

INTRODUCED: May 12, 2025

AN ORDINANCE No. 2025-112

To close, to public use and travel, unimproved portions of West 23rd Street located south of Semmes Avenue and north of McDonough Street, McDonough Street located east of West 22nd Street, Perry Street located east of West 22nd Street, and two unimproved alleys, one located between West 23rd Street and an existing alley and a second located between Perry Street and Porter Avenue, all such streets and alleys together consisting of 45,430± square feet and, upon certain terms and conditions, and to authorize the Chief Administrator Officer to accept the dedication of a public utility easement consisting of 11,646± square feet and a 3,106± square foot public right-of-way, all for the purpose of facilitating the development of multifamily affordable housing.

Patron – Mayor Avula (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 9 2025 AT 6 PM

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the following unimproved streets and alleys consisting of approximately 45,430 square feet, are hereby closed to public use and travel as rights-of-way of the City of Richmond:

(a) An unimproved portion of West 23rd Street consisting of approximately

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 9 2025 REJECTED: _____ STRICKEN: _____

18,387 square feet located south of Semmes Avenue and north of McDonough Street;

(b) An unimproved portion of McDonough Street consisting of approximately 3,822 square feet located east of West 22nd Street;

(c) An unimproved portion of Perry Street consisting of approximately 14,362 square feet located east of West 22nd Street;

(d) An unimproved 14-foot wide public alley approximately 2,112 square feet located between West 23rd Street and an existing alley; and

(e) An unimproved 20-foot wide public alley approximately 6,747 square feet located between Perry Street and Porter Avenue,

as shown enclosed with bold lines on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-29149-A, dated January 24, 2025, and entitled “Right of Way Vacation and Easement Vacation Plat for West 23rd Street, a Public Alley and McDonough Street,” and DPW Drawing No. N-29149-B, dated January 24, 2025, and entitled “Right of Way Vacation and Easement Dedication Plat for Perry Street and a 20’ Public Alley,” copies of which drawings are attached to this ordinance.

§ 2 That this ordinance, as to the closing of the rights-of-way identified in section 1 above, shall be in force as provided in section 4.09 of the Charter of the City of Richmond (2020), as amended, and shall become effective only when, within 18 months from the day this ordinance is adopted:

(a) The applicant makes arrangements satisfactory to public utility or public service corporations whose properties or facilities are in the right-of-way area to be closed either for the removal, relocation or abandonment thereof or for the construction, reconstruction, maintenance

and repair thereof, evidence of which shall be in writing, approved as to form by the City Attorney, and filed in the office of the City Clerk. If the applicant submits to the Chief Administrative Officer a writing indicating the applicant's decision not to relocate the utilities in the right-of-way area to be closed, the applicant shall grant to the City an easement over the subject areas, which easement shall be defined on a plat provided by the applicant and approved by the Director of Public Works. In such case, the Chief Administrative Officer shall be authorized to accept the dedication of such easement, provided that the easement shall be approved as to form by the City Attorney.

(b) The applicant bears all costs associated with the closing, including, but not limited to, realignment, relocation or removal of utilities or infrastructure, installation of new utilities or infrastructure, new or revised street name or directional signs, streetlights, and similar infrastructure, as required by City agencies, and agrees in writing with the City that, for itself, its successors and its assigns, they shall indemnify, reimburse, and keep and hold the City free and harmless from liability on account of injury or damage to persons, firms, corporations or property, which may result directly or indirectly from the closing of the rights-of-way to public use and travel by this ordinance and from the interference with the drainage, flow or overflow of surface or subsurface water resulting directly or indirectly therefrom; and in the event that any suit or proceeding is brought against the City at law or in equity, either independently or jointly with the owner or owners of all the property abutting the aforesaid alleys on account thereof, they shall defend the City in any such suit or proceeding at their cost; and in the event of a final judgment or decree being obtained against the City, either independently or jointly with the property owner or owners granting consent for the aforesaid rights-of-way to be closed to public use and travel, they shall pay such judgment or comply with such decree including payment of all costs and expenses or whatsoever nature and hold the City harmless therefrom.

(c) The applicant shall dedicate to the City an additional public right-of-way as identified on DPW Drawing No. N-29149-A, dated January 24, 2025, and entitled “Right of Way Vacation and Easement Plat for West 23rd Street, A Public Alley and McDonough Street,” The Chief Administrative Officer shall be authorized to accept the dedication of such public right-of-way, provided that the deed of dedication shall be approved as to form by the City Attorney.

(d) The applicant submits and obtains approval by the Director of Planning and Development Review of a Plan of Development pursuant to Chapter 30, Article X, Division 4 of the Code of the City of Richmond (2020), as amended, for the construction of the improvements on the site and the proposed rights-of-way closure and vacation, or if no Plan of Development is required, the applicant must apply for and be issued a building permit pursuant to the Virginia Uniform Statewide Building Code. Should approval of the Plan of Development or building permit be denied, this closure of the public right-of-way shall not go into effect.

(e) The applicant provides written evidence satisfactory to and approved as to form by the City Attorney that all facilities of the Department of Public Utilities in the right-of-way areas to be closed have been removed, relocated or otherwise accommodated within the right-of-way areas to be closed in such a manner satisfactory to the Director of Public Utilities.

(f) The applicant satisfies all terms and conditions requisite for the closing of the rights- of-way areas to be closed by this ordinance and provides the Department of Public Works, the Office of the City Attorney, and the Office of the City Clerk with written evidence that all terms and conditions of this ordinance have been satisfied.

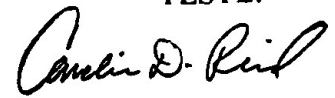
§ 3. That, any fee normally required of the adjacent property owners for the acquisition of the closed rights-of-way areas is hereby waived.

