

INTRODUCED: May 11, 2020

AN ORDINANCE No. 2020-113

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Deed of Quitclaim of Utility Easement Portion between the City of Richmond and FW-VA The Village Shopping Center, LLC, for the purpose of releasing a portion of a utility easement to FW-VA The Village Shopping Center, LLC.

\_\_\_\_\_  
Patron – Mayor Stoney

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

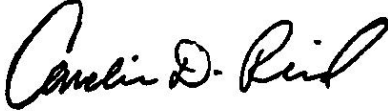
PUBLIC HEARING: MAY 26 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute a Deed of Quitclaim of Utility Easement Portion between the City of Richmond and FW-VA The Village Shopping Center, LLC, for the purpose of releasing a portion of a utility easement to FW-VA The Village Shopping Center, LLC. Such Deed of Quitclaim of Utility Easement Portion 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:**



**City Clerk**

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

ADOPTED: MAY 26 2020 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_



# CITY OF RICHMOND

## INTRACITY CORRESPONDENCE

2020-051

**O&R REQUEST**

**DATE:** April 9, 2020 **EDITION** 1

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

**THROUGH:** The Honorable Levar M. Stoney, Mayor *LM Stoney* 5/7/2020

**THROUGH:** Lenora G. Reid, Acting Chief Administrative Officer *lgr* 4/20/2020

**THROUGH:** Robert Steidel, Deputy Chief Administrative Officer *Robert C Steidel*

**THROUGH:** Calvin D. Farr, Jr., Director of Public Utilities *Cal Farr*

**THROUGH:** Jonathan Snyder, DPU Energy Services Manager *Jonathan W. Snyder*

**FROM:** Scott Yates, Operations Manager, DPU Development Services *Scott Yates*

**RE:** Quitclaim Deed for Utility Easement – The Village Shopping Center; 7001-7033 Three Chopt Road

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

**PURPOSE:** To authorize the Chief Administrative Officer, on behalf of the City of Richmond, to execute a quitclaim deed between FW VA - THE VILLAGE SHOPPING CENTER, LLC., a Virginia corporation, and the City of Richmond, Virginia. The quitclaim deed releases a portion of a utility easement that was previously used by the City.

**REASON:** Originally the easement was necessary as the City had active water mains serving the site. Circa 2002 new water mains were installed that are owned and operated by Henrico County and the existing City owned water mains were abandoned. FW VA - THE VILLAGE SHOPPING CENTER, LLC. now requests that the portion of the easement, as shown on a plat titled "The Quitclaim of a Portion of a 10' Water Easement Located at The Village Shopping Center" be vacated by the City to alleviate potential title and financing concerns. The vacation of the portion of easement will have no operational impact on DPU.

**RECOMMENDATION:** It is recommended that an ordinance be adopted authorizing the Chief Administrative Officer, on behalf of the City of Richmond, to sign a quitclaim deed vacating the portion of the easement.

**BACKGROUND:** The shopping center, located partially in the City and partially in Henrico County, has undergone recent renovations and site improvements. The property owner requests

that the City vacate the portion of the easement in which the City owned water main was abandoned.

**FISCAL IMPACT / COST:** None.

**FISCAL IMPLICATIONS:** None.

**BUDGET AMENDMENT NECESSARY:** None.

**REVENUE TO CITY:** None.

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** May 11, 2020.

**CITY COUNCIL PUBLIC HEARING DATE:** May 26, 2020.

**REQUESTED AGENDA:** Consent.

**RECOMMENDED COUNCIL COMMITTEE:** Land Use, Housing and Transportation Committee.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** N/A.

**AFFECTED AGENCIES:** Department of Public Utilities.

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

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

**ATTACHMENTS:** Proposed Quitclaim Deed and Secretary's Certificate – Village Shopping Center

**STAFF:** Scott Yates, Operations Manager, DPU Development Services

**AFTER RECORDING RETURN TO:**  
City of Richmond, Department of Public Utilities  
Attn: Scott Yates  
City Hall  
900 E. Broad Street, Room 115  
Richmond, Virginia 23219

**COUNTY OF HENRICO, VIRGINIA**  
**TAX MAP NO: 763-739-1375**

## **DEED OF QUIT CLAIM OF UTILITY EASEMENT PORTION**

THIS DEED OF QUIT CLAIM OF UTILITY EASEMENT PORTION (this "Deed") is made this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the **CITY OF RICHMOND**, to be indexed as grantor (the "GRANTOR"), a municipal corporation organized under the laws of the Commonwealth of Virginia, and **FW VA - THE VILLAGE SHOPPING CENTER, LLC**, to be indexed as grantee (the "GRANTEE"), a Delaware limited liability company (collectively, the "Parties").

