

INTRODUCED: September 11, 2017

AN ORDINANCE No. 2017-177

As Amended

To amend and reordain Ord. No. 2016-232, adopted Oct. 10, 2016, which closed, to public use and travel, a portion of an alley and a turnaround bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I-95/I-64, and Robin Hood Road, consisting of 6,557± square feet, upon certain terms and conditions, and authorized the Chief Administrative Officer to accept a dedication of property, consisting of 443± square feet, for a new turnaround for right-of-way purposes in the block bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I-95/I-64, and Robin Hood Road, to modify the ordinance’s indemnification provisions in recognition that the Virginia Commonwealth University Health System Authority is a state institution.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 9 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2016-232, adopted October 10, 2016, be and is hereby amended and reordained as follows:

§ 1. That a portion of an alley and a turnaround in the block bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I-95/I-64, and Robin Hood Road, consisting of approximately 6,557 square feet, is hereby closed to public use and travel as a right-of-way of the City of Richmond, as shown enclosed with bold lines on a drawing prepared by the Department of

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 11 2017 REJECTED: _____ STRICKEN: _____

Public Works, designated as DPW Drawing No. N-28712, dated June 16, 2016, and entitled “Proposed Closing to Public Use and Travel of a Portion of an Alley and a Turnaround, and the Dedication of a New Turnaround in the Block Bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I95/I64 and Robin Hood Road,” a copy of which drawing is attached to this ordinance.

§ 2. That this ordinance, as to the closing of the right-of-way identified above, shall be in force as provided in section 4.09 of the Charter of the City of Richmond (2010), as amended, and shall become effective only when, within 12 months from the day this ordinance is adopted:

(a) The applicant obtains consent to the closing from each of the owners of land, buildings or structures from whom consent is required under section 24-314 of the Code of the City of Richmond (2015), as amended, which consents shall be in writing, approved as to form by the City Attorney, and filed in the office of the City Clerk.

(b) The applicant makes arrangements satisfactory to public utility or public service corporations whose properties or facilities are in the right-of-way area to be closed either for the removal, relocation or abandonment thereof or for the construction, reconstruction, maintenance and repair thereof, evidence of which shall be in writing, approved as to form by the City Attorney, and filed in the office of the City Clerk.

(c) The applicant bears all costs associated with the closing, including, but not limited to, realignment, relocation or removal of utilities or infrastructure, installation of new utilities or infrastructure, new or revised street name or directional signs, streetlights, and similar infrastructure, as required by City agencies [~~and agrees in writing with the City that~~], [~~for itself,~~]

~~[its successors and its assigns,] [they] [to the extent permitted by law, shall indemnify, reimburse, and keep and hold the City free and harmless from liability on account of injury or damage to persons, firms, corporations or property, which may result directly or indirectly from the closing of the right-of-way to public use and travel by this ordinance and from the interference with the drainage, flow or overflow of surface or subsurface water resulting directly or indirectly therefrom; and in the event that any suit or proceeding is brought against the City at law or in equity, either independently or jointly with the owner or owners of all the property abutting the aforesaid alleys, or any of them, on account thereof, they shall defend the City in any such suit or proceeding at their cost; and in the event of a final judgment or decree being obtained against the City, either independently or jointly with the property owner or owners granting consent for the aforesaid right-of-way to be closed to public use and travel, they shall pay such judgment or comply with such decree including payment of all costs and expenses of whatsoever nature and hold the City harmless therefrom].~~

(d) The applicant pays the City the sum of \$22,805.22 for the right-of-way area to be closed. This condition is satisfied when all abutting property owners execute an agreement to purchase the right-of-way area to be closed, with such agreement being in accordance with section 15.2-2008 of the Code of Virginia (1950), as amended, and approved as to form and legality by the City Attorney. If any property owner fails to make the payment for such owner's fractional portion within one year of the date of adoption of this ordinance, then the closing shall be null and void.

(e) The applicant dedicates for turnaround right-of-way purposes a portion of property consisting of approximately 443 square feet adjacent to the new end of the public alley as shown with bold lines and hatched on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28712, dated June 16, 2016, and entitled “Proposed Closing to Public Use and Travel of a Portion of an Alley and a Turnaround, and the Dedication of a New Turnaround in the Block Bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I95/I64 and Robin Hood Road,” a copy of which drawing is attached to this ordinance, with such dedication being by deed approved as to form by the City Attorney.

(f) The applicant satisfies all terms and conditions requisite for the closing of the right-of-way area to be closed by this ordinance and provides the Department of Planning and Development Review, the Office of the City Attorney and the Office of the City Clerk with written evidence that all terms and conditions of this ordinance have been satisfied.

§ 3. That the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to accept from Virginia Commonwealth University Health System Authority the dedication for turnaround right-of-way purposes of a portion of property containing approximately 443 square feet adjacent to the new end of the public alley as shown enclosed with bold lines and hatched on a drawing prepared by the Department of Public Works, designated as DPW Drawing No. N-28712, dated June 16, 2016, and entitled “Proposed Closing to Public Use and Travel of a Portion of an Alley and a Turnaround, and the Dedication of a New Turnaround in the Block Bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I95/I64 and Robin Hood Road,” with such dedication being by deed approved by the City Attorney.

§ 4. That, at such time as this ordinance becomes effective, the City shall have no further right, title or interest in the closed right-of-way area other than that expressly retained under the provisions of this ordinance or granted to satisfy the terms and conditions set out in this ordinance.

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

II. This amendatory ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-6680
AUG 2 2017
Office of the Chief Administrative Officer

O&R REQUEST

DATE: June 26, 2017 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (By Request) [Signature]

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer [Signature]

THROUGH: Robert Steidel, Acting Deputy Chief Administrative Officer [Signature]

THROUGH: Bobby Vincent, Director
Department of Public Works [Signature]

THROUGH: M.S. Khara, P.E., City Engineer
Department of Public Works [Signature]

THROUGH: Brian Copple, Right of Way Manager
Department of Public Works [Signature]

FROM: Doug Mawby
Department of Public Works [Signature]

RECEIVED
SEP 07 2017
OFFICE OF CITY ATTORNEY

RE: PROPOSED AMENDMENT TO ORDINANCE 2016-232 WHICH CLOSED A PORTION OF AN ALLEY AND DEDICATED A NEW TURNAROUND WITHIN THE BLOCK BOUNDED BY BROOKLAND PARKWAY, BROOK ROAD, SHERWOOD AVENUE, I-95/64 AND ROBIN HOOD ROAD.

