

INTRODUCED: December 13, 2021

AN ORDINANCE No. 2021-352

To abandon and release any interest the City may have in 2300 Hermitage Road pursuant to a certain variable-width ingress and egress easement, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney

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

PUBLIC HEARING: JAN 10 2022 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the City hereby abandons and releases any interest the City may possess as fee simple owner of the property known as 2400 Hermitage Road and identified as Tax Parcel No. N000-1292/004 (“2400 Hermitage Road”) in the 2021 records of the City Assessor pursuant to an easement dated November 28, 1990, and recorded in the records of the Clerk of the Circuit Court of the City of Richmond at deed book 253, page 1096 (the “Easement”) as to the property known as 2300 Hermitage Road and identified as Tax Parcel No. N000-1292/002 in the 2021 records of the City Assessor (“2300 Hermitage Road”).

§ 2. That the City’s abandonment and release of any interest it may possess in 2300

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

ADOPTED:    JAN 10 2022    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

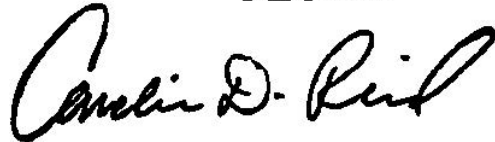
Hermitage Road by virtue of the Easement is conditioned upon a corresponding abandonment and release of any interest the owner of 2300 Hermitage Road may have in 2400 Hermitage Road by virtue of the Easement.

§ 3. That the Chief Administrative Officer is authorized to execute, for and on behalf of the City, any deed or other documents necessary to consummate the transaction set forth in section 1 and 2 of this ordinance, provided that such deed and other documents first must be approved as to form by the City Attorney.

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

**A TRUE COPY:**

**TESTE:**

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

**City Clerk**

O&R Request  
Nov. 17, 2021  
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# CITY OF RICHMOND


## INTRACITY CORRESPONDENCE

**O&R REQUEST**

**DATE:** November 17, 2021 **EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor 

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

**THROUGH:** Sharon L. Ebert, DCAO – Planning & Economic Development Portfolio 

**FROM:** Matthew A. Welch, Senior Policy Advisor – Planning & Economic Development Portfolio 

**RE:** To vacate any property interest the City may have in the privately-owned parcel of real estate located at 2300 Hermitage Road due to the City’s ownership of the abutting parcel of real estate located at 2400 Hermitage Road pursuant to a variable width ingress/egress easement.

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

**PURPOSE:** To vacate, release, extinguish, and quitclaim onto the fee simple owner of the parcel of real property located at 2300 Hermitage Road and identified as Tax Parcel No. N0001292002 (the “Development Parcel”) any interest the City may possess in the Development Parcel as fee simple owner of the parcel of real estate located at 2400 Hermitage Road and identified as Tax Parcel No. N0001292004 (the “City Parcel”) pursuant to that certain variable width ingress/egress easement dated November 28<sup>th</sup>, 1990, and recorded in the Office of the Clerk of the Circuit Court for the City of Richmond, Virginia in Deed Book 253 at page 1096 (the “Easement”). To authorize the Chief Administrative Officer to execute, on behalf of the City, such deed or other such documents as may be necessary to achieve such purpose; provided that such document(s) are (1) approved as to form by the Office of the City Attorney and (2) provide for the fee simple owner of the Development Parcel to correspondingly vacate, release, and quitclaim onto the City any interest such entity possesses in the City Parcel pursuant to the Easement.

**REASON:** An ordinance is necessary to vacate any City interest granted by the Easement.

**RECOMMENDATION:** The City Administration recommends approval.

**BACKGROUND:**

O&R Request

Nov. 17, 2021

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The City acquired the City Parcel for use by the Richmond Ambulance Authority in 1997. Previously, in 1990, the then-owner of the Development Parcel and the then-owner of the City Parcel recorded the Easement, granting each certain rights to ingress/egress across certain areas on the other's parcel along the boundary line separating the two parcels. Though the City was not a party to the Easement at the time of recording, the Easement "ran with the land" upon the City's subsequent acquisition of the City Parcel.

