



NORFOLK

Office of the City Attorney

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MARGARET A. KELLY

June 25, 2019

To the Honorable Council
City of Norfolk, Virginia

PH-1

Re: Deed of Exchange at 1416 and 1424 E. Ocean View Ave.

Dear Ladies and Gentlemen:

During the City Council meeting on May 14, 2019, the Council unanimously approved a deed of exchange to resolve the precise boundaries of certain parcels of property located at 1416 and 1424 E. Ocean View Ave. and along the public beach abutting the north side of these parcels.

Because it involves the transfer of land from the City, the ordinance should have been advertised and processed as a public hearing ("PH") item. Inadvertently the ordinance appeared as a regular ("R") item, however, and was not advertised.

In order to ensure the legal effectiveness of the proposed ordinance, it is necessary to take it up again, after properly advertising it for a public hearing and presenting it as a PH item on your docket. I apologize for the inconvenience and thank you for your indulgence in observing the proper legal process.

Respectfully,

Adam Melita
Deputy City Attorney

ADM:lsb
Attachment

RAP

Form and Correctness Approved:

By [Signature]
Office of the City Attorney

Contents Approved:

By [Signature]
Office of the City Attorney

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING THE CONVEYANCE TO THE CITY OF NORFOLK BY GREGORY FAMILY L.P. OF A CERTAIN PARCEL OF PROPERTY LOCATED ADJACENT TO AND NORTH OF 1416 & 1424 E. OCEAN VIEW AVENUE, IN EXCHANGE FOR THE CONVEYANCE TO THE GREGORY FAMILY L.P. BY THE CITY OF NORFOLK OF ANOTHER CERTAIN PARCEL OF PROPERTY ALSO ADJACENT TO AND NORTH OF 1416 & 1424 E. OCEAN VIEW AVENUE.

- - -

WHEREAS, the City and Gregory Family L.P. ("Gregory") each maintain an interest in a certain parcel of real property located in the City of Norfolk, Virginia, that is located north of and adjacent to the northern property line of that certain property owned by Gregory located at 1416 and 1424 E. Ocean View Avenue (individually referred to as "City's Parcel and "Gregory's Parcel"); and

WHEREAS, in the interest of establishing a reliable and accurate property boundary line between the City's Parcel and Gregory's Parcel, the City and Gregory are willing to exchange and convey to the other their respective interests in each of the properties; and

WHEREAS, Section 2(5) of the Norfolk City Charter provides the City with broad authority for the disposition of its

real property; and

WHEREAS, Council has determined that the public interest is best served by authorizing the City's conveyance of the City Parcel to Gregory, and authorizing the City's acceptance of Gregory's Parcel from Gregory by means of a Deed of Exchange, a copy of which is attached hereto as Exhibit A, with no monetary compensation being exchanged; and

WHEREAS, in that the Ordinance Numbered 47,648, adopted by the City of Norfolk ("City") on May 14, 2019, was intended to authorize the above mentioned exchange of property and Deed of Exchange, but was incorrectly considered as a regular agenda item, instead of being correctly considered as a public hearing, and Section 5 of said Ordinance incorrectly stated the effectiveness date, it is considered insufficient and ineffective for accomplishing the intent of Council; and

WHEREAS, this Ordinance is offered and presented to accomplish the intended purpose of authorizing the property exchange proposed; now therefore.

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

Section 1:- That the conveyance to the City by Gregory of Gregory's Parcel in exchange for the conveyance to Gregory by the City of the City's Parcel, both parcels being located adjacent to and north of 1416 & 1424 E. Ocean View Avenue, is hereby approved.

Section 2:- That the exchange of the Gregory Parcel and City Parcel serves the purpose of more effectively clarifying the boundary line between the two parcels,

therefore no additional compensation is required by either party.

Section 3:- That the City Manager and other proper officers of the City are hereby authorized to accept and execute the Deed of Exchange, attached hereto as Exhibit A, in form satisfactory to the City Attorney, and do all things necessary and proper to effect the conveyances exchanged between the parties.

Section 4:- That the City Manager is further authorized to correct, amend or revise the Deed of Exchange as he may deem necessary, with the advice of City Attorney and consistent with the intent of the Council as expressed therein.

Section 5:- That, to the extent the Ordinance Numbered 47,648, adopted on May 14, 2019, is insufficient and ineffective, this Ordinance is properly considered at a public hearing and properly recites the effectiveness date for the proposed exchange of properties between the City and Gregory.

Section 6:- That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.

