

INTRODUCED: April 10, 2023

AN ORDINANCE No. 2023-115

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Deed of Quitclaim of Utility Easement between the City of Richmond and JG Laburnum, LLC and Robins Laburnum, LLC, for the purpose of vacating by quitclaim deed a certain easement on the property known as 5401 South Laburnum Avenue, for nominal consideration, to JG Laburnum, LLC and Robins Laburnum, LLC.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 8 2023 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to execute a Deed of Quitclaim of Utility Easement between the City of Richmond and JG Laburnum, LLC and Robins Laburnum, LLC, for the purpose of vacating by quitclaim deed the City’s perpetual easement for the installation, operation, and maintenance of gas lines and associated appurtenances located in the area labeled “10’ Gas Easement 2,059.20 Sq. Ft., 0.047 Acres” as shown on the plat entitled “Plat of 10’ Gas Easement Across the Property of

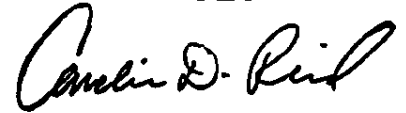
AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 8 2023 REJECTED: _____ STRICKEN: _____

JG Laburnum LLC & Robins Laburnum LLC, Varina District, Henrico County, Virginia,” prepared by Townes Site Engineering attached to the instrument recorded in the Office of the Clerk for the Circuit Court of the County of Henrico, Virginia, in Book 6408, Page 0144, that may exist on the property known as 5401 South Laburnum Avenue, for nominal consideration, to JG Laburnum, LLC and Robins Laburnum, LLC. Such Deed of Quitclaim of Utility Easement shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

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

**A TRUE COPY:
TESTE:**

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

City Clerk



City of Richmond

Intracity Correspondence

O&R REQUEST

DATE: March 13, 2023 **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, Deputy Chief Administrative Officer

Robert C Steidel

Digitally signed by Robert C Steidel
Date: 2023.03.14 15:02:08 -04'00'

THROUGH: April Bingham, Director of Public Utilities

FROM: Lyndon David, Engineer Senior, Richmond Gas Works

RE: Approval for Chief Administrative Officer to authorize Quitclaim to Vacate an Existing Utility Easement at 5401 South Laburnum Ave, Henrico, Virginia

ORD. OR RES. No. _____

PURPOSE: To authorize the Chief Administrative Officer to execute a quitclaim deed to vacate a perpetual easement (the "Easement") under and across the whole of the land owned by Grantors for the installing, operating, and maintaining gas lines and associated appurtenances on the 5401 South Laburnum Ave, Henrico, Virginia (the "Property").

REASON: The Easement was obtained for a project to install gas lines and associated appurtenances on the Property. Said gas lines and associated appurtenances were ultimately installed in another location. Vacation of the existing easement will release the property interest to the owner.

RECOMMENDATION: The City Administration recommends adoption of this Ordinance.

BACKGROUND: The Department of Public Utilities determined that the easement to be quit-claimed is no longer necessary.

FISCAL IMPACT / COST: None.

FISCAL IMPLICATIONS: None.

O&R Request

Page 2 of 2

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: April 10, 2023

CITY COUNCIL PUBLIC HEARING DATE: April 24, 2023

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing and Transportation.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None.

AFFECTED AGENCIES: Department of Public Utilities

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S):

ATTACHMENTS: Deed of Quitclaim Utility Easement

STAFF: Lyndon David, Engineer Senior, Richmond Gas Works, 804-646-8577

AFTER RECORDING RETURN TO:
City of Richmond, City Attorney's Office
900 E. Broad Street, Suite 400
Richmond, Virginia 23219

COUNTY OF HENRICO, VIRGINIA
GPIN: 816-711-7870

DEED OF QUITCLAIM OF UTILITY EASEMENT

THIS DEED OF QUITCLAIM OF UTILITY EASEMENT (this "Deed") is made this ___ day of _____, 20___, by and between the **CITY OF RICHMOND, VIRGINIA**, a municipal corporation organized under the laws of the Commonwealth of Virginia, to be indexed as grantor (the "GRANTOR"), and **JG LABURNUM, LLC, and ROBINS LABURNUM, LLC** (the "GRANTEE").

