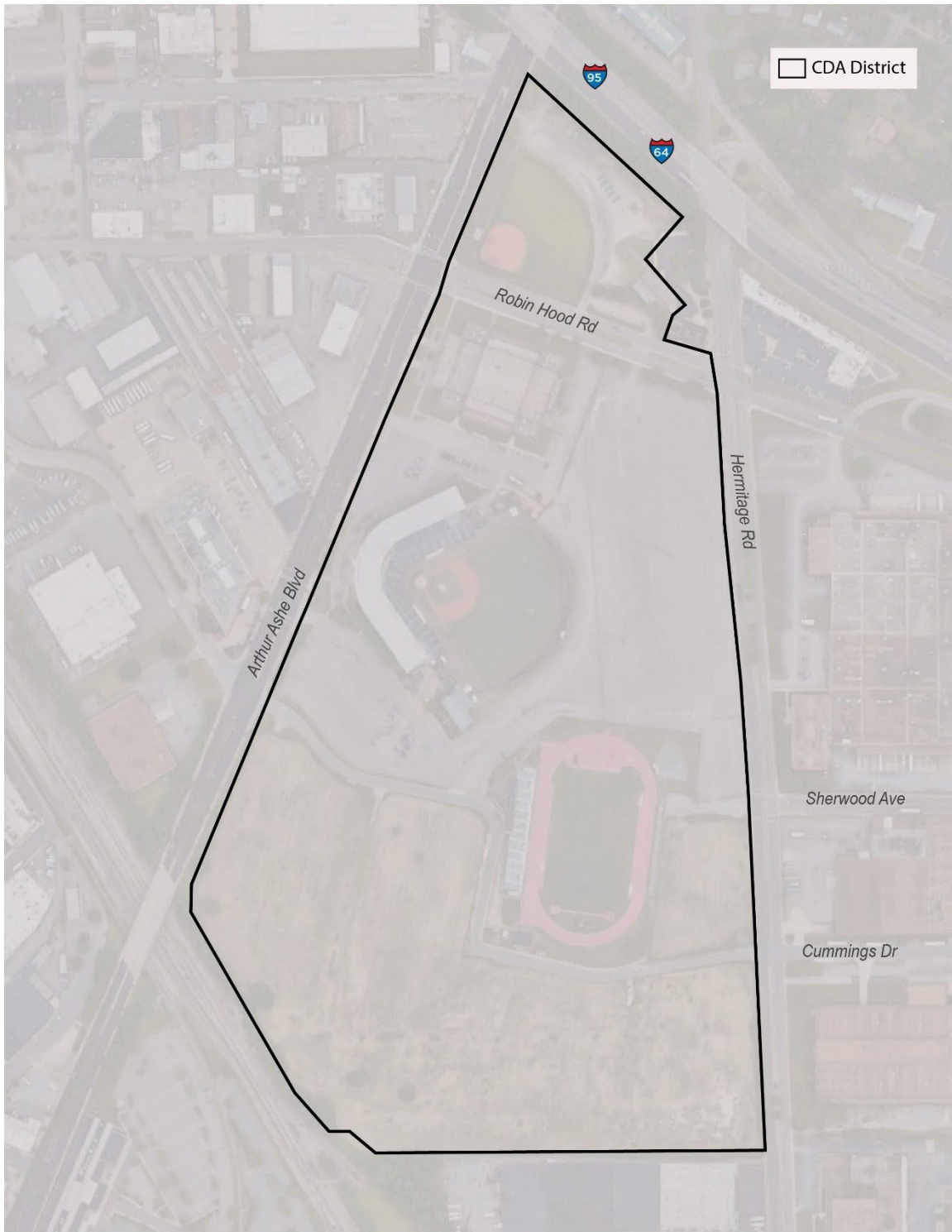
AFFECTED AGENCIES: Mayor, Chief Administrative Officer, Office of the City Attorney, Department of Economic Development, Department of Planning & Development Review, Department of Finance, Department of Public Works, Department of Public Utilities

RELATIONSHIP TO EXISTING ORD. OR RES.: This ordinance is expected to be introduced along with the following two companion papers: (1) An ordinance to authorize the CAO to execute the Diamond District Redevelopment Project Purchase and Sale and Development Agreement by and between the City, Diamond District Partners, LLC, and the EDA. (2) An ordinance to authorize the issuance of G.O. Bonds for stadium construction.