§ 4. That, at such time as this ordinance becomes effective, the City shall have no further

right, title or interest in the closed rights-of-way areas other than that expressly retained under provisions of this ordinance or granted to satisfy the terms and conditions set out in this ordinance.

§ 5. This ordinance shall be in force and effect only upon the satisfaction of the terms and conditions set out above.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carlin D. Rind". The signature is written in a cursive, flowing style.

City Clerk

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: March 18, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Dr. Danny Avula, Mayor (By Request)
(This in no reflects a recommendation on behalf of the Mayor)

THROUGH: Sabrina Joy-Hogg, Interim Chief Administrative Officer

THROUGH: Bobby Vincent Jr., Director, Department of Public Works

FROM: M.S. Khara, P.E., City Engineer, Department of Public Works

RE: **TO CLOSE TO PUBLIC USE AND TRAVEL SEVERAL UNIMPROVED
PUBLIC RIGHTS-OF-WAY WITHIN THE SWANSBORO
NEIGHBORHOOD AND AUTHORIZE ACCEPTANCE OF THE
DEDICATION OF UTILITY EASEMENTS AND PUBLIC RIGHT-OF-
WAY**

ORD. OR RES. No. _____

PURPOSE: To close, to public use and travel, an unimproved portion of West 23rd Street (approx. 18,387 sq ft), an unimproved 14' wide public alley (approx. 2,112 sq ft), an unimproved portion of McDonough Street (approx. 3,822 sq ft), an unimproved portion of Perry Street (approx. 14,362 sq ft), and an unimproved 20' wide public alley (approx. 6,747 sq ft); and the dedication of public right-of-way (approx. 310 sq ft) and utility easements (approx. 11,646 sq ft), all as shown on DPW Dwg. No. N-29149-A dated 1/24/2025 and entitled "RIGHT-OF-WAY VACATION AND EASEMENT VACATION PLAT FOR WEST 23RD STREET, A PUBLIC ALLEY AND MCDONOUGH STREET" and DPW Dwg. No. N-29149-B dated 1/24/2025 and entitled "RIGHT-OF-WAY VACATION AND EASEMENT DEDICATION PLAT FOR PERRY STREET AND A 20' PUBLIC ALLEY" at the request of the applicant.

BACKGROUND: A letter of request dated December 27, 2024, from Preston Lloyd, of Williams Mullen, on behalf of 2201 McDonough, LLC, 322 W 22nd Street, LLC and ECG Semmes Developer, LLC.

These rights-of-way vacations are proposed to facilitate development of approximately 266 affordable multi-family residential units, together with accompanying infrastructure and amenities. The Property is characterized by multiple parcels located south of Semmes Avenue in the Swansboro neighborhood of the City. Development will be consistent with the previously granted special use R-63 Multifamily Urban Residential District designation, as approved by City Council via Ordinance No. 2024-180. Pursuant to the Ordinance, the property is authorized to be

used for the construction of up to three (3) multifamily buildings containing an aggregate of up to 266 dwelling units. The special use Ordinance also contemplated certain closures and vacations of unimproved public rights-of-way within the Property.

This Ordinance is being introduced for consideration by the City Council without consent to the closing having been obtained in writing from all owners of all the real property abutting those portions of the streets or alleys to be closed. The applicant owns all adjacent property or has obtained the consent of all adjacent property owners except for the owner of 215 W 21st St, which property is adjacent to the unimproved portion of Perry St being proposed for closure.

The value of the rights-of-way to be vacated (approx. 45,430 sq. ft.) has been determined to be **\$280,685** (\$6.1784 per sq. ft.) and is based on assessed values of the adjacent parcels. This value may be reduced based upon the easement to be dedicated to the City by the applicant and the dedication of new public right-of-way.

The easement value (\$35,977) is determined based upon the total easement area (11,646 sq. ft.) and applying a reduced assessed value (50% of the full assessed value; 50% x \$6.1784 per sq. ft. = \$3.0892 per sq. ft.).

The value of the right-of-way being dedicated (\$1,915) is based upon the area being dedicated (310 sq. ft.) and the full assessed value of the various parcels (\$6.1784 per sq. ft.).

The acquisition value of the rights-of-way to be vacated, should the applicant dedicate utility easements and new right-of-way to the City, has been determined to be **\$242,793**.

The acquisition value of the rights-of-way to be vacated is being waived based upon the request of the Department of Housing and Community Development (HCD). In a letter dated January 24, 2025, HCD writes that the applicant “...will be constructing a new multi-family affordable housing development pursuant to the terms of an affordable housing performance grant approved by City Council as Ord. No. 2024-207. The City of Richmond has an affordable housing crisis, as declared by Council Res. 2023-R019, and as a result HCD is encouraging and requesting that all the relevant agencies that impact the production and preservation of affordable housing support our City-wide effort and the Mayor’s top priority to provide a spectrum of affordable housing opportunities for the citizens of Richmond. Accordingly, should the DPW recommend Council’s approval of this application, HCD requests that the Ordinance omit any requirement of monetary consideration to the City as a condition of vacation.”

The proposed right-of-way closing will not negatively impact the local City transportation network. Other reviewing administrative agencies were contacted regarding this closure and offered no objections to the right-of-way closing.

COMMUNITY ENGAGEMENT: After introduction, the proposed Ordinance will be referred to a future Planning Commission meeting for discussion, public encouraged to attend and provide comment; subsequent to Planning Commission recommendation to City Council, Council to hold a public hearing regarding the proposed Ordinance.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan (Goal 14: Housing); City Council Resolution No. 2023-R019 (Declare a housing crisis).