On Oct. 11, 2021, City Council adopted Ordinance Number 2021-267, which authorized the conveyance of a 0.176 acre portion of the City Parcel to Breeden Investment Properties, Inc., for the purpose of facilitating the construction of a mixed-use development on the Development Parcel. In order to accommodate the planned development, the parties' also contemplated a mutual vacation of the Easement; however, the ordinance did not explicitly provide for the City's vacating the Easement and the City Attorney's Office has counseled that an additional ordinance will therefore be necessary in order to accomplish.

**FISCAL IMPACT / COST:** None directly from adoption of this ordinance/City vacating the Easement. However, closing on the sale of the 0.176 acre portion of the City Parcel (as approved via Ord. No. 2021-267) will result in \$110,250 in revenue to the City (and achieving such closing may be contingent on vacating the Easement).

**FISCAL IMPLICATIONS:** N/A

**BUDGET AMENDMENT NECESSARY:** No.

**REVENUE TO CITY:** None directly from adoption of this ordinance/City vacating the Easement. However, closing on the sale of the 0.176 acre portion of the City Parcel (as approved via Ord. No. 2021-267) will result in \$110,250 in revenue to the City (and achieving such closing may be contingent on vacating the Easement).

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** December 13, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** January 10, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** No committee referral pursuant to Rule VI(B)(3)(c)

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission

**AFFECTED AGENCIES:** Economic Development, Planning & Development Review, Public Works, City Attorney's Office

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Ord. No. 2021-267

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

**ATTACHMENTS:** The Easement; Ord. No. 2021-267

O&R Request

Nov. 17, 2021

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**STAFF:** Matthew A. Welch, Senior Policy Advisor

Clark's Memo: Portions of original document of poor quality for making photographic reproduction.

2031

BOOK 253 PAGE 1096

THIS DEED, made this 28<sup>th</sup> day of November 1990, by and between DOLAN INTERNATIONAL TRUCKS, INC., a Delaware corporation, party of the first part, Grantor, and FOUNDRY ASSOCIATES, a Virginia general partnership, party of the second part, Grantee, provides as follows:

W I T N E S S E T H:

That for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the party of the first part, hereby grants and conveys with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, unto the party of the second part, in fee simple the following described real estate, to-wit:

SEE SCHEDULE "A" ATTACHED HERETO AND  
MADE A PART HEREOF

THIS CONVEYANCE is made subject, however, to the restrictions and conditions, if any, applicable to and legally binding upon the property hereby conveyed and to all easements and covenants of record affecting said property.

The Grantor hereby reserves and grants to the Grantee a perpetual, variable width easement between the parcel herein conveyed and the parcel contiguous on the north thereof known as "Parcel B" as set out on plat of survey by Susan K. Robinson, Land Surveyor, dated September 17, 1990, a copy of which is attached hereto and made a part hereof, to be used in common with the Grantee for the purpose of pedestrian and vehicular ingress and egress, for which the Grantor and Grantee agree for themselves, their successors and assigns,

LAW OFFICES

**Mells, Paris  
Blank & Brown**

A PROFESSIONAL CORPORATION

POST OFFICE BOX 5347  
201 NORTH BOULEVARD  
RICHMOND, VIRGINIA 23220

to share equally in the cost of maintenance in order to provide safe and reasonable passage over said easement.

IN WITNESS WHEREOF, the first party has caused this deed to be executed in its name by its duly authorized agent.

Grantor:

DOLAN INTERNATIONAL TRUCKS, INC.,  
a Delaware corporation

By: Michael J. Dolan (SEAL)  
Title: President

Grantee:

FOUNDRY ASSOCIATES,  
a Virginia general partnership

By: James H. Clifton (SEAL)  
General Partner

STATE OF VIRGINIA

CITY/COUNTY OF Richmond, to-wit:

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of November, 1990 by Michael J. Dolan, President of Dolan International Trucks, a Delaware corporation, on behalf of the corporation.

