

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 21, 2022
Action Required:	Petition for Quitclaim Deed to Clear Title and Establish Boundary Lines (Ordinance, 1 reading, public hearing required)
Presenter:	David Jordan, representing Thomas and Tonya Fisher
Staff Contacts:	N/A
Title:	Request for Council Action to Quitclaim Interest in Property adjoining 1110 Preston Avenue

Background:

The City has received a request from David Jordan, a licensed surveyor working with the owners of 1110 Preston Avenue (Thomas A. Ridings Fisher and Tonya Fisher). During his work preparing a survey plat for the Fishers, Mr. Jordan became concerned that minor inaccuracies or discrepancies in plats within the chain of title for the lots at 1106 Preston, 1108 Preston, and 1110 Preston may indicate that there is a “gap” between or among the lot lines (Gap Area). Copies of illustrations showing the lots, and the various ways the lots have been identified on plats of record, are attached.

Discussion:

On behalf of the Fishers, Surveyor Jordan petitions City Council to quitclaim all of the City’s rights, title or interest—if any—in the Gap Area that Mr. Jordan has identified during his research and survey work.

Pursuant to Virginia Code §15.2-1800(B) the City Council may dispose of its real property after first conducting a public hearing.

Budgetary Impact: none.

Community Engagement: a public hearing is required, per Va. Code §15.2-1800(B)

Alignment with Council Vision Areas and Strategic Plan: N/A

Staff Recommendation – the City Attorney has been unable to identify or verify that the City of Charlottesville has any existing right, title or interest in the Gap Area. However, Mr. Jordan and the Fishers are concerned about the matter, and City Council’s approval of a Quitclaim conveyance should not adversely affect the City in any way. The City Attorney recommends that, as a condition of any quitclaim deed, all of the owners of the lots identified in Mr. Jordan’s research as adjoining the Gap Area must agree upon the lot line(s) proposed to be established, and must be in agreement as to who will be identified as the “grantees” in any quitclaim deed

from the City. Upon presentation to the City Attorney of signed agreements of all of the owners of land adjoining the Gap Area, the City Attorney will prepare the quitclaim deed, and Mr. Jordan/ the Fishers (at their sole cost and expense, or as they may allocate costs among themselves and the other landowners) shall provide a boundary survey plat showing corrected property lines, which plat shall be referenced within the Quitclaim deed. The City should incur no costs other than the time necessary for the City to prepare a Quitclaim Deed.

Suggested motion: "I move the ORDINANCE APPROVING A QUITCLAIM OF ALL OF THE CITY'S RIGHT, TITLE AND INTEREST IN AND TO LAND SITUATED BETWEEN OR AMONG THE BOUNDARIES OF 1106 PRESTON AVENUE, 1108 PRESTON AVENUE, AND 1110 PRESTON AVENUE, UPON SATISFACTION OF SPECIFIED CONDITIONS"

Attachments:

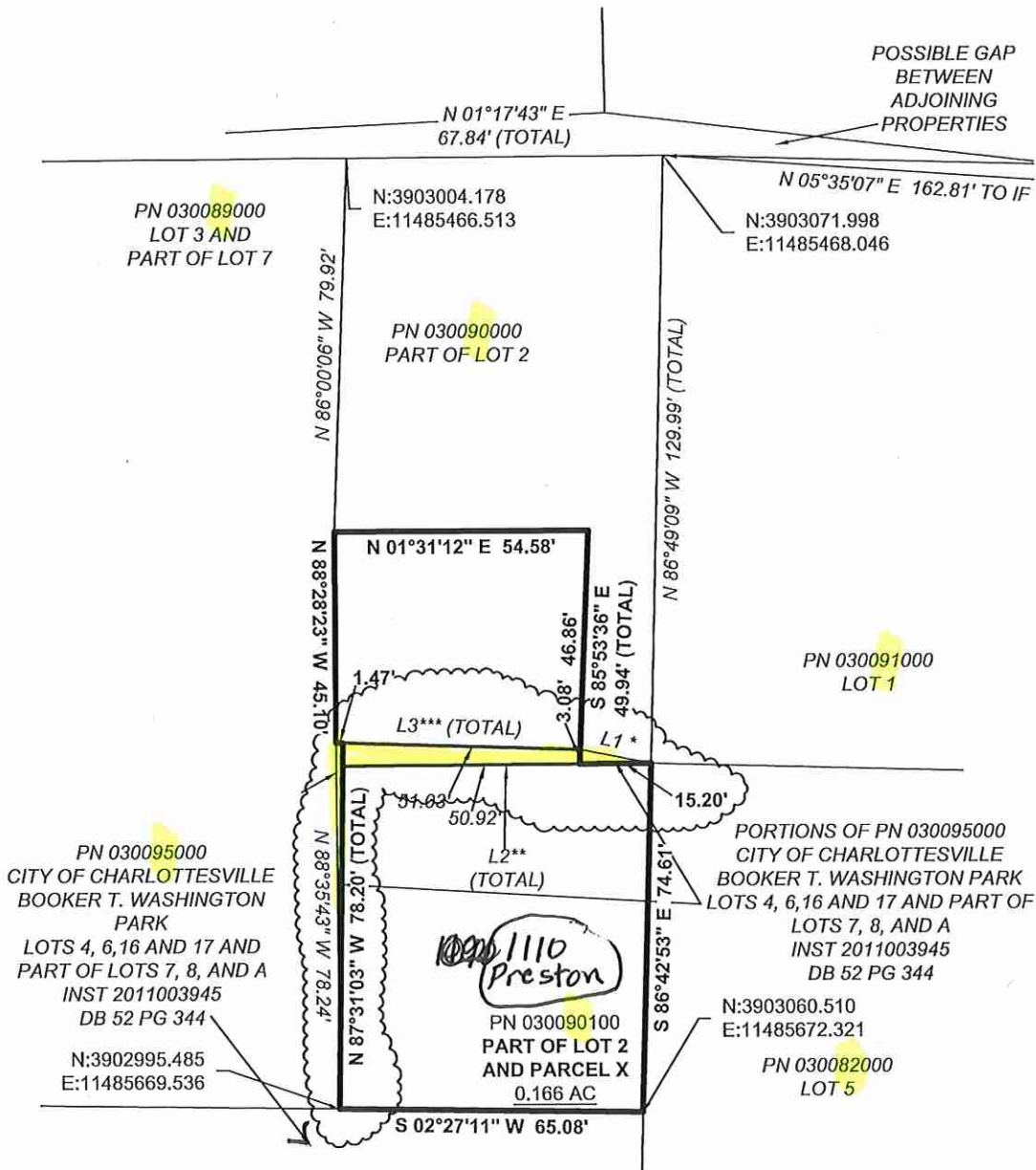
- Proposed Ordinance
- GIS Map Reference and plats

ORDINANCE
APPROVING A QUITCLAIM OF ALL OF THE CITY'S RIGHT, TITLE AND INTEREST IN
AND TO LAND SITUATED BETWEEN OR AMONG THE BOUNDARIES OF 1106 PRESTON
AVENUE, 1108 PRESTON AVENUE, AND 1110 PRESTON AVENUE, UPON SATISFACTION
OF SPECIFIED CONDITIONS

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City agrees to quitclaim all of its right, title and interest, if any, in and to a certain area of land identified and described on a Plat Showing Physical Survey and New Easements Lot 2 and Parcel X Old Barracks Road Subdivision, prepared by Commonwealth Land Surveying, LLC, dated March 10, 2022 as a "gap" between or among the existing property lines of property located at 1106 Preston Avenue, 1108 Preston Avenue, and 1110 Preston Avenue, said quitclaim conveyance being expressly made subject to the following conditions:

1. The City Attorney shall prepare a quitclaim deed conveying all of its rights, title, and interest, in the "gap" area, to grantees identified, collectively, by mutual agreement of the owners of 1106 Preston Avenue, 1108 Preston Avenue, and 110 Preston Avenue ("Lot Owners"). The City shall not be responsible for determining title to the "gap" area. In the event that the Lot Owners cannot agree upon the individuals who will be the grantees named in the quitclaim deed, the authority granted by this Ordinance to the City Attorney shall expire thirty (30) days after the City Attorney gives written notice to the Lot Owners and the Lot Owners fail to reach agreement within the 30-day period.
2. The owners of 1110 Preston, either themselves or by agreement with the other Lot Owners, shall be responsible for providing a boundary survey plat establishing the correct lot lines for 1106 Preston Avenue, 1108 Preston Avenue, and 110 Preston Avenue, and for all costs, recordation taxes and fees associated with recording the quitclaim deed and boundary survey plat in the land records of the Charlottesville Circuit Court. The City shall not pay, contribute, or be liable for any cost or expense, of any nature whatsoever, that is incurred by any Lot Owner(s) in connection with the quitclaim conveyance approved by this Ordinance.

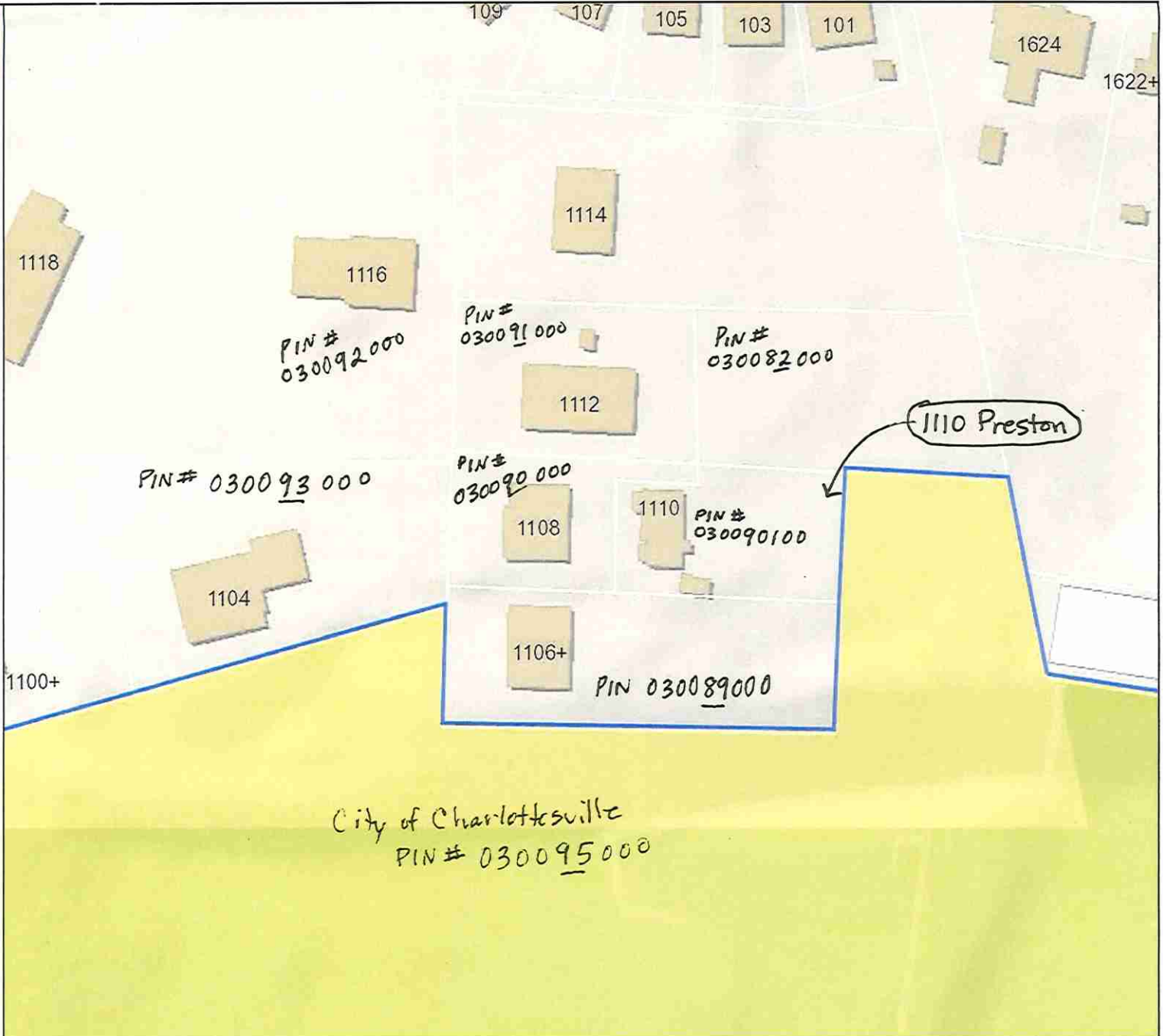
Q:\SURVEYS OF PROPERTIES\CHARLOTTESVILLE\TM 3\PN 030090100.Dwg\C-PN 030090100 PS-R2.dwg, 3/22/2022 3:13:41 PM, CutePDF Writer