FISCAL IMPACT: \$300 (processing fee); right-of-way purchase price applicable to adjacent property owners is waived.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 12, 2025

CITY COUNCIL PUBLIC HEARING DATE: June 9, 2025

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Planning Commission

AFFECTED AGENCIES: Public Works; Law Department; Planning & Development Review; Public Utilities; Assessor; Finance; Budget and Strategic Planning; Fire Department; Police Department, Mayor's Office, and CAO's Office

RELATIONSHIP TO EXISTING ORD. OR RES.: 2024-180 (adopted September 23, 2024)

ATTACHMENTS: DPW Dwg. No. N-29149-A (dated 1/24/2025)
DPW Dwg. No. N-29149-B (dated 1/24/2025)
Applicant's request letter (Preston Lloyd, Williams Mullen)
HCD fee waiver request letter (Merrick Malone, Director)

STAFF: Prepared for Bobby Vincent, Jr., Director, DPW (646-6444)
Prepared by M.S. Khara, City Engineer, DPW (646-5413)
Research and Drawing Coordinated By: DPW/Right-of-Way Management

WILLIAMS MULLEN

Direct Dial: 804.420.6615
plloyd@williamsmullen.com

December 27, 2024

VIA EMAIL and FEDERAL EXPRESS

City of Richmond Department of Public Works
900 E. Broad Street, #700
Richmond, Virginia 23219
Attn. Bobby Vincent, Jr., Director

Re. Application for Closure and Vacation of Rights of Way | Unimproved Portions of Existing Public Rights of Way Adjacent to and Within Property of 2201 McDonough, LLC, and 322 W. 22nd Street, LLC

Ladies and Gentlemen:

This firm is counsel to 2201 McDonough, LLC, a Virginia limited liability company, and 322 W. 22nd Street, LLC, a Virginia limited liability company (together the "Owners"), and ECG Semmes Developer, LLC, a Tennessee limited liability company ("Developer"). Owners own certain real estate located immediately adjacent to the Belle Heights subdivision ("Belle Heights"), located in the City of Richmond (the "City"), described on the table of parcels enclosed herewith as Exhibit A (the "Property"). Developer is the contingent purchaser of the Property and proposes to develop approximately 266 affordable multi-family residential units, together with accompanying infrastructure, use and amenities (collectively, the "Project").

The Property is characterized by multiple parcels located south of Semmes Avenue in the Swansboro neighborhood of the City, as more particularly identified on the table attached as Exhibit A. The Property is comprised of approximately 6.6748 acres, located immediately adjacent to a residential community developed by an affiliate of the Owners and known as "Belle Heights". As depicted on those certain plats entitled "Right-of-Way Vacation, Easement Vacation And Easement Dedication Plat for W 23rd Street, A Public Alley, & McDonough Street City of Richmond, VA" and "Right-of-Way Vacation And Easement Dedication Plat for Perry Street And a 20' Public Alley City of Richmond, VA" each dated December 9, 2024, copies of which are attached hereto as Exhibit B (together, the "Plat"), the Property also contains unimproved portions of existing public rights of way, shown and depicted as "West 23rd Street 60' Unimproved Public Right-of-Way" (the "60' Public ROW"), "14' Public Alley" (the "14' Public Alley"), "McDonough Street Hereby Vacated" (the "McDonough Street ROW"), "Perry Street Variable Width Public Right-of-Way" (the "Perry Street ROW"), and "20' Public Alley" (the "Existing City ROW") on the Plat (together, the "Subject Rights of Way").

On behalf of Owners, we request that the City close to public travel and vacate the Subject Rights of Way for the reasons set forth below, as authorized pursuant to City Code Section 90-326.

BACKGROUND ISSUES FOR CONSIDERATION BY DPW AND REVIEWING CITY STAFF

1. Transaction History, Streetscape, and Public Right-of-Way Improvements:

Owners intend to transfer the Property to Developer, which intends to develop the site consistent with its special use R-63 Multifamily Urban Residential District designation, as approved by City Ordinance No. 2024-180 (the "Ordinance").¹ Pursuant to the Ordinance and as more particularly shown on the conceptual plan incorporated by reference therein (the "Conceptual Plan"), the Property is authorized to be used for the construction of up to three multifamily buildings containing an aggregate of up to 266 dwelling units. The Conceptual Plan also contemplates certain closures and vacations of unimproved rights-of-way within the Property, in general conformance with the closures and vacations proposed herein.

2. Support of Affected Owners: Pursuant to City of Richmond Code of Ordinances (the "City Code") §24-314, for any right-of-way closure request, "unless otherwise requested by a member of the City Council or the Mayor," an ordinance may not be introduced to close such right-of-way until the following written consents have been obtained: "(i) all the owners of the real property abutting those portions of the street or alley to be closed; and (ii) any other owners of real property who have a right of ingress and egress from their own property to those portions of the street or alley to be closed and whose property is situated between the nearest intersection boundaries encompassing a proposed street closing or the block² boundaries encompassing a proposed alley closing, as applicable." Consistent with the foregoing, the following property owners have consented to the vacation of the Subject Rights of Way:

- a. **West 23rd Street 60' Unimproved Public Right-of-Way.** As depicted in the Conceptual Plan, the 60' Public ROW is abutted by property owned by Owners and thus, all parties with an interest in the right-of-way have consented to the instant request. The 60' Public ROW also connects two existing rights-of-way and thus, no third parties have a right of ingress and egress from their own property to that portion of the unimproved right-of-way which is to be vacated.
- b. **14' Public Alley.** As depicted in the Conceptual Plan, the 14' Public Alley is abutted by property owned by Owners and thus, all parties with an interest in the right of way have consented to the instant request. Additionally, the properties located to the west of the alley do not meet the City Code statutory requirement that they be "situated between the ... block boundaries encompassing a proposed alley closing," as the right-of-way to be vacated is located between the existing alley right-of-way and the 60' Public ROW. Therefore, the right-of-way is within a single block and thus, no third parties have a right of ingress and egress from their own property to that portion of the unimproved right-of-way which is to be vacated.
- c. **McDonough Street Hereby Vacated.** As depicted in the Conceptual Plan, the McDonough Street ROW is to be vacated and maintained by Owners as parking. The right-of-way is abutted by property owned by Owners and thus, all parties with

¹ Richmond, Va., Ordinance No. 2024-180, adopted Sept. 23, 2024 (the "Ordinance").

