



# City of Petersburg Virginia

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## May 24, 2022 - Special City Council Meeting

May 24, 2022  
Petersburg Public Library  
201 West Washington Street  
Petersburg, VA 23803  
12:00 PM

## City Council

Samuel Parham, Mayor – Ward 3  
Annette Smith-Lee, Vice-Mayor – Ward 6  
Treska Wilson-Smith, Councilor – Ward 1  
Darrin Hill, Councilor – Ward 2  
Charlie Cuthbert, Councilor – Ward 4  
W. Howard Myers, Councilor – Ward 5  
Arnold Westbrook, Jr., Councilor – Ward 7

## Interim City Manager

Kenneth Miller

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### 1. Roll Call

### 2. Discussion and Consideration

- a. Consideration to approve and appropriate the budget for Petersburg City Public Schools for FY22-23. (Page 2)
- b. Consideration of the City of Petersburg's FY2022-23 Proposed Operating and Capital Budget and Appropriation Ordinance to include rate of taxation on real property. (Page 6)
- c. Consideration of an ordinance to authorize the City Attorney to proceed with condemnation of a portion of parcel 065-110004, 2793 South Crater Road. (Page 12)
- d. Consideration of an appropriation of the American Rescue Plan Act (ARPA) - Group Violence Intervention Grant - \$300,000 - 2nd Reading (Page 69)
- e. Consideration to amend Ordinance Section 106-1. - Rate of taxation on real property. (Page 71)

### 3. Adjournment



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 24, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Kenneth Miller, Interim City Manager

**FROM:** Maria Pitre-Martin, Stacey Jordan

**RE:** **Consideration to approve and appropriate the budget for Petersburg City Public Schools for FY22-23. (Page 2)**

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**PURPOSE:** To approve and appropriate the budget for Petersburg City Public Schools for FY22-23.

**REASON:** The City of Petersburg City Council must approve and appropriate the budget for Petersburg City Public Schools.

**RECOMMENDATION:** Staff recommends that City Council adopts and approves the Petersburg City Public Schools FY2022-23 Proposed Budget and Appropriation Ordinance.

**BACKGROUND:** The total budget for Petersburg City Public Schools is \$91,050,600 which includes the following breakdown:

Local Fees: \$66,000

Erate: \$225,000

Sales Tax: \$5,420,137

State: \$42,278,401

Federal: \$55,000

City Transfer: \$10,000,000

Food Service: \$2,927,000

Grants: \$30,079,062

**COST TO CITY:** 10,000,000

**BUDGETED ITEM:**N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 5/24/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** Petersburg City Public Schools

**AFFECTED AGENCIES:** Petersburg City Public Schools

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS: N/A**

**ATTACHMENTS:**

1. Schools appropriation FY22-23
2. Attachment A for City Memo

AN ORDINANCE MAKING APPROPRIATIONS  
FOR THE FISCAL YEAR COMMENCING ON  
JULY 1, 2022, AND ENDING ON JUNE 30, 2023,  
IN THE SCHOOL OPERATING, FOOD SERVICE, AND SPECIAL REVENUE FUNDS

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriation for the fiscal year commencing July 1, 2022, and ending June 30, 2023, are made from the following resources and revenues anticipated for the fiscal year.

**Resources**

Revenue:

State Standards of Quality, Lottery Proceeds, Incentive, and Categorical funding	\$42,278,401
State Sales and Use Tax	5,420,137
Food Service	2,927,000
Federal Revenue (JROTC)	55,000
Special Revenue (State and Federal Grants)	30,079,062
Transfer from City General Fund	10,000,000
Local Funding	<u>66,000</u>

<b>Total Revenue</b>	\$91,050,600
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<b>Total Resources</b>	<b><u>\$91,050,600</u></b>
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- II. That there shall be appropriated from the resources and revenue of the City of Petersburg for the fiscal year commencing July 1, 2022 and ending June 30, 2023, the following sums for the purposes mentioned:

**Requirements:**

Operating Fund	\$58,044,538
Food Service Fund	2,927,000
Special Revenue Fund	<u>30,079,062</u>
<b>Total Requirements</b>	<b><u>\$91,050,600</u></b>

- III. That approved legal purchase orders outstanding at June 30, 2022 are hereby carried forward and re-appropriated as of July 1, 2022.
- IV. That all unencumbered balances for the annual appropriation standing on the books of the Finance Director as of June 30, 2022 shall be cancelled; and subject to audit., shall be re-appropriated into FY2022.
- V. That this ordinance shall be in force from and after July 1, 2022 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Petersburg City Public Schools  
FY2022 - 2023 Proposed Budget**

	<b>FY22 Adopted</b>	<b>FY23 School Board Proposed</b>	<b>Difference FY22 to FY23</b>
<b>Operating Fund</b>			
<b>Local Fees</b>	82,500	66,000	(16,500)
<b>ERATE</b>	225,000	225,000	-
<b>Sales Tax</b>	4,948,786	5,420,137	471,351
<b>State</b>	32,083,185	42,278,401	10,195,216
<b>Federal</b>	47,000	55,000	8,000
<b>City Transfer</b>	<u>10,000,000</u>	<u>10,000,000</u>	<u>-</u>
<b>Total Operating</b>	<b>47,386,471</b>	<b>58,044,538</b>	<b>10,658,067</b>
<b>Food Service</b>	<b>2,928,900</b>	<b>2,927,000</b>	<b>(1,900)</b>
<b>Special Revenue (Grants)</b>	<b>7,518,045</b>	<b>30,079,062</b>	<b>22,561,017</b>
<b>Total All Funds</b>	<b>57,833,416</b>	<b>91,050,600</b>	<b>33,217,184</b>



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 24, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Kenneth Miller, Interim City Manager

**FROM:** Stacey Jordan

**RE:** **Consideration of the City of Petersburg's FY2022-23 Proposed Operating and Capital Budget and Appropriation Ordinance to include rate of taxation on real property. (Page 6)**

**PURPOSE:** Consideration of the City of Petersburg's FY2022-23 Proposed Operating and Capital Budget and Appropriation Ordinance to include rate of taxation on real property.

**REASON:** The Interim City Manager presented the FY2022-23 Proposed Operating and Capital Budget to City Council on March 29, 2022 for the operating budget and the capital budget on March 30, 2022 to include a reduction to the Real Property tax decrease which would be \$1.27 per \$100 of assessed value. There were two community budget work sessions held on April 13th and April 14th and an official public hearing was held on April 19th to receive community input. The final step in the budget process is for City Council to adopt the FY2022-23 Proposed Operating Budget and approve the Appropriation Ordinance.

**RECOMMENDATION:** Staff recommends that City Council adopts and approves the City of Petersburg's FY2022-23 Proposed Operating and Capital Budget and Appropriation Ordinance include reduction in tax rate

**BACKGROUND:** The Interim City Manager has proposed an operating spending plan of \$104,201,022 and a capital spending plan of \$17,367,693 for FY2022-23. The Interim City Manager presented the FY2022-23 Proposed Operating and Capital Budget to City Council on March 29, 2022 for the operating budget and the capital budget on March 30, 2022. There were two community budget work sessions held on April 13th and April 14th and an official public hearing was held on April 19th to receive community input. The final step in the budget process is for City Council to adopt the FY2022-23 Proposed Operating Budget and approve the Appropriation Ordinance.

**COST TO CITY:** \$104,201,022

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** \$104,201,022

**CITY COUNCIL HEARING DATE:** 5/24/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** ALL

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A**

**REQUIRED CHANGES TO WORK PROGRAMS: N/A**

**ATTACHMENTS:**

1. FY2022-2023 Proposed All Funds Budget 03.30.2022
2. NOTICE OF PROPOSED REAL PROPERTY TAX DECREASE
3. 2

AN ORDINANCE MAKING APPROPRIATIONS IN  
THE ALL FUNDS BUDGET  
FOR THE FISCAL YEAR COMMENCING ON  
JULY 1, 2022 AND ENDING JUNE 30, 2023.

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BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2022 and ending June 30, 2023, in the All Funds Budget are made from the following resources and revenues of the City, for the fiscal year ending June 30, 2023.