City of Charlottesville

Legend

- Parcels
- Addresses
- City Limits



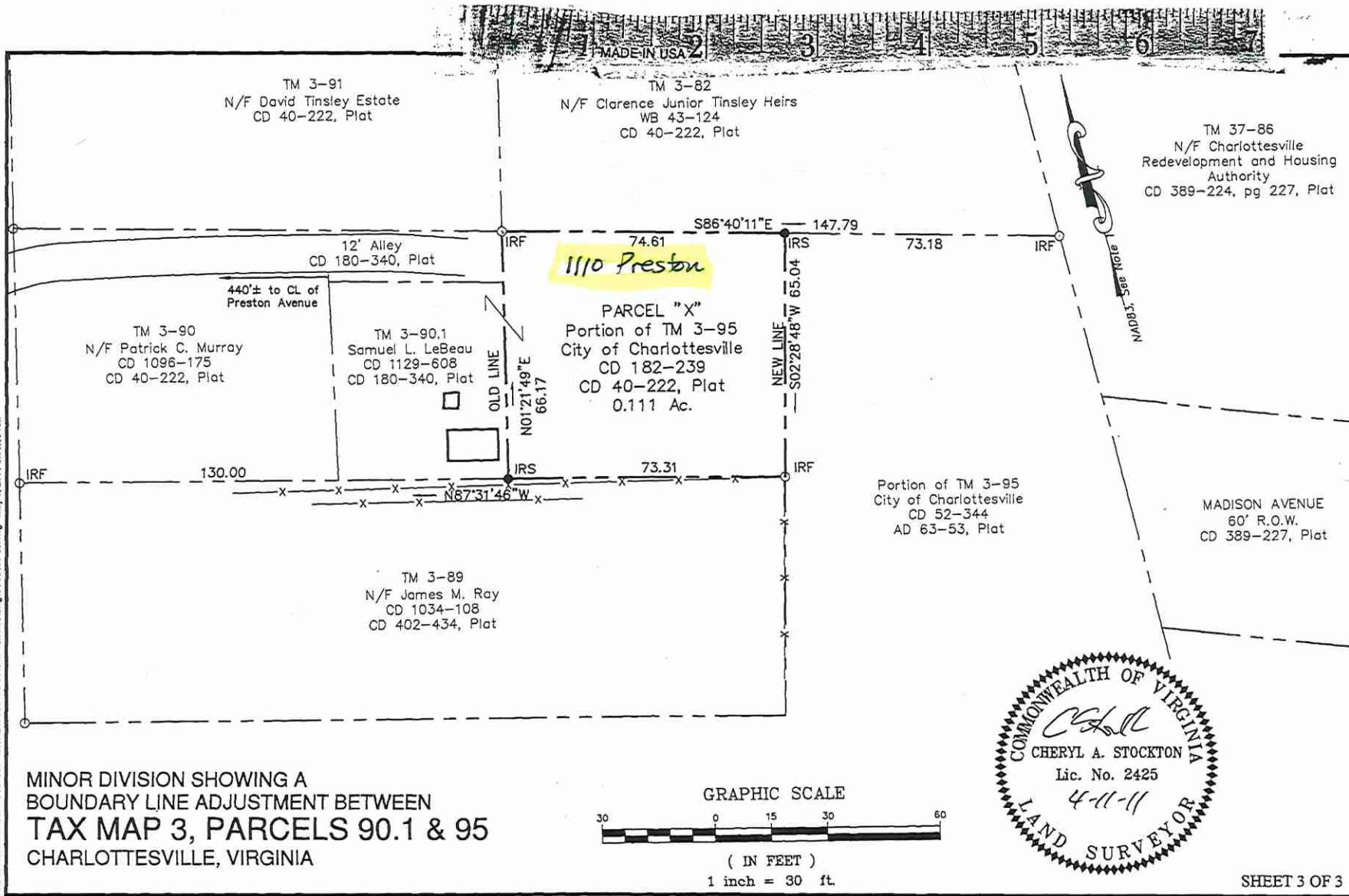
Title:

Date: 5/17/2022

DISCLAIMER: The City makes no warranties, expressed or implied, concerning the accuracy, completeness or suitability of this data, and it should not be construed or used as a legal description. The information displayed is a compilation of records, information, and data obtained from various sources, and the City is not responsible for its accuracy or how current it may be. Every reasonable effort is made to ensure the accuracy and completeness of the data. Pursuant to Section 54.1-402 of the Code of Virginia, any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification or construction of improvements to real property or for flood plain determination.



P:\CV\08100\CV08163\CV08163-06\CAD\CV08163-06\Madison Ave.dwg May 6, 2011 8:51:35 AM



<p>SCALE 1"=30'</p> <p>DATE April 11, 2011</p>	<p>PROJECT: CV08163-06</p>
<p>DRAWN CAS</p> <p>CHECKED BSP</p>	
<p>Draper Aden Associates Engineering • Surveying • Environmental Services 700 Harris Street, Suite E Charlottesville, VA 22903 434-295-0700 Fax: 434-295-2105</p> <p>Blacksburg, VA Richmond, VA Hampton Roads, VA</p>	

further assurances of said land as may be requisite.

WITNESS the following signatures and seals.

Maggie Shelton (SEAL)
 David Tinsley (SEAL)
 Betty Tinsley (SEAL)

STATE OF VIRGINIA

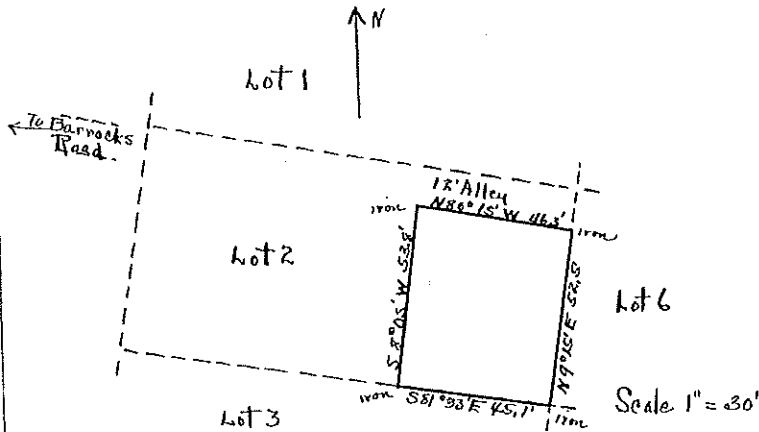
COUNTY OF ALBEMARLE, to-wit:

