To the Honorable Council  
City of Norfolk, Virginia

From: Michelle G. Foy, Assistant City Attorney  
Department of Law

Subject: Conveyance of property located at 21st Bay Street and 22nd Bay Street by Norfolk Redevelopment and Housing Authority

Reviewed: Wynter C. Bendo, Chief Deputy City Manager

Approved: Douglas L. Smith, City Manager

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**  
This agenda item is an ordinance to approve the conveyance of property from the Norfolk Redevelopment and Housing Authority to the City of Norfolk (the “City”).

IV. **Analysis**  
The parcels being conveyed to the City are part of the property located in E. Ocean View that the City is currently in negotiations to sell.

V. **Financial Impact**  
There is no financial impact at this time. Financial impact will be defined when sold.

VI. **Environmental**  
N/A

VII. **Community Outreach/Notification**  
Public notification for this agenda item was conducted through the City’s agenda notification process.

VIII. **Board/Commission Action**  
N/A.

IX. **Coordination/Outreach**  
This letter and ordinance have been coordinated with the Department of Development.

Supporting Material from the Department of Law:
- Ordinance
AN ORDINANCE APPROVING THE CONVEYANCE TO THE CITY OF NORFOLK BY NORFOLK REDEVELOPMENT AND HOUSING AUTHORITY OF CERTAIN PARCELS OF PROPERTY LOCATED AT 21ST BAY STREET AND 22ND BAY STREET IN THE CITY OF NORFOLK AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE DEED ON BEHALF OF THE CITY.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1: That the deed, a copy of which is attached hereto as Exhibit A and made a part hereof, between the Norfolk Redevelopment and Housing Authority, as Grantor, and the City of Norfolk, as Grantee, conveying those certain parcels of property located at 21st Bay Street and 22nd Bay Street in the City of Norfolk, which parcels are more particularly described in the deed, is hereby approved.

Section 2: That the City Manager is authorized to correct, amend, or revise the deed as he may deem necessary in order to carry out the intent of the Council, to accept and execute the deed, as corrected, amended, or revised in accordance herewith, for and on behalf of the City, subject however to approval as to form and correctness by the Office of the City Attorney, and to do all things necessary and proper to effect the conveyance of the property to the City.

Section 3: That this ordinance shall be in effect from and after its adoption.
SPECIAL WARRANTY DEED

THIS DEED, made this ___ day of __________, 2018 by and between NORFOLK REDEVELOPMENT AND HOUSING AUTHORITY ("NRHA"), a political subdivision of the Commonwealth of Virginia, 555 E. Main Street, Norfolk, Virginia 23510 (GRANTOR), and the CITY OF NORFOLK, a municipal corporation of Virginia, 1001 City Hall Building, Norfolk, Virginia 23510 (GRANTEE).

WITNESSETH THAT:

For and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey with SPECIAL WARRANTY, unto the Grantee, the following-described property:

PARCEL ONE:

ALL THOSE certain lots, pieces or parcels of land, with the buildings and improvements thereon, situate in the City of Norfolk, Virginia, and known, numbered and designated as all of Lots One (1), Two (2), Three (3), Four (4), and Five (5), in Block 35, as shown on that certain plat entitled "Plat A, Section 2, Plat of East Ocean View, Property of East Ocean View Land Company, Incorporated," which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia, in Map Book 4, at Page 79.

IT BEING the same property conveyed to Norfolk Redevelopment and Housing Authority by Deed of TIDEWATER EQUITY GROUP, INC. dated July 15, 1999, and duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, as Instrument Number 990022514.
Note: The conveyance of Parcel One into NRHA attempted to create a 15-foot ingress-egress easement for the benefit of Lots Nos. 4 through 17 in Block 35. However the easement was inaccurately drawn, and appears to have no current relevance. Accordingly, the easement language has been deleted from this description.

PARCEL TWO:

ALL THOSE certain lots, pieces or parcels of land, with the buildings and improvements thereon, situate in the City of Norfolk, Virginia, and known, numbered and designated as Lots 6, 7, 8, 9, 10 and 11, in Block 35, as shown on the plat entitled “Plat A, Section Two (2), Plat of East Ocean View, Property of East Ocean View Land Company, Incorporated,” which said plat is duly recorded in the Clerk’s Office of the Circuit Court of the City of Virginia Beach, Virginia in Map Book 4, at Page 79.

IT BEING the same property conveyed to Norfolk Redevelopment and Housing Authority by Deed of Woodrow W. Houck and Melva A. Houck, husband and wife, dated January 13, 1999, and duly recorded in the Clerk’s Office of the Circuit Court of the City of Norfolk, Virginia, as Instrument Number 990001300.