**Revenue**

General Fund Revenue	\$73,856,740
General Property Taxes	\$36,957,828
Other Local Taxes	\$13,577,400
Licenses, Permits and Fees	\$302,840
Fines and Forfeitures	\$405,000
Revenue from Use of Money and Property	\$110,000
Revenue from Other Agencies	\$18,723,284
Charges for Services	\$2,625,008
Recovered Costs	\$40,500
Miscellaneous Revenues	\$914,880
Non-Revenue Receipts	\$200,000
Grants Fund Revenue	\$1,002,267
Community Development Block Grant	\$628,399
VDOT Highway Maintenance Urban Allocation	\$5,984,699
Utilities	\$15,116,132
Mass Transit	\$4,974,745
Dogwood Trace Golf Course	\$1,379,028
Stormwater	\$1,259,012

**Total Revenue** **\$104,201,022**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing on July 1, 2022 and ending June 30, 2023 the following sums for the purposes mentioned:

**Expenses**

General Fund Expenditures	\$73,856,740
General Government	\$6,380,474
Constitutional Offices	\$5,287,980
Public Safety	\$17,785,504
Courts & Other Public Safety	\$273,360
General Services	\$5,536,145
Social Services	\$14,596,193
Recreation & Community Engagement	\$1,977,763



Development Services	\$2,427,008
Debt Service	\$3,127,269
Fund Balance Restoration	\$1,000,000
Schools Transfer	\$10,000,000
Non-Departmental	\$3,902,716
Transfers to other Funds	\$1,562,329
Grants Fund	\$1,002,267
Community Development Block Grant	\$628,399
VDOT Highway Maintenance Urban Allocation	\$5,984,699
Utilities	\$15,116,132
Mass Transit	\$4,974,745
Dogwood Trace Golf Course	\$1,379,028
Stormwater	\$1,259,012
<b>Total Expenses</b>	<b>\$104,201,022</b>

This budget recommends a reduction in the Real Estate Tax Rate from \$1.35 to \$1.27: No change to the Personal Property Tax Rate of \$4.90: or the Machinery & Tools Tax Rate of \$3.80.

# NOTICE OF PROPOSED REAL PROPERTY TAX DECREASE



The City of Petersburg proposes to decrease property tax levies.

1. **Assessment Decrease:** Total assessed value of real property, excluding assessments due to new construction and improvements to property, exceeds last year's total assessed value of real property by 13 percent.
2. **Lowered Rate necessary to Offset Increased Assessment:** The tax rate which would levy a reduction in the amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusion mentioned above, would be \$1.27 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Decrease:** The City of Petersburg is proposing to adopt a tax rate of \$1.27 per \$100 of assessed value. The difference between the lowered tax rate and the proposed tax rate would be \$.08 per \$100. The difference will be known as the "effective tax rate decrease."

Individual property taxes many, however, increased at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of the City of Petersburg will exceed last year's by .32 percent.

A public hearing on the decrease will be held on April 19, 2022, at the Petersburg Public Library, 201 West Washington Street, Petersburg, Virginia.

Taxpayers may request to examine appraisal cards, working papers and other information regard the methodology employed in calculating the assessed value available at [www.petersburg.gov/148/City-Assessor](http://www.petersburg.gov/148/City-Assessor), via telephone at (804) 733-2336, or may be obtained at the City Assessor's Office.

Issued in accordance with § 58.1-3321, Code of Virginia, 1950, as amended.

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**Sec. 106-1. Rate of taxation on real and personal property.**

The city council shall annually fix the rate of taxation which shall be assessed upon real and personal property.

(Code 1981, § 34-1)



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 24, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Tangela Innis, Deputy City Manager  
Kenneth Miller, Interim City Manager

**FROM:** Randall Williams

**RE:** **Consideration of an ordinance to authorize the City Attorney to proceed with condemnation of a portion of parcel 065-110004, 2793 South Crater Road. (Page 12)**

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**PURPOSE:** To authorize the City Attorney to proceed with condemnation of a portion of parcel 065-110004, 2793 South Crater Road, property owner – BHY Investment 2, LLC, a Virginia limited liability company.

**REASON:** The city requires 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement to construct signal improvements at the southeast corner of South Crater Road and Flank Road intersection.

**RECOMMENDATION:** The Public Works Department recommends proceeding with the eminent domain process and approving the attached ordinance.

**BACKGROUND:** The city received Congestion Mitigation and Air Quality Improvement (CMAQ) funding for the South Crater Road Area – Signal Coordination project, to make improvements to the traffic signals along South Crater Road from Flank Road to Rives Road. The City's engineering consultant Kimley-Horn has developed plans to construct new traffic signals and pedestrian crossing. 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement is required from parcel 065-110004, property owner – BHY Investment 2, LLC, a Virginia limited liability company, to construct improvements. Kimley-Horn subconsultant, KDR Real Estate Services, determined value of the easements required and negotiated with BHY Investment 2, LLC. The property owner initially agreed to negotiated amount but now refuses to sign any documents.

**COST TO CITY:** Nominal cost associated with property value. Legal/Filing Fees

**BUDGETED ITEM:**

**REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 5/24/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. BHY Investment 2 LLC, Agenda Request Parcel 065-110004
2. BHY Investment 2 LLC, Council Ordinance
3. Basic Administrative Report (BAR), 6-29-2021
4. ROW Administrative Settlement Evaluation Form, 9-14-2021
5. ROW Negotiation Report
6. KDR Letter to Eun Lee, 5-28-2021
7. KDR Letter to Eun Lee, 6-28-2021
8. KDR Letter to Eun Lee, 7-28-2021
9. KDR Letter to Eun Lee, 8-16-2021
10. KDR Letter to Eun Lee, 11-23-2021
11. KDR Letter to Eun Lee, 12-3-2021
12. KDR Letter, 1-5-2022



# City of Petersburg

## Agenda Request

**DATE:** March 24, 2022

**TO:** Honorable Mayor and Members of City Council

**THROUGH:** Kenneth Miller, Interim City Manager

**FROM:** Randall Williams, Interim Director of Public Works

**RE:** **An Ordinance to Authorize the City Attorney to proceed with condemnation of a portion of Parcel 065-110004, 2793 South Crater Road**

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**PURPOSE:** To authorize the City Attorney to proceed with condemnation of a portion of parcel 065-110004, 2793 South Crater Road, property owner – BHY Investment 2, LLC, a Virginia limited liability company.

**REASON:** The city requires 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement to construct signal improvements at the southeast corner of South Crater Road and Flank Road intersection.

**RECOMMENDATION:** The Public Works Department recommends proceeding with the condemnation process.

**BACKGROUND:** The city received Congestion Mitigation and Air Quality Improvement (CMAQ) funding for the South Crater Road Area – Signal Coordination project, to make improvements to the traffic signals along South Crater Road from Flank Road to Rives Road. The City's engineering consultant Kimley-Horn has developed plans to construct new traffic signals and pedestrian crossing. 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement is required from parcel 065-110004, property owner – BHY Investment 2, LLC, a Virginia limited liability company, to construct improvements. Kimley-Horn subconsultant, KDR Real Estate Services, determined value of the easements required and negotiated with BHY Investment 2, LLC. The property owner initially agreed to negotiated amount but now refuses to sign any documents.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:**

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** N/A

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:** Yes

**STAFF:** Kenneth Miller, Interim Director of Public Works

**AN ORDINANCE TO AUTHORIZE THE CITY  
ATTORNEY TO PROCEED WITH  
CONDEMNATION OF A PORTION OF PARCEL  
065-110004, 2793 SOUTH CRATER ROAD**

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**WHEREAS**, for the construction of new traffic signals at the intersection of South Crater Road and Flank Road it is necessary to purchase 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement; and

**WHEREAS**, the City of Petersburg, Virginia, Department of Public Works engineering consultant, Kimley-Horn through their subconsultant KDR Real Estate Services, has attempted to negotiate with the property owner BHY Investment 2, LLC, of 2793 South Crater Road, parcel 065-110004; and

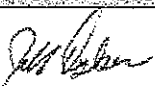
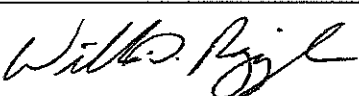
**WHEREAS**, BHY Investment 2, LLC has refused to sell to the City of Petersburg, Virginia, 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement to allow construction of new traffic signals; and