ATTACHMENTS: Draft Ordinance (Signed Approved as to Form by the City Attorney's Office); Petition for Creation of the Diamond District Community Development Authority (from EDA); Sample Criteria for Selection of CDA Board Members

STAFF: Sharon Ebert, DCAO - Planning & Economic Development Portfolio
Leonard Sledge, Director - Department of Economic Development
Matt Welch, Senior Policy Advisor - Planning & Economic Development Portfolio

Initial CDA District Boundaries



Tax Map Parcel Numbers

N000-1512/001

N000-1510/011

N000-1510/012

N000-1510/013

N000-1510/001

N000-1510/020

N000-1510/009

EXHIBIT B
Articles of Incorporation
of
Diamond District Community Development Authority

The undersigned, pursuant to Chapter 51, Title 15.2 of the Code of Virginia of 1950, as amended, adopts the following Articles of Incorporation for the Diamond District Community Development Authority and states as follows:

Article I

Name

The name of this Authority is DIAMOND DISTRICT COMMUNITY DEVELOPMENT AUTHORITY (the “Authority”).

Article II

Organization

Pursuant to an ordinance adopted by the City Council of the City of Richmond, Virginia (the “Council”) on [_____ __, 2024] (the “Ordinance”), the Authority shall be organized by the City of Richmond, Virginia (the “City”), under the Virginia Water and Waste Authorities Act (Chapter 51, Title 15.2 of the Code of Virginia of 1950, as amended) (the “Act”), as a public body corporate and politic and a political subdivision governed by the laws of the Commonwealth of Virginia.

Article III

Members

The affairs of the Authority shall be conducted by an authority board comprised of five (5) of members (“Authority Board”). All members of the Authority Board shall be appointed by the Council. The initial Authority Board members are as set forth in Exhibit A attached hereto and incorporated by reference. Each member of the Authority Board shall serve a four-year term, except the initial members of the Authority Board who shall serve the terms of office set forth in Exhibit A hereto. The election of officers of the Authority shall be as set forth in the By-Laws of the Authority.

Qualifications and appointment of members of the Authority Board shall be consistent with the requirements of the Act.

The Authority Board shall have the powers and duties set forth in the Act and in these Articles of Incorporation and the By-Laws, to the extent that such powers and duties are not inconsistent with the Act.

Article IV

Principal Office

The Authority's initial principal office shall be c/o the Director of Economic Development, City of Richmond, Virginia, 1500 East Main Street, Suite 400, Richmond, Virginia 23219. The Authority may conduct its business and maintain offices for such purposes at such other places within or without the City as may from time to time be deemed advisable by the Authority Board, and not in conflict with the requirements of the Act.

Article V

Authority District

The land initially encompassed within the Authority is set forth in Exhibit B attached hereto (the "Authority District") provided that the boundaries of the Authority District (a) may be expanded by the Council by subsequent ordinance or resolution upon petition filed pursuant to the Act and (b) may be adjusted by the City to exclude certain land as long as the owners of at least fifty-one percent (51%) of the land area or assessed value of land that will remain in the Authority District after the adjustment originally petitioned for the creation of the Authority.

Article VI

Purposes and Powers

The Authority is organized for the purpose of exercising all powers granted by the Act, including acquiring, financing, funding, designing, constructing, equipping and providing for the construction, installation, operation, maintenance (unless dedicated to and accepted by an appropriate governmental entity other than the Authority), enhancement, replacement, relocation and alteration of all or portions of the public infrastructure, facilities and services generally described in the Petition to create the Authority attached hereto as Exhibit C. The Authority shall have all powers granted to a "community development authority" under the Act.

Article VII

Not-for-Profit

The Authority shall not be organized or operated for pecuniary gain or profit. No part of the net earnings of the Authority shall inure to the benefit of, or be distributable to any member, director, officer, or any other private person, except that the Authority shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments in furtherance of the purposes set forth in Article VI.

Article VIII

Amendment of Articles

These Articles of Incorporation may be amended at any time and from time to time by the Council as now or hereafter prescribed by the Act.

Article IX

Registered Office and Registered Agent

The address of the initial registered office of the Authority is c/o the Office of the City Attorney, 900 East Broad Street, Suite 400, Richmond, Virginia 23219. The initial registered agent of the Authority is Bonnie M. Ashley, whose business address is identical to that of the initial registered office and who is a resident of Virginia and a member of the Virginia State Bar.

Article X

Initial Members

The names, terms and addresses of the initial members of the Authority Board are as set forth on the attached and incorporated Exhibit A.