RECITALS

WHEREAS, GRANTEE is the owner of certain real property located in the County of Henrico, Virginia, designated as GPIN 816-711-7870 and being the same real estate conveyed to GRANTEE by deed recorded in the Clerk's office of the Circuit Court of the County of Henrico, Virginia (the "Clerk's Office") at Instrument No. 200707063722, Book 4453, Page 961 (the "Property");

WHEREAS, a perpetual easement under and across the whole of said real estate for the purposes of installing, operating, and maintaining gas lines and associated appurtenances, (collectively, the "Easement") was conveyed to the GRANTOR by deed of utility easement recorded in the Circuit Court in the County of Henrico, Virginia at Instrument No. 202200030149, Book 06408, Page 0144 and marked "Exhibit A," attached hereto and made a part hereof;

WHEREAS, the location of the Easement (the "Easement Area") is more particularly shown on that certain plat entitled "PLAT of 10' GAS EASMENT ACROSS THE PROPERTY OF JG LABURNUM LLC & ROBINS LABURNUM LLC VARINA DISTRICT HENRICO COUNTY, VIRGINIA," specifically in the area labelled "10' GAS EASMENT 2,059.20 SQ. FT. 0.047 ACRES," prepared by Townes Site Engineering, dated June 21, 2022, and marked as

“Exhibit B,” attached hereto and made a part hereof; and WHEREAS, pursuant to the terms of Ordinance No. 20__-_____ adopted by the Richmond City Council on _____, 20__, attached hereto and incorporated herein without its attachments as “Exhibit C,” GRANTOR has agreed to vacate, convey, remise, release, and forever quitclaim to GRANTEE the Easement, all as more particularly set forth in this Deed.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, incorporated herein and made a part hereof, and in consideration of the mutual undertakings herein contained, ten dollars cash in hand paid (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRANTOR and GRANTEE agree as follows:

1. GRANTOR hereby vacates, conveys, remises, releases, and forever quitclaims to GRANTEE and their successors and assigns, all rights, title and interests of GRANTOR in and to the property conveyed by the Easement.

2. Each of the Parties hereto releases to the other, and their respective predecessors, successors and assigns, from any and all other conditions, covenants, provisions and obligations, whether accrued or not, or performed in whole, in part, or not at all, or express or implied, with respect to the Easement.

3. Each individual executing this Deed represents that he or she is duly authorized to bind GRANTOR or GRANTEE, as the case may be, to the terms and provisions of this Deed.

SIGNATURES ON FOLLOWING PAGES

IN WITNESS WHEREOF, GRANTOR has hereunto affixed its signature and seal as of the day and year first herein above written.

CITY OF RICHMOND (GRANTOR)

By: _____
J. E. Lincoln Saunders
Chief Administrative Officer
City of Richmond, Virginia

APPROVED AS TO FORM

Assistant City Attorney

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:

I, _____, Notary Public in and for the City and State aforesaid, do hereby certify that J.E. Lincoln Saunders, whose name is signed to the foregoing deed of quitclaim of utility easement bearing date _____ day of _____, 20__, personally appeared before me in my City and State aforesaid and acknowledged the same to be his act and deed.

Given under my hand this _____ day of _____, 20__.

Notary Public

Notary Registration Number: _____
My commission expires: _____

JG LABURNUM, LLC, and ROBINS LABURNUM, LLC (GRANTEE)

By: _____

Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

I, _____, Notary Public in and for the City and State aforesaid, do hereby certify that _____, on behalf of JG Laburnum, LLC, and Robins Laburnum, LLC, whose name is signed to the foregoing deed of quitclaim of utility easement personally appeared before me in my City and State aforesaid and acknowledged the same to be his act and deed.

Given under my hand this _____ day of _____, 20_.