ORD. OR RES No. _____

PURPOSE: To amend Ordinance 2016-232 to reflect that fact that Virginia Commonwealth University (VCU) cannot legally indemnify the City.

REASON: The Ordinance authorizes the closure of certain right-of-way as described therein upon the satisfaction of certain terms and conditions. Section 2(c) of the Ordinance requires the applicant or its successor in the title to indemnify the City prior to the closure taking effect. The VCU Health System Authority is acquiring this property from the City to include it in an ongoing development. VCU lacks the authority to indemnify and the amendment is necessary so that, for the closure to take effect, VCU is only required to indemnify the City to the extent it may do so under applicable law.

RECOMMENDATIONS: The Department of Public Works offers no objection to the proposed amendment.

BACKGROUND: The applicant requested the closure for the portion of the alley that is within property now owned or controlled by the VCU Health System Authority (the Authority). This alley is unimproved and is no longer needed as it does not connect or potentially provide access to other public rights of way.

The Authority is currently constructing a new facility on portions of the property that they control at this location. They requested the closing to construct a parking lot to serve this new facility.

This amendment is necessary for the closure to be finalized and to allow the transfer of the closed portion of the alley to the applicant.

FISCAL IMPACT/COST: None.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: N/A

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 11, 2017.

CITY COUNCIL PUBLIC HEARING DATE: September 25, 2017

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission

AFFECTED AGENCIES: Public Works; Law Department; Planning and Development Review; Economic and Community Development, Public Utilities; Assessor; Budget and Strategic Planning; Fire Department; Police Department, DCAO & Mayor's office.

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS:

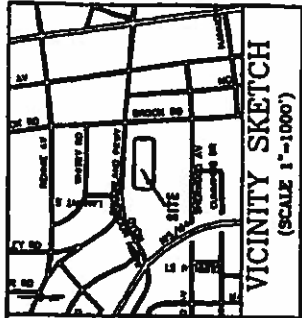
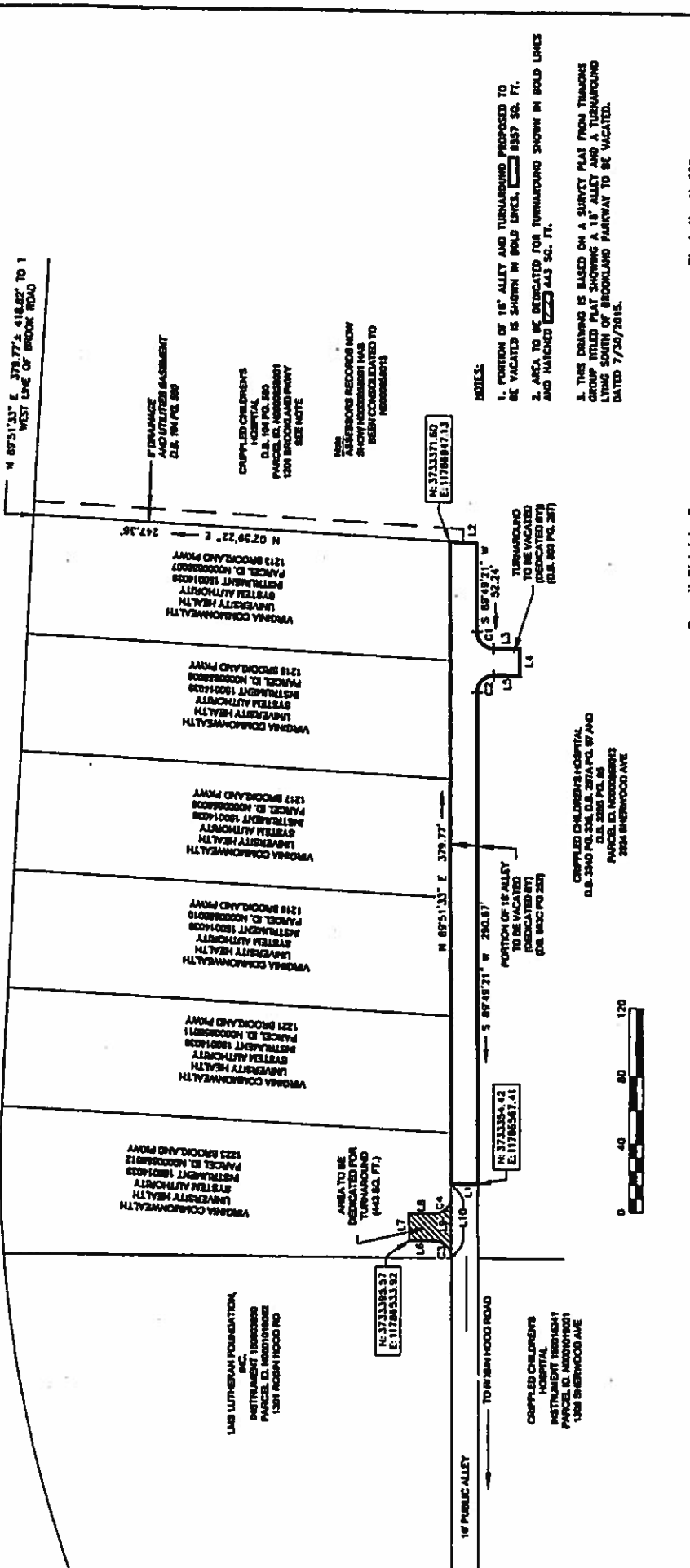
STAFF:

Prepared for Bobby Vincent
Prepared by Doug Mawby
Department of Public Works
646-0110