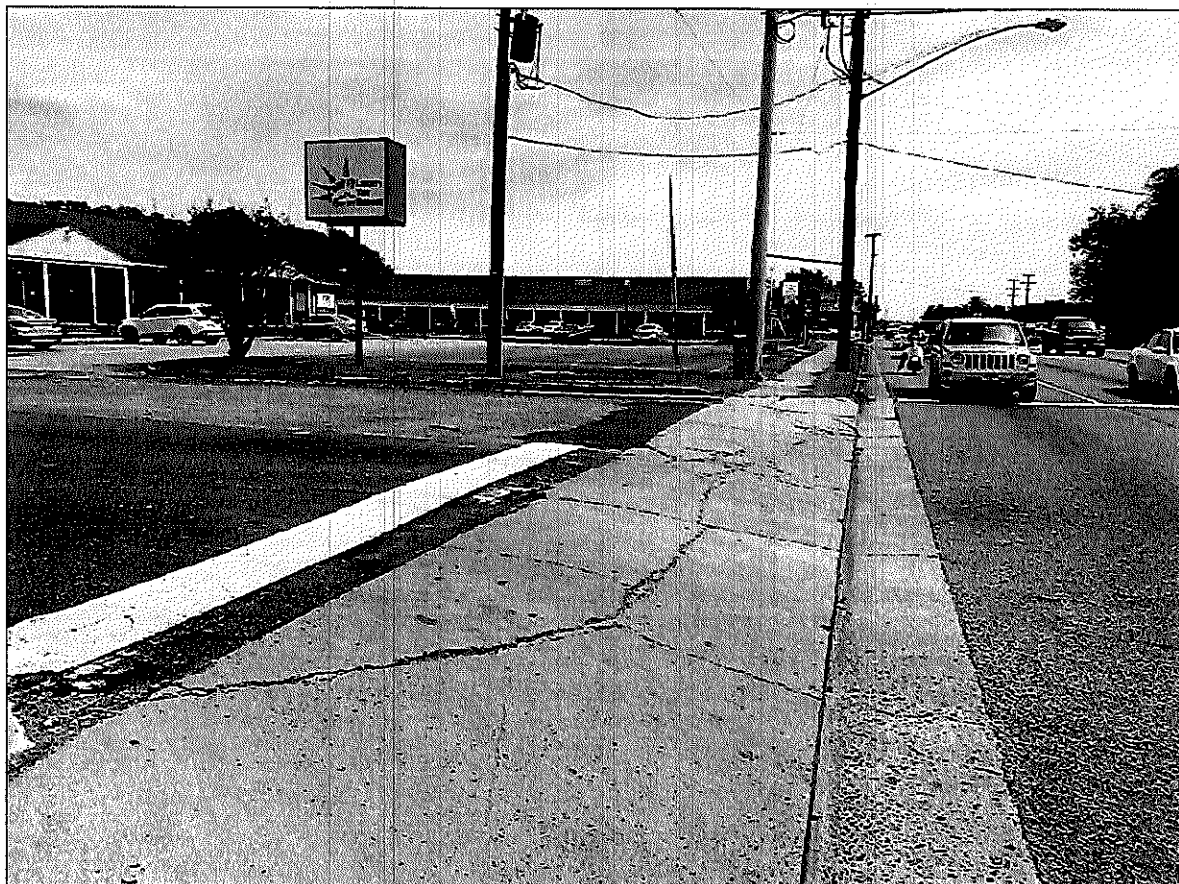
**WHEREAS**, to allow construction of the new traffic signals the Public Works Department has recommended proceeding with condemnation to obtain 153 square feet (0.004 acres) of permanent signal easement and 37 square feet (0.001 acres) of temporary construction easement.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council for the City of Petersburg, Virginia that the City Attorney is authorized to proceed with condemnation of the portion of property required for the permanent signal easement and the temporary construction easement.



**CITY OF PETERSBURG  
BASIC ADMINISTRATIVE REPORT (BAR)  
RIGHT OF WAY ACQUISITION**

Project, Parcel and Ownership Information					
Parcel No.	004				
Project Name	South Crater Road Traffic Signal Improvements				
Project No.	0301-123-259, R201	City: Petersburg			
Federal Project No.	CMAQ-5A27(096), CM-5A27				
UPC No.	101039				
Parcel Address	2793 Crater Road				
Parcel City, State and Zip	Petersburg, VA 23805-2472				
Owner Name	BHY Investment 2, LLC				
Owner Address	10 Avalon Court				
Owner City, State and Zip	Bethesda, MD 20816-1124				
Agent Name	Jefferson L. Dykes, SR/WA				
Zoning, Use and Assessment Information					
County Parcel #	065110004	Assessed Land	\$	234,100	
Zoning	B-2	Assessed Improv.	\$	1,088,700	
Current Use	Shopping Center	Total Assessed Value (2020)	\$	1,322,800	
Parcel Size Before Acquisition	5.375	Parcel Size After Acquisition		5.375	
ESTIMATE OF JUST COMPENSATION					
ITEM	UNIT	SIZE	UNIT VALUE	% OF VALUE APPLIED	ESTIMATED VALUE
PERMANENT SIGNAL EASE	SF	153	\$ 1.25	90%	\$ 200
TEMPORARY EASE (Const)	SF	37	\$ 1.25	15%	\$ 100
					\$ -
					\$ -
Value of Land and Easements					\$ 300
Value of Improvements (List and Comment Below)					
Cost to Cure Items (Explanation and Calculation Below)					
<b>TOTAL ESTIMATED COMPENSATION</b>					<b>\$ 300</b>
Comments, Explanations and Calculations (e.g. if any, area of residue acquired)					
Land prices are based on a range of values derived from property transfers in your neighborhood.					
Signatures and Date Approved for Acquisition					
Agent Signature					
Date	6/01/2021				
Approved by					
Date Approved for Acquisition	6/29/2021				



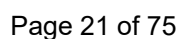
Southeast corner of property adjacent to South Crater Road entrance to property



Entrance to property from South Crater Road facing north



Petersburg GIS Tax Map



# RIGHT OF WAY ADMINISTRATIVE SETTLEMENT EVALUATION FORM

Magisterial District: N/A	City: Petersburg
ROW Agent: Jaclyn Abramov	Route: South Crater Road Traffic Signal Improvement Project UPC 101039
Parcel No.: 004	State Project No. 0301-123-259, RW201 Federal Project No. CMAQ-5A27(096), CM-5A27
Project Limits: From: South Crater Road between Flank Road and Rives Road	
Owner's Name: BHY Investment 2, LLC, a Virginia limited liability company	
Approved Offer: \$ 300.00	Date Offer Made: 7/28/2021
Owner's Counteroffer: \$790.00	Date Counteroffer Rec'd.: 8/2/2021

The Administrative Settlement is ☒ / is not ☐ approved based on information provided by KDR Real Estate Services, Inc. and has been assessed as follows:


The offer package, which included the offer letter in the amount of \$300 was mailed to the landowner on 7/28/21. The valuation, project and plans were explained. The landowner submitted a counteroffer of \$790 requesting additional compensation of \$490, which was based on an increased unit value.

KDR recommends settling with the property owner for an additional \$200 for a total of \$500, as shown below:

	Offer Amount		Negotiated Amount	Total
Permanent Signal Easement:	\$ 200	+	\$ 100	= \$ 300
Temporary Construction Easement:	\$ 100	+	\$ 100	= \$ 200
Total settlement:				\$ 500.00

In addition to the justifications cited above, it provides the City of Petersburg an opportunity to avoid attorney's fees, court costs and the risk of an even higher award should this negotiation proceed to condemnation. This settlement will avoid costly construction delays and negative exposure of Petersburg City.

This Administrative Settlement of \$ 500.00 is approved ☒ / not approved ☐ as being reasonable, justified, prudent and in the public interest.

  
Jefferson L. Dykes, SR/WA  
KDR Project Manager

9/09/2021  
Date

The Administrative Settlement of \$500.00 is approved and accepted ☒ / is not accepted ☐ by the City.

Stuart Turille, Jr.  
Stuart Turille, Jr.  
City Manager | City of Petersburg

9/14/21  
Date

# RIGHT OF WAY NEGOTIATION REPORT

Date: December 28, 2021

Project: South Crater Road Traffic Signal Improvements Project

State Project No: 0301-123-259, RW 201

Federal Project No: CMAQ-5A27(096)

UPC: 101039

Parcel No(s): 004

Landowner(s): BHY Investment 2, LLC, a Virginia limited liability company

Property Address: 2793 S. Crater Road, Petersburg, VA 23805

Plan Sheet No(s): 3 and 3A

Landowner Representative Information: Eun Lee, 301-905-7338

Appraisal Information: Basic Administrative Report

Property Rights Acquired:

Category	Description	Units	Size	Value
Permanent Easement	Signal	Square Feet	153	\$200
Temporary Construction Easement	Construction	Square Feet	37	\$100

Total Consideration: **\$300.00**

Consideration Statement: \$300.00 in full for permanent signal easement, temporary construction easement, and any and all damages, if any.