² Richmond, Va., Code of Ordinances Ch. 30, Art. XII, § 30-1220. As defined by the City Code § 30-1220, a "block," "means all of the property located along one side of a street between two intersecting streets or between any combination of intersecting streets, railroad rights-of-way, watercourses or other features of natural barriers which permanently interrupt the continuity of development."

an interest in the right-of-way have consented to the instant request. Pursuant to the Plat, Belle Heights abuts the right-of-way to the east. The Belle Heights Homeowners Association Inc., a Virginia corporation (the “Association”) governs Belle Heights. The Board of Directors of the Association approved the closure of the McDonough Street ROW by written consent, a copy of which is attached hereto as Exhibit C. Therefore, all third parties with an interest in the right-of-way have consented to the instant request.

- d. **Perry Street Right-of-Way.** As depicted in the Conceptual Plan, the Perry Street ROW is to be vacated. The right-of-way is abutted by property owned by Owners and thus, all parties with an interest in the right-of-way have consented to the instant request. The Perry Street ROW provides access to neither (i) the Belle Heights Development (located directly to its east) nor (ii) 215 W. 21st Street, owned by Ardenberry Properties, LLC, a Virginia limited liability company (the “Ardenberry Property”), as ingress and egress to and from the Ardenberry Property is provided via Porter Street. The Perry Access Easement (defined below) located within the right-of-way will provide the public with pedestrian access to the Ardenberry Property. Only with respect to this 60’ Public ROW, the Chief Administrative Officer of the City, acting on behalf of the Mayor, has authorized the Applicant’s vacation request absent consent from the Ardenberry Property.
 - e. **20’ Public Alley.** As depicted in the Conceptual Plan, the Existing City ROW is to be closed to public travel and vacated. The right-of-way is abutted by (i) property owned by Owners and (ii) property located at 220 W. 21st Street under contract to purchase by Owners. Thus, upon purchase of 220 W. 21st Street, all parties with an interest in the right-of-way as well as with rights of ingress and egress will have consented to the instant request.
3. **Dedication of Access Easements.** Prior to approval of a certificate of occupancy for the Project and as a further condition of the Ordinance approving the closures and vacations described herein, the Developer will dedicate to the public the following:
- a. A public pedestrian access easement to accommodate Developer’s construction of a pedestrian connection for public ingress and egress to and from Semmes Avenue and McDonough Street (the “Semmes Access Easement”); and
 - b. A public pedestrian access easement within the Perry Street ROW to and from Perry Street and Parcel S419001 (the “Perry Access Easement” and, together with the Semmes Access Easement, the “Access Easements”).

The final location of the Access Easements will be in general conformance with the corresponding pedestrian access shown on Conceptual Plan, subject to approval by the Director of the Department of Public Works at the time of final plan review. The form of the deed dedicating the Access Easements shall be in the customary form, subject to approval by the Office of the City Attorney.

4. **Construction of Improvements within City ROW.** Developer will cause the construction of certain improvements within the public right-of-way, as depicted by the Conceptual Plan and the Ordinance, including the installation of street sidewalks, tree lawn, street trees, curb and gutter, street replacement, and street lighting along the portions of the Project fronting on Semmes Avenue, McDonough Street, and West 22nd Street (the

“Improvements”). As a further condition of the ordinance approving the closures and vacations described herein, the Department of Public Works shall be authorized and directed to enter into a Development Agreement for the Developer’s completion of the Improvements at its sole cost and expense, which shall be in the customary form subject to final approval by the Director of Public Works and the Office of the City Attorney. The dedication of the Streetscape, Access Easements and the Improvements are consistent with the City’s priorities for enhanced public access to the Property and will revitalize the area as envisioned by the Richmond 300 Master Plan by providing a highly walkable urban neighborhood that is used predominantly for residential use.

5. **Drainage Easement:** To the best of Owners’ and Developer’s knowledge, the Drainage Easement bisecting 2201 McDonough Street is unimproved and contains no active facilities. Pursuant to the Conceptual Plan, the easement is to be vacated.
6. **Utility Use:** Owners propose to dedicate to the City appropriate easements, including the 20’ sanitary easement, the 16’ utility easement located within the 60’ Public ROW and the 20’ utility easement located within the Perry Street ROW, over the Property for any sewer, water, and gas lines necessary to service future improvements to the Property and neighboring developments. No public utilities are located within the Subject Rights of Way.
7. **Dedication from 2301 McDonough Street:** As depicted in the Conceptual Plan and the Plat, an existing 14’ public right-of-way located between 2301 McDonough Street and the parcels on W. 24th Street is to be maintained. As a further condition of the ordinance approving the closures and vacations described herein, prior to issuance of a certificate of occupancy for the Project Developer shall cause the dedication of that portion of 2301 McDonough Street shown and labeled on the Plat as “2’ Strip Hereby Dedicated for Public R.O.W.” to create a 16’ public right-of-way.
8. **Current Use of the Property:** The Property is currently vacant. Prior uses of the Property include: a former manufactured home site that is currently unimproved, a recently demolished former 2-story vehicle service structure, and other light industrial uses.
9. **Emergency Services:** Access by Emergency Services to the Property and adjacent privately owned land will not be affected by the vacation or closure of the Subject Rights of Way. The Improvements to the public rights-of-way will provide improved ingress and egress to and from the Property for Emergency Services as well as maintain the current ingress and egress to and from neighboring properties.
10. **Refuse Collection Service:** Refuse collection services for the Property as well as neighboring properties will not be affected by the vacation or closure of the Subject Rights of Way, as the proposed Improvements will provide improved ingress and egress to and from the Property as well as maintain the current ingress and egress to and from neighboring properties.
11. **Impact to Pedestrian and Vehicular Traffic:** The Subject Rights of Way are unimproved and do not provide ingress and egress to third parties or the Property. Therefore, the vacation or closure of the Subject Rights of Way will not affect pedestrian or vehicular traffic. Furthermore, the Streetscape, Access Easements and Improvements will improve pedestrian and/or vehicular ingress and egress to and from the Property and enable the community as a whole to access the Property via Semmes Avenue, McDonough Street, or Perry Street.