I, Browning G. Largent, a notary public for the County aforesaid in the State of Virginia, do hereby certify that Maggie Shelton, David Tinsley and Betty Tinsley, whose names are signed to the foregoing writing, bearing date the 17th day of January, 1953, has acknowledged the same before me in my County and State aforesaid.

My commission expires August 5, 1956.

Given under my hand this 15th day of June, 1953.

Browning G. Largent N.P.



PLAT of a Lot owned by
 MAGGIE SHELTON
 being part of Lot 2 shown
 on a plat recorded in D.B.
 40, P. 218 in office of the
 Clerk of the Corporation
 Court of Charlottesville
 Virginia,
 situated just north of Booker
 T. Washington Park
 April, 1950 C.H. Shapleigh
 C.E.

VIRGINIA: In the Clerk's Office of the Corporation Court of the City of
 Charlottesville.

The foregoing instrument of writing, together with certificate of ac-
 knowledgment thereto annexed was presented and admitted to record on the
 22nd. day of November, 1954, at 3:40 o'clock, P.M., and recorded in Deed Book
 No. 180, page 339.

Teste:-

C. E. Moran, Clerk



NOTES:

- THIS PHYSICAL SURVEY WAS BASED ON CURRENT FIELD RUN SURVEY. NO CORNER MARKERS SET. THE AREA SHOWN HEREON WAS TAKEN FROM CITY RECORDS. THE BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM THE FOLLOWING INSTRUMENTS OF RECORD:
 - PLAT PREPARED BY C.H. SHAPLEIGH C.E. ENTITLED "PLAT OF LOT OWNED BY MAGGIE SHELTON - BEING PART OF LOT 2 SHOWN ON A PLAT RECORDED IN D.B. 40 P. 218 IN OFFICE OF THE CLERK OF THE CORPORATION COURT OF CHARLOTTESVILLE VIRGINIA, SITUATED JUST NORTH OF BOOKER T. WASHINGTON PARK," DATED APRIL 1950 AND IS RECORDED IN DEED BOOK 180 AT PAGE 339,340.
 - PLAT PREPARED BY GRIFFITH-WAGNER CO. ENGINEERS ENTITLED "A SUBDIVISION OF LAND ON THE OLD BARRACKS ROAD, CHARLOTTESVILLE, VA. - BELONGING TO THE NAT TINSLEY ESTATE," DATED OCTOBER 10, 1921 AND IS RECORDED IN DEED BOOK 40 AT PAGES 218,222.
 - PLAT PREPARED BY O.R. RANDOLPH ENTITLED "PLAT OF LOTS 1 & 5 OF NAT TINSLEY EST. - PARTITION SUBDIVISION - ABOUT 230' EAST OF PRESTON AVE. - CHARLOTTESVILLE, VA.," DATED JUNE 29, 1951 AND IS RECORDED IN DEED BOOK 168 AT PAGES 525-527.
 - PLAT PREPARED BY DRAPER ADEN ASSOCIATES ENTITLED "MINOR DIVISION SHOWING A BOUNDARY LINE ADJUSTMENT BETWEEN TAX MAP 3, PARCELS 90.1 & 95," DATED APRIL 11, 2011 AND IS RECORDED IN INSTRUMENT 2011003945.
- ON MARCH 10, 2022, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THE TITLE LINES AND WALLS OF THE BUILDINGS ARE SHOWN HEREON. THE PLAT WAS REVISED ON JANUARY 11, 2021 TO SHOW THE SANITARY SEWER EASEMENT ONLY.
- THE SUBJECT PROPERTY APPEARS TO BE SITUATED WITHIN FLOOD ZONE "X" (UNSHADED) AS SHOWN ON COMMUNITY PANEL NO. 51003C0269D WITH AN EFFECTIVE DATE OF FEBRUARY 4, 2005.
- NO TITLE REPORT FURNISHED IN THE PREPARATION OF THIS PLAT. THUS EASEMENTS AND ENCUMBRANCES MAY EXIST THAT ARE OTHERWISE UNKNOWN.
- IT APPEARS THAT **THE IS A GAP BETWEEN PARCEL X FROM THE BOUNDARY LINE ADJUSTMENT RECORDED IN INSTRUMENT 2011003945 AND THE PORTION OF LOT 2 RECORDED IN FOLLOWING INSTRUMENTS OF RECORD:**
 - DEED BOOK 180 AT PAGE 239 WHERE A PORTION OF LOT 2 WAS SUBDIVIDED FROM THE ORIGINAL LOT;
 - DEED BOOK 40 AT PAGE 222 WHERE THE SUBDIVISION WAS ORIGINALLY RECORDED;