## Negotiation Information:

Negotiator: Jaclyn M. Abramov

Assigned: July 27, 2021

Completed: December 28, 2021

Utility Easement Information: N/A

Title Information:

Researcher: Regina Essel

Type of Title: COR

PID#: 065-110004

Instrument No. 190002110      Date of Instrument 5/29/2019      Recorded Date 8/15/2019

Lienholder Information:


Lienholder: United Bank


Address:


Phone Number:


Loan #:


Contact Information:

7/27/2021: I called Mr. Lee and I introduced myself and my role as Right of Way Specialist with KDR Real Estate Services. I explained KDR's relationship with the City of Petersburg and the South Crater Signal Improvements Project. I explained that I would be mailing the offer package overnight delivery and the offer letter would be coming via certified mail and we agreed to discuss this further after he receives the package. He confirmed his mailing address. JABramov 

7/28/2021: Due to the major health concerns with the COVID-19 virus and social distancing standards being implemented statewide, KDR Project Manager Jeff Dykes, on the guidance of VDOT, approved the mailed delivery of the offer package. The offer package, which included the offer letter in the amount of \$300, Approved Basic Administrative Report, Deed of Easement, with plat attached setting forth rights to be acquired, Compensation Agreement, Plan Sheet, Profile Sheet, Verification of Identity Form, Owner Seller Affidavit, Certificate of Authorization, Deed of Trust Acknowledgement Form, Mortgage Information/ Third Party Authorization Form, Title Report, Commonwealth of Virginia Substitute W-9 Form and VDOT's Brochure: "A Guide for Property Owners and Tenants", was mailed to the landowner. A description of the area needed was included in the offer letter, providing an explanation of grade changes at the edge of pavement and road shoulder. JABramov 

7/29/2021: The offer package was delivered and delivery confirmation was received. JABramov 

8/2/2021: I called Mr. Eun Lee and he stated that he and his wife felt that this offer was too low. He submitted a counteroffer of \$5.00 per square foot, which is a total of \$790, an additional \$490. I requested his justification and he stated that his has a higher value than what we offered. I submitted his counteroffer to Jeff Dykes. JABramov 

8/4/2021: Jeff Dykes advised that the City could agree to settle for \$500. JABramov 

8/6/2021: I called Mr. Lee and left a message asking him to call me back. JABramov 



8/6/2021: I called Mr. Lee and left a message asking him to call me back. JAbramov *ga*

8/10/2021: I called Mr. Lee and discussed the counteroffer with him. He agreed to settle for a total of \$500. JAbramov *ga*

8/13/2021: I mailed Mr. Lee the documents for signature. JAbramov *ga*

8/25/2021: I called Mr. Lee and he said he will get the documents signed this week and get them back to me. I reminded him that he needs to make sure the company is reinstated with the SCC. JAbramov *ga*

9/8/2021: I called Mr. Lee and left a message. JAbramov *ga*

9/14/2021: I called Mr. Lee and left a message to follow up with him. JAbramov *ga*

9/23/2021: I called Mr. Lee and left a message to follow up with him. JAbramov *ga*

9/27/2021: I called Mr. Lee and no one answered. JAbramov *ga*

10/4/2021: I called Mr. Lee to follow up with him and left a message asking him to call me back. JAbramov *ga*

10/7/2021: I called Mr. Lee and he answered and said that he would get the documents in the mail to me tomorrow. JAbramov *ga*

10/14/2021: I called Mr. Lee and left a message stating that I have not received the documents and requesting that he get them to me as soon as possible. JAbramov *ga*

10/20/2021: I called Mr. Lee and left a message to follow up with him about the documents and asking him to call me back. JAbramov *ga*

10/25/2021: I called Mr. Lee and left a message. JAbramov *ga*

10/28/2021: I called Mr. Lee and left a message. JAbramov *ga*

11/3/2021: I called Mr. Lee and left a message. JAbramov *ga*

11/9/2021: I called Mr. Lee and left a message. JAbramov *ga*

11/11/2021: I called Mr. Lee and left a message. JAbramov *ga*

11/15/2021: I called Mr. Lee and left a message. JAbramov *ga*

11/18/2021: I called Mr. Lee and left a message. JAbramov *ga*

11/23/2021: I sent a follow up letter to Mr. Lee requesting that he respond within two weeks. JAbramov *ga*

11/30/2021: I called Mr. Lee and he answered. I asked him if he was going to sign the documents and return them to me and he stated that he didn't want to sign any documents. I asked why he did not want to sign the documents now, when we had already reached an agreement and he said he just didn't want to sign anything. I stated that this was a very small impact to the land and it was for two small easement areas and I attempted to describe the areas to him. He continued to say he didn't want to sign anything. I asked him if we could meet on site to view the area and he declined. He said he was not going to sign anything. Therefore, I explained the condemnation process and eminent domain to him and he stated that he understood. I advised Jeff Dykes of the conversation. J.Abramov *ga*

12/2/2021: An impasse letter was mailed to the landowner requesting that they respond within two weeks and explaining that if we cannot reach an agreement that we will turn the file over to the City to consider Condemnation. J.Abramov *ga*

12/28/2021: No response has been received from the landowner. At this time, this is considered a refusal and KDR recommends to the City of Petersburg to move forward with filing a certificate to keep the Project Schedule. J.Abramov *ga*

Certification Statement:

This is to certify that this report covers my complete negotiations with this landowner for the rights-of-way required in accordance with the plans which were furnished me for these negotiations and that (1) I understand that the right-of-way is required in connection with the construction of county state and/or federal aid highway project (2) the written agreement secured and/or offer covers all of considerations between the landowner(s) and me and that there were no verbal commitments made (3) the agreement, if any, was reached without coercion, promises, threats, or any other understanding of any kind by either party prior to the said agreement, if any, being executed and (4) I have no direct interest in the property involved and contemplate no future personal interest or benefits from the acquisition, if any.

Signature: Jaclyn M. Abramov Date: December 28, 2021

Approved by: Jeff Dykes Date: 1/05/2022



## KDR Real Estate Services

*"When you need it done the right way"*

May 28, 2021

RE: South Crater Road Traffic Signal Improvements Project (UPC 101039)  
State Project No.: 0301-123-259, R201  
Federal Project No.: CM-5A27(740)  
Property Owner: BHY Investment 2 LLC  
Property Address: 2793 South Crater Road, Petersburg, VA 23805  
Parcel ID No.: 065-110004  
Parcel No.: 004

BHY Investment 2 LLC  
c/o Eun S. Lee, President  
10 Avalon Court  
Bethesda, MD 20816

Dear Eun Lee:

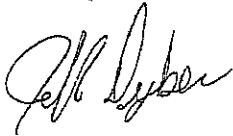
The City of Petersburg is proceeding with plans to improve signal operations, mitigate congestion, improve travel times, and improve overall safety at six (6) intersections along South Crater Road between Flank Road and Rives Road. The project will include upgrading traffic signals, installing signal poles and mast arms, signal heads, video detection, pedestrian signal heads, pedestrian curb ramps, communications equipment, and other signal and pedestrian improvements. Construction on this project is projected to start in early 2022.

Construction plans indicate that right-of-way and/or easement(s) will need to be acquired on your property to allow for the construction of the improvements. KDR Real Estate Services (KDR) has been retained by Kimley-Horn, the City of Petersburg's design engineer, to acquire the property rights needed for the construction of the project.

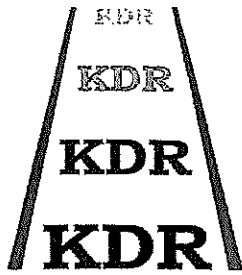
The City and Kimley-Horn are in the process of finalizing plans, evaluations, and conveyance documents. Once KDR receives approval from the City to initiate the presentation of an offer for the rights that are to be acquired, KDR will be contacting you or your appointed representative to schedule an appointment to explain the project and present a written purchase offer for the property rights needed, which will include land, affected improvements, and/or any applicable easements.

Enclosed please find a contact sheet to be completed and returned in the enclosed envelope. If you have any questions, you may contact me by postal mail, telephone, or email. I can be reached at 804.956.4672 or by email at [jdynes@kdrrealestate.com](mailto:jdynes@kdrrealestate.com). A business card with my contact information is enclosed for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Dykes', written in a cursive style.