EXHIBIT TO ORDINANCE

Prepared by: Office of the Norfolk City Attorney
Alex H. Pincus, Assistant City Attorney, VSB #29180
Return to: Office of the Norfolk City Attorney
810 Union Street, Suite 900
Norfolk, Virginia 23510
Tax Map Reference Nos.: 17463500 & 17463400
GPIN Nos.: 1541507584 & 1541507546
Title Insurance Underwriter: None
Consideration for Both Parcels: \$0.00
Estimated Assessed Value of Parcel – Exhibit B: \$120,000.00
Estimated Assessed Value of Parcel – Exhibit C: \$120,000.00

This deed is exempt from the recordation taxes imposed
by Section 58.1-801 of the Code of Virginia, 1950,
pursuant to Section 58.1-811(A)(3)

DEED OF EXCHANGE

THIS DEED OF EXCHANGE, made and entered into this ___ day of _____,
2019, by and between the **CITY OF NORFOLK**, a municipal corporation of the Commonwealth
of Virginia (“City”), designated as Grantor and Grantee for indexing purposes, whose address is
810 Union Street, Norfolk, Virginia, 23510 and **GREGORY FAMILY L.P.** (“Gregory”),
designated as Grantor and Grantee for indexing purposes, whose address is 2707 Azalea Garden
Road, Norfolk, VA 23513-2698.

WITNESSETH:

WHEREAS, the City and Gregory each maintain an interest in a certain parcel of real
property located in the City of Norfolk, Virginia, that is located north of, and adjacent to, the
northern property line of that certain property owned by Gregory located at 1416 and 1424 E.
Ocean View Avenue, as shown on that certain Quitclaim Deed Exhibit, dated May 1, 2019 and
entitled “Quit Claim Deed Exhibit for Part of Lot 10 and Adjoining Portion of Property” attached
hereto as Exhibit A (“Adjacent Property”); and

WHEREAS, in the interest of establishing a reliable and accurate property boundary line
between the two interests, the City and Gregory are willing to exchange and convey to the other
their respective interests in the Adjacent Property; and

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the City does hereby grant and convey by **QUITCLAIM**, all of its right, title and interest that it has or may have, in the certain property described on Exhibit B attached hereto, to Gregory, and the City does also hereby acknowledge and accept the right of access reserved herein by Gregory as shown on Exhibit A.

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, Gregory does hereby grant and convey by **QUITCLAIM** all of its right, title and interest that it has or may have, in the certain property described on Exhibit C attached hereto, to the City, reserving, however, for Gregory, and Gregory's successors in interest, any right to access that Gregory has or may have across the Adjacent Property to the mean low water mark of the Chesapeake Bay, as shown on Exhibit A.

The parties covenant and agree for themselves, their heirs, successors and assigns, that the consideration stated above shall be in lieu of any and all claims to compensation for land, and for damages, if any, to the remaining lands of each party which may result by reason of the use to which each of the respective parties will put the land to be conveyed.

These conveyances are made subject to any easements, restrictions and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title, which have not expired by a time limitation contained therein or have otherwise become ineffective, and to matters visible upon inspection.

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, and is

accepted by the City Manager, on behalf of the City of Norfolk, he having been authorized to so act on behalf of the City of Norfolk by ordinance numbered _____ duly adopted by the Council of the City of Norfolk at the meeting held on _____, 2019, which approval and acceptance are evidenced by the execution of this conveyance by the City Attorney and by the City Manager, or by their duly authorized deputies.

WITNESS the following signatures and seals:

GREGORY FAMILY L.P.

By _____

Title _____

COMMONWEALTH OF VIRGINIA
CITY OF _____, to-wit:

I, _____, a Notary Public in and for the City of _____, in the Commonwealth of Virginia, whose term of office expires on _____, do hereby certify that _____, in his/her capacity as _____, whose name is signed to the foregoing Deed, has acknowledged the same before me in my City and State aforesaid.

Given under my hand this ____ day of _____, 2019.

Notary Public
Registration No. _____

The signature of Douglas L. Smith, City Manager, or his duly authorized Deputy City Manager, is affixed hereto on behalf of the Council of the City of Norfolk, Virginia, pursuant to an ordinance duly adopted by the City Council, to evidence the acceptance of this Deed by the City, in accordance with Section 15.2-1803, Code of Virginia, 1950, as amended.

CITY OF NORFOLK

By: _____ (SEAL)
City Manager

Attest:

City Clerk

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

I, _____, a Notary Public in and for the City of Norfolk, in the Commonwealth of Virginia, whose term of office expires on the _____ day of _____, 20____, do hereby certify that Douglas L. Smith, City Manager, or his duly authorized Assistant City Manager, and Richard A. Bull, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing Deed, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2017.