LINE	BEARING	DISTANCE
L1	N 00°10'38" W	16.24'
L2	S 02°59'22" W	16.07'
L3	S 07°11'21" E	15.00'
L4	S 89°49'21" W	15.98'
L5	N 00°09'57" W	15.00'
L6	N 00°10'39" W	14.98'
L7	N 89°49'21" E	16.00'
L8	S 00°10'39" E	15.00'
L9	S 89°51'33" W	36.00'
L10	S 89°51'33" W	43.38'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	10.00'	15.71'	90°00'42"	14.14'	N 44°49'00" E
C2	10.00'	15.71'	90°00'42"	14.14'	N 45°10'18" W
C3	10.00'	15.71'	90°02'12"	14.15'	S 44°50'27" W
C4	10.00'	15.70'	89°57'48"	14.14'	N 45°09'33" W

BROOKLAND PARKWAY 120' ± RW



- NOTES:**
- PORTION OF 16' ALLEY AND TURNAROUND PROPOSED TO BE VACATED IS SHOWN IN BOLD LINES. [] 1557 SQ. FT.
 - AREA TO BE DEDICATED FOR TURNAROUND SHOWN IN BOLD LINES AND HATCHED [] 443 SQ. FT.
 - THIS DRAWING IS BASED ON A SURVEY PLAT FROM THOMAS GROUP TITLED PLAT SHOWING A 16' ALLEY AND A TURNAROUND THRU SOUTH OF BROOKLAND PARKWAY TO BE VACATED. DATED 7/26/2015.

Block No. N-658
 Council District 2
 PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF AN ALLEY AND A TURNAROUND, AND THE DEDICATION OF A NEW TURNAROUND IN THE BLOCK BOUNDED BY BROOKLAND PARKWAY, BROOK ROAD, SHERWOOD AVENUE, 195/164 AND ROBIN HOOD ROAD



Drawn by: J.P.
 Checked by: M.V.A.
 FIELD NOTE: 1"=40'
 DATE: 6/16/2016
 DRAWING NO.: N-28712

Surveys Division, Room 600 City Hall
 500 E. Broad Street, Richmond, VA 23219
 DEPARTMENT OF PUBLIC WORKS
 RICHMOND, VIRGINIA

NOTES

- Property owners correct as of JUNE 5, 2016.
- Ordinance
- Adopted
- Accepted

REFERENCES: BL 10 HE N-20661A, M-13177

2(9)



1301 Robin Hood Road • Richmond, VA 23227
Since 1856: A History of Successful Christian Education

Rusty Maddox
President, LMS Lutheran Foundation, Inc.

(804) 321-6420
www.LMSRVA.org

October 22, 2015

Mr. Emmanuel Adediran
Interim Director of Public Works
Richmond City Hall
900 E. Broad Street
Suite 701
Richmond, Virginia 23219

RE: Consent to Vacation of Alley fronting Parcels N0000858012, N0000858011,
N0000858010, N0000858009, N0000858008, N0000858007

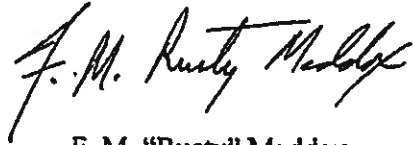
Dear Mr. Adediran:

I am writing on behalf of LMS Lutheran Foundation Inc., (the "Foundation") to consent to the request by Virginia Commonwealth University Health System Authority (the "Authority") that the City of Richmond vacate a portion of an existing alley that is adjacent to the Authority's property (defined above) and Crippled Children's Hospital and the Luther Memorial School (the "School"), as shown on the attached plat which is incorporated by reference and made a part of this consent.

The Authority has shared its proposed site plan and landscaping plan for a proposed parking lot to be constructed over the vacated portion of the alley and on a portion of the adjacent six parcels. The Foundation understands that vacation of the section of the alley as a public right-of-way will be necessary to permit construction of the proposed parking lot. The portion of the alley that the Authority proposes to vacate is currently unimproved and covered in grass. It is not currently used by the School or the Foundation for any vehicular purpose. The Authority has agreed to permit the Foundation and School use of the parking lot to be built in this area subject to reasonable terms and conditions set by the Authority and agreed upon by both parties. The vacation of this portion

of the Alley will not impact either the School's asphalt-surfaced entrance or the remaining portion of the alley currently needed and used by the School. As such, the Foundation supports and consents to the Authority's request as set forth herein.

Sincerely,

A handwritten signature in black ink, appearing to read "F. M. Rusty Maddox". The signature is written in a cursive, somewhat stylized script.

F. M. "Rusty" Maddox

cc: M. Ann Neil Cosby, Esq.

Diebel, Rena L. - City Attorney

To: Ashley, Bonnie M. - City Attorney
Subject: RE: VCU - Vacation of Public Right-of-Way

From: Ashley, Bonnie M. - City Attorney
Sent: Tuesday, September 26, 2017 3:21 PM
To: Diebel, Rena L. - City Attorney
Subject: RE: VCU - Vacation of Public Right-of-Way

Rena,

I've reviewed the ordinance, and asked Allen to weigh in as well. It took an inordinate amount of time (☺) but we agree that a consent from the new owner, Richmond Waldorf School, is not necessary.

Bonnie

Bonnie M. Ashley
Deputy City Attorney
City of Richmond
900 East Broad Street, Suite 400
phone: (804) 646-3385

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VCU

MCV Campus

V i r g i n i a C o m m o n w e a l t h U n i v e r s i t y



CHILDREN'S
HOSPITAL OF RICHMOND AT VCU

October 22, 2015

Mr. Emmanuel Adediran
Interim Director of Public Works
Richmond City Hall
900 E. Broad Street
Suite 701
Richmond, Virginia 23219

Main Hospital, 2nd Floor, Suite 300
1250 East Marshall Street
P.O. Box 980510
Richmond, Virginia 23298-0510

804 628-3721
Fax: 804 828-0170
TDD: 1-800-828-1120
lwya11@mcvh-vcu.edu

Leslie G. Wyatt, MS, RN
Vice President of Children's Services
Executive Director

RE: Consent to Vacation of Alley fronting Parcels N0000858012, N0000858011,
N0000858010, N0000858009, N0000858008, N0000858007

Dear Mr. Adediran:

I am writing on behalf of Crippled Children's Hospital, ("CCH"), to consent to the request by Virginia Commonwealth University Health System Authority (the "Authority") that the City of Richmond vacate a portion of an existing alley that is adjacent to the Authority's property (defined above) and Crippled Children's Hospital and the Lutheran Memorial School, as shown on the attached plat which is incorporated by reference and made a part of this consent.