Jefferson L. Dykes, SR/WA  
KDR Project Manager  
Enclosure



## KDR Real Estate Services

*"When you need it done the right way"*

June 28, 2021

BHY Investment 2 LLC  
c/o Eun S. Lee, President  
10 Avalon Court  
Bethesda, MD 20816

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)  
State Project No.: 0301-123-259, RW201  
Property Owner: BHY Investment 2 LLC  
Property Address: 2793 South Crater Road, Petersburg, VA 23805  
Tax Map No.: 065-110004  
Parcel No.: 004

Dear Eun Lee:

The City of Petersburg is proceeding with plans to improve signal operations, mitigate congestion, improve travel times, and improve overall safety at six (6) intersections along South Crater Road between Flank Road and Rives Road. The project will include upgrading traffic signals, installing signal poles and mast arms, signal heads, video detection, pedestrian signal heads, pedestrian curb ramps, communications equipment, and other signal and pedestrian improvements. Construction on this project is projected to start in early 2022.

Construction plans indicate that right-of-way and/or easement(s) will need to be acquired on your property to allow for the construction of the improvements. KDR Real Estate Services (KDR) has been retained by the City of Petersburg to acquire the property rights needed for the construction of the project.

The City has requested that KDR evaluate the land and/or easements needed from your property for construction of this project. Please contact me at **804.956.4672** if you have any questions about the evaluation process. If I am unavailable, please leave a message.

Once the evaluation has been completed and approved by the City, we will schedule an appointment to explain the project and present a written purchase offer for the property rights to be acquired. This offer will be based on the approved evaluation. A copy of the approved evaluation (Basic Administrative Report) will be provided to you at this time along with copies of a title report, plat, and sidewalk plans showing the construction that is to take place on your property.

Thank you for your cooperation.

Yours truly,

A handwritten signature in dark ink, appearing to read "Jeff Dykes", written in a cursive style.

Jefferson L. Dykes, SR/WA  
KDR Project Manager

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact your District Civil Rights Manager or the Title VI Specialist at Central Office (804) 786-2085 (or TTY 711).

VDOT asegura la no discriminación y el empleo con igualdad de oportunidades en todos los programas y actividades, de acuerdo con el Título VI y VII de la Ley de Derechos Civiles de 1964. Si necesita más información o ayuda especial para personas con discapacidades o una competencia limitada en idioma inglés, comuníquese con el Director de Derechos Civiles del Distrito o con el Especialista en el Título VI a la oficina Central (804) 786-2085 (o TTY 711).



## City of Petersburg

Office of the City Manager  
135 North Union Street  
Petersburg, Virginia 23803

(804) 733-2301

### VIA UPS OVERNIGHT DELIVERY /CERTIFIED MAIL-RETURN RECEIPT

28  
Date: July 16, 2021

BHY Investment 2, LLC  
c/o Eun S. Lee, Manager  
10 Avalon Court  
Bethesda, MD 20816

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)  
State Project No: 0301-123-259, RW201  
Property Owner: BHY Investment 2, LLC, a Virginia limited liability company  
Property Address: 2793 S. Crater Road, Petersburg, VA 23805  
PID No.(s): 065-110004  
Parcel No(s): 004

Dear Eun:

As you may know, the City of Petersburg is proceeding with plans to improve signal operations, mitigate congestion, improve travel times, and improve overall safety at six (6) intersections along South Crater Road between Flank Road and Rives Road. The project will include upgrading traffic signals, installing signal poles and mast arms, signal heads, video detection, pedestrian signal heads, pedestrian curb ramps, communications equipment, and other signal and pedestrian improvements. The projected start date for construction on this project is early 2022. In order to implement these improvements, additional right of way and/or easements are needed that will affect your property. The City of Petersburg has contracted with KDR Real Estate Services, Inc. to acquire the right of way for this project. The authorized agent is Jaclyn M. Abramov with KDR Real Estate Services, Inc. You may contact Jackie at **804.956.4674** or via email at **[jabramov@kdrrealestate.com](mailto:jabramov@kdrrealestate.com)**.

The City's offer is based upon a study of the real estate market in your area to determine the market value per unit. After inspection and consideration of the impact of the proposed improvements upon your property, a percentage was determined and applied to the unit value, and the market value of the property rights to be acquired was established at \$300.00. Accordingly, the City offers you **\$300.00** as full compensation for the property rights described in the enclosed deed of easement and agreement.

A breakdown of this offer is as follows:

TYPE OF ACQUISITION	AREA (SQUARE FEET)	UNIT VALUE	PERCENT OF VALUE APPLIED	ESTIMATED MARKET VALUE	TOTALS
Permanent Signal Easement	153	\$1.25	90%	\$200	
Temporary Construction Easement	37	\$1.25	15%	\$100	
<b>TOTAL ESTIMATED VALUE OF EASEMENTS ACQUIRED</b>					\$300.00
<b>TOTAL OFFER AMOUNT</b>					<b>\$300</b>

Please find enclosed for your review the following documents:

- Basic Administrative Report (BAR)
- Deed of Easement, with plat attached setting forth the rights to be acquired
- Compensation Agreement
- Plan Sheet and Mainline Profile Sheet Numbers 3 and 3A
- Verification of Identity
- Certificate of Authorization
- Third Party Mortgage Authorization
- Owner/Seller Affidavit
- Commonwealth of Virginia Substitute W-9 Form (Form W-9)
- VDOT's Brochure: "A Guide for Property Owners and Tenants"
- Title Report

The following will be required:

- Copy of Operating Agreement
- Payment of Delinquent Taxes
- Reinstatement with Virginia State Corporation Commission

Additional title requirements may be requested before settlement.

Plan Sheet 3 shows specific features highlighted in the following colors: GREEN - the permanent signal easement and ORANGE - the temporary construction easement.

A description of the areas needed is as follows:

The proposed permanent signal easement area shown outlined in GREEN is described as containing 153 square feet, located in the southeastern corner of the property, extending



approximately 31 feet along the southern property line and varies in width from approximately 8 to 20 feet in width. The proposed temporary construction easement shown outlined in ORANGE is described as containing 37 square feet, located behind the proposed permanent signal easement, extending approximately 11 feet in length and approximately 3 feet in width. This easement provides space to conduct the construction.

The South Crater Road Traffic Signal Improvements Project will improve six (6) intersections along South Crater Road between Flank Road and Rives Road. The project will include upgrading traffic signals, installing signal poles and mast arms, signal heads, video detection, pedestrian signal heads, pedestrian curb ramps, communications equipment, and other signal and pedestrian improvements.

We are all adapting to the current pandemic and have heard that the most effective way to minimize risk of the COVID-19 virus's transmission is to maximize social distance. As a temporary response to this global crisis and the request of social distancing in order to minimize contact, the agent is sending these documents to you in advance of their meeting with you in person. When you meet, the agent will explain (as applicable) all proposed changes in profile, elevation and grade of the highway and entrances, including the elevations of proposed pavement and shoulders, both center and edges, with relation to the present pavement, and the approximate grade of entrances to your property. The agent will also discuss our purchase offer with you. The meeting will give you the opportunity to ask questions and discuss with the purchase offer and any concerns or issues you may have. After you have had a chance to review the enclosed documents, please let the agent know so that they can schedule the meeting. A business card with the agent's contact information is enclosed for your ready reference.

Pursuant to § 25.1-204(B) of the Code of Virginia, the City of Petersburg has reviewed this acquisition for purposes of complying with § 1-219.1 of the Code of Virginia. The public use for this project is traffic signal improvements (South Crater Road).

Thank you for your consideration of the City's offer.

Sincerely,



Stuart Turille Jr.  
City Manager  
City of Petersburg, VA

ST/jm  
Enclosures

Return To: KDR Real Estate Services, Inc., 2500 Grenoble Rd., Richmond, VA 23294  
Title Insurance: WFG National Title Insurance Company

**PID: 065-110004**

**Consideration: \$ 300.00**

EXEMPT FROM RECORDATION TAXES AND FEES UNDER VA. CODE §§ 58.1-801, 58.1-802, AND 17.1-279(A), PURSUANT TO VA. CODE §§ 58.1-811(A)(3) AND (C)(5), AND 17.1-279(E).

THIS DEED OF EASEMENT is entered into \_\_\_\_\_, 2021, by  
**BHY INVESTMENT 2, LLC**, a Virginia limited liability company, GRANTOR, and **the CITY OF PETERSBURG**, a municipal corporation of the Commonwealth of Virginia, GRANTEE (the "City").

WITNESSETH:

In consideration of the sum of \$10.00 paid by the Grantee to the Grantor, receipt of which is acknowledged, the Grantor conveys to the Grantee in fee simple, with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, the easement(s) located in the City of Petersburg, Virginia, and described as follows:

The right, privilege and easements of right of way containing 153 square feet (0.004 acre) to install, operate, construct and maintain traffic signal equipment and devices, all as more particularly described, shown and designated as "VARIABLE WIDTH PROPOSED PERMANENT SIGNAL EASEMENT, 153 S.F. (0.004 ACRES)" on a plat titled "PLAT SHOWING PROPOSED PERMANENT SIGNAL EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT TO BE ACQUIRED THROUGH THE PROPERTY OF BHY INVESTMENT 2, LLC, CITY OF PETERSBURG", dated September 30, 2020, prepared by H & B Surveying and Mapping, LLC, a copy of which is attached hereto as a part hereof and is to be recorded simultaneously herewith.