CITY PLANNING COMMISSION APPROVAL:

PLANNING COMMISSION CHAIR _____ DATE _____

CITY PLANNING COMMISSION APPROVAL:

PLANNING COMMISSION SECRETARY _____ DATE _____

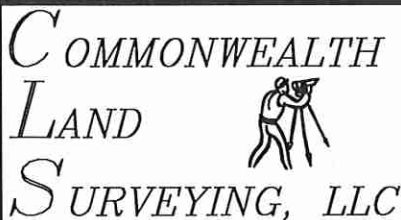
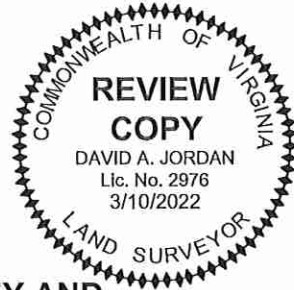
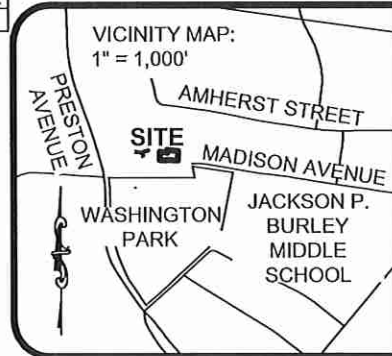
LINE	BEARING	DISTANCE
L1	N 12°49'52" E	15.36'
L2	N 01°15'45" E	66.14'
L3	N 03°23'30" E	52.50'

LINE	BEARING	DISTANCE
GL1	S 73°11'38" W	52.48'

LINE	BEARING	DISTANCE
WL1	S 01°17'43" W	23.55'
WL2	N 88°42'17" W	40.88'

LEGEND

- IF IRON ROD FOUND
 - IS IRON ROD SET
 - PP POWER POLE
 - SCO SANITARY CLEANOUT
 - SSMH SANITARY SEWER MANHOLE
 - WM WATER METER
 - * PROPERTY LINE PER DB 539 PG 543
 - ** PROPERTY LINE PER DB 180 PG 340
 - *** PROPERTY LINE PER INST 2011003945
- SEE NOTE 5 REGARDING THE PROPERTY LINES



1484 GREENBRIER PLACE
 CHARLOTTESVILLE, VIRGINIA 22901
 PH: 434-973-0513

**PLAT SHOWING
 PHYSICAL SURVEY AND
 NEW EASEMENTS
 LOT 2 AND PARCEL X
 OLD BARRACKS ROAD SUBDIVISION**

CITY OF CHARLOTTESVILLE, VIRGINIA
 SCALE: N/A
 DATE: MARCH 10, 2022
 PREPARED BY: DAJ
 SHEET 1 OF 6

JOB: C3-901-PS