

INTRODUCED: January 13, 2025

AN ORDINANCE No. 2024-009

To accept a quitclaim deed from the School Board conveying a portion of 1211 Jahnke Road and commonly known as Westover Park to the City and to authorize the Chief Administrative Officer to act on behalf of the City in executing such deed. (4th District)

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 27 2025 AT 6 P.M.

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

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

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

WHEREAS, by adopting a resolution dated November 11, 2024, the School Board of the City of Richmond declared that a portion of the real property located at 1211 Jahnke Road and commonly known as Westover Park in the city, and more particularly shown as “Propose[d] New Lot 1A,” on a plat entitled “Sub-division Survey on the Property of City of Richmond School Board, Deed Book 214 Page 345, Parcel ID: S0060293007, 1211 Jahnke Road, Richmond, VA, 23225, City of Richmond, VA,” prepared by Cardinal Civil Resources, and dated June 28, 2024, a copy of which is attached to and made a part of this Ordinance, was surplus; and

WHEREAS, the School Board is expected to deliver a quitclaim deed memorializing the conveyance of every interest it may have in the portion of real property located at 1211 Jahnke Road commonly known as Westover Park and more particularly shown as “Propose[d] New Lot 1A,” on a plat entitled “Sub-division Survey on the Property of City of Richmond School Board, Deed Book 214 Page 345, Parcel ID: S0060293007, 1211 Jahnke Road, Richmond, VA, 23225, City of Richmond, VA,” prepared by Cardinal Civil Resources, and dated June 28, 2024, a copy of which is attached to and made a part of this Ordinance; and

WHEREAS, the School Board’s resolution provides that the following conditions shall be incorporated into the quitclaim deed: that (i) Westover Hills Elementary School students shall have priority access to the park for outdoor learning during normal school and after school program hours; (ii) the City shall upgrade the fencing around the back part of the school, which abuts the baseball field; and (iii) the transferred real property reverts back to the School Board if such real property is not being used and owned by a public body, all as more particularly provided in the quitclaim deed, substantially in the form of the quitclaim deed attached to this ordinance and incorporated herein; and

WHEREAS, in conformance with section 15.2-1803 of the Code of Virginia (1950), as amended, the City Council desires to accept from the School Board the conveyance of every interest the School Board might have in the portion of real property located at 1211 Jahnke Road commonly known as Westover Park and more particularly shown as “Propose[d] New Lot 1A,” on a plat entitled “Sub-division Survey on the Property of City of Richmond School Board, Deed Book 214 Page 345, Parcel ID: S0060293007, 1211 Jahnke Road, Richmond, VA, 23225, City of Richmond, VA,” prepared by Cardinal Civil Resources, and dated June 28, 2024, a copy of which is attached to and made a part of this Ordinance, and to authorize the execution of the deed by the Chief Administrative Officer;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That (i) the City hereby accepts the deed from the School Board conveying every interest it might have in the portion of real property located at 1211 Jahnke Road and commonly known as Westover Park, and more particularly shown as “Propose[d] New Lot 1A,” on a plat entitled “Sub-division Survey on the Property of City of Richmond School Board, Deed Book 214 Page 345, Parcel ID: S0060293007, 1211 Jahnke Road, Richmond, VA, 23225, City of Richmond, VA,” prepared by Cardinal Civil Resources, and dated June 28, 2024, a copy of which is attached to and made a part of this Ordinance, provided such deed is in a form approved by the City Attorney, (ii) the Chief Administrative Officer is hereby authorized to act on behalf of the City in executing such deed, (iii) the Chief Administrative Officer’s signature on the deed shall be deemed acceptance by the City of such deed and (iv) the Chief Administrative Officer, with the assistance of the City Attorney, is hereby authorized to take such other actions as may be necessary to complete the conveyance of every interest the School Board might have in the portion of real

property located at 1211 Jahnke Road and commonly known as Westover Park by the School Board to the City.