The Authority intends to construct a parking lot over the vacated portion of the alley and on a portion of the adjacent six parcels. The parking lot will be utilized by the Children's Hospital of Richmond at VCU. CCH understands that vacation of the section of the alley as a public right-of-way will be necessary to permit construction of the proposed parking lot. CCH fully supports and consents to the Authority's request as set forth herein.

Sincerely,

Leslie G. Wyatt
SVP, Children's Services & Executive Director
Children's Hospital of Richmond at VCU
Crippled Children's Hospital

cc: M. Ann Neil Cosby, Esq.
68490126_2

EXC

2(b)

McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Tel 804.775.1000
Fax 804.775.1061
www.mcguirewoods.com

M. Ann Nell Cosby
Direct: 804.775.7737

McGUIREWOODS

acosby@mcguirewoods.com
Fax: 804.698.2011

February 26, 2018

Bonnie M. Ashley, Esquire
Office of the City Attorney
City of Richmond
900 East Broad Street, Suite 400
Richmond, VA 23219

Vacation of Public Right-of-Way Ordinance 2017-177

Dear Bonnie:

On behalf of the VCU Health System Authority (the "Authority"), I am writing to confirm that each of the terms and conditions of City's Council's approval of the Authority's request to close a portion of an alley intended to serve parcels on Brookland Parkway, have been or will be satisfied. On October 10, 2016, by Ordinance 2016-232, subsequently amended by Ordinance 2017-177, adopted on December 11, 2017 (the "Approved Ordinance"), Council vacated the alley which was unimproved and no longer needed by the City, upon certain terms and conditions. See Approved Ordinance attached hereto for reference. In satisfaction of such conditions, the Authority provides the following evidence of compliance:

1. A payment of \$22,805.22, the value of the entire vacated right-of-way, shall be provided to the Office of the City Attorney to be held in escrow until such time as a Quitclaim Deed releasing all of the City's remaining interest in the Right of Way, if any, is recorded;

2. The Authority has identified a 16' Easement for Drainage and Utilities (the "Utility Easement") as identified on that certain subdivision plat dated March 10, 1955, entitled "Sherwood Park Block-S, Section-E" prepared by W.W. LaPrade & Bros., which is attached hereto as Exhibit A. The Authority has been advised by the City that it no longer has utilities facilities in the Utility Easement, and the Department of Public Utilities has provided the necessary confirmation that the alley vacation will have no implication or require further action. Based our review of the available land records, there is no evidence of any private utilities being located within the vacated alleyway.

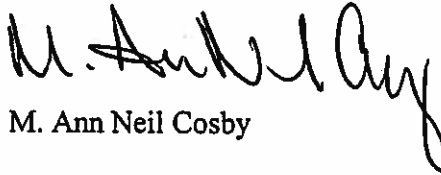
3. The Authority has previously provided written consent of abutting landowners. See Exhibits B and C attached.

4. The Authority has provided a proposed Deed to the City Attorney's Office to dedicate the turnaround shown on DPW Drawing N-28712. A copy of the Deed is attached for your reference as Exhibit D. The Deed will be recorded following final approval by the City Attorney.

5. The Authority acknowledges its responsibility for surface overflow in the area to be closed.

I hope the above information and documentation provides sufficient confirmation that all terms and conditions associated with the Approved Ordinance have been or will be satisfied. Should you have any questions related to the foregoing, or need any additional information, please do not hesitate to contact me.

Sincerely,



M. Ann Neil Cosby

MANC/sap
Enclosures

cc: Paul Neimeyer, Esquire, General Counsel, VCU Health System Authority
Ms. Rena L. Diebel, City Attorney's Office (via email w/o enclosures)

Diebel, Rena L. - City Attorney

From: Gibson, Neil R. - City Atty
Sent: Friday, September 22, 2017 3:43 PM
To: Diebel, Rena L. - City Attorney
Subject: FW: VCU Health System Authority
Attachments: RE: Alley Vacation Request; GIS DESKTOP EMAIL 052115.pdf

Rena, this should be the confirmation you're looking for.

Thanks,

-Neil

From: Yates, Charles S. - DPU
Sent: Tuesday, November 8, 2016 11:27 AM
To: Gibson, Neil R. - City Atty
Subject: RE: VCU Health System Authority

Hi Neil,

The DPU had streetlights in the area of concern, but as noted in the attached e-mail, they 'removed their assets from the alley on February 11, 2016'.

There are no DPU concerns

Scott Yates
Operations Manager

City of Richmond DPU
Development Services
900 East Broad Street; Room 115
Rich., VA 23219

(804) 646-5231- office
(804) 646-3438- fax

From: Gibson, Neil R. - City Atty
Sent: Tuesday, November 08, 2016 10:52 AM
To: Yates, Charles S. - DPU
Subject: FW: VCU Health System Authority

Hi Scott,

As promised in the voice message I left you, below is the cited request for information as to the existence of any City utilities facilities in a paper public alley that runs along a part of the northern edge of VCU's Brook Road children's hospital (aka "Crippled Children's Hospital). Please see the attached drawings for reference.

Can you tell me whether DPU has facilities in this alley, or point me to someone at DPU who might know?

Thanks much,



This Document Prepared By:
Richmond City Attorney's Office
900 East Broad Street, Room 400
Richmond, Virginia 23219
Tax Parcel No. N0000858013

QUITCLAIM DEED

THIS DEED, made this 14th day of April, 2018, by and between the CITY OF RICHMOND, a municipal corporation of the Commonwealth of Virginia "Grantor", and CRIPPLED CHILDREN'S HOSPITAL, a Virginia nonstock corporation, herein referred to as "Grantee";

EXEMPTION FROM TAXES

This conveyance is exempt from Recordation Taxes pursuant to Section 58.1-811 (A)(5) and Section 58.1-811 (C)(4) of the Code of Virginia (1950) as amended.