Notary Public

Notary Registration Number: _____

My commission expires: _____

EXHIBIT A

VIRGINIA LAND RECORD COVER SHEET

Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

FORM A - COVER SHEET CONTENT

Instrument Date: 8/19/2022

Instrument Type: DE-PL

Number of Parcels: 1 Number of Pages: 5

[] City [X] County HENRICO
CIRCUIT COURT

Tax Exempt? VIRGINIA/FEDERAL CODE SECTION

[] Grantor: _____

[] Grantee: _____

Business/Name

1 X Grantor: JG LABURNUM, LLC

2 X Grantor: ROBINS LABURNUM, LLC

1 X Grantee: CITY OF RICHMOND

Grantee: _____

Grantee Address

Name: CITY OF RICHMOND

Address: 900 E. BROAD STREET, SUITE 400

City: RICHMOND State: VA Zip Code: 23219

Consideration: \$0.00 Existing Debt: \$0.00 Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):

Original Principal: \$0.00 Fair Market Value Increase: \$0.00

Original Book No.: _____ Original Page No.: _____ Original Instrument No.: _____

Prior Recording At: [] City [] County _____ Percentage In This Jurisdiction: 100%

Book Number: _____ Page Number: _____ Instrument Number: _____

Parcel Identification Number/Tax Map Number: 816-711-7870

Short Property Description: 5401 S LABURNUM AVE

Current Property Address: 5401 S LABURNUM AVE

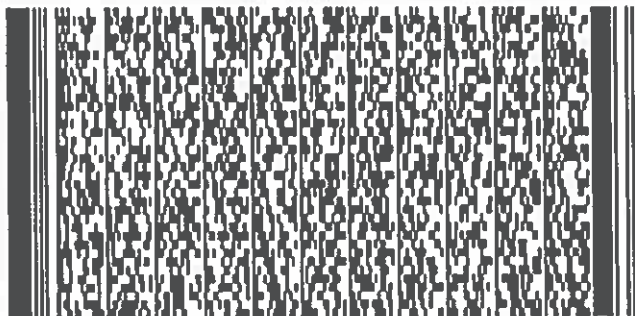
City: HENRICO State: VA Zip Code: 23231

Instrument Prepared By: CITY OF RICHMOND Recording Paid By: RICHMOND CITY ATTORNEY'S OFC

Recording Returned To: RICHMOND CITY ATTORNEY'S OFFICE

Address: 900 E. BROAD STREET, SUITE 400

City: RICHMOND State: VA Zip Code: 23219



RECORDED IN
COUNTY OF HENRICO, VA
HEIDI S. BARSHINGER
CLERK OF CIRCUIT COURT
FILED Aug 29, 2022
AT 03:25 pm
BOOK 06408
START PAGE 0144
END PAGE 0150
INSTRUMENT #
202200030149

6408
0144

TDS
(Area Above Reserved For Deed Stamp Only)

Prepared by and after recording return to:
City of Richmond, City Attorney's Office
900 E. Broad Street, Suite 400
Richmond, Virginia 23219

CITY OF HENRICO, VIRGINIA
GPIN: 816-711-7870

DEED OF UTILITY EASEMENT

THIS DEED OF UTILITY EASEMENT (this "Deed") is made this 19th day of August, 2022 by and between JG LABURNUM, LLC and ROBINS LABURNUM, LLC, to be indexed as GRANTOR (the "GRANTOR"), and the CITY OF RICHMOND, a municipal corporation organized under the laws of the Commonwealth of Virginia, to be indexed as grantee (the "GRANTEE").

EXEMPTION FROM TAXES

This conveyance is exempt from Recordation Taxes pursuant to Section 58.1-811(A)(3) of the Code of Virginia (1950) as amended.

WITNESSETH

WHEREAS, GRANTOR holds fee simple title to certain real property situated in the County of Henrico, Virginia, designated as GPIN 816-711-7870 and being the same real estate conveyed to GRANTOR by deed recorded in the Clerk's office of the Circuit Court of the County of Henrico as Instrument No. 200707063722, Book 4453, Page 961 (the "Property"); and

WHEREAS, GRANTEE desires to use portions of the Property for activities (the "Activities") to install, operate, and maintain gas lines and associated appurtenances, pursuant to the provisions of Section 8-33 of the 2020 Richmond City Code, requests from GRANTOR a ten (10)-foot, 2,059.20 square foot, permanent easement within the Property for such purposes, which easement GRANTOR is willing to convey.

NOW, THEREFORE, in consideration of the foregoing recitals, incorporated herein and made a part hereof, and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR does hereby convey to GRANTEE, with General Warranty of Title, a ten (10)-foot, 2,059.20 square foot, permanent easement (the "Easement") upon, over, under and across the Property for GRANTEE's performance of the Activities, the location of which Easement is more particularly shown on the plat entitled, "PLAT OF 10' GAS EASEMENT ACROSS THE PROPERTY OF JG LABURNUM LLC & ROBINS LABURNUM LLC," prepared by Townes Site Engineering, dated June 20, 2022, and marked as Attachment A attached hereto and incorporated herein.

