

INTRODUCED: September 26, 2016

AN ORDINANCE No. 2016-251

To declare surplus and direct the conveyance of a portion of City-owned real estate located at 1 Hull Street for nominal consideration to South Canal, LLC for the purpose of facilitating the development of that land and other land in the immediate vicinity thereof.

Patron – Mayor Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 10 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of real estate owned by the City of Richmond, located at 1 Hull Street and identified as Tax Parcel No. S000-0052/006 in the 2016 records of the City Assessor, being more particularly described in a document entitled “Exhibit F to Development Agreement,” a copy of which is attached to and incorporated into this ordinance, hereby is declared surplus real estate and is directed to be conveyed for nominal consideration to South Canal, LLC, with such conveyance being conditioned on the performance by South Canal, LLC, of a certain Development and Cooperation Agreement between the City and South Canal, LLC, for the purpose of facilitating the development of that land and other land in the immediate vicinity thereof in accordance with

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 14 2016 REJECTED: _____ STRICKEN: _____

the applicable provisions of Chapter 8 of the Code of the City of Richmond (2015), as amended, the Charter of the City of Richmond (2010), 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 (2015), as amended, the Chief Administrative Officer is hereby directed to execute, on behalf of the City, the deed 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 conveyance of such property.

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



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

SEP 9 2016
4-5659
Chief Administration Office
City of Richmond

O&R REQUEST

DATE: September 9, 2016
TO: The Honorable Members of City Council
THROUGH: Dwight C. Jones, Mayor (By Request)
THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer
THROUGH: John Buturla, Interim Deputy Chief Administrative Officer, Operations
FROM: Lee Downey, Deputy Chief Administrative Officer, Planning & Economic Development
RE: DEVELOPMENT AND COOPERATION AGREEMENT BETWEEN THE CITY AND SOUTH CANAL, LLC

EDITION: 1
RECEIVED

SEP 15 2016

OFFICE OF CITY ATTORNEY

ORD. OR RES No. _____

PURPOSE: To adopt all ordinances necessary to effectuate and for the CAO to execute on behalf of the City (1) that certain Cooperation and Development Agreement between the City and South Canal attached hereto (the "Development Agreement") and (2) the various agreements and property transfers contemplated therein and attached thereto as exhibits, which include:

- 1. The Escrow Agreement attached as Exhibit I, which will provide for holding the Transaction Documents (i.e., the following documents) in escrow until such time that they may be released pursuant to the terms of the Development Agreement.
a. City to South Canal:
i. The Right of Entry Agreement attached as Exhibit H, which grants South Canal a right-of-entry onto city-owned property for the purposes of performing South Canal's obligations under the Development Agreement.
ii. The "City Land Deed" attached as Exhibit F, by which deed the City conveys to South Canal a portion of a city-owned parcel (Tax Parcel No. S0000052006), such portion being labeled the City Land Parcel on the Survey (Survey attached to the Development Agreement as Exhibit A).
b. South Canal to City:
i. The "Driveway Deed" attached as Exhibit D, by which deed South Canal conveys to the City fee simple interest to that certain parcel of land labeled the Driveway Parcel on the Survey.
ii. The "Canal Parcel and Flood Wall Parcel Quitclaim Deed" attached as Exhibit E, by which deed South Canal conveys to the City any interest it has, if any, to certain city-owned property described in such deed.

- iii. The "Flood Wall Easements" attached as Exhibit C, by which easements South Canal grants to the City (1) access to the flood wall and (2) a 15 foot no-build buffer from the southern face of the flood wall.
- iv. The "Storm Water Easement" attached as Exhibit G, by which easement South Canal grants to the City those right necessary to operate the current utility Facilities under the City Land Parcel (becomes necessary once the City Land Parcel is conveyed to South Canal).

REASON: The Development Agreement will (1) clear up property and title disputes between the City and South Canal, LLC, (2) provide for the replacement of an out-of-date bridge over the canal at no cost to the City, and (3) allow for South Canal to develop its property, furthering the investment in the Manchester area and increasing tax revenues for the City.