### **RECITALS**

WHEREAS, GRANTEE is the owner of certain real property located in the County of Henrico, Virginia, designated as Tax Parcel No. 763-739-1375 and being a portion of the same real estate conveyed to GRANTEE by deed dated June 1, 2005, and recorded June 20, 2005 in the Clerk's office of the Circuit Court of the County of Henrico (the "Clerk's Office") as Instrument No. 035100 at Deed Book 3902, Page 1793 (the "Property"); and

WHEREAS, GRANTOR, through its water utility, previously provided water service to the Property but no longer does so because the County of Henrico provides water service to the Property; and

WHEREAS, the Parties acknowledge that, during its provision of water service to the Property, GRANTOR exercised control of the water facilities (the "Facilities") within a portion of a water easement (that portion, the "Easement") and of the Easement; and the term "Easement" as used in this Deed shall mean the recorded, unrecorded, prescriptive, perfected, and unperfected easements serving the Facilities; the location of which Facilities and Easement are shown as the shaded area on the plat entitled, "Plat Showing the Quitclaim of a portion of a 10' Water Easement Located at the Village Shopping Center," prepared by Timmons Group, dated February 13, 2020, and marked as Exhibit A, attached hereto and incorporated herein; and

WHEREAS, pursuant to the terms of Ordinance No. 2020-\_\_\_\_\_, adopted by the Richmond City Council on \_\_\_\_\_, 2020, attached hereto and incorporated herein without its attachments as "Exhibit B," GRANTOR has agreed to vacate, convey, remise, release, and forever quitclaim to GRANTEE the Facilities, as well as use of the area on the Property subject to 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 Facilities and 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 Facilities and 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)**

Approved as to form:

**BY:** \_\_\_\_\_  
Lenora G. Reid  
Acting Chief Administrative Officer  
City of Richmond, Virginia

**BY:** *A. Ross Phillips*  
\_\_\_\_\_  
A. Ross Phillips  
Assistant City Attorney  
City of Richmond, Virginia

**COMMONWEALTH OF VIRGINIA  
CITY OF RICHMOND, to-wit:**

I, \_\_\_\_\_, Notary Public in and for the City and State aforesaid, do hereby certify that Lenora G. Reid, whose name is signed to the foregoing deed of quit claim of utility easement portion bearing date of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared before me in my City and State aforesaid and acknowledged the same to be her act and deed.

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

\_\_\_\_\_  
Notary Public

Notary Registration Number: \_\_\_\_\_

My commission expires: \_\_\_\_\_

**FW VA – THE VILLAGE SHOPPING CENTER,  
LLC, a Delaware limited liability company (GRANTEE)**

By: FW-Reg II Holdings, LLC, a Delaware limited  
liability company  
Its: Sole Member

By: GRI-Regency, LLC, a Delaware limited  
liability company  
Its: Sole Member

By: Regency Centers, L.P., a Delaware  
limited partnership  
Its: Managing Member

By: Regency Centers Corporation,  
a Florida corporation  
Its: General Partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was signed, sealed, delivered, and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_, the \_\_\_\_\_ of Regency Centers Corporation, a Florida corporation, in its capacity as the General Partner of Regency Centers, L.P., a Delaware limited partnership, in its capacity as the Managing Member of GRI-Regency, LLC, a Delaware limited liability company, in its capacity as the Sole Member of FW-Reg II Holdings, LLC, a Delaware limited liability company, in its capacity as the Sole Member of FW VA – The Village Shopping Center, LLC, a Delaware limited liability company, on behalf of the companies, partnership and corporation. Such person is personally known to me.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

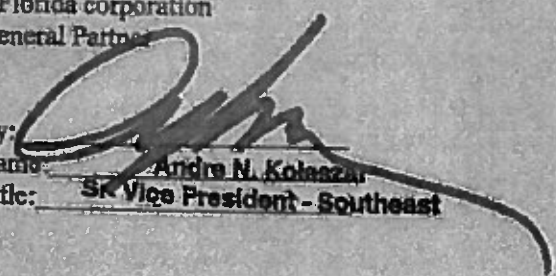
**FW VA – THE VILLAGE SHOPPING CENTER,  
LLC, a Delaware limited liability company (GRANTEE)**