The Easement shall be SUBJECT to the following conditions:

GRANTOR may make any use of the land and space within the Easement that is not inconsistent with the rights herein conveyed to GRANTEE; provided, however, that GRANTOR shall not construct, place or plant, or allow to be constructed, placed or planted, any natural or manmade structure, improvement or obstruction, or any portion thereof or appurtenance thereto, with the exception of fences, ground cover and other vegetation, within the Easement without

obtaining the prior written approval of the Director of Public Utilities of the City of Richmond, Virginia, which approval shall not be unreasonably withheld, conditioned or delayed.

GRANTEE will have full and free use of the Easement for the purposes named herein and, when reasonably necessary for such use, GRANTEE may use the land immediately abutting the Easement; provided, however, that GRANTEE's exercise of its right to use such abutting land will only be to the minimum extent necessary. GRANTEE will have the right to trim, cut and remove any natural or manmade structure, improvement or obstruction in or near the Easement that GRANTEE reasonably deems to interfere with its exercise of the Easement. If there are no public roads or alleys reasonably convenient to the Easement, GRANTEE will have the right of ingress and egress over the lands of GRANTOR adjacent to the Easement. GRANTEE shall exercise the rights granted herein in such manner as shall occasion the least practicable damage and inconvenience to GRANTORS, the Property and the improvements located thereon.

GRANTEE hereby covenants with GRANTOR that upon completion by GRANTEE of any Activities within the Easement, and upon completion by GRANTEE of initial construction Activities, GRANTEE will restore or replace, to its immediately prior condition as far as is practicable and consistent with GRANTEE's rights herein conveyed, whatever improvements, land and the surface thereof within the Property GRANTEE disturbs by performing Activities.

This Deed shall run with the land and be binding upon GRANTOR's heirs, successors and assigns in title. Each individual executing this Deed represents that he or she is duly authorized to bind GRANTOR or GRANTEE, as the case may be, to the terms and provisions of this Deed.

SIGNATURES ON NEXT PAGES

IN WITNESS WHEREOF, GRANTOR has hereunto affixed their signature and seal as of the day and year first hereinabove written.

JG LABURNUM, LLC and ROBINS
LABURNUM, LLC (GRANTOR)

By: [Signature]

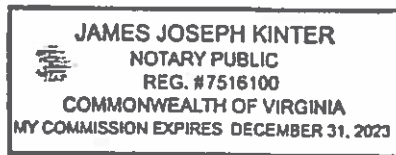
Print Name: Kevin Carroll

Title: Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Richmond, to-wit:

I, James Kinter, Notary Public in and for the City/County and State aforesaid, do hereby certify that Michael S. Carroll, on behalf of JG Laburnum, LLC and Robins Laburnum, LLC, whose name is signed to this foregoing Deed, personally appeared before me in my City/County and State aforesaid and acknowledged the same to be their act and deed.

Given under my hand this 9th day of August, 2022



[Signature]
Notary Public

Notary Registration Number: _____

My commission expires: _____

This foregoing Deed from JG Laburnum, LLC and Robins Laburnum, LLC is hereby accepted the 19th day of August, 2022 pursuant to authority granted by Section 8-33 of the 2020 Richmond City Code.

CITY OF RICHMOND (GRANTEE)

By: [Signature]
J.E. Lincoln Saunders
Chief Administrative Officer
City of Richmond, Virginia

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to-wit:

I, Caitlin Rae Sedano, Notary Public in and for the City and State aforesaid, do hereby certify that J.E. Lincoln Saunders, whose name is signed to this foregoing Deed, bearing date 19th day of August, 2022 personally appeared before me in my City and State aforesaid and acknowledged the same to be their act and deed.

Given under my hand this 19th day of August, 2022.