Article XI

Indemnification

- (a) For purposes of this Article XI the following definitions shall apply:
- (i) “expenses” include counsel fees, expert witness fees, and costs of investigation, litigation and appeal, as well as any amounts expended in asserting a claim for indemnification;
 - (ii) “liability” means the obligation to pay a judgment, settlement, penalty, fine, or other such obligation;
 - (iii) “legal entity” means a corporation, limited liability company, partnership, joint venture, trust, employee benefit plan or other enterprise; and
 - (iv) “proceeding” means any threatened, pending, or completed action, suit, proceeding or appeal whether civil, criminal, administrative or investigative and whether formal or informal.
- (b) In every instance in which the Virginia Nonstock Corporation Act, as it exists on the date hereof or may hereafter be amended, permits the limitation or elimination of liability of directors or officers of a corporation to the corporation, the members, directors and officers of the Authority shall not be liable to the Authority.

(c) The Authority shall indemnify any individual who is, was or is threatened to be made a party to a proceeding (including a proceeding by or in the right of the Authority) because such individual is or was a member, director or officer of the Authority or because such individual is or was serving the Authority or any other legal entity in any capacity at the request of the Authority while a member, director or officer of the Authority, against all liabilities and reasonable expenses incurred in the proceeding except such liabilities and expenses as are incurred because of such individual's willful misconduct or knowing violation of the criminal law. Service as a member, director or officer of a legal entity controlled by the Authority shall be deemed service at the request of the Authority. The determination that indemnification under this Section (c) is permissible and the evaluation as to the reasonableness of expenses in a specific case shall be made, in the case of a member or director, as provided by law, and in the case of an officer, as provided in Section (d) of this Article; provided, however, that if a majority of the members of the Authority Board has changed after the date of the alleged conduct giving rise to a claim for indemnification, such determination and evaluation shall, at the option of the person claiming indemnification, be made by special legal counsel agreed upon by the Authority Board and such person. Unless a determination has been made that indemnification is not permissible, the Authority shall make advances and reimbursements for expenses incurred by a member, director or officer in a proceeding upon receipt of an undertaking from such member, director or officer to repay the same if it is ultimately determined that such member, director or officer is not entitled to indemnification. Such undertaking shall be an unlimited, unsecured general obligation of the member, director or officer and shall be accepted without reference to such member's, director's or officer's ability to make repayment. The termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not of itself create a presumption that a member, director or officer acted in such a manner as to make such member, director or officer ineligible for indemnification. The Authority is authorized to contract in advance to indemnify and make advances and reimbursements for expenses to any of its members, directors or officers to the same extent provided in this Section (c).

(d) The Authority may, to a lesser extent or to the same extent that it is required to provide indemnification and make advances and reimbursements for expenses to its members, directors and officers pursuant to Section (c) of this Article, provide indemnification and make advances and reimbursements for expenses to its employees and agents, the members, directors, officers, employees and agents of its subsidiaries and predecessor entities, and any person serving any other legal entity in any capacity at the request of the Authority, and may contract in advance to do so. The determination that indemnification under this paragraph (d) is permissible, the authorization of such indemnification and the evaluation as to the reasonableness of expenses in a specific case shall be made as authorized from time to time by general or specific action of the Authority Board, which action may be taken before or after a claim for indemnification is made, or as otherwise provided by law. No person's rights under Section (c) of this Article shall be limited by the provisions of this Section (d).

(e) The rights of each person entitled to indemnification under this Article shall inure to the benefit of such person's heirs, executors and administrators. Special legal counsel selected to make determinations under this Article may be counsel for the Authority. Indemnification pursuant to this Article shall not be exclusive of any other right of indemnification to which any person may be entitled, including indemnification pursuant to a valid contract, indemnification by

legal entities other than the Authority and indemnification under policies of insurance purchased and maintained by the Authority or others. However, no person shall be entitled to indemnification by the Authority to the extent such person is indemnified by another, including an insurer. The Authority is authorized to purchase and maintain insurance against any liability it may have under this Article or to protect any of the persons named above against any liability arising from their service to the Authority or any other legal entity at the request of the Authority regardless of the Authority's power to indemnify against such liability. The provisions of this Article shall not be deemed to preclude the Authority from entering into contracts otherwise permitted by law with any individuals or legal entities, including those named above. If any provision of this Article or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this Article, and to this end the provisions of this Article are severable.

(f) No amendment, modification or repeal of this Article shall diminish the rights provided hereunder to any person arising from conduct or events occurring before the adoption of such amendment, modification or repeal.