RECOMMENDATIONS: Recommend adoption of the ordinances necessary to effectuate the Development Agreement and the various agreements and transfers contemplated therein.

BACKGROUND: This project will provide the necessary land transfers and bridge reconstruction needed to provide developable land between the flood wall and the canal in the Manchester area of the City. The development agreement will clear up various issues related to land ownership and will provide for the construction of a new bridge to access the land and to access the flood wall for maintenance and repair.

The developer is also requesting a rezoning of the property and, combined with the development agreement will provide for significant future development of the parcel. The development will consist of a mixed use-development to provide residential opportunities and potential commercial development along with accompanying parking. The project will also cause the removal of the dilapidated structure currently on the property. Plans for the future development will go through the regular approval processes for the City.

Because of the complexity of the project, efforts have been underway for a few years to finalize this development agreement.

FISCAL IMPACT/COST: None anticipated.

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 26, 2016

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2016

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing and Transportation Committee

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:

AFFECTED AGENCIES: Economic Development; Public Works; Planning and Community Development; Public Utilities; Assessor; Fire Department

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Development and Cooperation Agreement

STAFF: Lee Downey, CAO Planning and Economic Development (804)-646-4848

EXHIBIT F

to

Development Agreement

PREPARED BY AND RETURN TO:

Richard W. Gregory, Esquire

Atlas Law, PLLC

7 East Second Street

Richmond, Virginia 23224

GPIN Number: A Portion of S000052006

Consideration: \$ _____
Tax Assessment: \$ _____

***THIS INSTRUMENT IS EXEMPT FROM GRANTOR'S TAX
PURSUANT TO THE PROVISIONS OF VA. CODE § 58.1-811(C)(4)***

DEED

THIS DEED is made this ____ day of _____, 20 ____, by CITY OF RICHMOND, VIRGINIA, a municipal corporation of the Commonwealth of Virginia ("Grantor"), and SOUTH CANAL, LLC, a Virginia limited liability company ("Grantee"), whose mailing address is P.O. Box 363, Richmond, Virginia 23224.

WITNESSETH:

In consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by Grantee to Grantor, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant and convey with General Warranty, unto the Grantee all that certain real property located in the City of Richmond, Virginia, being a portion of Tax Map Parcel S000052006, Richmond, Virginia, which property is more particularly described as follows (the "Property"):

See Exhibit "A" Attached Hereto

This conveyance is made subject to all applicable easements, conditions, restrictions of record, and the following.

Grantor and Grantee acknowledge that they have entered into that certain Development and Cooperation Agreement, dated _____ (the "Development Agreement"), and that this Deed is intended to be executed together with the other documents provided for in the Development Agreement and placed in escrow pursuant to the escrow agreement entered into pursuant to such Development Agreement (the "Escrow Agreement"). The Development Agreement and Escrow Agreement require that multiple deeds (referred to and defined in each agreement as (1) the Driveway Deed, (2) the Canal Parcel and Flood Wall Parcel Quitclaim Deed, (3) the Storm Water Easement, and (4) the City Flood Wall Buffer and Access Agreement

and Deed of Easements) be released from escrow and recorded immediately following the release and execution of this Deed. If all such deeds are not recorded within ten days of the recordation of this Deed, the conveyance made herein shall be deemed null and void, and all title and interest to the Property shall revert to the City.

[Signatures appear on the following page]

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed by its duly authorized representative as of the date first above written:

GRANTOR:

CITY OF RICHMOND, VIRGINIA,
a municipal corporation of the Commonwealth of Virginia

As authorized by Ordinance No. _____, adopted _____, 2016.

By: _____
Selena Cuffee-Glenn,
Chief Administrative Officer

APPROVED AS TO FORM



Assistant City Attorney

ACKNOWLEDGMENT

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, TO WIT:

I HEREBY CERTIFY, that on this ____ day of _____, 2016 before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Selena Cuffee-Glenn, known to me, or satisfactorily proven to be, the person whose name is subscribed to the within instrument, and who acknowledged to be the Chief Administrative Officer of the City of Richmond, Virginia a municipal corporation of the Commonwealth of Virginia, and acknowledged that execution of the foregoing instrument for the purposes therein contained and acknowledged the same to be the lawful act and deed of the aforesaid corporation.