Notary Public
Registration No. _____

Approved as to Form and Correctness:

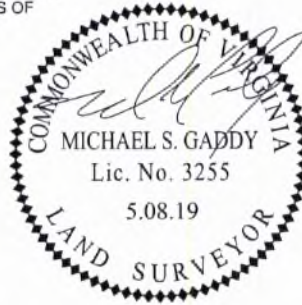
Assistant City Attorney

EXHIBIT A

THIS IS TO CERTIFY THAT ON MAY 1, 2019 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.

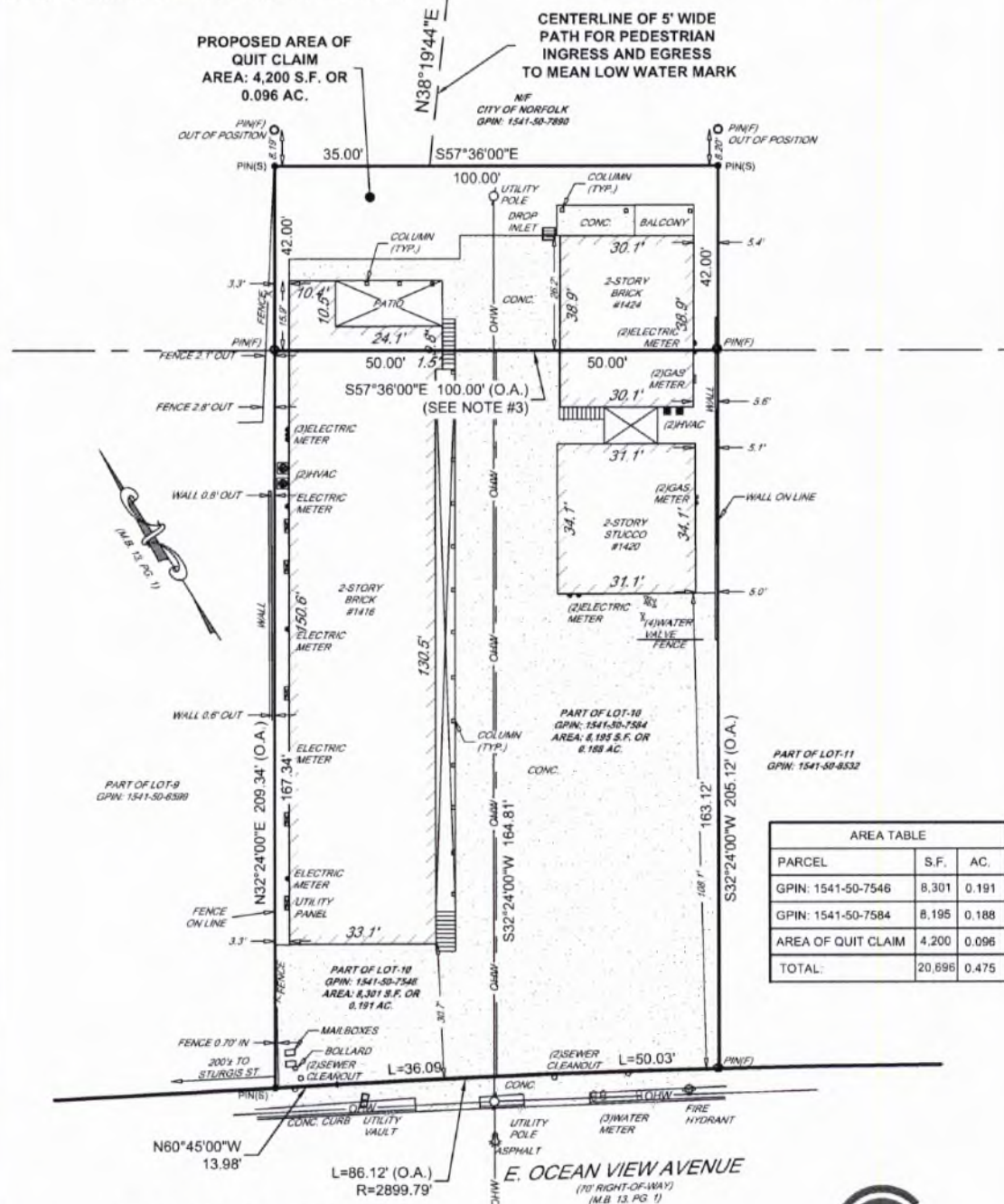
NOTES:

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. THE PROPERTY **DOES NOT** FALL WITHIN A SPECIAL FLOOD HAZARD AREA, AS SHOWN ON THE FEMA NFIP FIRM FOR THE CITY OF NORFOLK, VIRGINIA, COMMUNITY PANEL NUMBER 5101040028H, DATED FEBRUARY 17, 2017.
3. NORTH PROPERTY LINE OF LOT 10 AS SHOWN ON THE CITY OF NORFOLK TAX MAP RECORDS ON DATE OF SURVEY



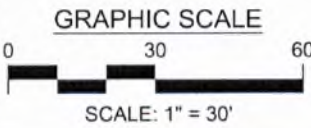
REFERENCES:

- D.B. 322, PG. 329 (SOURCE PLAT) (CITY OF CHEASAPEAKE)
- D.B. 1131, PG. 54 (METES & BOUNDS IN DEED)(CITY OF NORFOLK)
- M.B. 13, PG. 1 (RIGHT-OF-WAY PLAT)(CITY OF NORFOLK)



AREA TABLE		
PARCEL	S.F.	AC.
GPN: 1541-50-7546	8,301	0.191
GPN: 1541-50-7584	8,195	0.188
AREA OF QUIT CLAIM	4,200	0.096
TOTAL:	20,696	0.475

QUIT CLAIM DEED EXHIBIT
FOR
PART OF LOT-10
AND
ADJOINING PORTION OF PROPERTY
(M.B. 322, PG. 329)
FOR
THE GREGORY FAMILY PARTNERSHIP
NORFOLK, VIRGINIA



GADDDY
ENGINEERING SERVICES, LLC
508 N. BIRDNECK ROAD, SUITE D
VA. BEACH, VA 23451
757-289-5933

EXHIBIT – B

**Legal Description for Parcel of Real Property
Located North of 1416 & 1424 E. Ocean View Avenue,
to be Conveyed by Quit Claim Deed from City to Gregory:**

All that certain piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel lying north of Lot 10 as shown on that certain exhibit entitled "Quit Claim Deed Exhibit for Part of Lot 10 and Adjoining Portion of Property (M.B. 322, PG. 329) for the Gregory Family Partnership, Norfolk, Virginia", dated May 01, 2019, prepared by Gaddy Engineering Services, LLC attached hereto as Exhibit A, and being further and more particularly described as follows: Beginning at a point, said point being the northwesternmost corner of Lot 10 on said survey, and said corner being N 32°24'00" E a distance of 167.34' from the point where the western line of said Lot 10 intersects the northern right-of-way line of E Ocean View Avenue; thence into City of Norfolk property N 32°24'00" E, a distance of 42.00' to a point; thence cornering S 57°36'00" E, a distance of 100.00' to a point; thence cornering S 32°24'00" W, a distance of 42.00' to a point, said point being the northeasternmost corner of said Lot 10; thence cornering and along the northern line of said Lot 10 N 57°36'00" W a distance of 100.00' to the point and place of beginning; The above described parcel contains 4,200 Square Feet, or 0.096 Ac., more or less.

May 07, 2019

EXHIBIT – C

**Legal Description for Parcel of Real Property
Located North of 1416 & 1424 E. Ocean View Avenue,
to be Conveyed by Quit Claim Deed from Gregory to City:**

All that certain piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel lying and being north of the 42' northerly extension of Lot 10 as shown on that certain exhibit survey entitled "Quit Claim Deed Exhibit for Part of Lot 10 and Adjoining Portion of Property (M.B. 322, PG. 329) for the Gregory Family Partnership, Norfolk, Virginia", dated May 01, 2019, prepared by Gaddy Engineering Services, LLC, attached hereto as Exhibit A, and being further and more particularly described as follows: Beginning at a point being N 32°24'00" E a distance of 209.34' from the point where the western line of said Lot 10 intersects the northern right-of-way line of E Ocean View Avenue; thence N 32°24'00" E to the mean low water line of the Chesapeake Bay; thence cornering and along the mean low water line 100' more or less to a point, said point being the point where the extension of the eastern line of said Lot 10 would intersect the mean low water line; thence cornering S 32°24'00" W to a point, said point being S 32°24'00" W a distance of 205.12' from the point where the eastern line of said Lot 10 intersects the northern right-of-way line of E Ocean View Avenue; thence cornering N 57°36'00" W a distance of 100.00' to the point and place of beginning;

May 07, 2019