WITNESSETH:

WHEREAS, on December 11, 2017, the City Council of the City of Richmond adopted Ordinance No. 2017-177, which amended Ordinance No. 2016-232, authorizing the closing of a portion of an alley and a turnaround bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I-95/I-64, and Robin Hood Road, consisting of 6,557 square feet, as designated on DPW Drawing No. N-28712, upon satisfaction of all applicable terms and conditions of such ordinance; and

WHEREAS, the applicable terms and conditions of Ordinance No. 2017-177 having been fully satisfied, the Grantor desires and intends to quitclaim its rights in the street to Grantee;

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) DOLLARS and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby remises, releases, and forever quitclaims to the

Grantee all right, title and interest in the following described property attached hereto and made a part hereof:

SEE EXHIBIT "A and B" ATTACHED HERETO

AND MADE A PART HEREOF

This conveyance is made subject to easements, conditions and restrictions of record, as the same may lawfully apply to the Property herein conveyed.

IN WITNESS WHEREOF, The Grantor has caused this Deed to be executed on its behalf by its duly authorized representative.

CITY OF RICHMOND
A municipal corporation

By: *Selena Cuffee-Glenn*
Selena Cuffee-Glenn,
Chief Administrative Officer

Prepared and approved as to form:

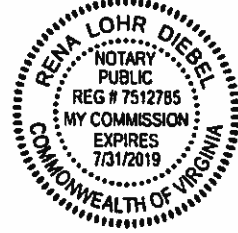
Bonnie Ashley
Bonnie Ashley
Deputy City Attorney

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND to wit

The foregoing instrument was acknowledged before me, the undersigned notary public, by Selena Cuffee-Glenn, Chief Administrative Officer of the City of Richmond, on behalf of the Grantor under authority granted by Ordinance No. 2017-177 on this 24th day of April, 2018.

Rena Diebel
Rena Diebel

Notary Registration Number: 7512785
My commission expires: 7/31/2019



Parcel No.: N000-0858-013

Address: 2924 Sherwood Avenue

General Location: On the north side of Sherwood Avenue between I95/I64 and Brook Road

EXHIBIT A

Commencing at a point on the northern right-of-way line of a public alley and being a common property corner of Parcel N000-1019-002 (owned by LMS Lutheran Foundation, Inc.) and Parcel N000-0858-012 (owned by Virginia Commonwealth University Health System Authority); thence along the northern right-of-way line of said alley on a bearing of N89°51'33"E, a distance of forty-three and thirty-eight hundredths feet (43.38'), thence along the new terminus of the remaining public alley on a bearing of S00°10'39"E, a distance of eight and twelve hundredths feet (8.12') to the True Point of Beginning; thence along the centerline of the vacated alley on a bearing of N89°50'27"E, a distance of three hundred seventy-nine and thirty-three hundredths feet (379.33') to a point, thence along the terminus of the vacated alley on a bearing of S02°59'22"W, a distance of eight and one hundredth feet (8.01') to a point; thence along the south line of the vacated alley on a bearing of S89°49'21"W, a distance of fifty-two and twenty-four hundredths feet (52.24') to a point of curvature; thence on a curve to the left with a chord bearing of S44°49'00"W and a chord distance of fourteen and fourteen hundredths feet (14.14'), an arc length of fifteen and seventy-one hundredths feet (15.71'), and a radius of ten and zero hundredths feet (10.00') to a point of tangency, thence on a bearing of S00°11'21"E, a distance of fifteen and zero hundredths feet (15.00') to a point, thence on a bearing of S89°49'21"W, a distance of fifteen and ninety-eight hundredths feet (15.98') to a point; thence on a bearing of N00°09'57"W, a distance of fifteen and zero hundredths feet (15.00') to a point of curvature; thence on a curve to the left with a chord bearing of N45°10'18"W and a chord distance of fourteen and fourteen hundredths feet (14.14'), an arc length of fifteen and seventy-one hundredths feet (15.71'), and a radius of ten and zero hundredths feet (10.00') to a point of tangency; thence on a bearing of S89°49'21"W, a distance of two hundred ninety and sixty-seven hundredths feet (290.67') to a point; thence along the new terminus of the remaining public alley on a bearing of N00°10'39"W, a distance of eight and twelve hundredths feet (8.12') to the True Point of Beginning, and containing 3498 square feet, being the southern portion of the alley proposed for vacation shown on a plan designated as DPW Drawing No. N-28712, dated 6/16/16 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF AN ALLEY AND A TURNAROUND, AND THE DEDICATION OF A NEW TURNAROUND IN THE BLOCK BOUNDED BY BROOKLAND PARKWAY, BROOK ROAD, SHERWOOD AVENUE, I95/I64 AND ROBIN HOOD ROAD and on file at the Department of Public Works, Richmond, Virginia.

EXHIBIT
B

Lot	BLANK	DESIRED
11	5.877015 W	13.41
12	5.877015 W	13.41
13	5.877015 W	13.41
14	5.877015 W	13.41
15	5.877015 W	13.41
16	5.877015 W	13.41
17	5.877015 W	13.41
18	5.877015 W	13.41
19	5.877015 W	13.41
20	5.877015 W	13.41
21	5.877015 W	13.41
22	5.877015 W	13.41
23	5.877015 W	13.41
24	5.877015 W	13.41
25	5.877015 W	13.41
26	5.877015 W	13.41
27	5.877015 W	13.41
28	5.877015 W	13.41
29	5.877015 W	13.41
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BROOKLAND PARKWAY 1200 N.W.