AS WITNESS my hand and Notarial Seal the day and year first above written.

NOTARY PUBLIC

My Commission Expires: _____
Registration No.: _____

Grantee's Address:
P.O. Box 363
Richmond, VA 23224

Exhibit A
to
City Land Deed

Legal Description

All that land lying and being in the City of Richmond and identified as City Land (Sub-Parcel A-2), containing 1.096 acre, more or less, all as shown on that certain survey entitled "COMPILED EXHIBIT showing SOUTH CANAL DEVELOPMENT," Sheet 1 of 1, Job No. 56160036.00, prepared by Balzer and Associates, and dated June 1, 2016, a copy of which is attached hereto and made a part hereof, and, with reference to such survey, is more particularly described as follows:

COMMENCING at a point at the intersection of the North line of Hull Street, U.S. Route 360, and the East line of Brander Street; thence along a tie line N52°59'35"W, 506.00 feet to a point, said point being the POINT OF BEGINNING; thence N86°13'56"W, 238.82 feet to a point; thence along a curve to the right having a radius of 65.94 feet, an arc length of 35.96 feet, and a chord of N74°59'10"W, 35.51 feet to a point; thence N53°20'46"W, 77.04 feet to a point; thence N51°58'33"W, 31.19 feet to a point; thence along a curve to the right having a radius of 165.00 feet, an arc length of 25.29 feet, and a chord of S88°41'53"E, 25.26 feet to a point; thence S86°37'26"E, 105.29 feet to a point; thence along a curve to the left having a radius of 235.00 feet, an arc length of 138.67 feet, and a chord of N76°28'17"E, 136.67 feet to a point; thence N59°34'00"E, 6.99 feet to a point; thence along a curve to the right with a radius of 265.00 feet, an arc length of 126.30 feet, and a chord of N73°13'14"E, 125.11 feet; thence N86°52'28"E, 203.81 feet to a point; thence along a curve to the left having a radius of 85.00 feet, an arc length of 23.76 feet, and a chord of N78°52'03"E, 23.68 feet to a point; thence N70°51'39"E, 46.85 feet to a point, thence S19°22'57"E, 28.88 feet to a point; thence N71°15'03"E, 116.67 feet to a point; thence S77°00'33"E, 66.53 feet to a point; thence S30°56'37"E, 39.06 feet to a point; thence S12°18'33"W, 4.78 feet to a point; thence N31°41'03"W, 40.44 feet to a point; thence N12°28'53"E, 2.68 feet to a point; thence N77°32'39"W, 68.01 feet to a point; thence S58°37'51"W, 83.63 feet to a point; thence S31°22'09"E, 10.25 feet to a point; thence along a curve to the right having a radius of 105.25, an arc length of 51.09 feet, and a chord of S72°32'09"W, 50.59 feet to a point; thence S86°26'28"W, 156.34 feet to a point; thence along a curve to the Left having a radius of 334.75 feet, an arc length of 115.67 feet, and a chord of S76°32'30"W, 115.10 feet to a point; thence S66°38'31"W, 18.92 feet, thence along a curve to the right having a radius of 385.25 feet, an arc length of 14.12 feet, and a chord of S67°48'36"W, 14.12 feet to a point; thence S03°46'04"W, 79.36 feet to the POINT AND PLACE OF BEGINNING.