PURPOSE OF REQUEST

Owners intend to cause the transfer of the Property to Developer for development consistent with the Ordinance. The proposed development will allow for affordable multifamily dwellings, integrating with and enhancing the existing neighborhood consistent with the City's vision for future land uses set forth in the Richmond 300 Master Plan. The bisection of the Property by the Subject Rights of Way compromises its marketability, developability, and potential benefit to residents of the Property. Moreover, the vacation of the 60' Public ROW and the Perry Street ROW and replacement with the Streetscape and Access Easements will improve circulation through the Property to the benefit of the public and the community as a whole. Additionally, the Improvements to public rights-of-way will benefit both the residents of the Swansboro neighborhood and the general public. Owners therefore request that the City vacate or close the Subject Rights of Way in exchange for the dedication of the Streetscape, Access Easements and the Improvements of the existing public rights-of-way.

Together with this letter of request and Exhibits thereto, we enclose a check made payable to the City of Richmond in the amount of Three Hundred and No/100 Dollars (\$300.00) as non-refundable application and processing fee. Please acknowledge your receipt of these materials and kindly notify the undersigned of any additional materials required in connection with your review.

Thank you for your assistance.

Very truly yours,

/s/

T. Preston Lloyd, Jr.

Enclosures

cc. The Honorable Stephanie Lynch, 5th District, Richmond City Council

EXHIBIT A

Table of Parcels

Owner	Address	Tax Parcel ID	Acreage
2201 McDonough, LLC	2201 McDonough St.	S0000492001	1.6
2201 McDonough, LLC	2300 Semmes Ave.	S0000493002	0.527
2201 McDonough, LLC	2301 McDonough St.	S0000493007	0.527
2201 McDonough, LLC	2310 Semmes Ave.	S0000493001	0.058
2201 McDonough, LLC	2310A Semmes Ave.	S0000493021	0.012
322 W 22 nd Street, LLC	322 W. 22 nd St.	S0000491024	0.906
322 W 22 nd Street, LLC	315 W. 22 nd St.	S0000489001	0.154
322 W 22 nd Street, LLC	307 W. 22 nd St.	S0000489005	0.561
322 W 22 nd Street, LLC	301 W. 22 nd St.	S0000489012	0.342
322 W 22 nd Street, LLC	302 W. 22 nd St.	S0000491038	0.2439
322 W 22 nd Street, LLC	2100 Perry	S0000418001	0.081
322 W 22 nd Street, LLC	222 W. 21 st St.	S0000418003	0.082
322 W 22 nd Street, LLC	211 W. 22 nd St.	S0000418019	0.083
322 W 22 nd Street, LLC	215 W. 22 nd St.	S0000418021	0.083
322 W 22 nd Street, LLC	217 W. 22 nd St.	S0000418022	0.083
322 W 22 nd Street, LLC	219 W. 22 nd St.	S0000418023	0.083
322 W 22 nd Street, LLC	221 W. 22 nd St.	S0000418024	0.102
322 W 22 nd Street, LLC	301 W. 22 nd St.	S0000489012	0.342
322 W 22 nd Street, LLC	302, 304, 306, 308, and 310 W. 22 nd St.	S0000491038	0.2439
322 w 22 nd Street, LLC	307 W. 22 nd St.	S0000489005	0.561

EXHIBIT B

The Plat

Attached hereto.

EXHIBIT C

Written Consent in Lieu of a Special Meeting of the Declarant and Board of Directors of Belle Heights Homeowners Association, Inc.

Attached hereto.

**WRITTEN CONSENT IN LIEU OF A
SPECIAL MEETING OF THE
DECLARANT AND BOARD OF DIRECTORS OF
BELLE HEIGHTS HOMEOWNERS ASSOCIATION, INC.**

December 13, 2024

In lieu of a Special Meeting of the Board of Directors of Belle Heights Homeowners Association, Inc., a Virginia corporation (the "Association"), in accordance with Section 13.1-685 of the 1950 Code of Virginia, as amended, the undersigned Directors of the Association and Manchester Town Center, LLC, a Virginia limited liability company ("Declarant"), unanimously adopt the following resolutions (these "Resolutions"):

WHEREAS, the undersigned Directors comprise the entire "Board of Directors", as such term is defined in that certain Declaration of Covenants, Conditions and Restrictions for Belle Heights, dated April 30, 2020, recorded May 7, 2020, in the office of the Clerk of the Circuit Court, City of Richmond, Virginia (the "Official Records"), as Instrument No. 200009853 (as amended, the "Declaration"), and are responsible for the governance of the Association and the enforcement of the Declaration pursuant to the Declaration;

WHEREAS, the Declaration governs certain property located in the City of Richmond, Virginia, commonly known as Belle Heights subdivision, as more particularly described in the Declaration ("Belle Heights");

WHEREAS, the Declarant is the "Declarant", as such term is defined in the Declaration;

WHEREAS, Declarant and the Association desire to evidence their respective consent to the proposed vacation of public right-of-way comprising an unimproved portion of Perry Street (the "Current Right-of-Way"), identified as "Perry Street & 20' Public Alley Hereby Vacated +/- 21,096 sq. ft." on the plat attached hereto as Exhibit A (the "Plat") which abuts property owned by the Association being Tax Parcel ID No. S0000420020;