PARCEL THREE:

ALL THOSE certain lots, pieces or parcels of land, with the buildings and improvements thereon, situate, lying and being in the City of Norfolk, Virginia, and being known, numbered and designated as Lots 12, 13, 14 and 15, in Block 35, as shown on that certain plat entitled, “Section 2, Plat A, East Ocean View,” which said plat is duly recorded in the Clerk’s Office of the Circuit Court of the City of Virginia Beach, Virginia in Map Book 4, at Page 79.

IT BEING the same property conveyed to Norfolk Redevelopment and Housing Authority by Deed of TIDEWATER EQUITY GROUP, INC. dated November 1, 1999, and duly recorded in the Clerk’s Office of the Circuit Court of the City of Norfolk, Virginia, as Instrument Number 990031576.

Note: The conveyance of Parcel Three into NRHA attempted to create a 15-foot ingress-egress easement for the benefit of Lots Nos. 4 through 17 in Block 35. However the easement was inaccurately drawn, and appears to have no current relevance. Accordingly, the easement language has been deleted from this description.
PARCEL FOUR:

ALL THOSE certain lots of land, with the buildings and improvements thereon, situate in the City of Norfolk, State of Virginia, and known, numbered and designated as Lots Forty-One (41), Forty-Two (42), Forty-Three (43), Forty-Four (44), Forty-Five (45), and Forty-Six (46), in Block No. Sixteen (16), and all that portion of Lots One (1), Two (2), and Three (3), in Block No. Seventeen, lying south of the highway known as “Shore Drive,” along with Lots Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-One (21), Twenty-Two (22), Twenty-three (23), Twenty-Four (24), Twenty-Five (25), Twenty-Six (26), Twenty-Seven (27), Twenty-eight (28), Twenty-Nine (29), and Thirty (30) in the said Block No. Seventeen (17), in East Ocean View, known, numbered and designated as such upon Plat A, Section No. 2, made by S.F. Day, C.E., of the Property of East Ocean View Land Company, Inc., which said plat is duly recorded in the Clerk’s Office of the Circuit Court of the City of Virginia Beach, Virginia, in Map Book 4, at Page 79.

IT BEING the same property conveyed to Norfolk Redevelopment and Housing Authority by Deed of BAY BREEZE ASSOCIATES, a Virginia general partnership, dated March 9, 1993, and duly recorded in the Clerk’s Office of the Circuit Court of the City of Norfolk, Virginia, in Deed Book 2475, at Page 0469.

PARCEL FIVE:

ALL THOSE certain lots, pieces or parcels of land, with the buildings and improvements thereon, situate, lying and being in the City of Norfolk, Virginia and being known, numbered and designated as Lots 36 through 40, inclusive, in Block 16, as shown on “Plat A, East Ocean View, Section 2,” made by S.F. Day, C.E., which plat is duly recorded in the Clerk’s Office of the Circuit Court of the City of Virginia Beach, Virginia, in Map Book 4, at Page 79.

IT BEING the same property conveyed to Norfolk Redevelopment and Housing Authority by Deed of SUNNY SIDE VALLEY CORPORATION dated July 15, 1999, and duly recorded in the Clerk’s Office of the Circuit Court of the City of Norfolk, Virginia, as Instrument Number 990021530.

PARCEL SIX

ALL THOSE certain lots or pieces of land situate in the City of Norfolk, Virginia, in East Ocean View, together with the buildings and improvements thereon, and known and designated as all those portions of Lots Numbers Thirty-Three (33), Thirty-Four (34),
Thirty-Five (35), Thirty-Six (36), and Thirty-Seven (37), in Block Number Seventeen (17), lying south and west of the property line of the Virginia State Highway known as "Shore Drive"; and Lots Numbers Thirty-Eight (38), Thirty-Nine (39), Forty (40), Forty-One (41), Forty-Two (42), Forty-Three (43), Forty-Four (44), Forty-Five (45), Forty-Six (46), Forty-Seven (47), and Forty-Eight (48), all of the said Lots enumerated in this paragraph, in the said Block Number Seventeen (17), being known, numbered and designated as such on Plat A, Section No. 2, made by S.F. Day, C.E., of the property of The East Ocean View Land Company, Inc., which plat is duly recorded in the Clerk’s Office of the Circuit Court of the City of Virginia Beach, Virginia, in Map Book 4, at Page 79, to which said plat reference is hereby made.

IT BEING the same property conveyed to Norfolk Redevelopment and Housing Authority by Deed of CHESAPEAKE SHOPS, LLC, a Virginia limited liability company, dated October 27, 2016, and duly recorded in the Clerk’s Office of the Circuit Court of the City of Norfolk, Virginia, as Instrument Number 160023373.

Note: A close examination of the current plat of Block 17 on the plat referred to above shows a miniscule piece of Lot 32 south of Shore Drive. However, the conveyance of Parcel Six into NRHA did not include any part of Lot 32. Therefore, no part of Lot 32 is included in the description of Parcel Six in this Deed.