Together with a 37 square foot (0.001 acre) temporary construction easement designated as "3' PROPOSED TEMPORARY CONSTRUCTION EASEMENT, 37 S.F. (0.001 ACRES)" on the Plat (the "Easements"). The Easements shall be used for all purposes related to construction of road, traffic, and related slope and drainage improvements, including access during construction. Reference is made to the Plat for a more complete description of the Easements.

The Grantee shall have the right to trim, cut, and remove trees, shrubbery, fences, or other obstructions or facilities in or near the easement(s) being conveyed

deemed by it to interfere with the proper construction, operation, and maintenance of its utility facilities within the easement; provided, however, that the Grantee at its own expense shall restore, as nearly as possible, the premises to their original condition, such restoration to include, as a minimum, backfilling of trenches, replacement of shrubbery, resodding, and reseeded of lawns and pasture areas, but not the replacement of structures, trees, or other obstructions, with the exception of mailboxes, which may be reasonably relocated as part of the replacement.

The Grantee shall have the exclusive right to inspect, rebuild, remove, repair, improve and make such changes, alterations, additions to or extensions of its equipment and devices as it shall, in its sole discretion, deem appropriate in order to properly control the traffic flow; provided, however, that all such equipment and devices (including improvements to and replacements of such equipment and devices) and construction, installation, maintenance and repair shall conform to all applicable laws, ordinances, codes and regulations.

Being a portion of the same property conveyed to BHY Investments 2, LLC, a Virginia limited liability company, by Trustees Deed from Stuart A. Simon, Substitute Trustee and I.L. Development, Inc. a Virginia corporation, dated May 29, 2019, and recorded June 20, 2019, in the City of Petersburg Circuit Court Clerk's Office as Instrument Number 190001598 and further corrected and re-recorded August 15, 2019, as Instrument Number 190002110.

The Temporary Construction Easement shall terminate upon completion of construction of the roadway improvements.

The Grantor, by the execution of this instrument, acknowledges that the plans for the project as they affect the subject property have been fully explained to the Grantor or its authorized representative.

The Grantor covenants that it has the right to convey the land to the Grantee, that it has done no act to encumber the same and that it will execute such further assurance of the same as may be necessary.

The Grantor covenants and agrees for itself, its heirs, successors, and assigns, that the consideration stated above is in lieu of any and all claims to compensation for land, and for damages, if any, to the remaining lands of the Grantor that might result by reason of the use to which the Grantee will put the land to be conveyed.

The signature and seal of the Grantor are set out below in acknowledgment of this conveyance.

**SIGNATURES ON FOLLOWING PAGES**

**GRANTOR**

**BHY INVESTMENT 2, LLC, a  
Virginia limited liability company**

\_\_\_\_\_  
**Printed name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

CITY/COUNTY OF \_\_\_\_\_,  
STATE/ COMMONWEALTH OF \_\_\_\_\_,

The foregoing instrument was acknowledged before me \_\_\_\_\_, 2021, by  
\_\_\_\_\_, \_\_\_\_\_ of BHY Investment 2, LLC, a Virginia  
limited liability company, on behalf of the company.

My commission expires: \_\_\_\_\_

Notary registration number: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

This Deed is accepted by the City of Petersburg, Virginia, pursuant to Va. Code § 15.2-1803. Acceptance by the City is evidenced by the following signature of an authorized official of the City of Petersburg.

Date: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)  
Name:  
City Manager

CITY OF PETERSBURG  
COMMONWEALTH OF VIRGINIA,

The foregoing instrument was acknowledged before me \_\_\_\_\_, 20\_\_\_\_, by City Manager, on behalf of the City of Petersburg, Virginia.

My commission expires: \_\_\_\_\_

Notary registration number: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Approved as to form:

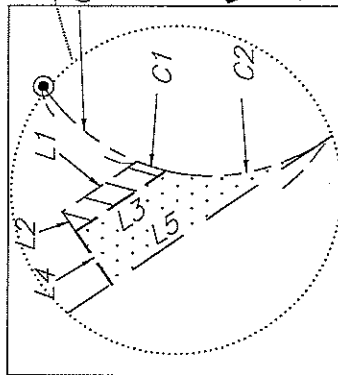
\_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_

# GENERAL NOTES:

1. THIS PLAT IS FOR THE SOLE PURPOSE OF SHOWING A PROPOSED PERMANENT SIGNAL EASEMENT AND A PROPOSED TEMPORARY CONSTRUCTION EASEMENT. THE BOUNDARY LINES SHOWN HEREON DO NOT REPRESENT A CURRENT BOUNDARY SURVEY. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE SURVEY USED FOR THE DESIGN OF THE PROPOSED EASEMENTS.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
3. PHYSICAL IMPROVEMENTS NOT SHOWN HEREON FOR CLARITY.
4. DISTANCES IN PARENTHESIS ( ) DENOTE TIES TO EASEMENT.

POORE CREEK HOLDINGS, LLC,  
a VIRGINIA LIMITED LIABILITY COMPANY  
INST. # 160002876  
PARCEL ID: 085-140005  
2744 S. CRATER ROAD



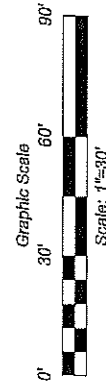
INSET "A"

LINE	BEARING	DISTANCE
L1	N 34°20'23" W	11.18'
L2	S 55°52'54" W	2.96'
L3	S 34°08'32" E	13.58'
L4	S 55°49'26" W	7.95'
L5	S 34°10'34" E	31.86'

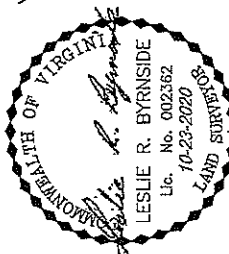
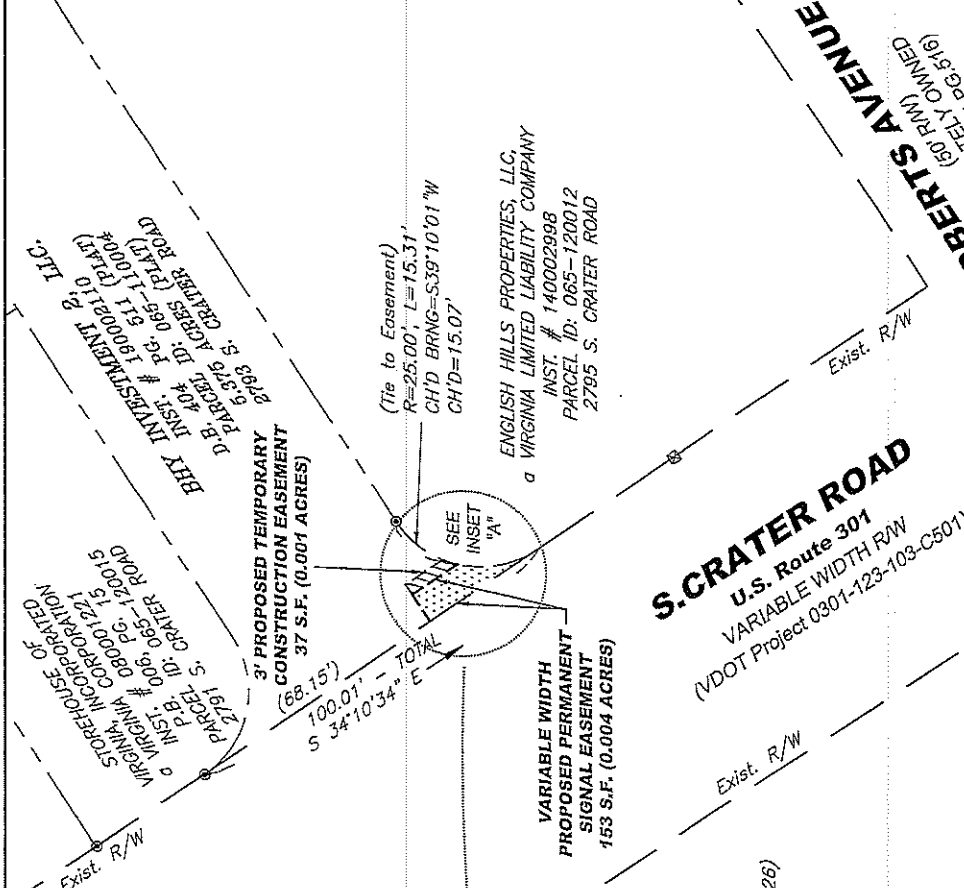
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT	CHORD BEARING	CHORD LENGTH
C1	25.00'	3.85'	8°48'58"	1.93'	N 17°12'55" E	3.84'
C2	25.00'	20.51'	46°50'44"	10.87'	N 10°41'06" W	19.94'