WHEREAS, Declarant and the Association reasonably believe that the vacation of the Current Right-of-Way is in the best interest of the residents and owners of Belle Heights;

WHEREAS, applicable governmental authorities may require the consent of the Association to vacate the Current Right-of-Way; and

WHEREAS, the Directors and Declarant have determined that it is harmonious with the general intent of the Declaration and in the best interests of the Association and Belle Heights owners to grant its consent to the vacation of the Current Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED, that the Board and Declarant are authorized to consent to the vacation of Current Right-of-Way; and be it

FURTHER RESOLVED, that the Board and Declarant, are authorized to execute and deliver such written certifications and agreements as may be required by any applicable governmental authority to confirm such consent; and be it

FURTHER RESOLVED, that any and all actions heretofore taken, agreements heretofore entered into by any undersigned Directors of the Association, on behalf of the Association, or by Declarant, as well

as any and all actions taken or agreements entered into by these persons as individuals acting in good faith and belief on behalf of the Association or Declarant, are hereby ratified, approved, and confirmed by the Association, and all such actions and agreements are hereby adopted and ratified as though the individual at the time had full power and authority to act for and on behalf of the Association and in the same manner as if each and every act had been done pursuant to the specific authorization of the Association; and be it

FURTHER RESOLVED, that the appropriate officers of the Association or Declarant, each acting individually without the joinder of any other, be and hereby are authorized, empowered, and directed to take all necessary or appropriate action, including the expenditure of funds, in order to effect these Resolutions of the Association fully and expeditiously; and be it

FURTHER RESOLVED, that these Resolutions may be executed in any number of counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same document; and be it

FURTHER RESOLVED, that photographic, facsimile, pdf or other electronic transmissions or reproductions of these Resolutions may be made and relied upon to the same extent as though original and the undersigned intend to be bound thereby.

[Signature Pages Follow]

[Signature Page to Written Consent in Lieu of a Special Meeting of the Declarant and Board of Directors
of Belle Heights Homeowners Association, Inc.]

IN WITNESS WHEREOF, this Written Consent in Lieu of a Special Meeting of the Board of Directors is effective as of the date first written above.


BOARD OF DIRECTORS:



Russell Harper



Will Allen



Emily Douress

DECLARANT:

MANCHESTER TOWN CENTER, LLC,
a Virginia limited liability company


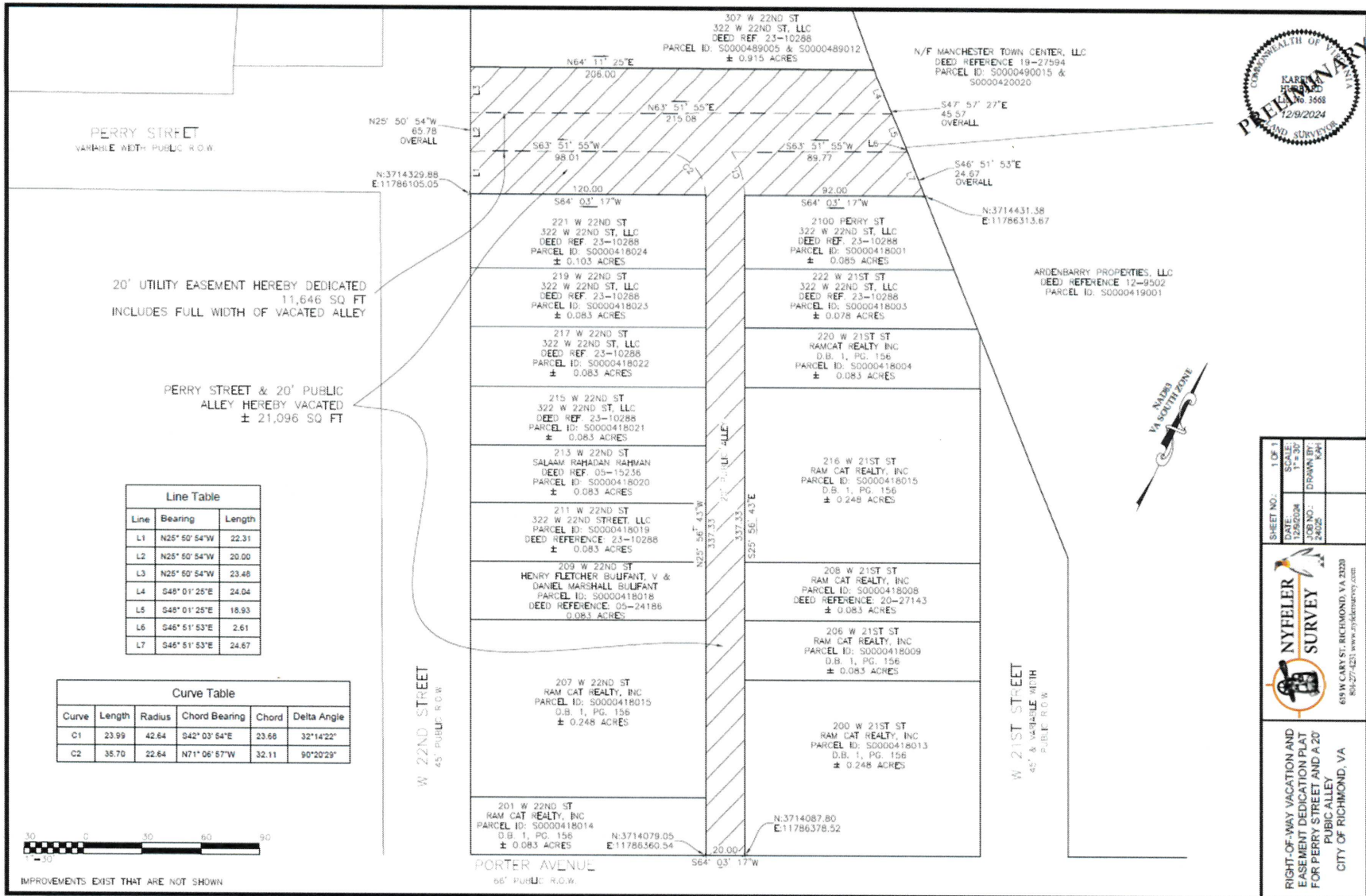
By: 
Name: Russell Harper
Title: Owner

EXHIBIT A

Exhibit Plat





CITY OF RICHMOND

Department of Housing and Community Development

January 24, 2025

Mr. Bobby Vincent, Director
Richmond Department of Public Works
900 E. Broad St. Ste. 700
Richmond, Va. 23219