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IN WITNESS WHEREOF, the undersigned incorporator has executed these Articles of Incorporation as of the ____ day of _____, 2024, as duly authorized by ordinance adopted by the City Council of the City of Richmond, Virginia, on _____, 2024.

By: _____
Chief Administrative Officer, City of
Richmond, Virginia

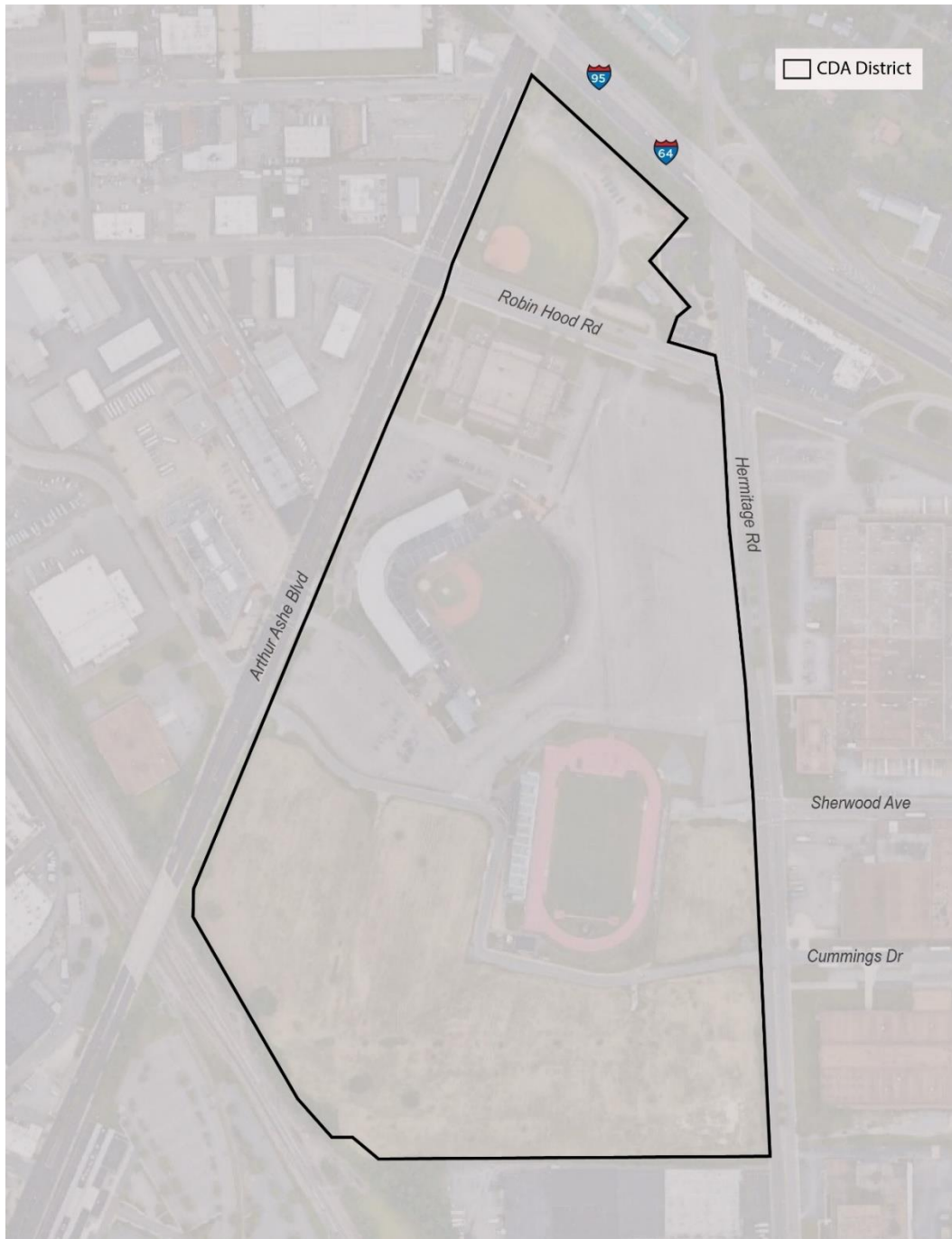
Names, Addresses and Terms of Initial Members

[TO BE COMPLETED PRIOR TO COUNCIL'S ADOPTION OF ORDINANCE]

Name and Address	Term of Office	
	Commences	Expires
<hr/>		

Description of Initial Authority District

The Authority District will initially include the properties located in the City of Richmond, Virginia, identified as Tax Map Parcel Numbers N000-1512/001, N000-1510/011, N000-1510/012, N000-1510/013, N000-1510/001, N000-1510/020 and N000-1510/009, all as more particularly depicted on the map below.