My Commission expires: 7-26-91

Michelle M. Ford  
Notary Public

LAW OFFICES

**Mells, Paris  
Blank & Brown**

A PROFESSIONAL CORPORATION

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201 NORTH BOULEVARD  
RICHMOND, VIRGINIA 23220

STATE OF VIRGINIA

BOOK 253 PAGE 1098

CITY/COUNTY OF Dulles, to-wit:

The foregoing instrument was acknowledged before me  
this 30<sup>th</sup> day of November, 1990, by JAMES  
H. CLIFTON, SR., general partner of Foundry  
Associates, a Virginia general partnership.

My Commission expires: April 2, 1992.

[Signature]  
Notary Public

LAW OFFICES

**Mells, Paris  
Blank & Brown**

A PROFESSIONAL CORPORATION

POST OFFICE BOX 5347  
201 NORTH BOULEVARD  
RICHMOND, VIRGINIA 23220

Grantees' Mailing Address is:

4408 WEST BROAD ST  
RICHMOND, VA 23230



RE: DOLAN INTERNATIONAL SERVICES, INC.  
 JAMES CLIFTON

LEGEND

---	Property Line
---	Survey Line
---	Utility Line
---	Other

BOOK 253 PAGE 1099

SEABOARD COASTLINE RAILROAD

SEABOARD COASTLINE RAILROAD

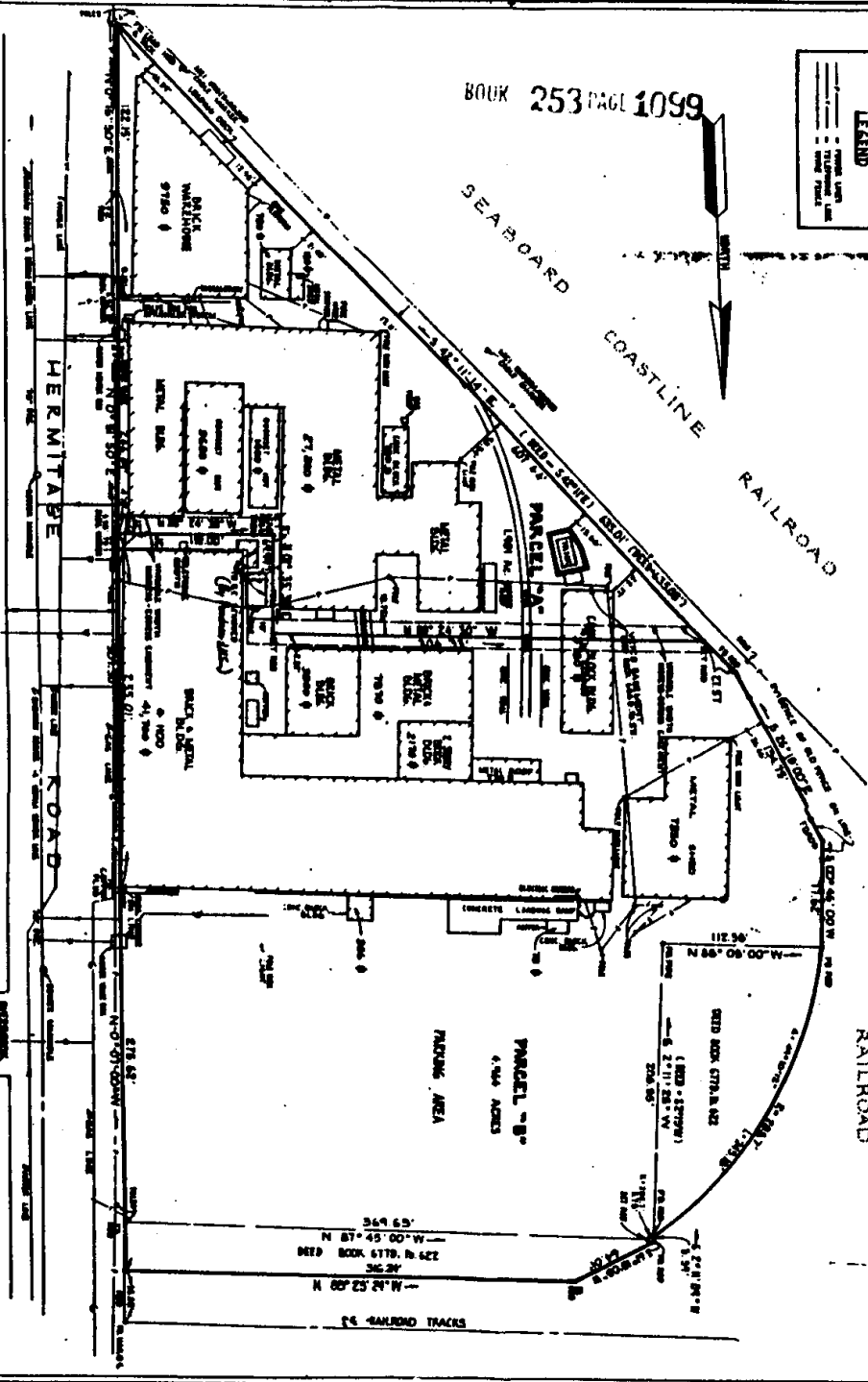
HERMITAGE ROAD

HERMITAGE ROAD

THIS PLAN IS DRAWN AS SHOWN ON THE PLAN OF ALL APPLICABLE RECORDS AND IS NOT TO BE CONSIDERED AS A FINAL SURVEY. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER RECORDS AFFECTING THIS PROPERTY. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER RECORDS AFFECTING THIS PROPERTY. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER RECORDS AFFECTING THIS PROPERTY.



1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.  
 2. ALL ANGLES ARE IN DEGREES AND MINUTES.  
 3. ALL BEARINGS ARE TRUE BEARINGS.  
 4. ALL CURVES ARE CIRCULAR.  
 5. ALL CORNERS ARE TO BE MARKED WITH IRON PIPES OR STEEL BOLTS.  
 6. ALL EASEMENTS ARE TO BE SHOWN BY DASHED LINES.  
 7. ALL UTILITIES ARE TO BE SHOWN BY DOTTED LINES.  
 8. ALL PROPERTY LINES ARE TO BE SHOWN BY SOLID LINES.  
 9. ALL SURVEY LINES ARE TO BE SHOWN BY DASHED LINES.  
 10. ALL OTHER RECORDS ARE TO BE SHOWN BY DOTTED LINES.