By: FW-Reg II Holdings, LLC, a Delaware limited  
liability company  
Its: Sole Member

By: GRI-Regency, LLC, a Delaware limited  
liability company  
Its: Sole Member

By: Regency Centers, L.P., a Delaware  
limited partnership  
Its: Managing Member

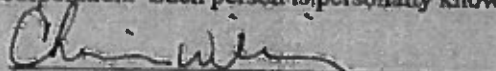
By: Regency Centers Corporation,  
a Florida corporation  
Its: General Partner

By:   
Name: Andre N. Koleszar  
Title: SR Vice President - Southeast

STATE OF Georgia

COUNTY OF Fulton

The foregoing instrument was signed, sealed, delivered, and acknowledged before me this 10<sup>th</sup> day of April, 2020, by Andre Koleszar, the SVP of Regency Centers Corporation, a Florida corporation, in its capacity as the General Partner of Regency Centers, L.P., a Delaware limited partnership, in its capacity as the Managing Member of GRI-Regency, LLC, a Delaware limited liability company, in its capacity as the Sole Member of FW-Reg II Holdings, LLC, a Delaware limited liability company, in its capacity as the Sole Member of FW VA – The Village Shopping Center, LLC, a Delaware limited liability company, on behalf of the companies, partnership and corporation. Such person is personally known to me.

  
Notary Public  
My Commission Expires:



43047233 v2





**Secretary's Certificate  
of  
Regency Centers Corporation  
Relating to FW VA-The Village Shopping Center, LLC**

The undersigned, Barbara C. Johnston, the duly appointed Senior Vice President and Secretary of Regency Centers Corporation, a Florida corporation ("Regency"), hereby certifies as follows:

1. Regency is the sole general partner of Regency Centers, L.P., a Delaware limited partnership ("RCLP").
2. RCLP is the managing member of GRI-Regency, LLC, a Delaware limited liability company ("GRI-Regency").
3. GRI-Regency is the sole member of FW-Reg II Holdings, LLC, a Delaware limited liability company ("Holdings").
4. Holdings is the sole member of FW VA-The Village Shopping Center, LLC, a Delaware limited liability company ("Village").
5. Village is the owner of the property known as Village Shopping Center located in Richmond, Virginia (the "Property").
6. As of the date hereof the officers listed on Exhibit A attached (the "Authorized Officers") hereto have been duly elected to the offices of Regency set forth beside their respective names, with authority to act on behalf of Regency, RCLP, GRI-Regency, Holdings, and Village with respect to the Property.
7. Attached hereto as Exhibit B is a true, complete and correct copy of resolutions of the Board of Directors of Regency evidencing the authority of the Authorized Officers to act on behalf of Regency, RCLP, GRI-Regency, Holdings, and Village, and such resolutions have not been amended, rescinded or modified and remain in full force and effect.

IN WITNESS WHEREOF, I have signed this Secretary's Certificate and set the seal of the Corporation as of April 10, 2020.

REGENCY CENTERS CORPORATION,  
a Florida Corporation

By: DocuSigned by:  
*Barbara C. Johnston*  
10DE900BDECEFA0  
\_\_\_\_\_  
Barbara C. Johnston  
Senior Vice President and Secretary