Petition to Create Authority

[To be Attached]

**PETITION PURSUANT TO VIRGINIA CODE SECTION 15.2-5153
FOR THE CREATION OF
THE DIAMOND DISTRICT COMMUNITY DEVELOPMENT AUTHORITY
TO THE CITY COUNCIL OF
THE CITY OF RICHMOND, VIRGINIA**

WHEREAS, the Economic Development Authority of the City of Richmond, Virginia (the “EDA”), is a political subdivision of the Commonwealth of Virginia (the “Commonwealth”), duly created under the Industrial Development and Revenue Bond Act (Chapter 49, Title 15.2, Code of Virginia of 1950, as amended);

WHEREAS, the EDA is the fee simple owner of four adjoining parcels totaling approximately 47.6 acres (the “EDA Property”) located in the Greater Scott’s Addition area of the City of Richmond, Virginia (the “City”), and comprising the tax map parcels shown in Exhibit A;

WHEREAS, Virginia Commonwealth University (“VCU”) is the fee simple owner of an approximately 6.6-acre parcel (the “Sports Backers Parcel”) situated next to a portion of the EDA Property and comprising the tax map parcel shown in Exhibit A;

WHEREAS, the City is the fee simple owner of two parcels totaling approximately 13.3 acres (the “City Property”) situated next to a portion of the EDA Property and comprising the tax map parcels shown in Exhibit A;

WHEREAS, the City is seeking to redevelop the EDA Property, the Sports Backers Parcel and the City Property (collectively, the “District Property”) into a mixed-use development to increase economic activity on and around the District Property and to increase tax values of the District Property and surrounding property (the “Redevelopment Project”);

WHEREAS, the City is also seeking to replace The Diamond baseball stadium, which is located on a portion of the District Property, with a new stadium as part of the Redevelopment Project (the “Stadium”);

WHEREAS, the City and the EDA intend to execute a development agreement with a developer entity in order to (a) establish the terms on which the developer entity will redevelop the District Property and deliver the public infrastructure improvements necessary to support the Redevelopment Project and (b) set forth the obligations of the City, the EDA and such developer entity with respect to the funding of the design, construction, acquisition and equipping of such public infrastructure and the Stadium;

WHEREAS, the City and the EDA intend for the EDA to acquire the Sports Backers Parcel from VCU to enable the redevelopment of such parcel as part of the Redevelopment Project;

WHEREAS, in connection with the Redevelopment Project, the EDA desires to join with the City Council of the City of Richmond, Virginia (the “Council”), to create a mechanism for providing or otherwise funding certain public infrastructure improvements, facilities and services that are necessary or desirable for development or redevelopment within or affecting the District Property or to meet the increased demands placed upon the City as a result of development or redevelopment within or affecting the District Property as more particularly described herein;

WHEREAS, the EDA and the City have determined that a community development authority (the “CDA”) affords the best mechanism for providing or otherwise funding all or a portion of such public infrastructure improvements, facilities and services; and

WHEREAS, the provision of such public infrastructure improvements, facilities and services, as well as the creation of the CDA to assist in the provision and funding thereof, (a) will benefit the citizens of the City by promoting increased employment opportunities in the City, (b) will facilitate the successful expansion of the City’s tax base through increased real property, personal property, admissions, sales, meals and business, professional and occupational license tax revenues from the increase in investment and economic activity in the CDA district, (c) will be necessary or desirable for development or redevelopment within or affecting the CDA district or to meet the increased demands placed upon the City as a result of development or redevelopment within or affecting the CDA district and (d) will provide new recreational facilities for use by residents of the City and the Commonwealth;

NOW, THEREFORE, pursuant to Virginia Code §15.2-5153, the EDA, as the fee simple owner of more than fifty-one percent (51%) of the land area or assessed value of the District Property, does hereby petition the Council to establish the CDA by ordinance pursuant to Virginia Code §15.2-5155.