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

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE



City of Richmond

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

Master

File Number: Admin-2024-1487

File ID: Admin-2024-1487

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk

Department:

File Created: 11/26/2024

Subject:

Final Action:

Title:

Internal Notes:

Agenda Date: 01/13/2025

Patron(s):

Enactment Date:

Attachments: WD - Accept - Quitclaim Deed 1211 Jahnke Road - AATF

Enactment Number:

Contact:

Introduction Date:

Drafter: Wanda.Marable@richmondgov.com

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	11/26/2024	Chris Frelke	Approve	11/28/2024
1	3	12/5/2024	Jeff Gray	Approve	11/28/2024
1	4	12/6/2024	Lincoln Saunders	Approve	12/9/2024
1	5	12/23/2024	Mayor Stoney	Approve	12/10/2024
1	6	1/6/2025	Mayor Avula	Approve	1/8/2025

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File Admin-2024-1487

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: January 6, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Dr. Danny Avula, Mayor

THROUGH: Lincoln Saunders, Chief Administrative Officer

FROM: Christopher E. Frelke, Director of Parks, Recreation & Community Facilities

RE: Transfer of 1 Richmond Public School Parcel to the City of Richmond for the purpose of operating a community center and public park.

ORD. OR RES. No.

PURPOSE: To authorize the Chief Administrative Officer (CAO) on behalf of the City of Richmond, to accept the transfer of real property from Richmond Public Schools (RPS) known as Westover Park, with boundaries of the transfer described in the attached subdivision plat and identified as a portion of 1211 Jahnke Road (Tax Parcel Number S0060293007). This ordinance would also authorize the CAO to accept deed and title to such property for the purpose of preserving and maintaining such properties as public greenspaces.

BACKGROUND: The Department of Parks, Recreation and Community Facilities (PRCF) operates the existing community center and manages the existing public greenspaces with assistance from the Department of Public Works (DPW). PRCF is engaged in the early stages of design for a new master plan for Westover Park, utilizing \$750,000 in funding that was allocated in FY24 Capital Improvement Project budget.

The Richmond School Board includes the following conditions that will be incorporated in the final quitclaim deed: (i) that Westover Hills ES students have priority access to the park for outdoor learning during normal school and after school program hours; (ii) that the City upgrade the fencing around the back part of the school, which abuts the baseball field; and (iii) that the transferred land reverts back to the Richmond School Board if it's not being used and owned by a public body.

COMMUNITY ENGAGEMENT: PRCF has met with internal and external stakeholders and attended multiple public meetings regarding master plan implementation for Westover Park and are currently in the design phase for the master plan.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: RPS, DPW

FISCAL IMPACT / COST: The City will accept the property as a simple transfer by deed of gift with no funds being applied to the acquisition. PRCF and DPW will continue to manage the ongoing maintenance and improvements of the park and community center.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 13, 2025

CITY COUNCIL PUBLIC HEARING DATE: January 27, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission

AFFECTED AGENCIES: PRCF, RPS, DPW

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

ATTACHMENTS: Attachment A - Subdivision Plat, Attachment B - RPS Executed Resolution, Attachment C - Quitclaim Deed

STAFF: Christopher Frelke, Director, PRCF - (804) 646-1128
Nissa Richardson, Deputy Director, PRCF - (804) 646-5619
Daniel Hazlett, Senior Management Analyst, PRCF - (804) 646-7506

RESOLUTION

WHEREAS, the School Board of the City of Richmond, Virginia has determined that it has no further use for a portion of the property on which Westover Hills Elementary School is located, described as Proposed New Lot 1A in the attached Quitclaim Deed and Gift of Easement and in the Plat referenced therein (hereinafter the "Property"); and

WHEREAS, the School Board desires to transfer the Property to the City of Richmond, Virginia pursuant to § 22.1-129A of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the School Board of the City of Richmond, Virginia, pursuant to § 22.1129A of the Code of Virginia, hereby declares the Property to be surplus;

BE IT FURTHER RESOLVED that a copy of this Resolution, signed by the Chairman and certified by the Clerk, shall be filed with the Clerk of the Circuit Court of the City of Richmond; and

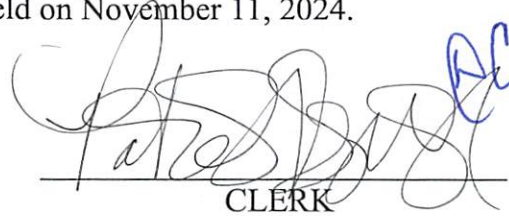
BE IT FURTHER RESOLVED that the Chair and the Clerk are authorized to execute a deed and such other documents and to do such other things as may be necessary to transfer title to the Property to the City of Richmond, Virginia.