PLAN OF  
 1000 HERMITAGE ROAD  
 CITY OF RICHMOND, VIRGINIA

TURNING POINTS UNLIMITED INC  
 8811 STAPLES MILL ROAD SUITE 102  
 RICHMOND, VIRGINIA 23268  
 (804) 264-8807

## Schedule A

BOOK 253 PAGE 1100

ALL that certain lot, piece, or parcel of land with all improvements thereon and appurtenances thereunto belonging lying and being in the City of Richmond, Virginia, on the western line of Hermitage Road, containing 1.901 acres, and commonly known as a part of 1100 Hermitage Road, all as further described as "Parcel A" on a plat of survey by Susan K. Robinson, CLS, dated September 17, 1990, revised November 5, 1990, said plat attached hereto as a part hereof and reference to which is hereby made for a more particular description thereof.

BEING a part of the same real estate conveyed to Dolan International Trucks, Inc., a Delaware Corporation, by deed from Shaker Realty Associates, a Virginia General Partnership, dated June 28, 1990, and recorded July 11, 1988, in the Clerk's Office, Circuit Court of the City of Richmond in Deed Book 171, page 1571.

## VIRGINIA:

## IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF RICHMOND

This deed was presented, and, with the Certificate annexed, admitted to record

on NOV. 30 1990 at 12:58 o'clock P.M.

The Tax imposed by Sec. 58.1-802 Code of Va. has been paid.

301 Clerk's Fee	\$ <u>13.00</u> + 1.00
212 Transfer Fee	\$ <u>1.00</u>
039 State Tax	\$ <u>390.00</u>
214 City Tax	\$ <u>120.00</u>
220 City Grantors Tax	\$ <u>130.00</u>
038 State Grantors Tax	\$ <u>130.00</u>
TOTAL	\$ <u>795.00</u>

File: Alfred Smith

TESTE:

Iva R. Purdy

Iva R. Purdy, Clerk

INTRODUCED: September 13, 2021

AN ORDINANCE No. 2021-267

To declare surplus and to direct the sale of a 0.176 acre portion of City-owned real estate located at 2400 Hermitage Road for \$110,250.00 to Breeden Investment Properties, Inc., for the purpose of the construction of a mixed-use development including office and residential space.