In support of this Petition, the EDA states as follows:

1. Land Ownership and District. The EDA is the fee simple owner of more than fifty-one percent (51%) of the land area or assessed value of the land proposed to be included within the geographic boundaries of the CDA district (the “CDA District”). A list of the tax map parcel numbers of the initial parcels to be included within the CDA District are attached to this Petition as Exhibit A and is incorporated herein by this reference. All of the initial parcels within the CDA District are located exclusively within the City. The initial boundaries of the CDA District are shown on the map attached to this Petition as Exhibit B and incorporated herein by this reference, but (a) may be expanded by the Council by subsequent ordinance or resolution upon petition filed pursuant to Virginia Code §15.2-5153 and (b) may be adjusted to exclude certain land as long as the owners of at least fifty-one percent (51%) of the land area or assessed value of land that will remain in the CDA District after the adjustment originally petitioned for the creation of the CDA. The EDA requests that the CDA be called the “Diamond District Community Development Authority.”

2. Description of Infrastructure, Facilities and Services. The CDA shall be formed for the purposes of, among other things, acquiring, financing, funding, designing, constructing, equipping and providing for the construction, installation, operation, maintenance (unless dedicated to and accepted by an appropriate governmental entity other than the CDA), enhancement, replacement, relocation and alteration of all or portions of the public infrastructure improvements, facilities and services identified on Exhibit C (or otherwise facilitating such undertakings by, and in cooperation with, the City, the EDA and any other appropriate governmental entity), including, without limitation, (a) sanitary sewer mains and lines, (b) water mains and lines, pump stations and water storage facilities, (c) storm sewer mains and lines, (d) landscaping and related site improvements, (e) parking facilities, (f) sidewalks and walkway paths, (g) storm water management and retention systems (including best management practices, water quality devices and erosion and sediment control), (h) lighting (including street and decorative lights in public rights of way), (i) street and directional

signage, (j) wetlands mitigation, (k) roads, curbs and gutters (inclusive of rights of way and easements related thereto), (l) public park, plaza and recreational facilities, (m) new or enhanced public access and open space areas, and (n) any and all facilities and services appurtenant to the above including the acquisition of land (all such existing and new public roads, utilities, facilities, improvements and services are referred to herein collectively as the “Infrastructure”). The CDA may contract for and incur all necessary expenses to accomplish the above and all related purposes, and all such operating expenses of the CDA, including, without limitation, administrative, underwriting, accounting, engineering and legal (collectively, the “Operation of the CDA”), may be included within the scope of any bonds or other obligations issued by the CDA. The CDA may perform or cause to be performed all work necessary to accomplish these purposes, including, without limitation, right-of-way and easement acquisition, permitting and/or relocation of existing utilities.

3. Description of Provision and Financing of Infrastructure and Operation of the CDA. The Infrastructure shall be constructed or acquired by, or on behalf of, the CDA, the City, the EDA or any other appropriate governmental entity, and the costs thereof shall be paid for, or reimbursed by, the CDA, the City, the EDA or any other appropriate governmental entity, upon availability of funding. As set forth in Paragraph 2 above, the CDA may contract for all services required for the Operation of the CDA and the provision of the Infrastructure. The CDA, the City and the EDA may contract with each other and with other parties necessary or desirable for the Operation of the CDA and the provision of the Infrastructure or services directly related to the Operation of the CDA.

The proposed plan for the Operation of the CDA and the provision of the Infrastructure within the CDA District is as follows:

(a) The CDA may issue revenue bonds or other obligations for the payment of money, in one or more series, for (i) the Operation of the CDA, (ii) the provision of the Infrastructure or any portion thereof and (iii) the administrative and other authorized costs and expenses of issuing such bonds or obligations and performing the work necessary to provide the Infrastructure or any portion thereof. The bonds shall be payable solely from revenues received by the CDA.

(b) The CDA may fix, charge and collect such rates, fees and charges for the use of, or the benefit derived from, the Infrastructure as may be necessary or appropriate to finance or otherwise fund the costs of the Infrastructure and the Operation of the CDA (including, without limitation, a surcharge on guest stays at hotels located in the CDA District and a surcharge on consumer purchases occurring in the CDA District).

(c) The CDA may enter into one or more agreements with some or all of the following parties—the City, the EDA, any other appropriate governmental entities and any developer entity undertaking the redevelopment of the Property (or their respective successors and assigns)—(i) to make available the above-referenced revenues as security for the repayment of any bonds or other obligations for the payment of money issued by the EDA or the City for the purpose of paying the costs of the Infrastructure described herein and any related financing and administrative costs and funding related capitalized interest and reserves and (ii) to pay (or reimburse any appropriate governmental entities for prior payments of) the costs of such Infrastructure.

