

INTRODUCED: June 13, 2022

AN ORDINANCE No. 2022-185

To accept a quitclaim deed from the School Board conveying 4929 Chamberlayne Avenue to the City and to authorize the Chief Administrative Officer to act on behalf of the City in executing such deed.

Patrons – Mayor Stoney Ms. Lambert and Ms. Lynch

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 27 2022 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: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 25 2022 REJECTED: _____ STRICKEN: _____

WHEREAS, by adopting a resolution dated April 6, 2009, the School Board of the City of Richmond (hereinafter referred to as the "School Board") declared that real property located at 4929 Chamberlayne Avenue in the city was surplus; and

WHEREAS, the School Board has delivered a quitclaim deed memorializing the conveyance of every interest it may have in the real property located at 4929 Chamberlayne Avenue; 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 real property located at 4929 Chamberlayne Avenue 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 real property located at 4929 Chamberlayne Avenue, 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 real property located at 4929 Chamberlayne Avenue by the School Board to the City.

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

A TRUE COPY:
TESTE:
Amelia D. Reed
City Clerk

O&R Request
May 16, 2022
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CITY OF RICHMOND


INTRACITY CORRESPONDENCE


O&R REQUEST

DATE: May 16, 2022 **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: Robert C. Steidel, DCAO - Operations Portfolio 

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

RE: To accept a quitclaim deed from the School Board conveying its interest in the REAL School property

ORD. OR RES. No. _____

PURPOSE: To authorize the Chief Administrative Officer to, on behalf of the City, accept a quit claim deed from the School Board conveying its interest in parcel of real estate located at 4929 Chamberlayne Avenue (the "REAL School Property") to the City.

REASON: An ordinance is necessary to accept the quitclaim deed.

RECOMMENDATION: The City Administration recommends approval.

BACKGROUND: In April 2022, the School Board delivered a quitclaim deed to the City Attorney's Office, which deed, if accepted by the City, quitclaims/conveys the School Boards interest in the REAL School Property to the City.

FISCAL IMPACT / COST: No cost other than potential DPW costs to maintain until such time the City sells, leases, or otherwise disposes of the property. Parcel is currently tax-exempt and will remain tax exempt upon transfer so no direct impact on tax revenues.

FISCAL IMPLICATIONS: N/A

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: N/A

O&R Request

May 16, 2022

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DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 13, 2022

CITY COUNCIL PUBLIC HEARING DATE: June 27, 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, Public Works, City Attorney's Office

RELATIONSHIP TO EXISTING ORD. OR RES.: N/A

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Letter from School Board's Counsel to Haskell Brown dated April 19, 2022 and quitclaim deed attached thereto

STAFF: Christopher P. Nizamis, DED
Matthew A. Welch, DED

RECEIVED

APR 19 2022

HARRELL & CHAMBLISS LLP

ATTORNEYS AT LAW

EIGHTH & MAIN BUILDING

SUITE 1000

707 EAST MAIN STREET

RICHMOND, VIRGINIA 23219

MAILING ADDRESS:
POST OFFICE BOX 518
RICHMOND, VA 23218-0518

OFFICE OF THE CITY ATTORNEY

TELEPHONE (804) 643-8401
FACSIMILE (804) 648-2707
WWW.HCLAWFIRM.COM

April 19, 2022

HAND DELIVERED

Haskell C. Brown, III, Esquire
Interim City Attorney
City of Richmond
900 East Broad Street, Suite 400
Richmond, Virginia 23219

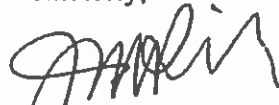
**Re: Quitclaim Deed & Surplus Resolution
4929 Chamberlayne Avenue**

Dear Attorney Brown:

On behalf of the School Board of the City of Richmond (School Board), I have enclosed the Quitclaim Deed for 4929 Chamberlayne Avenue, Richmond, Virginia. This property was previously declared to be surplus by the School Board on April 6, 2009. A copy of the approved Surplus Resolution is enclosed for your reference as well. The School Board now wishes to formerly return this property to the City of Richmond.

Should you have any questions or concerns, please feel free to contact me at (804) 915-3223.

Sincerely,



Jonnell P. Lilly
School Board Attorney

cc: Patrece Richardson, School Board Clerk (*via e-mail*)
Sharon Ebert, Deputy CAO – City of Richmond Planning & Economic Development
(*via e-mail*)

Prepared By:
Harrell & Chambliss LLP
VSB# 22098
707 E. Main Street, Suite 1000
Richmond, VA 23219

Tax Parcel # N0170191001- 4929 Chamberlayne Avenue, Richmond, VA 23227

THIS QUITCLAIM DEED, made and entered into as of the 25th day of January, 2022, by and between the **SCHOOL BOARD OF THE CITY OF RICHMOND** ("Grantor") and the **CITY OF RICHMOND** ("Grantee").

WHEREAS, pursuant to Section 22.1-129(A) of the Code of Virginia ("Section 22.1-129 (A)"), Grantor has declared surplus, the real estate known as 4929 Chamberlayne Avenue, Richmond, Virginia and more particularly described in the Schedule A attached hereto (the "Property") and conveyed the management and control of the Property to Grantee, by resolution approved April 6, 2009; and

WHEREAS, Grantor has no ownership interest in the Property but desires to comply with Grantee's request that it enter into a quitclaim deed pursuant to Section 22.1-129(A), to evince that it has released and conveyed any interest it might have in the Property.

