

INTRODUCED: January 11, 2021

AN ORDINANCE No. 2021-004

To direct the sale of the City-owned real estate known as 809 West 44<sup>th</sup> Street, 811 Rear West 44<sup>th</sup> Street, and 4306 Rear Reedy Avenue for \$8,000.00 to Lelia Pendleton and Stuart Halloran.

\_\_\_\_\_  
Patron – Mayor Stoney  
\_\_\_\_\_

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

PUBLIC HEARING: JAN 25 2021 AT 6 P.M.

WHEREAS, by Resolution No. 2020-R055, adopted September 28, 2020, the City-owned properties located at 809 West 44<sup>th</sup> Street, 811 Rear West 44<sup>th</sup> Street, and 4306 Rear Reedy Avenue, with Tax Parcel Nos. S000-3392/005, S000-3392/030, and S000-3392/011, respectively, in the 2021 records of the City Assessor, were declared surplus property pursuant to section 8-60 of the Code of the City of Richmond (2020), as amended, and the Chief Administrative Officer, was authorized and requested to seek offers, bids, or proposals by solicitation or auction for such parcels pursuant to and in accordance with either section 8-61 or 8-62 of the Code of the City of Richmond (2020), as amended, and other applicable provisions of Chapter 8, Article III of the Code of the City of Richmond (2020), as amended.

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

ADOPTED:    FEB 8 2021    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

WHEREAS, the City received an unsolicited offer from Lelia Pendleton and Stuart Halloran (the “Offerors”), to purchase the City-owned properties located at 809 West 44<sup>th</sup> Street, 811 Rear West 44<sup>th</sup> Street, and 4306 Rear Reedy Avenue, with Tax Parcel Nos. S000-3392/005, S000-3392/030, and S000-3392/011, respectively, in the 2021 records of the City Assessor, for the purpose of the expansion of the Offerors’ backyard and the maintenance of a garden attracting pollinators and birds; and

WHEREAS, the City desires to accept the unsolicited offer of the Offerors and, notwithstanding the requirements of sections 8-58, 8-61, and 8-62 of the Code of the City of Richmond (2020), as amended, sell the City-owned real estate known as 809 West 44<sup>th</sup> Street, 811 Rear West 44<sup>th</sup> Street, and 4306 Rear Reedy Avenue, with Tax Parcel Nos. S000-3392/005, S000-3392/030, and S000-3392/011, respectively, in the 2021 records of the City Assessor, to the Offerors for the purpose of the expansion of the Offerors’ backyard and the maintenance of a garden attracting pollinators and birds;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

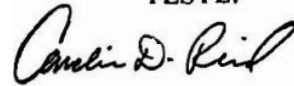
§ 1. That, notwithstanding the requirements of sections 8-58, 8-61, and 8-62 of the Code of the City of Richmond (2020), as amended, the City-owned real estate known as 809 West 44<sup>th</sup> Street, 811 Rear West 44<sup>th</sup> Street, and 4306 Rear Reedy Avenue and identified as Tax Parcel Nos. S000-3392/005, S000-3392/030, and S000-3392/011, respectively, in the 2021 records of the City Assessor is hereby directed to be sold for \$8,000.00 to Lelia Pendleton and Stuart Halloran for the purpose of the expansion of the Offerors’ backyard and the maintenance of a garden attracting pollinators and birds in accordance with Chapter 8 of the Code of the City

of Richmond (2020), as amended, the Charter of the City of Richmond (2020), as amended, and the Constitution of Virginia.

§ 2. That, pursuant to section 8-65(b) of the Code of the City of Richmond (2020), as amended, the Chief Administrative Officer is hereby directed to execute, on behalf of the City, the deed and such documents, all of which must first be approved as to form by the City Attorney, as may be necessary to consummate the conveyance of the real estate identified in section 1 of this ordinance.

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

**A TRUE COPY:  
TESTE:**

A handwritten signature in black ink, appearing to read "Amber D. Reed".

**City Clerk**

RECEIVED  
By Barbara Fore at 12:29 pm, Jan 07, 2021

RECEIVED  
By CAO Office at 2:02 pm, Dec 17, 2020

O & R Request

2020-206



# CITY OF RICHMOND

## INTRACITY CORRESPONDENCE

### O&R REQUEST

**DATE:** December 16, 2020

**EDITION:** 1

**TO:** THE HONORABLE MEMBERS OF CITY COUNCIL

**THROUGH:** THE HONORABLE LEVAR M. STONEY, MAYOR 

**THROUGH:** J. E. LINCOLN SAUNDERS, ACTING CHIEF ADMINISTRATIVE OFFICER 

**THROUGH:** SHARON L. EBERT, DEPUTY CHIEF ADMINISTRATIVE OFFICER FOR ECONOMIC DEVELOPMENT AND PLANNING  

**THROUGH:** LEONARD L. SLEDGE, DIRECTOR OF ECONOMIC DEVELOPMENT

**FROM:** PAUL A. MCCLELLAN, COMMUNITY AND ECONOMIC DEVELOPMENT ADMINISTRATOR, ECONOMIC DEVELOPMENT AND PLANNING

**RE:** TO AUTHORIZE THE ACTING CHIEF ADMINISTRATIVE OFFICER TO CONVEY THE CITY-OWNED PROPERTIES LOCATED AT 811 REAR W 44<sup>TH</sup> STREET, 4306 REAR REEDY AVENUE AND 809 W 44<sup>TH</sup> STREET (RICHMOND TAX PARCEL #'S S0003392030, S0003392011 AND S0003392005)