4. Expected Benefits from the Provision of Proposed Infrastructure and the Operation of

the CDA. The provision of the Infrastructure and the Operation of the CDA will facilitate the City's efforts to retain existing businesses and to attract new businesses and economic development to the City in furtherance of the City's business development and revitalization strategies. The Infrastructure and the Operation of the CDA are necessary or desirable for development or redevelopment within or affecting the CDA District or to meet the increased demands placed upon the City as a result of development or redevelopment within or affecting the CDA District. The development or redevelopment of the property within the CDA District, which will be enabled by the Infrastructure, will promote increased employment opportunities in the City, enhance the City's tax base by increasing tax revenues and the value of real property within and around the CDA District and provide new recreational facilities for use by residents of the City and the Commonwealth.

5. Members of the CDA. The CDA shall have five (5) members appointed by the Council pursuant to Virginia Code §15.2-5113.

6. Duration/Abolition of the CDA. The CDA may be abolished at any time by appropriate action of the Council, provided that no such abolition shall occur while any CDA obligation remains outstanding. Furthermore, it is contemplated that the CDA shall continue to exist beyond the retirement of all of its obligations to the extent necessary and/or appropriate to provide the public infrastructure improvements, facilities and services identified in this Petition.

7. Waiver. The EDA intends to provide a waiver of the thirty (30)-day period to withdraw its signature from this Petition as provided in Virginia Code §15.2-5156(B).

ACCORDINGLY, for the reasons above, and in reliance upon the assurances and covenants set out herein, the EDA respectfully requests that the Council establish the Diamond District Community Development Authority for the purposes set forth in this Petition.

IN WITNESS HEREOF, the EDA has executed this Petition pursuant to due authority this _____ day of _____, 2024.

**ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF RICHMOND, VIRGINIA**

By: _____
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND

The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that the foregoing instrument was acknowledged before me in the jurisdiction aforesaid by John S. Molster, as Chairman of the Economic Development Authority of the City of Richmond, Virginia.


Given under my hand this _____ day of _____, 2024.

My commission expires: _____.

Notary Public

My registration number is: _____.

Approved as to form



Deputy City Attorney

LIST OF PARCELS BY TAX MAP NUMBERS (GPINs)