PARCEL SEVEN

ALL THOSE certain lots, pieces or parcels of land, with the buildings and improvements thereon, numbered 4020 Pleasant Avenue, situate, lying and being in the City of Norfolk, Virginia, known, numbered and designated as Lots Forty-Seven (47) and Forty-Eight (48), in Block Sixteen (16), as shown on Plat A, Section 2, made by S. F. Day, C.E., of the Property of the East Ocean View Land Company, Inc., which said plat is duly recorded in the Clerk’s Office of the Circuit Court of the City of Virginia Beach, Virginia, in Map Book 4, at page 79.

IT BEING the same property conveyed to Norfolk Redevelopment and Housing Authority by Deed of the Secretary of Housing and Urban Development dated July 17, 1991, and duly recorded in the Clerk’s Office of the Circuit Court of the City of Norfolk, Virginia, at Deed Book 2344, page 298.

The Grantor has determined, in the exercise of discretion legislatively delegated to it, that in order to carry out the objectives of its East Ocean View Redevelopment Project, to prevent
recurrence of blight, and to set a prevailing standard in esthetics, public policy is best served by the imposition of conditions and restrictions upon the use, maintenance and improvement of real estate which is intended for redevelopment by public or private enterprise. To that end, it is hereby specified that, as a part of the consideration for this transfer, the subject land is hereby conveyed expressly subject to the following covenants, restrictions, limitations and conditions, which are hereby imposed as covenants running with and binding upon the land:

a. The subject property shall not be used for industrial purposes, but shall be used only for residential purposes (including multi-family, condominium and live/work units) and/or commercial purposes.

b. There shall not be entered or executed any agreement, lease, covenant, conveyance or other instrument whereby the sale, lease or occupancy of the subject property is restricted on the basis of race, creed, color, religion, sex, national origin, disability or family status.

c. The Grantee agrees on behalf of itself, its successors and assigns, not to discriminate upon the basis of race, creed, color, religion, sex, national origin, disability or familial status in the sale, lease, rental, use or occupancy of the property herein described or any improvements thereon. This covenant being given for the benefit of the public, the United States is recognized as a beneficiary thereof and is entitled to enforce it for its own benefit or that of the public.

d. The Grantee agrees, on behalf of itself, its successors and assigns, that the subject property, and all improvements constructed on the subject property, will be maintained in a sound condition and neat appearance. Necessary repairs, maintenance and upkeep will be performed by the Grantee (including its successors and assigns in title) so as to preserve the attractive appearance, the physical integrity, and the sanitary and safe condition of all buildings and structures, and surrounding land comprising the subject property.

e. Covenants (a) and (d) above shall expire forty (40) years after the date of this deed of conveyance.
This conveyance is made expressly subject to the easements, conditions, reservations and restrictions, if any, of record, affecting the said property and constituting constructive notice.

In compliance with the provisions of Section 15.2-1803 of the Code of Virginia, 1950, as amended, this deed is in the form approved by the City Attorney for the City of Norfolk, Virginia, and is accepted by the City Manager on behalf of the City, he having been authorized to so act on behalf of the City of Norfolk by ordinance duly adopted by the Council of the City of Norfolk at the City Council meeting held on ____________, which approval and acceptance are evidenced by the execution of this deed by the City Attorney and the City Manager, or their duly authorized deputies.

IN WITNESS WHEREOF, Norfolk Redevelopment and Housing Authority has caused these presents to be executed as of the above date by John C. Kownack, its Executive Director.

NORFOLK REDEVELOPMENT
AND HOUSING AUTHORITY

By: _____________________________
Executive Director

COMMONWEALTH OF VIRGINIA, at-large
CITY OF NORFOLK, to-wit:

I, _____________________________, a Notary Public in and for the Commonwealth of Virginia at Large, do hereby certify that John C. Kownack, Executive Director of Norfolk Redevelopment and Housing Authority, whose name as such is signed to this instrument, bearing date on the ___ day of _____________, 2018, has acknowledged the same before me in my City and State aforesaid, this _______ day of _____________, 2018.

My commission expires on the ________ day of ____________, 20____.

______________________________
Notary Public

[SEAL]

Notary ID No. ________________
CITY OF NORFOLK

By: ____________________________
    City Manager

ATTEST:

______________________________
City Clerk

Approved as to form and correctness:

______________________________
Assistant City Attorney

COMMONWEALTH OF VIRGINIA

CITY OF NORFOLK, to-wit:

I, ____________________________, a Notary Public in and for the City of Norfolk, in the
Commonwealth of Virginia, do hereby certify that Douglas L. Smith, City Manager, Richard A.
Bull, City Clerk, and ____________________________Assistant City Attorney, respectively, whose
names as such are signed to the foregoing instrument, bearing date on the ____ day of
_______________, 2018, have acknowledged the same before me in my City and State
aforesaid, this ____ day of _________________, 2018.

My commission expires on the _______ day of _________________, 20__.

__________________________________________
Notary Public

Notary ID No. __________________________

[SEAL]

File No. 1.681191