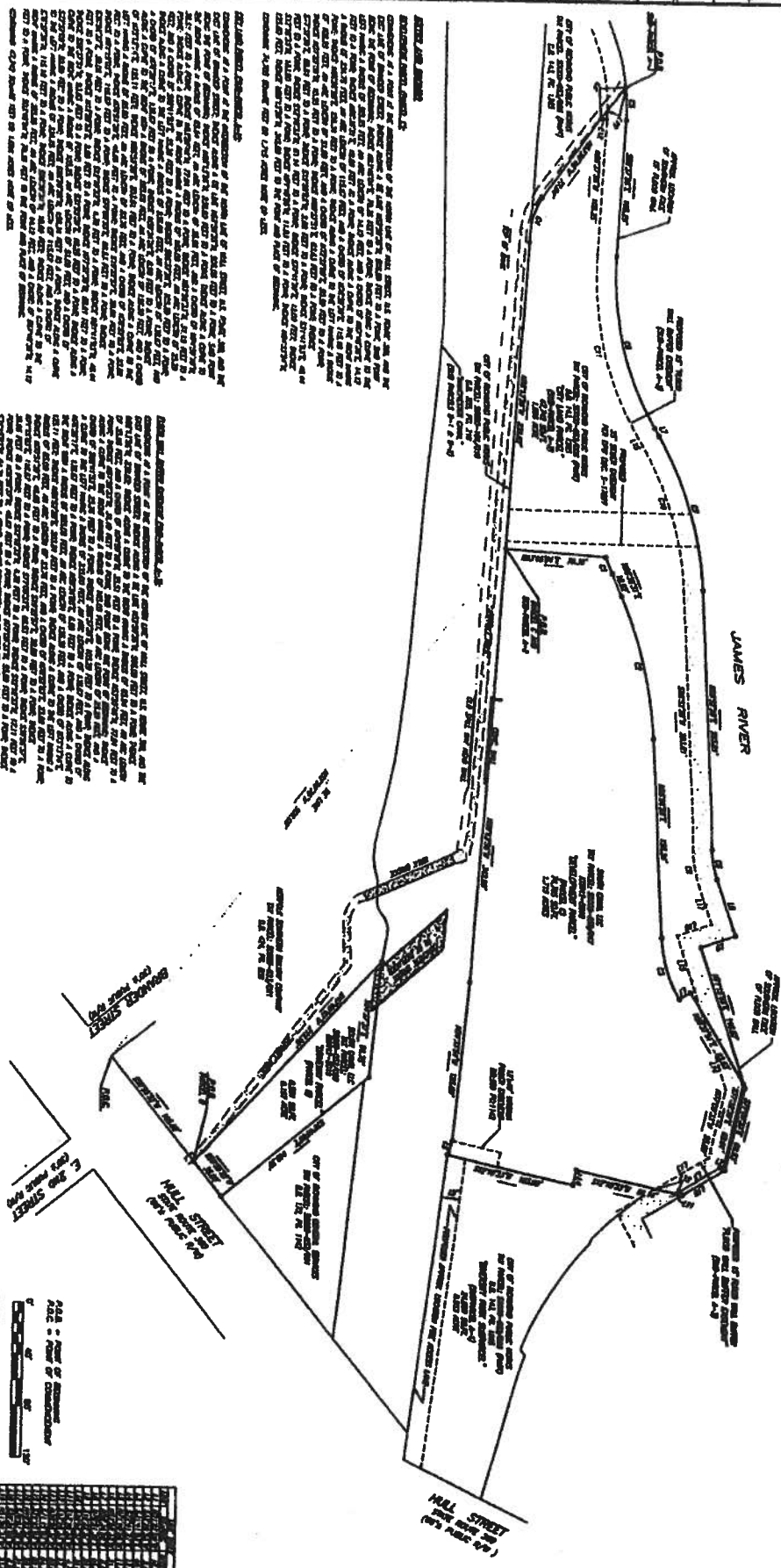
BEING a portion of the real estate comprising that certain parcel of land listed in the Office of the City Assessor for the City of Richmond as City Tax Parcel No. S0000052006; such parcel being comprised of the following:

- (1) All that certain real property acquired by GRANTOR from Ross Investment Corporation by that certain Order Directing the Recordation of the Vesting of Title, dated September