PLAT: PARCEL 4

Sheet Status:  
**FINAL**  
Submitted Date:  
10-23-2020



VIRGINIA SOUTH ZONE NAD 83



PLAT SHOWING  
**PROPOSED PERMANENT SIGNAL EASEMENT  
AND TEMPORARY CONSTRUCTION EASEMENT  
TO BE ACQUIRED THROUGH THE PROPERTY OF  
BHY INVESTMENT 2, LLC.**  
CITY OF PETERSBURG, VIRGINIA  
SCALE 1"=30'

**H&B Surveying and Mapping, LLC**  
insightful solutions, quality service  
A DBE/WBE Small Certified Business  
Survey  
Produced  
at Richmond  
Office Location  
2105 Electric Road SW, Suite 103  
Roanoke, VA 23224  
840.904.2859 Off.  
804.859.5330 Fax  
614 Moorefield Park Drive  
Richmond, VA 23236  
804.330.3781 Office  
www.hbsurveying.com

Rev. #	Rev. Date
1	10/09/20

Job #: KH1804.01  
Date: 09-30-20  
Sheet: 1 of 1  
Drawn By: DBG  
Checked By: LRB

# COMPENSATION AGREEMENT

## South Crater Road Traffic Signal Improvements Project (UPC 101039) City of Petersburg

Property Owner(s): BHY INVESTMENT 2, LLC  
Mailing Address: 10 Avalon Court, Bethesda, MD 20816  
PID(s): 065-110004  
Project Parcel No(s): 004

This Compensation Agreement (the "Agreement") dated \_\_\_\_\_, 2021, is entered into by BHY INVESTMENT 2, LLC, a Virginia limited liability company (the "Property Owner(s)"), sole owner(s) of the fee simple title to property which is the subject of a Deed of Easement between Property Owner and the City of Petersburg, Virginia, a municipal corporation of the Commonwealth of Virginia (the "City"), ("Conveyance Instrument(s)"), to be recorded in the City of Petersburg Circuit Court Clerk's Office, a copy (copies) of which is (are) attached to and incorporated into this Agreement. Any amounts required to be paid to lenders or other lien holders and/or any delinquent real estate taxes required to be paid shall be deducted from the amount due to Property Owner, except as otherwise expressly stated herein.

Property Owner and City agree as follows:

1. That payment in the amount of **\$300.00** is fair and just compensation for conveyance of the rights described in the Conveyance Instrument(s). Compensation shall be paid upon recordation of the Conveyance Instrument(s) in the Clerk's Office. Recording is contingent upon City obtaining releases and other documents as necessary to ensure that clear title to the rights under the Conveyance Instrument(s), satisfactory to City, is conveyed. Property Owner agrees to cooperate in obtaining necessary release(s) from lien holders; however, all processing fees for said release(s) shall be paid by City. City shall have no obligation under this Agreement to pay compensation to Property Owner until City has received all releases and other documents necessary to ensure clear title to the rights described in the Conveyance Instrument(s).
2. Upon execution by Property Owner of this Agreement and Conveyance Instrument(s) and acceptance by City as evidenced by the signature below, Property Owner grants to City, its agents or assigns, permission to enter the property described above for all purposes related to the project within the areas described in the Conveyance Instrument(s).
3. Additionally, upon acceptance by City, Property Owner will be provided a fully executed copy of this Agreement. *If not accepted, Property Owner will be notified in writing.*
4. The terms of this Agreement shall extend to and be binding upon the parties, their successors and assigns.



WITNESS the following signatures and seals made pursuant to due authority:

**PROPERTY OWNER:**

**BHY INVESTMENT 2, LLC,**  
**a Virginia limited liability company**

By: \_\_\_\_\_ (SEAL)

Date: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Title: \_\_\_\_\_

City of Petersburg, Virginia

By: \_\_\_\_\_ (SEAL)

Date: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Title: \_\_\_\_\_

# Identification Document (ID) Verification

Notary Disclosure. My duties are regulated by Section 47.1-2 of the Virginia State Code. As a notary public, I am authorized—but not required—to certify that my statements are true and/or that certain events have taken place if I have witnessed them. My official signature and seal on this form certify only that I have examined the identification documents (IDs) presented to me. I have no authorization to verify the validity of such documents or certify exact copies of original documents of which reside in the public record or the office of an official custodian.

## 1<sup>st</sup> Card Bearer

Printed Name, Signature, Date \_\_\_\_\_

Type of Card, Issuing Agency \_\_\_\_\_

Unique serial or card number \_\_\_\_\_

Issue date & Expiration date \_\_\_\_\_

Check each item the ID contains ☐ photo ☐ signature ☐ physical description ☐ other: \_\_\_\_\_

## 2<sup>nd</sup> Card Bearer

Printed Name, Signature, Date \_\_\_\_\_

Type of Card, Issuing Agency \_\_\_\_\_

Unique serial or card number \_\_\_\_\_

Issue date & Expiration date \_\_\_\_\_

Check each item the ID contains ☐ photo ☐ signature ☐ physical description ☐ other: \_\_\_\_\_

## CERTIFICATE of NOTARY PUBLIC

State/Commonwealth \_\_\_\_\_

County of: \_\_\_\_\_

I, \_\_\_\_\_, the undersigned notary public, hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above-listed card bearer(s) appeared before me and presented valid, unexpired identification document(s) (IDs). I further certify that I physically examined the ID(s) presented, that the ID(s) appeared to be genuine, and that the individual(s) appearing before me and presenting the ID(s) appeared to be the individual(s) represented on the ID(s).

In witness whereof, I have hereunto set my hand and seal.

\_\_\_\_\_  
Notary Public Printed Name

\_\_\_\_\_  
Notary Public Signature

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Address: \_\_\_\_\_

**CERTIFICATE OF AUTHORIZATION  
FOR EUN S. LEE TO ACT ON BEHALF  
OF BHY INVESTMENT 2, LLC**

The undersigned, being a/the duly elected, qualified and acting Managing Member/Manager of BHY INVESTMENT 2, LLC, does hereby certify as follows:

1. The undersigned has knowledge that and certifies that the proper statutory corporate certificate exists for BHY INVESTMENT 2, LLC, a Virginia LLC; and remains in full force and effect on the date of this certificate and have not been amended; and
2. That BHY INVESTMENT 2, LLC is active and in good standing with the State Corporation Commission of Virginia; and
3. That BHY INVESTMENT 2, LLC is a valid and existing limited liability company in the State of Virginia and that the execution and delivery of the deed documents required by the sale/transfer is valid pursuant to a valid resolution/operating agreement of the LLC; and
4. that the operative terms and provisions of the articles of organization/operating agreement provide that the Manager/Managing Member, specifically, \_\_\_\_\_, may act in the capacity of conveying real estate, including but not limited to, signing deeds on behalf of the Company and any other necessary documents related to conveyance and/or encumbrance of said real estate; and
5. that I, have thoroughly reviewed the Articles of Organization, dated April 25, 2019, and/or Operating Agreement and have determined that the Managing Members have the authority to act on behalf of said company.
6. That as of the date hereof, the LLC continues to exist and has not been dissolved for any reason, including but not limited to bankruptcy of any Member of the LLC or the LLC itself, or the death, resignation, or expulsion of any LLC Member.
7. I am Manager/Managing Member of BHY INVESTMENT 2, LLC.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands as of

the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By \_\_\_\_\_

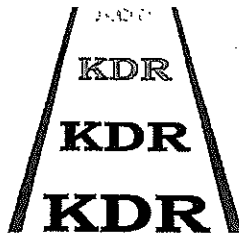
Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Registration Number: \_\_\_\_\_



## KDR Real Estate Services

*"When you need it done the right way"*

\_\_\_\_\_  
Name of Lender

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

**RE: Project:** South Crater Road Traffic Signal Improvements Project  
**Property Owner:** BHY Investment 2, LLC, a Virginia limited liability company  
**Property Address:** 2793 S. Crater Road, Petersburg, VA 23805

To Whom It May Concern:

I authorize you to release information and any documentation regarding the total/partial release for the above referenced property to the office of KDR Real Estate Services, Closing Agent for City of Petersburg, Virginia. I acknowledge that a telephonic facsimile (FAX) or photographic copy shall be as valid as the original. If during the course of the referenced project my lender changes either through assignment or refinance or the addition of a new lien holder, I hereby authorize any and all my past, current or future lien holders to communicate and share information with KDR Real Estate Services, Inc. to obtain the necessary releases, partial releases and/or subordinations needed, including any payoff information for judgments. Thank you for your assistance.