RE: Elmington Swansboro ROW Vacation

Dear Bobby,

The Department of Housing and Community Development ("HCD") has been advised that the Department of Public Works ("DPW") is presently evaluating an application for the vacation of an unimproved public right of way adjacent to and within property owned by 2201 McDonough, LLC and 322 W. 22nd Street, LLC. As you may know, the owners of the accompanying project will be constructing a new multi-family affordable housing development pursuant to the terms of an affordable housing performance grant approved by City Council as Ord. No. 2024-207. The City of Richmond has an affordable housing crisis, as declared by Council Res. 2023-R019, and as a result HCD is encouraging and requesting that all of the relevant agencies that impact the production and preservation of affordable housing support our City-wide effort and the Mayor's top priority to provide a spectrum of affordable housing opportunities for the citizens of Richmond.

Accordingly, should the DPW recommend Council's approval of this application, HCD requests **that the Ordinance omit any requirement of monetary consideration to the City as a condition of vacation.** This will facilitate the construction of the affordable housing development consistent with Council's prior approval and one of Mayor Avula's highest priorities.

HCD would appreciate your confirmation and thanks you and DPW for all that you do to support the production and preservation of affordable housing. We can't do it without you.

Best,

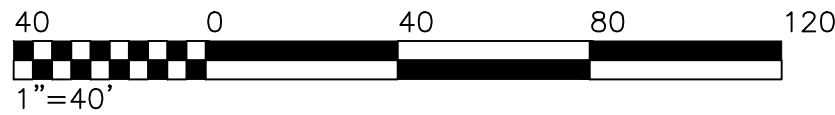
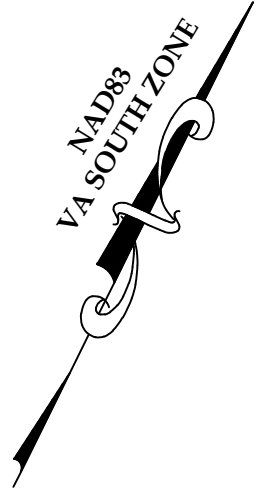
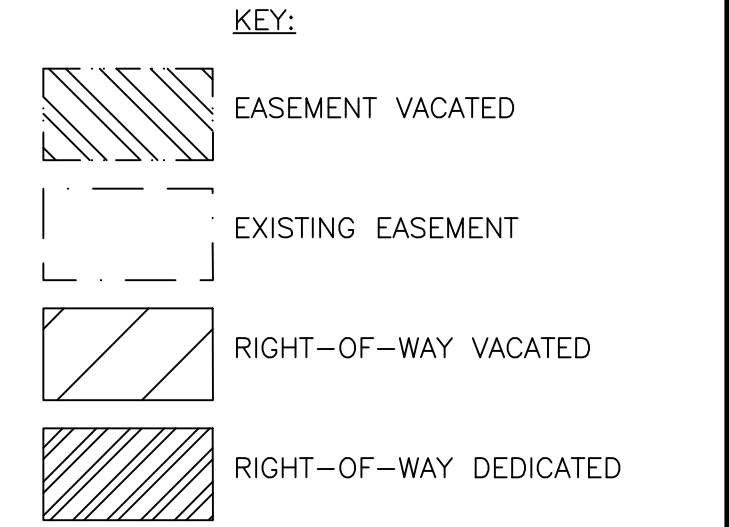
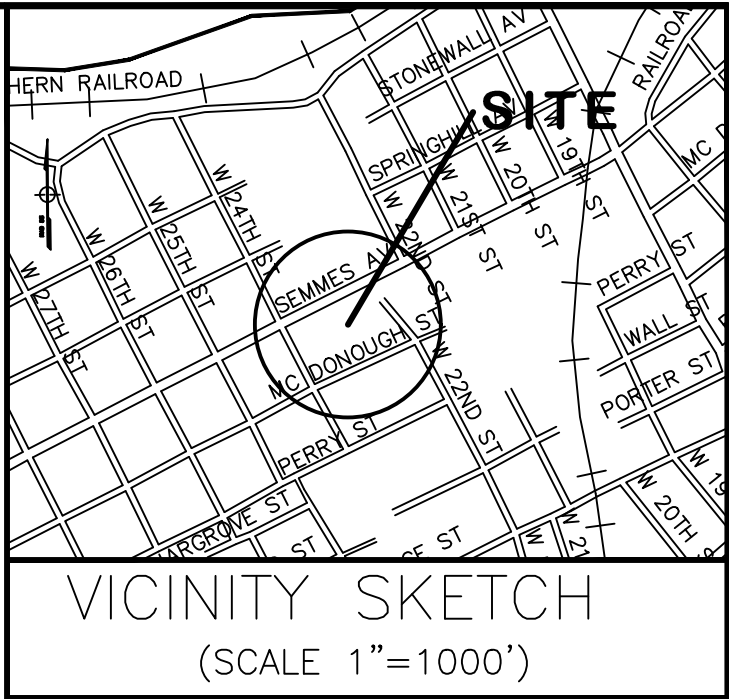
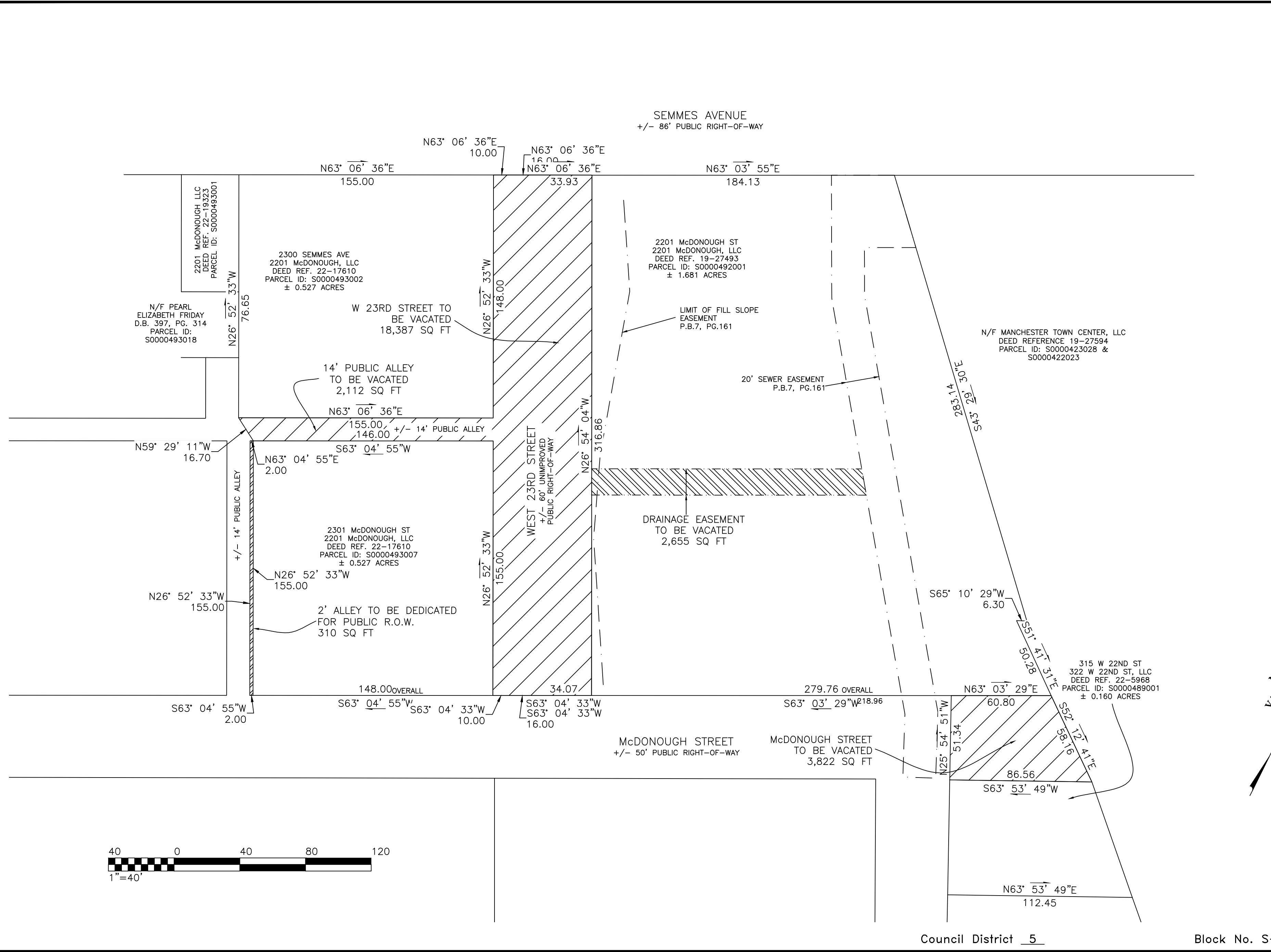
Merrick T Malone