- 29, 1987, recorded on October 6, 1987, in Deed Book 143 at 1265, in the Clerk's Office, Circuit Court, City of Richmond, Virginia ("Clerk's Office"); and
- (2) All that certain real property acquired by GRANTOR from Manchester Board and Paper Company, Inc. by that certain Deed, Deed of Easement, and Deed of Partial Release, dated January 11, 1988, recorded February 11, 1988, in Deed Book 156 at page 897, in the Clerk's Office; and
 - (3) All that certain real property acquired by GRANTOR from Manchester Board and Paper Company, Inc. by that certain Deed, Deed of Easement, and Deed of Partial Release, dated January 11, 1988, recorded February 11, 1988, in Deed Book 156 at page 897, in the Clerk's Office; and
 - (4) A portion of that certain real property acquired by GRANTOR from Virginia Electric and Power Company by that certain Special Warranty Deed, dated June 9, 1989, recorded June 16, 1989, in Deed Book 205, at page 212 in the Clerk's Office. (Note: The remainder of real property conveyed by such Special Warranty Deed being a portion of that certain adjacent property owned by GRANTOR and listed as City Tax Parcel No. S0000052001.)



* Reference made to other sheets of this plan as follows:
 PLAN FOR SOUTH CANAL 111 AND 112 WEST STREET
 PLAN FOR SOUTH CANAL 111 AND 112 WEST STREET



THIS PLAN SHOWS THE LAYOUT OF THE SOUTH CANAL DEVELOPMENT AS APPROVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF RICHMOND, VIRGINIA, ON APRIL 1, 1914. THE PLAN IS SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS OF THE CITY OF RICHMOND, VIRGINIA, AND THE BOARD OF SUPERVISORS OF THE COUNTY OF RICHMOND, VIRGINIA. THE PLAN IS SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RICHMOND, VIRGINIA, AND THE BOARD OF PUBLIC WORKS OF THE CITY OF RICHMOND, VIRGINIA. THE PLAN IS SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RICHMOND, VIRGINIA, AND THE BOARD OF PUBLIC WORKS OF THE CITY OF RICHMOND, VIRGINIA.

CONSTRUCTION OF A CANAL TO BE OPENED UP BY THE CITY OF RICHMOND, VIRGINIA, FOR THE PURPOSE OF IMPROVING THE WATER SUPPLY OF THE CITY OF RICHMOND, VIRGINIA, AND THE SURROUNDING AREAS. THE CANAL IS TO BE OPENED UP BY THE CITY OF RICHMOND, VIRGINIA, FOR THE PURPOSE OF IMPROVING THE WATER SUPPLY OF THE CITY OF RICHMOND, VIRGINIA, AND THE SURROUNDING AREAS. THE CANAL IS TO BE OPENED UP BY THE CITY OF RICHMOND, VIRGINIA, FOR THE PURPOSE OF IMPROVING THE WATER SUPPLY OF THE CITY OF RICHMOND, VIRGINIA, AND THE SURROUNDING AREAS.

CONSTRUCTION OF A CANAL TO BE OPENED UP BY THE CITY OF RICHMOND, VIRGINIA, FOR THE PURPOSE OF IMPROVING THE WATER SUPPLY OF THE CITY OF RICHMOND, VIRGINIA, AND THE SURROUNDING AREAS. THE CANAL IS TO BE OPENED UP BY THE CITY OF RICHMOND, VIRGINIA, FOR THE PURPOSE OF IMPROVING THE WATER SUPPLY OF THE CITY OF RICHMOND, VIRGINIA, AND THE SURROUNDING AREAS. THE CANAL IS TO BE OPENED UP BY THE CITY OF RICHMOND, VIRGINIA, FOR THE PURPOSE OF IMPROVING THE WATER SUPPLY OF THE CITY OF RICHMOND, VIRGINIA, AND THE SURROUNDING AREAS.

COMPILED EXHIBIT
 SHOWING
 SOUTH CANAL DEVELOPMENT
 CITY OF RICHMOND, VIRGINIA



APPROVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF RICHMOND, VIRGINIA, ON APRIL 1, 1914.
 APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF RICHMOND, VIRGINIA, ON APRIL 1, 1914.