[Signature]
Notary Public

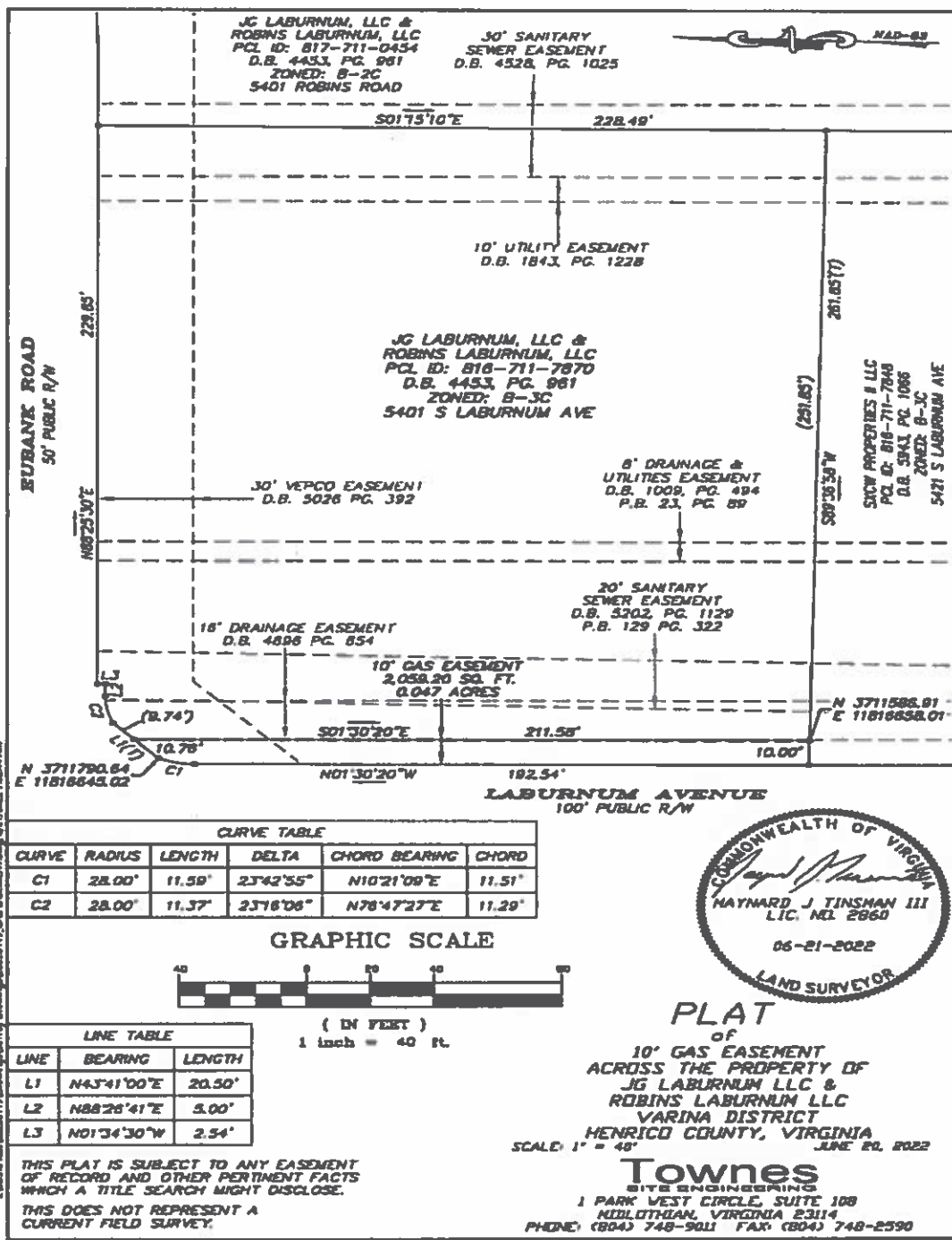
Notary Registration Number: 7953080
My commission expires: 9/30/25



Approved as to Form:

By: [Signature]
A. Ross Phillips
Assistant City Attorney
City of Richmond, Virginia

ATTACHMENT A



6408
0150

CLERK'S CERTIFICATE
DO NOT REMOVE FROM DOCUMENT

INSTRUMENT # 202200030149
RECORDED IN THE CLERK'S OFFICE OF
HENRICO COUNTY ON
AUGUST 29, 2022 AT 03:25PM

HEIDI S. BARSHINGER, CLERK
RECORDED BY: TDS

EXHIBIT B

EXHIBIT C