EDA Property

N000-1512/001

N000-1510/011

N000-1510/012

N000-1510/013

Sports Backers Parcel

N000-1510/001

City Property

N000-1510/020

N000-1510/009

MAP OF CDA DISTRICT

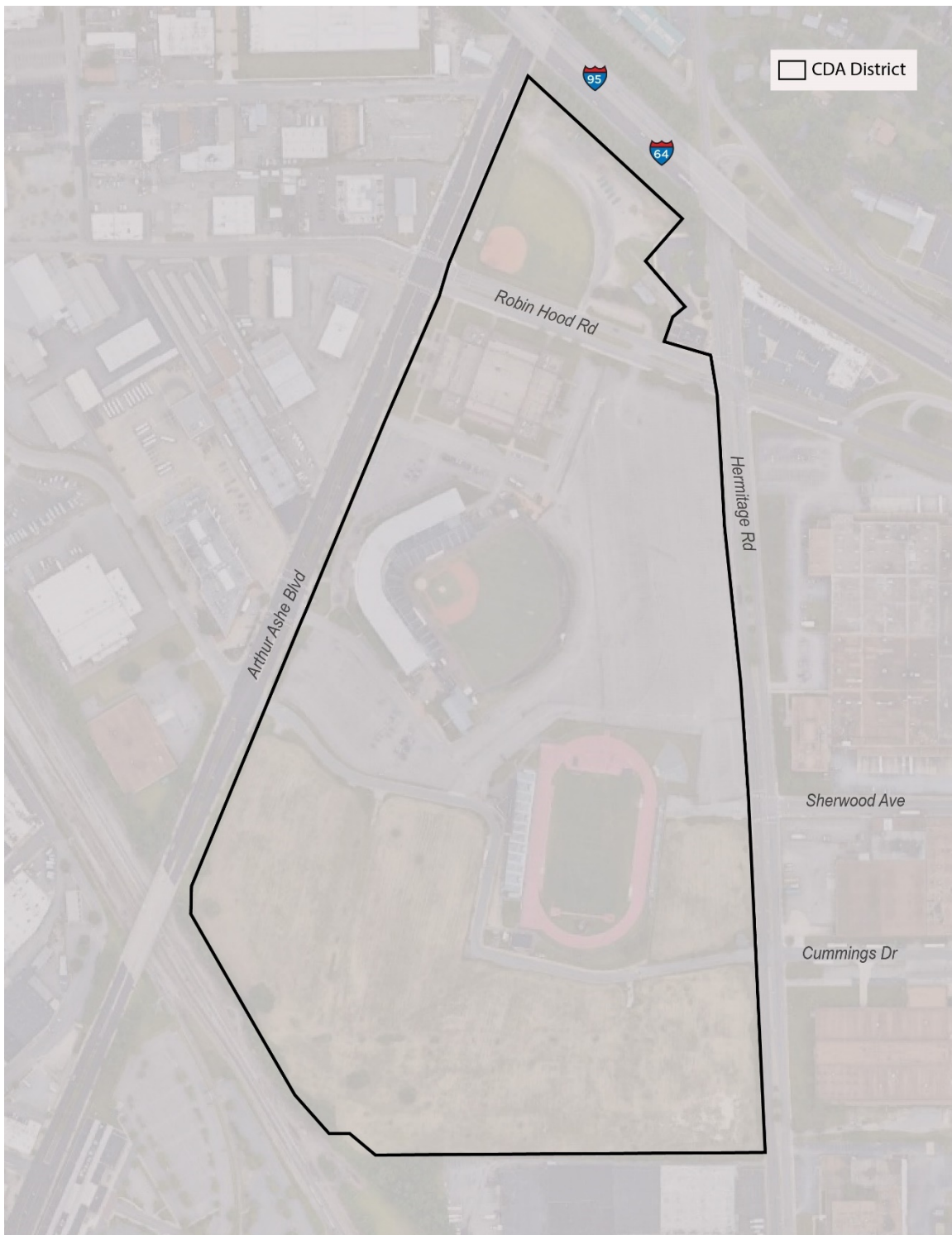


EXHIBIT C

DESCRIPTION OF PROPOSED INFRASTRUCTURE¹

Baseball Stadium	
Park and Public Space Improvements	
Parking Facilities	
Cultural Facilities	
Water, Sewer, Storm Water, Gas and Electric Utility Improvements	
Utility Installations, Relocations and Abandonments	
Road, Alley and Sidewalk Improvements	
Streetlight, Traffic Signal, Traffic Control, Street Signage, Curb, Gutter, Streetscape and Landscaping Improvements	
Reserves and Capitalized Interest	
Preliminary total cost including contingencies	\$292,000,000

¹ The list of infrastructure improvements proposed to be financed or otherwise funded by the CDA identified in this Exhibit C is preliminary, and the infrastructure improvements to be financed or otherwise funded by the CDA may include all or a portion of the above-enumerated improvements as well as such other improvements as are described in Section 2 of the foregoing Petition.

IN WITNESS HEREOF, the EDA has executed this Petition pursuant to due authority this
5 day of April, 2024.

**ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF RICHMOND, VIRGINIA**

By: [Signature]
Name: John S Molster
Title: Chairman

STATE OF FLORIDA
COUNTY OF PALM BEACH

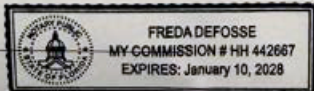
The undersigned Notary Public in and for the jurisdiction aforesaid hereby certifies that the foregoing instrument was acknowledged before me in the jurisdiction aforesaid by John S. Molster, as Chairman of the Economic Development Authority of the City of Richmond, Virginia.

Given under my hand this 5 day of April, 2024.

My commission expires: 1/10/28.

[Signature]
Notary Public

My registration number is:



Approved as to form

[Signature]
Deputy City Attorney

Sample Criteria for Selection of CDA Board Members

Without limiting the legislative discretion of future City Councils to appoint individuals of their choosing to serve as members of the CDA Board, City Council expresses its intent to appoint to the CDA Board individuals who meet the following criteria:

- Are either (a) senior-level employees of the City, (b) residents or business owners within the City or (c) owners of real property within the CDA District (or representatives of such owners); and

- Have professional qualifications or demonstrated expertise, as determined by City Council, in one or more of the following areas:
 - o Finance
 - o Land or project development
 - o Property management
 - o Property owners' association management
 - o Business or economic development
 - o Sports, parks, recreation or cultural facility management
 - o Transportation or public infrastructure development or management

When appointing new members to the CDA Board, City Council expresses its intent to maintain, to the extent possible, a diversity of experience across the full CDA Board within the parameters described above.