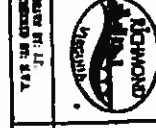
NOTES

1. Property owners consent as of 8/02/81, 8/19/81.
2. Surveyed by...
3. Assessed...
4. Assessed...

RECORDS IN 18 OF S-28811, 8-12877

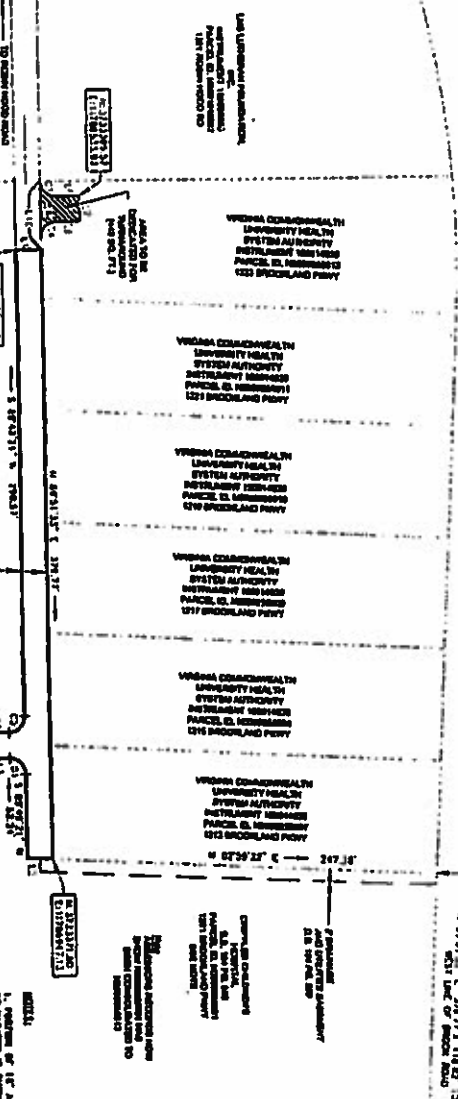
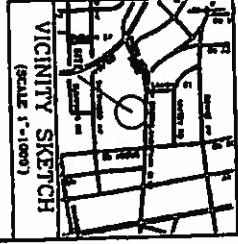
Building Information
Survey Organization
Scale of Map
Date of Map

Survey Division, Bureau of City and
County Planning, Department of Public Works
RICHMOND, VIRGINIA



Proposed closing to public use and travel of
a portion of an alley and a turnaround, and the
dedication of a new turnaround in the block
bounded by Brookland Parkway, Brook Road,
Sherwood Avenue, 95/104 and Robn Hood Road

Prepared by: JERRY WARD, JR., P.E. - City and County
Field Date: 1-4-81
Date: 6/6/2016
Project: N-28811-AC
Drawing No.: N-28712



DEEDS:

1. Return of 12' ALLEY AND TURNAROUND PARCELS TO... 8/02/81, 8/19/81.
2. ALLEY TO BE DEDICATED FOR TURNAROUND SHOW IN DEED LINES AND PARCELS TO BE 12' x 50' x 100' x 100'.
3. THIS TURNAROUND IS BOUND BY A SURVEY MADE FROM THE... 7/20/2016.


PROPERTY OWNERS AND INTERESTED PARTIES TO BE NOTIFIED BY MAIL AT LEAST 30 DAYS BEFORE THE HEARING DATE.

ALL PROPERTY OWNERS AND INTERESTED PARTIES TO BE NOTIFIED BY MAIL AT LEAST 30 DAYS BEFORE THE HEARING DATE.

INSTRUMENT # 18-9445

RECORDED IN THE CIRCUIT OF THE CITY OF RICHMOND ON:
MAY 11 2018 AT: 11:08 AM

EDWARD F. JEWETT, CLERK

BY:  Deputy Clerk

This Document Prepared By:
Richmond City Attorney's Office
900 East Broad Street, Room 400
Richmond, Virginia 23219
Tax Parcel Nos. N0000858012, N0000858011, N0000858010, N0000858009, N0000858008,
N0000858007

QUITCLAIM DEED

THIS DEED, made this 24th day of April, 2018, by and between the CITY OF RICHMOND, a municipal corporation of the Commonwealth of Virginia "Grantor", and VIRGINIA COMMONWEALTH UNIVERSITY HEALTH SYSTEM AUTHORITY, public body corporate and political subdivision of the Commonwealth of Virginia, herein referred to as "Grantee";

EXEMPTION FROM TAXES

This conveyance is exempt from Recordation Taxes pursuant to Section 58.1-811 (A)(5) and Section 58.1-811 (C)(4) of the Code of Virginia (1950) as amended.

WITNESSETH:

WHEREAS, on December 11, 2017, the City Council of the City of Richmond adopted Ordinance No. 2017-177, which amended Ordinance No. 2016-232, authorizing the closing of a portion of an alley and a turnaround bounded by Brookland Parkway, Brook Road, Sherwood Avenue, I-95/I-64, and Robin Hood Road, consisting of 6,557 square feet, as designated on DPW Drawing No. N-28712, upon satisfaction of all applicable terms and conditions of such ordinance; and

WHEREAS, the applicable terms and conditions of Ordinance No. 2017-177 having been fully satisfied, the Grantor desires and intends to quitclaim its rights in the street to Grantee;

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) DOLLARS and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby remises, releases, and forever quitclaims to the Grantee all right, title and interest in the following described property attached hereto and made a part hereof:

SEE EXHIBIT "A and B" ATTACHED HERETO
AND MADE A PART HEREOF

This conveyance is made subject to easements, conditions and restrictions of record, as the same may lawfully apply to the Property herein conveyed.

IN WITNESS WHEREOF, The Grantor has caused this Deed to be executed on its behalf by its duly authorized representative.

CITY OF RICHMOND
A municipal corporation

By: *Selena Cuffee-Glenn*
Selena Cuffee-Glenn
Chief Administrative Officer

Prepared and approved as to form:

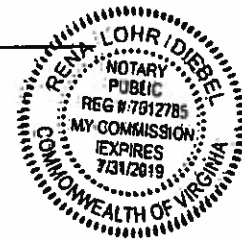
Bonnie Ashley
Bonnie Ashley
Deputy City Attorney

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND to wit

The foregoing instrument was acknowledged before me, the undersigned notary public, by Selena Cuffee-Glenn, Chief Administrative Officer of the City of Richmond, on behalf of the Grantor under authority granted by Ordinance No. 2017-177 on this 24th day of April, 2018.