CHAIR

Certificate

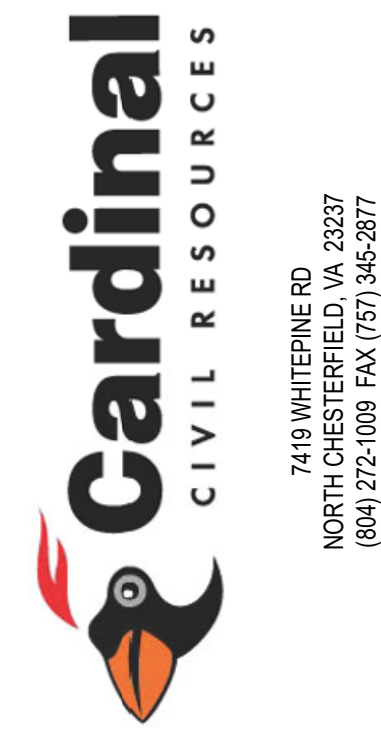
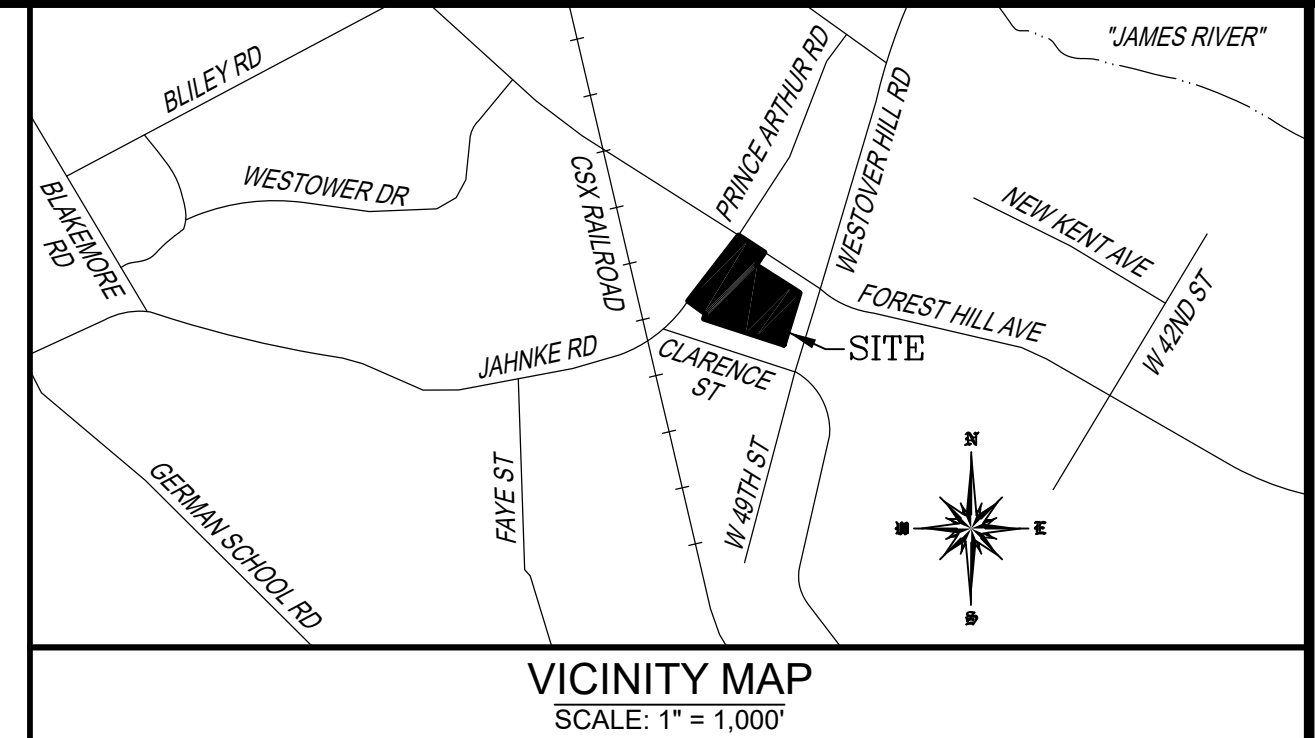
I hereby certify that the foregoing Resolution was duly adopted by the School Board of the City of Richmond its meeting held on November 11, 2024.