\_\_\_\_\_  
Patron – Mayor Stoney

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

PUBLIC HEARING: OCT 11 2021 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a 0.176 acre portion of real estate owned by the City of Richmond located at 2400 Hermitage Road and identified as Tax Parcel No. N000-1292/004 in the 2021 records of the City Assessor hereby is declared surplus real estate and is directed to be sold for the purchase price of \$110,250.00 to Breeden Investment Properties, Inc., for the purpose of the construction of a mixed-use development, including office and residential space, notwithstanding the requirements of sections 8-58, 8-61, and 8-62 of the Code of the City of Richmond (2020), as amended, but otherwise in accordance with the applicable provisions of Chapter 8 of the Code of the City of

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

ADOPTED:    OCT 11 2021    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

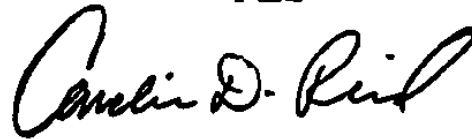
Richmond (2020), as amended, the Charter of the City of Richmond (2020), as amended, the Code of Virginia (1950), as amended, and the Constitution of Virginia.

§ 2. That, pursuant to section 8-65(b) of the Code of the City of Richmond (2020), as amended, the Chief Administrative Officer is hereby directed to execute, on behalf of the City, the deed or deeds and such other documents, all of which must first be approved as to form by the City Attorney, as may be necessary to consummate the sale of such property.

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

**A TRUE COPY:**

**TESTE:**

A handwritten signature in black ink, appearing to read "Amelia D. Reil". The signature is written in a cursive style with a large initial 'A'.

**City Clerk**

O & R Request



# CITY OF RICHMOND

## INTRACITY CORRESPONDENCE

### O&R REQUEST

**DATE:** August 16, 2020

**EDITION:** 1

**TO:** THE HONORABLE MEMBERS OF CITY COUNCIL

**THROUGH:** THE HONORABLE LEVAR M. STONEY, MAYOR

**THROUGH:** J. E. LINCOLN SAUNDERS, ACTING CHIEF ADMINISTRATIVE OFFICER

**THROUGH:** BOBBY VINCENT, DIRECTOR OF PUBLIC WORKS

**THROUGH:** SHARON L. EBERT, DEPUTY CHIEF ADMINISTRATIVE OFFICER FOR ECONOMIC DEVELOPMENT AND PLANNING

**THROUGH:** LEONARD L. SLEDGE, DIRECTOR OF ECONOMIC DEVELOPMENT

**FROM:** PAUL A. MCCLELLAN, COMMUNITY AND ECONOMIC DEVELOPMENT ADMINISTRATOR  
ECONOMIC DEVELOPMENT AND PLANNING

**RE:** TO AUTHORIZE THE ACTING CHIEF ADMINISTRATIVE OFFICER TO CONVEY A 0.176 ACRE PORTION OF CITY-OWNED PROPERTY LOCATED AT 2400 HERMITAGE ROAD (RICHMOND TAX PARCEL #N0001292004)

**ORD. OR RES.**

No. \_\_\_\_\_

**PURPOSE:** To authorize the Acting Chief Administrative Officer to accept \$110,250 in sales proceeds to the City and convey a 0.176 acre portion of City-owned property located at 2400 Hermitage Road (Tax Parcel #N0001292004) (the Property) to Breeden Investment Properties, Inc. (the Offeror) for a proposed mixed-use development consisting of 153 apartment units and 24,000 sf of office space on the adjoining property at 2300 Hermitage Road, the former Cobb Lumber site. The Offeror had also requested that the City grant an emergency vehicle ingress/egress easement and a pedestrian emergency egress easement along the southern boundary of 2400 Hermitage Road but the City administration does not wish to proceed with those easements.