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

**PURPOSE:** To authorize the Acting Chief Administrative Officer to convey the City-owned properties located at 811 Rear W 44<sup>th</sup> Street, 4306 Rear Reedy Avenue and 809 W 44<sup>th</sup> Street (Tax Parcel #'s S0003392030, S0003392011 and S0003392005) (the Properties) from the City to Lelia Pendleton and Stuart Halloran (the Offerors) for the expansion of their back yard and for the purpose of maintaining a garden to attract pollinators and birds.

**REASON:** On July 20, 2020 the City received an unsolicited offer letter dated July 17, 2020 from the Offerors to acquire the Properties for \$8,000. The Offerors own a home at 811 W 44<sup>th</sup> Street which adjoins the Properties and the Offerors intend to use the Properties for expansion of their back yard and for the purpose of maintaining a garden to attract pollinators and birds. On September 14, 2020 Councilwoman Larson introduced a resolution to declare surplus the Properties and on September 28, 2020 Resolution 2020-R055 was adopted by the City Council.

**RECOMMENDATION:** The City Administration recommends approval.

## O & R Request

### **BACKGROUND:**

The City originally acquired 811 W 44<sup>th</sup> Street and several adjoining houses to the south and west for the Reedy Creek Flood Plan project. The Offerors stated that they moved into the home at 811 W 44<sup>th</sup> Street on 10/31/1979 when it was owned by the City and they rented that property from the City until 1988 when they were given the opportunity to purchase 811 W 44<sup>th</sup> Street. At that time the lot at 811 W 44<sup>th</sup> Street was larger and it later had to be subdivided into 2 parcels so that one was above the 100 year floodplain and one was within the 100 year floodplain. Due to the cost of flood insurance the Offerors only bought the parcel containing the house that is above the 100 year floodplain. Since then the Offerors have been stewards of the Properties by maintaining the parcels behind them as a backyard and maintaining the 809 W 44<sup>th</sup> Street parcel as a garden to attract pollinators and birds.

The Properties to be sold are composed of 3 parcels which total 0.297 acres and they have a total FY 2021 assessed value of \$30,000. Two of the parcels (811 Rear W 44<sup>th</sup> Street and 809 W 44<sup>th</sup> Street) are located within the 100 year flood plain. Ordinance #2020-087 was approved on 6/8/2020 to add several City-owned parcels abutting the Reedy Creek floodplain to Crooked Branch Ravine Park. The Properties were originally part of that ordinance but the ordinance was amended to exclude them from the park designation in order to reserve them for conveyance to the Offerors.

Resolution 2020-R055 was approved on 9/28/2020 declaring the Properties as surplus and authorizing the CAO to seek offers, bids or proposals by solicitation for the sale of the Properties. Also in accordance with City Code Section 8-58 (which was amended by Ordinance No. 2017-069 on November 13, 2017) the Department of Economic Development is required to solicit competitive bids for the property prior to making a recommendation to sell the property and submitting an Ordinance to City Council requesting authorization for the CAO to sell a property. Since this offer to purchase City-owned property is considered an Unsolicited Offer it is therefore subject to the City Code Section 8-58 requirements. However City Council may override the Code Section 8-58 requirements by ordinance if it wishes to proceed with the sale of the Properties to the Offerors. Therefore we are requesting that City Council waive the competitive solicitation requirements of City Code Section 8-58 and authorize the CAO to execute deeds and any other documents necessary to complete the sale of the Properties to the Offerors, provided that all such deeds and documents first must be approved as to form by the City Attorney or their designee.

**FISCAL IMPACT/COST TO CITY:** The conveyance of this property will result in \$8,000.00 in sales proceeds to the City.

**FISCAL IMPLICATIONS:** None other than the City will no longer need to expend funds to maintain the property.

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** The City will receive the \$8,000 upon the closing on the sale of the property and the City will receive annual real estate tax revenue from the Properties.

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** January 11, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** January 25, 2021

**REQUESTED AGENDA:** Consent

**O & R Request**

**RECOMMENDED COUNCIL COMMITTEE:** City Planning Commission; January 18, 2021

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

**AFFECTED AGENCIES:** Chief Administrative Officer, Budget, Public Works, Public Utilities, Economic Development and Planning and Economic Development.

**RELATIONSHIP TO EXISTING ORD. OR RES.:** 2020-R055

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

**ATTACHMENTS:**

**STAFF:**

Sharon L. Ebert, Economic Development and Planning 646-7646

Leonard L. Sledge, Economic Development 646-7576

Paul A. McClellan, Economic Development and Planning 646-3061