Rena Diebel
Rena Diebel

Notary Registration Number: 7512785
My commission expires: 7/31/2019



Parcel No.: N000-0858-(007, 008, 009, 010, 011 & 012)

Address: (#1213, #1215, #1217, #1219, #1221 & #1223) Brookland Parkway

General Location: On the south side of Brookland Parkway, 418.82' +/- from the west line of Brook Road

EXHIBIT A

Commencing at a point on the northern right-of-way line of a public alley and being a common property corner of Parcel N000-1019-002 (owned by LMS Lutheran Foundation, Inc.) and Parcel N000-0858-012 (owned by Virginia Commonwealth University Health System Authority); thence along the northern right-of-way line of said alley on a bearing of N89°51'33"E, a distance of forty-three and thirty-eight hundredths feet (43.38') to the True Point of Beginning; thence along the northern line of the vacated alley on a bearing of N89°51'33"E, a distance of three hundred seventy-nine and seventy-seven hundredths feet (379.77') to a point, thence along the terminus of the vacated alley on a bearing of S02°59'22"W, a distance of eight and one hundredth feet (8.01') to a point; thence along the centerline of the vacated alley on a bearing of S89°50'27"W, a distance of three hundred seventy-nine and thirty-three hundredths feet (379.33') to a point; thence along the new terminus of the remaining public alley on a bearing of N00°10'39"W, a distance of eight and twelve hundredths feet (8.12') to the True Point of Beginning, and containing 3059 square feet, being the northern portion of the alley proposed for vacation shown on a plan designated as DPW Drawing No. N-28712, dated 6/16/16 and entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF AN ALLEY AND A TURNAROUND, AND THE DEDICATION OF A NEW TURNAROUND IN THE BLOCK BOUNDED BY BROOKLAND PARKWAY, BROOK ROAD, SHERWOOD AVENUE, I95/164 AND ROBIN HOOD ROAD and on file at the Department of Public Works, Richmond, Virginia.

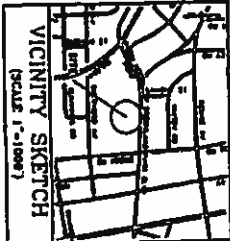
EXHIBIT B

PG0091 MAY 11 2016

LINE	DESCRIPTION	START	END	AREA	DATE
1	1	0.00	0.00	0.00	
2	2	0.00	0.00	0.00	
3	3	0.00	0.00	0.00	
4	4	0.00	0.00	0.00	
5	5	0.00	0.00	0.00	
6	6	0.00	0.00	0.00	
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19	19	0.00	0.00	0.00	
20	20	0.00	0.00	0.00	
TOTAL					

LINE	DESCRIPTION	START	END	AREA	DATE
1	1	0.00	0.00	0.00	
2	2	0.00	0.00	0.00	
3	3	0.00	0.00	0.00	
4	4	0.00	0.00	0.00	
5	5	0.00	0.00	0.00	
6	6	0.00	0.00	0.00	
7	7	0.00	0.00	0.00	
8	8	0.00	0.00	0.00	
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18	18	0.00	0.00	0.00	
19	19	0.00	0.00	0.00	
20	20	0.00	0.00	0.00	
TOTAL					

BROOKLAND PARKWAY TURN LANE

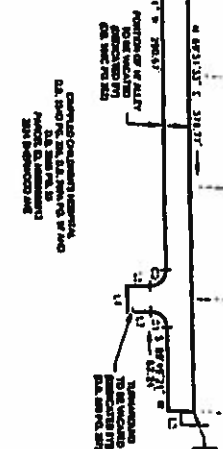


- ### NOTES
1. Property owners contact as of 10/05/15, 2015.
 2. Utility lines shown as of 10/05/15, 2015.
 3. As depicted.
 4. As depicted.

REFERENCES: M 18 18 S-28864, 6-12017

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/05/15	Initial Design
2	10/05/15	Final Design



DEVELOPER: CHINA-DAI GROUP, INC. 1500 N. 2ND ST., SUITE 100, RICHMOND, VA 23219

DESIGNER: BURNS & MCDONNELL, 2000 N. 15TH ST., SUITE 100, RICHMOND, VA 23219

RECORDING: 11/10/2016

SCALE: 1" = 40'

DATE: 11/10/2016

PROJECT NO.: N-28712

PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF AN ALLEY AND A TURNAROUND, AND THE DEDICATION OF A NEW TURNAROUND IN THE BLOCK BOUNDED BY BROOKLAND PARKWAY, BROOK ROAD, SHERWOOD AVENUE, 195/164 AND ROBIN HOOD ROAD

Book No. R-828




CITY OF RICHMOND
DEPARTMENT OF PUBLIC WORKS
RICHMOND, VIRGINIA

INSTRUMENT # 18-9444

RECORDED IN THE CIRCUIT OF THE CITY OF RICHMOND ON:
MAY 11 2018 AT: 11:07 A M

EDWARD F. JEWETT, CLERK

BY:  Deputy Clerk

2(d)



CITY OF RICHMOND
OFFICE OF THE CITY ATTORNEY 900
EAST BROAD STREET, ROOM 400
RICHMOND, VIRGINIA 23219
804.646.7940

File No. **1190**

Date: 5-2-18

Received From: Ann - Neil Cosby, for VCU Health System

Amount: twenty two thousand eight hundred five and 22/100 (\$22,805.22)

For: purchase of right-of-way in accordance with Ordinance 2017-177

Received By: Rena Diebel

White - Customer Yellow - File Pink - Customer File



This Document Prepared By:
Richmond City Attorney's Office
900 East Broad Street, Room 400
Richmond, Virginia 23219
Tax Parcel No: N0000858012

DEED OF DEDICATION

THIS DEED, made this 9th day of ^{May}~~April~~, 2018, by and between VIRGINIA COMMONWEALTH UNIVERSITY HEALTH SYSTEM AUTHORITY, public body corporate and political subdivision of the Commonwealth of Virginia, herein referred to as "Grantor", and the CITY OF RICHMOND, a municipal corporation of the Commonwealth of Virginia, herein referred to as "Grantee";

EXEMPTION FROM TAXES

This conveyance is exempt from Recordation Taxes pursuant to Section 58.1-811 (A)(3) and Section 58.1-811 (C)(5) of the Code of Virginia (1950) as amended.