W I T N E S S E T H:

That for valuable consideration received, the receipt of which is hereby acknowledged by Grantor, Grantor hereby quitclaims, releases, and conveys unto Grantee any and all right, title and interest it may possess in and to the Property.

Notwithstanding, pursuant to Section 12-32 of the City Code, and City Council Resolutions No. 2013-22-71 and No. 2016-092, adopted May 13, 2013 and April 11, 2016 respectively, (the "Resolutions") should Grantee sell, lease or other otherwise utilize the Property, the proceeds of the sale, lease or other use of the Property, subject to

certain withholdings described in the Resolutions, shall be placed into a special reserve assigned to support public schools in the City. The City Council may appropriate funds from the reserve for the construction of new public school facilities or for the capital repair or renovation of existing active school properties.

WITNESS the following signatures and seals:

GRANTOR:

SCHOOL BOARD OF THE CITY OF
RICHMOND

By: 
Shonda Harris-Muhammed,
Chair


STATE OF VIRGINIA

CITY/COUNTY OF Richmond to-wit:

The foregoing instrument was acknowledged before me this 25 day of January 2022 by Shonda Harris-Muhammed, as Chair of the School Board of the City of Richmond.

My commission expires: 4/30/2024

Notarial Registration Number: 7518101


Notary Public

[SEAL]



GRANTEE:

CITY OF RICHMOND, VIRGINIA,
a municipal corporation

By: _____

J. E. Lincoln Saunders
Chief Administrative Officer

As authorized by Ordinance No.: _____,

Adopted _____, 201_.

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:

The foregoing Deed was acknowledged before me this ___ day of _____, 2022,
by J. E. Lincoln Saunders, Chief Administrative Officer of City of Richmond, Virginia, a
municipal corporation, on behalf of such municipal corporation.

My commission expires: _____

Notary Registration Number: _____

Notary Public

[SEAL]

SCHEDULE A

All that certain lot, piece or parcel of land lying and being in the City of Richmond, Virginia containing one acre, located at the southeast corner of Chamberlayne and Azalea (formerly Norwood) Avenues and bounded and described as beginning at a point at the southeastern intersection of Chamberlayne and Azalea (formerly Norwood) Avenues, thence extending in a southwardly direction along the eastern line of Chamberlayne Avenue and fronting thereon one hundred seventy nine and forty-six one hundredths (179.46) feet, thence from said front extending back eastwardly along its northern line which is the southern line of Azalea (formerly Norwood) Avenue two hundred thirty six and eight tenths (236.8) feet and along its southern line two hundred thirty eight and eighty eight one hundredths (238.88) feet, to the north road (Old Brook Road) and upon which road the said lot has a frontage of one hundred eighty six and nine tenths (186.9) feet.

P6 0089 APR 20 2008

09 - 7960

RESOLUTION

N 0170191001

WHEREAS, certain real property as described below (the "Property") was obtained by the City of Richmond, Virginia (the "City") in 1942 as a result of annexation from the County of Henrico for the establishment of a public school; and

WHEREAS, the Property is further described as follows:

All that certain lot, piece or parcel of land lying and being in the City of Richmond, Virginia containing one acre, located at the southeast corner of Chamberlayne and Azalea (formerly Norwood) Avenues and bounded and described as beginning at a point at the southeastern intersection of Chamberlayne Avenue and Azalea (formerly Norwood) Avenues, thence extending in a southwardly direction along the eastern line of Chamberlayne Avenue and fronting thereon one hundred seventy nine and forty-six one hundredths (179.46) feet, thence from said front extending back eastwardly along its northern line which is the southern line of Azalea Avenue (formerly Norwood Avenue) two hundred thirty six and eight tenths (236.8) feet and along its southern line two hundred thirty eight and eighty eight one hundredths (238.88) feet, to the north road (Old Brook Road) and upon which road the said lot has a frontage of one hundred eighty six and nine tenths (186.9) feet.

m/9:40

WHEREAS, the Property, including the building and the surrounding real estate, with the street address of 4929 Chamberlayne Avenue, Virginia 23227, was the site of Richmond Educational Alternative for Learning (R.E.A.L) School from the school's inception; and

WHEREAS, effective at the end of the 2006-07 school year, the Property was vacated due to a decline in student enrollment district wide and the consolidation of schools; and


WHEREAS, the students and faculty have been relocated to the T.H. Henderson Middle School building; and

WHEREAS, the Property is currently vacant and is under the management and control of the School Board of the City of Richmond (the "School Board"); and

WHEREAS, pursuant to Section 22.1-129(A) of the Code of Virginia, the School Board has now determined that it has no further use for the Property.

BE IT THEREFORE RESOLVED by the School Board of the City of Richmond that it declares the Property surplus, and conveys the management and control of the Property to the City for disposition.

BE IT FURTHER RESOLVED by the School Board that pursuant to Section 42-41 of the City Code, and City Council Resolution No. 2001-R63-62, adopted April 23, 2001, the School Board requests that should the City sell the Property, the proceeds of the sale of the Property, if any (including any financial benefit received by the City related to historic tax credits, if any), be placed into the capital fund known as the Revenue for Permanent Public Improvements ("RFPPI") fund, and that such funds be specifically earmarked and used only for the construction of new school properties or for the repair or renovation of existing active school properties.


Chairman

Date: April 6, 2009

INSTRUMENT # 09-7960
RECORDED IN CLERK'S OFFICE
CITY OF RICHMOND

APR 20 2009 AT 9:40am

BEVILL M. DEAN, CLERK
BY:  DEPUTY CLERK