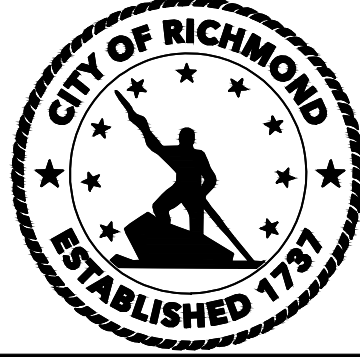
Merrick T. Malone Esq.
Director-Department of Housing and Community Development



CITY OF RICHMOND

**Department of Housing and
Community Development**



<div>NOTES</div> <div>1. Property owners correct as of JANUARY 24, 2025</div> <div>2. Ordinance No:_____</div> <div>3. Adopted:_____</div> <div>4. Accepted:_____</div>		<div>Engineering Specialist:</div> <div></div> <div>Surveys Superintendent:</div> <div></div> <div>Right Of Way Manager:</div> <div></div>		<div>Surveys Division, Room 600</div> <div>City Hall 900 E. Broad Street,</div> <div>Richmond, Va. 23219</div> <div>DEPARTMENT OF PUBLIC</div> <div>WORKS RICHMOND, VIRGINIA</div>		<div></div> <div>DRAWN BY: J.F.</div> <div>CHECKED BY:</div>		<div>RIGHT OF WAY VACATION AND EASEMENT</div> <div>VACATION PLAT FOR W 23rd STREET, A PUBLIC</div> <div>ALLEY AND MCDONOUGH STREET</div> <div>Requested By: T Preston Lloyd Jr.</div>		<div>FIELD NOTE</div>	<div>SCALE</div> <div>1"=40'</div>	<div>DATE</div> <div>1/24/2025</div>	<div>PROJECT</div> <div>S-492/S-493</div> <div>AC/SC</div>	<div>DRAWING NO.</div> <div>N-29149-A</div>
<div>REFERENCES:</div> <div>BL 12SE, 12SW</div>		<div>REVISIONS</div>												