CLERK

ACP

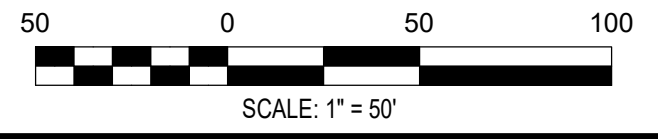
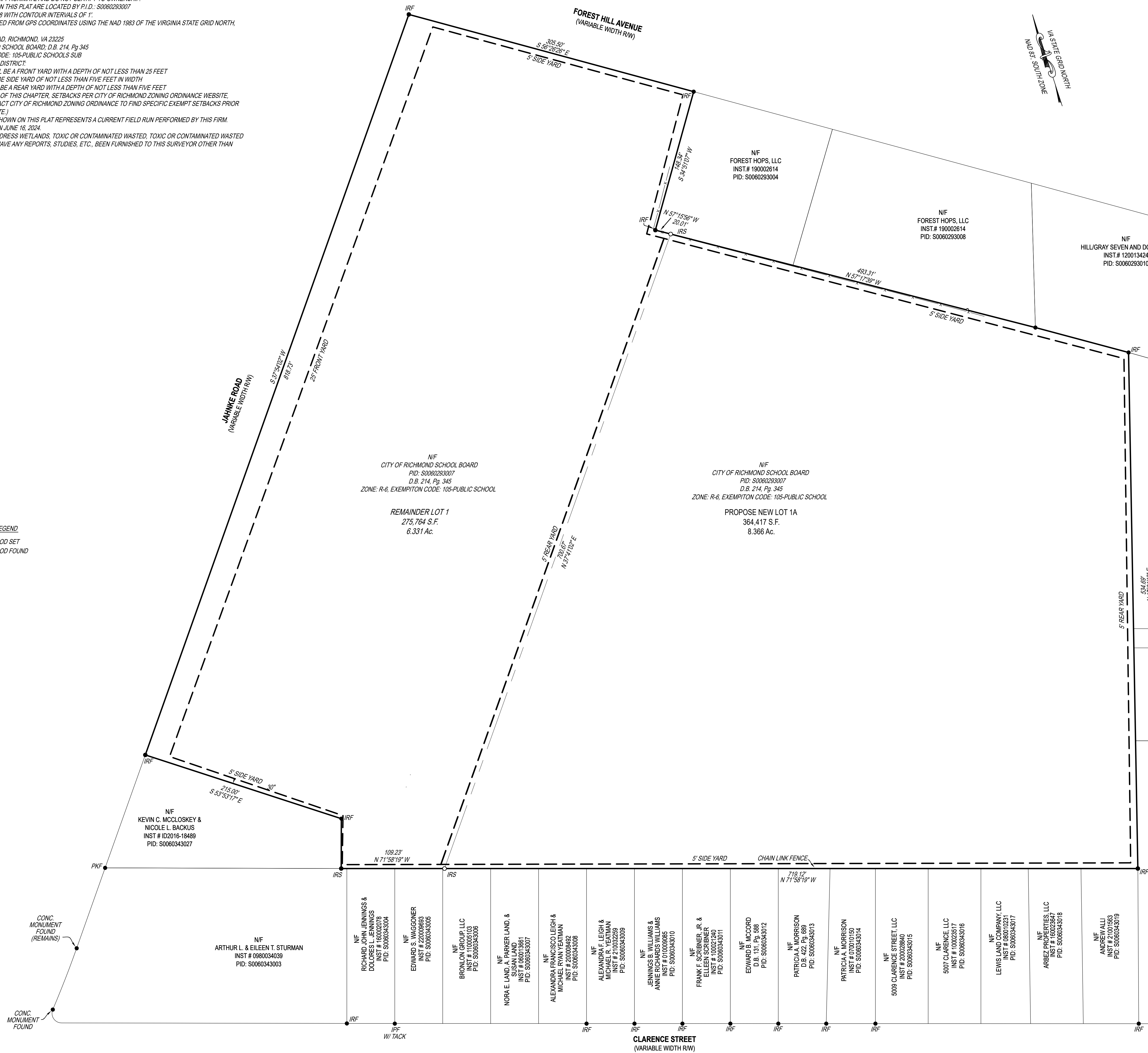
NOTES:

- NO TITLE REPORT FURNISHED. EASEMENTS MAY EXIST THAT ARE NOT SHOWN ON THE PROPERTY.
- THIS PROPERTY IS IN ZONE "X" AREAS OF MINIMAL FLOOD HAZARD, AS SHOWN ON F.E.M.A. RATE MAP CITY OF RICHMOND, VIRGINIA.
- FLOOD MAP BOUNDARY #5101290038D EFFECTIVE DATE: APRIL 2, 2009.
- LOCATION OF FENCES ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
- THE PROPERTIES SHOWN ON THIS PLAN ARE LOCATED BY P.I.D.: S0060293007
- VERTICAL DATUM: NAVD 1988 WITH CONTOUR INTERVALS OF 1'.
- HORIZONTAL DATUM: DERIVED FROM GPS COORDINATES USING THE NAD 1983 OF THE VIRGINIA STATE GRID NORTH, SOUTH ZONE.
- ADDRESS: 1211 JAHNKE ROAD, RICHMOND, VA 23225
- OWNER: CITY OF RICHMOND SCHOOL BOARD, D.B. 214, Pg. 345
- ZONING: R-5, EXEMPTION CODE: 105-PUBLIC SCHOOLS SUB
- SETBACKS FOR R-5 ZONING DISTRICT:
FRONT: THERE SHALL BE A FRONT YARD WITH A DEPTH OF NOT LESS THAN 25 FEET
SIDE: THERE SHALL BE SIDE YARD OF NOT LESS THAN FIVE FEET IN WIDTH
REAR: THERE SHALL BE A REAR YARD WITH A DEPTH OF NOT LESS THAN FIVE FEET
- (SEE ARTICLE VI, DIVISION 4 OF THIS CHAPTER, SETBACKS PER CITY OF RICHMOND ZONING ORDINANCE WEBSITE. DEVELOPER SHOULD CONTACT CITY OF RICHMOND ZONING ORDINANCE TO FIND SPECIFIC EXEMPT SETBACKS PRIOR TO DEVELOPMENT FOR THIS SITE.)
- BOUNDARY INFORMATION SHOWN ON THIS PLAN REPRESENTS A CURRENT FIELD RUN PERFORMED BY THIS FIRM.
- FIELD WORK COMPLETED ON JUNE 16, 2024.
- THIS SURVEY DOES NOT ADDRESS WETLANDS, TOXIC OR CONTAMINATED WASTED, TOXIC OR CONTAMINATED WASTED OR SOIL CONDITIONS NOR HAVE ANY REPORTS, STUDIES, ETC., BEEN FURNISHED TO THIS SURVEYOR OTHER THAN THOSE NOTED.



PROJECT # 23-315
 SCALE: 1"=50'
 DWG BY: ZT
 DATE: 06/28/2024
 SHEET # SHEET 1 OF 1

UTILITY LEGEND
 IRSO = IRON ROD SET
 IPF = IRON ROD FOUND



PROJECT # 23-315
 SCALE: 1"=50'
 DWG BY: ZT
 DATE: 06/28/2024
 SHEET # SHEET 1 OF 1

Document prepared by and return to:
Richmond City Attorney's Office
900 East Broad Street, Suite 400
Richmond, Virginia 23219
Attn: Lindsey D. Chase, Esq.

Tax Parcel No. S0060293007

Consideration: \$0.00
Assessed Value: \$
Title Insurer: Stewart Title Guaranty Company

EXEMPTION FROM TAXES: This conveyance is exempt from the Virginia grantor's tax imposed by § 58.1-802 the Code of Virginia (1950), as amended (the "**Virginia Code**"), pursuant to § 58.1-811(C)(4) of the Virginia Code, and the Virginia grantee's tax imposed by § 58.1-801 of the Virginia Code, pursuant to § 58.1-811(A)(3).

QUITCLAIM DEED OF GIFT AND EASEMENT

THIS QUITCLAIM DEED OF GIFT AND EASEMENT (this "**Deed**") is made this ____ day of _____, 202_____, by and between the **SCHOOL BOARD OF THE CITY OF RICHMOND, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, to be indexed as grantor ("**GRANTOR**"), and the **CITY OF RICHMOND, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia, to be indexed as grantee ("**GRANTEE**").