**REGENCY CENTERS CORPORATION  
OFFICERS**

Argalas, Barry E.	Sr. V.P. – Natl. Transactions
Bell, Ernst A.	V.P. – Assoc. General Counsel
Bretsch, Philip L.	V.P. – Market Officer
Brettingen, Anne	V.P. – Financial Services
Chandler, Dan M.	Executive V.P. – Chief Investment Officer
Clark, Laura E.	Sr. V.P. – Capital Markets/JVs
Conway, Patrick N.	V.P. – Market Officer
Conroy, Jamie A.	V.P. – Human Resources
Damrath, William J.	V.P. – Market Officer
Delatour, John S.	Managing Director
Devereaux, Terah L.	V.P. – REA and SEC Reporting
deVilliers, John H.	V.P. – Market Officer
Di Iaconi, Krista C.	Sr. V.P. – Sr. Market Officer
D'Olimpio, Amy L.	Sr. V.P. – Human Resources
Dones, Meghan J.	V.P. – Financial Services
Fields, Gary F.	V.P. – Property Operations
Fitzpatrick, John D.	V.P. – Project Management
Hanak, Jan X.	V.P. – Marketing & Communications
Hayes, John P.	V.P. – Project Management
Hricko, John R.	V.P. – Market Officer
Johnson, Patrick M.	V.P. – Financial Services
Johnston, Barbara C.	Sr. V.P. – General Counsel
Johnston, Dale S.	Sr. V.P. – CIO
Kabat, Andrew J.	V.P. – Market Officer
Kalnit, Gregory	V.P. – Investments
Kinsella, Michael R.	Sr. V.P. – Sr. Market Officer
Koleszar, Andre N.	Sr. V.P. – Sr. Market Officer
Krejs, Patrick P.	Sr. V.P. – Sr. Market Officer
Leavitt, J.C.	Sr. V.P. – Finance and Treasurer
Leftwich, Snowden M.	Sr. V.P. – Sr. Market Officer
Mas, Michael J.	Executive V.P. – Chief Financial Officer
McDermott, Peggy A.	V.P. – Property Operations
McKinley, Patrick J.	V.P. – Market Officer
McNulty, David A.	V.P. – Financial Services
Mehigan, John T.	Sr. V.P. – Sr. Market Officer
Meredith, Thomas	V.P. – Market Officer
Miller, Kathy D.	Sr. V.P. – Financial Services and Tax

Mumford, Andrew J.	V.P. – JV Portfolio Mgmt.
Muniz, Rafael R.	Sr. V.P. – Mixed-Use Development
Murphy, John W.	V.P. – Investments
Nahas, John M.	V.P. – Investments
Overton, Howard E.	V.P. – Transactions
Pacetti, David A.	V.P. – Investments
Palmer, Lisa	President and Chief Executive Officer
Paul, Thomas C.	V.P. – Internal Audit
Paulk, Celia R.	V.P. – Corporate Accounting
Pearl, Douglas N.	V.P. – Architecture & Placemaking
Peternell, Mark A.	V.P. – Sustainability
Prigge, Scott R.	Sr. V.P. – Natl. Property Ops
Ramey, H C.	Managing Director
Roth, Alan T.	Managing Director
Shaffer, Douglas W.	Sr. V.P. – Sr. Market Officer
Stiebel, Samuel F.	V.P. – Investments
Thompson, James D.	Executive V.P. – Chief Operating Officer
Tompkins, Erik D.	V.P. – Property Operations
Waidner, Stephanie J.	V.P. – Assoc. General Counsel
Warner, Alison A.	V.P. – Investments
Wibbenmeyer, Nicholas A.	Managing Director
Widmayer, Christopher A.	V.P. – Investments
Wilson, Scott L.	V.P. – Project Management

**REGENCY CENTERS CORPORATION**  
**Resolutions of the Board of Directors**

WHEREAS, Regency Centers Corporation, a Florida corporation ("Regency") is the sole general partner of Regency Centers, L.P., a Delaware limited partnership ("RCLP");

WHEREAS, RCLP is the managing member of GRI-Regency, LLC, a Delaware limited liability company ("GRI-Regency");

WHEREAS, GRI-Regency is the sole member of FW-Reg II Holdings, LLC, a Delaware limited liability company ("Holdings");

WHEREAS, Holdings is the sole member of FW VA-The Village Shopping Center, LLC, a Delaware limited liability company ("Village");

WHEREAS, Village is engaged in the business of owning and operating the shopping center known as Village Shopping Center located in Richmond, Virginia and, in connection with the day-to-day conduct of its business, is required from time to time to execute and deliver certificates, deeds, mortgages, contracts, leases, reports and other instruments;

**IT IS THEREFORE**

**RESOLVED**, that the President, any Vice President, Managing Director and any Assistant Secretary of Regency, either individually or jointly with one or more other officers of Regency, is hereby authorized to execute and deliver, on behalf of Regency, RCLP, GRI-Regency, Holdings, and Village (collectively the "Regency Entities"), any certificates, deeds, mortgages, contracts, leases, reports and other instruments as may be required in the day-to-day conduct of Village Shopping Center's business and the execution of any instrument for the Regency Entities by any of the foregoing officers shall be conclusive evidence, as to third parties, of his or her authority to act on behalf of the Regency Entities; and

**FURTHER RESOLVED**, that no corporate seal is necessary or required on any document executed on behalf of Regency in order to constitute a valid and binding obligation of Regency.