

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	June 21, 2022
Action Required:	Sale of City Owned ROW (Ordinance, Public Hearing Required, One Reading)
Presenter:	Lisa Robertson
City Manager Office Contact:	Sam Sanders
Title:	Conveyance of City Owned Land (819 East Jefferson Street)

Background:

The City of Charlottesville owns an unimproved parcel of land (Real Estate Parcel Identification No. 530189000), which has been assigned an address of 819 East Jefferson Street. The parcel has an area of approximately 0.0100 acre (approx. 435.6 square feet). According to the online City Assessor’s records, the land has an assessed value (2022) of \$37,100.00.



The City acquired the Property in 1960, by instrument recorded in Deed Book 223 Page 118 of the Circuit Court land records. According to the online assessment records, the property was acquired for a price of \$12,300.00. (For Council’s reference: the City also owns 0.02 acre, having an address of 816 E. High (Real Estate Parcel Id. No. 530190000). The City’s ownership

of these parcels gives the City control of the entire block face along 9th St. N.E., between E. Jefferson and E. High Streets. The land situated at 816 E. High was also acquired by the City in 1960, for \$18,000.00, and has a current assessed value (2022) of \$37,100).

Discussion:

The City has received a request from R. Thomas Gierin, III, the owner of the lot adjacent to 819 East Jefferson (i.e., 815 East Jefferson Street) asking the City to convey the City Property to them for incorporation into 815 East Jefferson. Mr. Gierin does not propose to purchase the Property, stating that the Property has low development potential and that his assumption of the “perpetual maintenance costs” constitute sufficient consideration. *(Pursuant to to Virginia Code §15.2-953 the city may only donate property to certain charitable institutions or associations, under certain circumstances; therefore, in order to approve this requested conveyance, City Council should articulate some mutual consideration that it deems of value to the City. Staff also notes that City Council has a long-standing budget policy (Resolution approved 11/3/1986) stating that proceeds of the sale of City land will be applied to augment the “Capital Projects Fund” so if non-monetary consideration is considered by Council, Council will be foregoing additional funding for the Capital Fund).*

In accordance with the City-Council approved policy regarding review of requests for purchases of City-owned land, **the request to purchase this land has been reviewed by the following departments, and their comments/ recommendations for conditions or reservations of rights are listed below:**

- 1) **Director of Utilities** (Lauren Hildebrand) - The Department of Utilities has no comments or recommendations regarding this request; no easement(s) requested.
- 2) **Director of Public Works** (Stacey Smalls) – no comments or recommendations; no easement(s) requested.
- 3) **Director of Neighborhood Development Services** (James Freas) - no comments or recommendations on the requested land purchase.
- 4) **Office of Community Solutions** (Alex Ikefuna) – no comments, but recommends consideration of retaining any easements which might be necessary.
- 5) **Director of Economic Development** (Chris Engel) – no comments or concerns
- 6) **Director of Parks and Recreation** (Dana Kasler) – no comments or recommendations

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: undetermined.

Staff Recommendation:

No City official has expressed any recommendation for Council’s consideration.

Attachment:

- Proposed Ordinance

Possible motion: “I move the Ordinance approving conveyance of a City-owned parcel of land located at 819 East Jefferson Street to R. Thomas Gierin, III.

**AN ORDINANCE
APPROVING THE CONVEYANCE OF A CITY-OWNED PARCEL OF LAND
LOCATED AT 819 EAST JEFFERSON STREET TO R. THOMAS GIERIN, III**

WHEREAS R. Thomas Gierin, III has submitted a request to the City of Charlottesville (“City”), asking the City to convey to him a parcel of land having a current address of 819 East Jefferson Street and identified by City Real Estate Parcel Identification No. 530189000 (“Land”);

WHEREAS pursuant to the provisions of Virginia Code §15.2-1800(B) the City may dispose of its real property following a public hearing, and a public hearing was held by City Council on June 21, 2022; and,

WHEREAS pursuant to the provisions of Virginia Code §15.2-2100(A) no rights of a City in and to its public places shall be sold, except by an ordinance passed by an affirmative recorded vote of three-fourths of all of the members elected to the Council; and

WHEREAS after consideration of this proposed conveyance of land, this Council finds and determines that upon mutual consideration, the value to the City being relief from any obligation to maintain the land, the request should be granted;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that a conveyance of a parcel of land having a current address of 819 East Jefferson Street, identified by City Real Estate Parcel Identification No. 530189000 (“Land”) to R. Thomas Gierin, III (“Grantee”) is hereby approved, upon the following conditions: (i) the Grantee shall take the Land in an “AS IS, WHERE IS, AND WITH ALL FAULTS” condition as of the Effective Date of the conveyance; (ii) conveyance shall be by quitclaim deed prepared by the City Attorney, and the City has not, does not and will not, with respect to the Land, make any representations, express or implied, or arising by operation of law, including, but in no way limited to, any warranty of condition or merchantability, or with respect to the value, profitability or operating potential of the Land, and (iii) the Grantee shall pay all state and local recordation fees and taxes applicable to recordation of the quitclaim deed, based on a land value of \$37,100.00, (iv) the Grantee shall be responsible for all IRS reports or filings associated with the conveyance, (v) if Grantee desires a survey plat, or title insurance, all costs associated with obtaining said plat or title insurance shall be borne by the Grantee, and (vi) no costs shall be incurred by the City, of any kind or nature whatsoever, other than any associated with the City Attorney’s preparation of the quitclaim deed.

R. Thomas Gieryn III
815 E. Jefferson St.
Charlottesville, VA 22902

December 1, 2021

City Attorney's Office
City of Charlottesville
PO Box 911
Charlottesville, VA 22902

To Whom It May Concern:

I am writing to enter a formal request to purchase property from the City of Charlottesville. The property in question has an address of 819 E. Jefferson St., Charlottesville, VA 22902, and can be identified in City tax records by parcel ID 530189000.

I have recently purchased the property at 815 E. Jefferson St., which is adjacent to the parcel in question, and I intend to convert the building at 815 into my primary residence. The parcel in question lies between my property and 9th St NE. As the parcel covers just 0.01 acres and the land is significantly sloped, the parcel offers little to no future development potential. (From examination of historic maps, it appears that the parcel is a remnant of a larger plot that once contained a private home; the home was demolished to facilitate widening of 9th St., leaving just a small sliver of land.)

Furthermore, the parcel contains several large trees that create a maintenance burden for the City and—if the trees are not properly maintained—a nuisance and potential threat for my property. In the recent past, regular maintenance does not appear to have been undertaken, and the City Arborist's office has agreed that the property is in need of attention. I have been working for two months with the City Arborist's office to have maintenance performed, but work has not yet taken place.

I have no intention to alter the current use of the property, except to provide proper maintenance of the vegetation and upgrade the landscaping as part of an ongoing effort to beautify my home and its environs.

Given the parcel's very low development potential, I believe that my assumption of the perpetual maintenance costs constitute sufficient consideration for transfer of ownership of the parcel, but I look forward to working with the City to ensure that all parties are satisfied with the terms of transfer. I may be contacted anytime at 404-216-8591 or rtomg3@gmail.com.

Sincerely,


R. Thomas Gieryn III