**REASON:** On March 2, 2021 the City received an unsolicited offer letter dated March 1, 2021 from the R. Robert Benaicha with Hirschler Fleischer (the Offeror's Attorney) to acquire the Property and establish the proposed emergency vehicle ingress/egress easement and a pedestrian emergency egress easement along the southern boundary and the existing parking lot drive aisle of 2400 Hermitage Road for \$110,250. The City-owned property at 2400 Hermitage Road totals 4.96 acres and the building and improvements are

## O & R Request

occupied by the Richmond Ambulance Authority. The 0.176 acre Property that the Offeror wishes to acquire is undeveloped.

**RECOMMENDATION:** The City Administration recommends approval.

### **BACKGROUND:**

The Offeror is proposing a mixed-use development consisting of 153 apartment units and 24,000 sf of office space on the adjoining property at 2300 Hermitage Road (former Cobb Lumber site) and the proposed office building is shown to be located on the Property. The Offeror is proposing to invest \$53 million to redevelop that site. They are also projecting that their development will generate annual real property tax of \$660,000 and annual personal property tax of \$100,000. The Offeror estimates that their development will generate 289 construction jobs and 129 on-site fulltime jobs. By acquiring the Property the Offeror will return the Property to the City's tax rolls. The 4.96 acre City-owned parcel at 2400 Hermitage Road has a 2021 assessed land value of \$1,296,000. The pro rata share of the 2021 assessed land value for the 0.176 acre Property that the Offeror wishes to acquire is \$45,987.10. The Offeror requested that the City grant an emergency vehicle ingress/egress easement and a pedestrian emergency egress easement along the southern boundary of 2400 Hermitage Road but the City administration does not wish to proceed with those easements. However the Offeror has met with the Director of the Richmond Ambulance Authority and the parties have agreed that the Offeror will provide 1.) a security fence at the City's southern property line including a vehicular gate and a Knox Box for emergency vehicular ingress/egress only into the 2300 Hermitage Road site, 2.) pedestrian gates in the proposed security fence that will be limited to emergency pedestrian egress only and 3.) the Offeror and Richmond Ambulance Authority will work cooperatively to resolve any parking issues that may arise, with the understanding that the Offeror's tenants will be instructed not to park on the adjoining Richmond Ambulance Authority site.

In accordance with City Code Section 8-58 (which was amended by Ordinance No. 2017-069 on November 13, 2017) the Department of Economic Development is required to solicit competitive bids for the property prior to making a recommendation to sell the property and submitting an Ordinance to City Council requesting authorization for the CAO to sell a property. Since this offer to purchase City-owned property is considered an Unsolicited Offer it is therefore subject to the City Code Section 8-58 requirements. However City Council may override the Code Section 8-58 requirements by ordinance if it wishes to proceed with the sale of the Property to the Offeror. Therefore we are requesting that City Council waive the competitive solicitation requirements of City Code Section 8-58 and authorize the CAO to execute a deed and any other documents necessary to complete the sale of the Property to the Offeror, provided that all such deed and documents first must be approved as to form by the City Attorney or their designee.

**FISCAL IMPACT/COST TO CITY:** The conveyance of this property will result in \$110,250 in sales proceeds to the City.

**FISCAL IMPLICATIONS:** None other than the City will no longer need to expend funds to maintain the property.

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** The City will receive \$110,250 upon the closing on the sale of the property and the City will receive annual real estate tax revenue from the Property.

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** September 13, 2021

**O & R Request**

**CITY COUNCIL PUBLIC HEARING DATE:** September 27, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** City Planning Commission; September 20, 2021

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

**AFFECTED AGENCIES:** Chief Administrative Officer, Budget, Public Works, Economic Development and Planning and Economic Development.

**RELATIONSHIP TO EXISTING ORD. OR RES.:**

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

**ATTACHMENTS:**

**STAFF:**

Sharon L. Ebert, Economic Development and Planning 646-7646  
Leonard L. Sledge, Economic Development 646-7576  
Paul A. McClellan, Economic Development and Planning 646-3061