RECITALS

WHEREAS, pursuant to Section 22.1-125 of the Virginia Code, Grantee holds title, for the benefit of Grantor, to that certain real property known as 1211 Jahnke Road, Richmond, Virginia, 23225, identified as Tax Parcel No. S0060293007, and shown as Remainder Lot 1 and Proposed New Lot 1A (together with all improvements thereon and appurtenances thereunto belonging, the "**RPS Property**") on that certain plat entitled, "Sub-Division Survey on the Property of City of Richmond School Board, Deed Book 214 Page 345, Parcel ID:S0060293007, 1211 Jahnke Road, Richmond, VA, 23225, City of Richmond, VA", prepared by Cardinal Civil Resources, and signed as of June 28, 2024 (the "**Plat**"), which Plat is attached hereto as **Schedule "A"** and by this reference incorporated herein ("**Remainder Lot 1**" as used herein shall mean "Remainder Lot 1" as depicted on the Plat, and "**New Lot 1A**" as used herein shall mean "Proposed New Lot 1A" as depicted on the Plat);

WHEREAS, Grantee acquired the RPS Property by those certain matters described on **Schedule "B"** attached hereto and by this reference incorporated herein;

WHEREAS, by Resolution No. 51-R66-78 attached hereto as **Schedule "C"** and by this reference incorporated herein, duly adopted by the Council of the City of Richmond, Virginia ("**Council**") on November 22, 1954 (the "**1954 Resolution**"), Grantee approved construction and use of, and provided funding for, all or a portion of the RPS Property to Grantor for public school purposes;

WHEREAS, Grantee constructed and maintains certain park and recreational facilities on New Lot 1A;

WHEREAS, pursuant to Section 22.1-129 of the Virginia Code, Grantor has declared New Lot 1A to be surplus property for conveyance to Grantee, by resolution dated _____, 2024, attached hereto as **Schedule “D”** and by this reference incorporated herein;

WHEREAS, by Ordinance Number _____ attached hereto as **Schedule “E”** and by this reference incorporated herein, duly adopted by the Council on _____, 202__ (the “**Ordinance**”), the Council authorized the acquisition by Grantee of Grantor’s right, title, and interest in and to New Lot 1A for the purpose of owning, operating and maintaining a public park;

WHEREAS, for the avoidance of doubt, it is the intention of Grantor and Grantee that Grantor retain the transfer of use of Remainder Lot 1 for public school purposes in accordance with the 1954 Resolution, and that, pursuant to Section 22.1-125 of the Virginia Code, Grantee continue to hold title, for the benefit of Grantor, to Remainder Lot 1; and

WHEREAS, Grantor and Grantee acknowledge and agree there is no curb cut or other vehicular access from the adjacent, public rights-of-way onto New Lot 1A; and

WHEREAS, in connection with the conveyance and acquisition of New Lot 1A, Grantor desires to further grant and convey unto Grantee, and Grantee desires to receive further grant and conveyance of, an easement over, across and through Remainder Lot 1, as shown on the Plat for the purpose of vehicular and pedestrian access, and vehicular parking, all as more particularly set forth in this Deed below;

CONVEYANCE AND EASEMENT AGREEMENT

NOW, THEREFORE, for no consideration, but rather as a gift, Grantor does hereby quitclaim, grant, release, and convey, without warranty, unto Grantee, all right, title, and interest, if any, of Grantor in and to New Lot 1A as shown on the Plat, together with all improvements thereon and all appurtenances thereunto belonging.

New Lot 1A is hereby conveyed in its “AS-IS” condition, without warranty or representation as to its condition, value, or permitted use. Further, this conveyance is made expressly subject to:

- (i) any and all rights, privileges, covenants, easements, conditions, restrictions, and agreements as are of record, insofar as they may be legally applicable to New Lot 1A;
- (ii) real estate taxes not yet due and payable which are attributable to New Lot 1A;
- (v) matters which would be revealed by a current, accurate physical survey of New Lot 1A;

(v) the Ordinance; and

(vi) the condition that students of Westover Hills Elementary School have priority access to New Lot 1A for outdoor learning during normal school and after school program hours.