WITNESSETH:

WHEREAS, Grantor is the owner of certain land located at 1223 Brookland Parkway, Richmond, Virginia, 23227, a portion of which, is necessary for the construction, operation, and maintenance of a public use turnaround area and for all other purposes incident thereto, identified as set forth in Ordinance No. 2016-232, adopted October 10, 2016, as amended on September 11, 2017 by Ordinance No. 2017-177, adopted December 11, 2017, by the Council of the City of Richmond, and Grantor is willing to dedicate and convey to Grantee said land.

NOW, THEREFORE, for and in consideration of the amount of ONE DOLLAR (\$1.00) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby dedicate, grant, and convey to

Grantee, with SPECIAL WARRANTY, 443 square feet, more or less, of land, more or less, and as more particularly shown on Drawing No. N-28712 of that plat entitled "PROPOSED CLOSING TO PUBLIC USE AND TRAVEL OF A PORTION OF AN ALLEY AND A TURNAROUND AND THE DEDICATION OF A NEW TURNAROUND IN THE BLOCK BOUNDED BY BROOKLAND PARKWAY, BROOK ROAD, SHERWOOD AVENUE, 195/164 AND ROBIN HOOD ROAD", attached hereto as Exhibit "A" and incorporated herein by reference, being a portion of the same real estate conveyed to the Grantor by deed recorded as Instrument # 15-14039 in the Clerk's Office of the Circuit Court of the City of Richmond on July 29, 2015.

This conveyance is made subject to easements, conditions, and restrictions of record insofar as they may lawfully affect the property.

The Grantor covenants that it has the right to convey the property herein to the Grantee; that Grantor has done no act to encumber said land; that the Grantee shall have quiet possession of the land, free from all encumbrances, and that Grantor will execute such further assurances of the land as may be requisite.

WITNESS the following signature and seal.

VIRGINIA COMMONWEALTH
UNIVERSITY HEALTH SYSTEM
AUTHORITY, a public body corporate and
political subdivision of the Commonwealth of
Virginia

By: [Signature]

Name: Melinda Hancock

Title: CPD

COMMONWEALTH OF VIRGINIA
CITY COUNTY OF Richmond, to wit

The foregoing instrument was acknowledged before me, the undersigned notary
public by Melinda Hancock on this 24th day of April, 2018.

Alethea-Previs
Notary Public

Notary Registration Number: 308862
My commission expires: 11/30/21

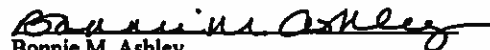


The foregoing Deed of Dedication from VIRGINIA COMMONWEALTH UNIVERSITY HEALTH SYSTEM AUTHORITY, a public body corporate and political subdivision of the Commonwealth of Virginia, is hereby accepted this 9th day of May, 2018, pursuant to the authority granted by Ordinance No. 2017-177, adopted December 11, 2017.

CITY OF RICHMOND
A municipal corporation

By: 
Selena Cuffee-Glen,
Chief Administrative Officer

Prepared and approved as to form:



Bonnie M. Ashley
Deputy City Attorney

GRANTEE ADDRESS:
City of Richmond
900 East Broad Street, Suite 400
Richmond, Virginia 23219

INSTRUMENT # 18- 9443

RECORDED IN THE CIRCUIT OF THE CITY OF RICHMOND ON:
MAY 11 2018 AT: 11:06 A M

EDWARD F. JEWETT, CLERK

BY:  Deputy Clerk



February 26, 2018

Bonnie M. Ashley, Esquire
Office of the City Attorney
City of Richmond
900 East Broad Street, Suite 400
Richmond, VA 23219

Vacation of Public Right-of-Way Ordinance 2017-177

Dear Bonnie:

On behalf of the VCU Health System Authority (the "Authority"), I am writing to confirm that each of the terms and conditions of City's Council's approval of the Authority's request to close a portion of an alley intended to serve parcels on Brookland Parkway, have been or will be satisfied. On October 10, 2016, by Ordinance 2016-232, subsequently amended by Ordinance 2017-177, adopted on December 11, 2017 (the "Approved Ordinance"), Council vacated the alley which was unimproved and no longer needed by the City, upon certain terms and conditions. See Approved Ordinance attached hereto for reference. In satisfaction of such conditions, the Authority provides the following evidence of compliance:

1. A payment of \$22,805.22, the value of the entire vacated right-of-way, shall be provided to the Office of the City Attorney to be held in escrow until such time as a Quitclaim Deed releasing all of the City's remaining interest in the Right of Way, if any, is recorded;

2. The Authority has identified a 16' Easement for Drainage and Utilities (the "Utility Easement") as identified on that certain subdivision plat dated March 10, 1955, entitled "Sherwood Park Block-S, Section-E" prepared by W.W. LaPrade & Bros., which is attached hereto as Exhibit A. The Authority has been advised by the City that it no longer has utilities facilities in the Utility Easement, and the Department of Public Utilities has provided the necessary confirmation that the alley vacation will have no implication or require further action. Based our review of the available land records, there is no evidence of any private utilities being located within the vacated alleyway.

3. The Authority has previously provided written consent of abutting landowners. See Exhibits B and C attached.

Bonnie Ashley, Esquire

February 26, 2018

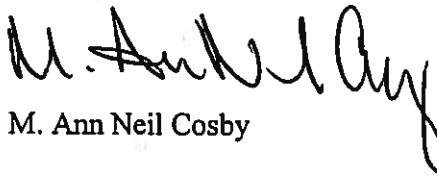
Page 2

4. The Authority has provided a proposed Deed to the City Attorney's Office to dedicate the turnaround shown on DPW Drawing N-28712. A copy of the Deed is attached for your reference as Exhibit D. The Deed will be recorded following final approval by the City Attorney.

5. The Authority acknowledges its responsibility for surface overflow in the area to be closed.

I hope the above information and documentation provides sufficient confirmation that all terms and conditions associated with the Approved Ordinance have been or will be satisfied. Should you have any questions related to the foregoing, or need any additional information, please do not hesitate to contact me.

Sincerely,



M. Ann Neil Cosby

MANC/sap

Enclosures

cc: Paul Neimeyer, Esquire, General Counsel, VCU Health System Authority
Ms. Rena L. Diebel, City Attorney's Office (via email w/o enclosures)

99644211_1