FURTHER, NOW, THEREFORE, in consideration of the foregoing recitals and the following covenants and agreements, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed, Grantor hereby grants and conveys unto Grantee, its employees, agents, contractors, guests, representatives and invitees, an easement over, across and through Remainder Lot 1 for the purpose of vehicular access over and on any and all existing or future drive aisles and parking areas now or hereafter located on Remainder Lot 1, for the purpose of vehicular parking in any existing or future parking areas now or hereafter located on Remainder Lot 1, and for the purpose of pedestrian access over, across and through Remainder Lot 1. The foregoing easement shall at all times be suitable for all-weather travel by public and emergency vehicles, as determined by the Director of Public Works and the Fire Chief for Grantee.

By acceptance of this Deed, Grantee, at Grantee's sole cost and expense, agrees to upgrade the existing fencing around the back part of the elementary school located on Remainder Lot 1 which abuts the baseball field located on New Lot 1A, and Grantee agrees that such upgrade will be made within a reasonable amount of time after the date hereof.

Notwithstanding anything to the contrary contained in this Deed, Grantee acknowledges and agrees that, in the event New Lot 1A is not owned or used by a public body, such as Grantee, for a period in excess of six (6) months, excluding (i) any intervening periods of renovation, construction or other improvement work, (ii) any periods of any repair, reconstruction or other improvement work following casualty, and (iii) any periods of force majeure due to acts beyond Grantee's reasonable control, then, upon Grantor's written election, New Lot 1A shall revert to Grantor's ownership, and Grantee shall cooperate in executing such documents as may be reasonably required to effect such reverter in forms reasonably acceptable to Grantee.

Invalidation of any covenant, condition, or restriction described in this Deed by judgment or court order shall in no way affect any of the other provisions of this Deed, which shall remain in full force and effect.

The provisions of this Deed shall run with the land and be binding upon, and shall inure to the benefit of, the parties and their respective successors and assigns.

*[SIGNATURES APPEAR ON THE FOLLOWING PAGES;
REMAINDER OF PAGE LEFT BLANK.]*

IN WITNESS WHEREOF, Grantor has executed this Deed as of the date set forth below.

GRANTOR:

**SCHOOL BOARD OF THE CITY OF RICHMOND,
VIRGINIA,**
a political subdivision of the Commonwealth of Virginia

By: _____
Name: _____
Title: _____

(SEAL)

Date: _____

COMMONWEALTH OF VIRGINIA,
CITY OF RICHMOND, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____ 202_____
by _____, the _____ of the
School Board of the City of Richmond, Virginia, a political subdivision of the Commonwealth of Virginia.

My commission expires _____.

Notary Public

APPROVED AS TO FORM:

Counsel, School Board of the City of Richmond,
Virginia

This conveyance by Quitclaim Deed of Gift and Easement Agreement from the School Board of the City of Richmond, Virginia is hereby accepted pursuant to the authority granted by City of Richmond, Virginia Ordinance No. _____.

GRANTEE:

CITY OF RICHMOND, a municipal corporation and political subdivision of the Commonwealth of Virginia

(SEAL)

By: _____
J.E. Lincoln Saunders
Chief Administrative Officer

Date: _____

COMMONWEALTH OF VIRGINIA,
CITY OF RICHMOND, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____ 202_____
by the Chief Administrative Officer, on behalf of the City of Richmond, Virginia, a Municipal Corporation and Political Subdivision of the Commonwealth of Virginia.

My commission expires _____.

Notary Public

APPROVED AS TO FORM:

Lindsey D. Chase
Senior Assistant City Attorney

SCHEDULE "A"

Plat

See attached Plat.

SCHEDULE “B”

Vesting Deed(s)

1. Order of condemnation suit entitled, “City of Richmond v. William G. Blanton, et al, entered in 1945 and recorded in the Clerk’s Office, Circuit Court, City of Richmond, Virginia in Deed Book 98-B, Page 392; and
2. Vacation of a public alley by Ordinance No. 53-319-54-2 adopted January 11,1954 by the City Council of the City of Richmond, Virginia.

SCHEDULE “C”

See attached Resolution.

SCHEDULE “D”

See attached Resolution.

SCHEDULE “E”

See attached Ordinance.