BHY Investment 2, LLC, a Virginia limited liability company

\_\_\_\_\_, Manager

\_\_\_\_\_  
Date

**First Mortgage:**

Loan Company: \_\_\_\_\_

Loan Number: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**Second Mortgage:**

Loan Company: \_\_\_\_\_

Loan Number: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

2102/003

RESIDENTIAL SELLER'S/BORROWER'S AFFIDAVIT

County/City of \_\_\_\_\_, Commonwealth of Virginia

Commitment # \_\_\_\_\_

1. The undersigned Affiant(s) is the record titleholder of the property known and described in the Commitment referenced above or as described on the attached Exhibit (the "Property").
2. The Property is currently used as: a single family residence.  
The street address of the Property is: 2793 S. Crater Road, Petersburg, VA 23805
3. The building and all improvements on the Property were completed more than 30 years ago.
4. As to Mechanic's Liens: That at no time within 120 days of the date hereof has any work, services, or labor done, or any fixtures, apparatus or material been furnished in connection with, or to the Property, except such material, fixtures, work, apparatus, labor or services that have been fully and completely paid for; that there is no indebtedness to anyone for any labor, fixtures, apparatus, material services, or work done to, upon, or in connection with the Property; that there is no claim or indebtedness; that there is no mechanics' lien claim against the Property; whether of record or otherwise;
5. As to contracts and conveyances: That no agreement or contract for conveyance, or deed, conveyance, written lease, or writing whatsoever, is in existence, adversely affecting the title to the Property, except that in connection with which this Affidavit is given;
6. As to possession: That there are no parties in possession of the Property other than the undersigned.
7. As to Judgments: That no judgment or decree has been entered in any court against said Affiant and which remains unsatisfied; that no proceedings in bankruptcy have ever been instituted by or against Affiant in any court, or before any officer of any state;
8. As to marital status: That the undersigned is single/married, and if married, the undersigned have been continuously married to each other since the undersigned first took title to the Property.
9. As to taxes and assessments: That there are no outstanding unpaid or delinquent real estate taxes or assessments against the Property; further, that there are no unpaid or delinquent water or sewer service charges against the Property;  
Also, that the undersigned has not received notice, nor know of any recent future planned improvements (such as street paving, sidewalks, street lighting, surface drainage, etc.) that will or might result in a special assessment against the Property; additionally, there are no unpaid homeowners, condominium, or other special assessments affecting the Property.
10. As to violations: The Undersigned know of no violations of any zoning law or ordinance; or violations of restrictive covenants affecting the Property; or violations caused by an illegal lot division or failure to comply with any subdivision laws or ordinances.
11. As to encroachments: The Undersigned know of no encroachments of any improvements from the Property onto adjoining property including but not limited to walls and fences, easement or utility areas.
12. As to access: The Property has never had its access to and from a public street limited in any way.
13. As to building permits: The Undersigned have never been aware of problems relating to either the issuance of a building permit or to the failure to obtain one for an improvement to the Property.
14. This Affidavit is made to induce the purchase of and/or a loan secured by the Property and the issuance of a title insurance policy relating to the same; and
15. That Affiant(s) further state(s) familiarity with the nature of an oath; and with the penalties as provided by the laws of the Commonwealth for falsely swearing to statements made in an instrument of this nature and further certify that Affiant(s) has or have read or reviewed full facts of this Affidavit and understand its contents.

BHY INVESTMENT 2, LLC, a Virginia limited liability company

By: \_\_\_\_\_ {SEAL}  
\_\_\_\_\_, Manager

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**Request for Taxpayer Identification  
Number and Certification**☐ Social Security Number (SSN)☐ Employer Identification Number (EIN)

Please select the appropriate Taxpayer Identification Number (EIN or SSN) type and enter your 9 digit ID number. The EIN or SSN provided must match the name given on the "Legal Name" line to avoid backup withholding. If you do not have a Tax ID number, please reference "Specific Instructions - Section 1." If the account is in more than one name, provide the name of the individual who is recognized with the IRS as the responsible party.

Dunn &amp; Bradstreet Universal Numbering System (DUNS) (see instructions)

Legal Name:

Business Name:

**Entity Type****Entity Classification****Exemptions (see instructions)**☐ Individual☐ Corporation☐ Professional Services☐ Medical ServicesExempt payee code  
(if any):☐ Sole Proprietorship☐ S-Corporation☐ Political Subdivision☐ Legal Services

(from backup withholding)

☐ Partnership☐ C-Corporation☐ Real Estate Agent☐ Joint Venture☐ Trust☐ Disregarded Entity☐ VA Local Government☐ Tax Exempt OrganizationExemption from FATCA reporting  
code (if any):☐ Estate☐ Limited Liability Company☐ Federal Government☐ OTH Government☐ Government☐ Partnership☐ VA State Agency☐ Other☐ Non-Profit☐ Corporation**Contact Information**

Legal Address:

Name:

Email Address:

City: State: Zip Code:

Business Phone:

Remittance Address:

Fax Number:

Mobile Phone:

City: State: Zip Code:

Alternate Phone:

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined later in general instructions), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification Instructions:** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See instructions titled Certification

Printed Name:

Authorized U.S. Signature:

Date:

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** The IRS has created a page on [IRS.gov](http://IRS.gov) for information about Form W-9, at [www.irs.gov/w9](http://www.irs.gov/w9). Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

### Nonresident alien who becomes a resident alien.

Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain

payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see Section 2 Certification – Page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See Exempt payee code on page 3 and the separate instructions for the Requestor of Form W-9 for more information.

**What is FATCA reporting?** The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See Exemption from FATCA reporting code on page 3 and the instructions for the Requestor of Form W-9 for more information.

### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no



reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Section 1 -Taxpayer Identification

**Check the appropriate Tax Identification Number (TIN) type.** Enter your EIN/SSN in the space provided. If you are a resident alien and you do not have and/or are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN** below.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office. Get Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS's Internet Web Site [www.irs.gov](http://www.irs.gov).

If you do not have a TIN, apply for a TIN immediately, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester. **Note:** *Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.*

**Enter the TIN which coincides with the 'Legal Name' provided on the form.**

- If you are an individual, check the "Social Security Number (SSN)" box and enter the SSN.
- If you are a Grantor or Revocable Trust, check the "Social Security Number (SSN)" box and enter the SSN of the Grantor.
- If you are a Resident Alien, check the "Social Security Number (SSN)" box and enter your SSN or

your ITIN (IRS Individual Taxpayer Identification Number).

d. If you are a Sole Proprietor, check the "Social Security Number (SSN)" box and enter the SSN of the sole proprietor.

e. If you are a Single-Member LLC that is disregarded as an entity, check the "Social Security Number (SSN)" box and enter the member's SSN.

**Note:** If an LLC has one owner, the LLC's default tax status is "disregarded entity". If an LLC has two owners, the LLC's default tax status is "partnership". If an LLC has elected to be taxed as a corporation, it must file IRS Form 2553 (S Corporation) or IRS Form 8832 (C Corporation).

Vendors are requested to enter their Dunn and Bradstreet Universal Numbering System (DUNS), if applicable. See number requirement below.

**Dunn and Bradstreet Universal Numbering System (DUNS) number requirement.** The United States Office of Management and Budget (OMB) requires all vendors that receive federal grant funds have their DUNS number recorded with and subsequently reported to the granting agency. If a contractor has multiple DUNS numbers the contractor should provide the primary number listed with the Federal government's Central Contractor Registration (CCR) at [www.ccr.gov](http://www.ccr.gov). Any entity that does not have a DUNS number can apply for one on-line at <http://www.dnb.com/us/> under the DNB D-U-N Number Tab.

**Legal Name.** If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name. If the account is in joint names, list first and then circle the name of the person or entity whose number you enter in Part I of the form. If you are using a name other than that which is listed on a Social Security Card, please enter the legal entity name as filed with the IRS. In general, enter the name shown on your income tax return. Do not enter a Disregarded Entity Name on this line.

**Business Name.** Business, Disregarded Entity, trade, or DBA ("doing business as") name.

**Entity Type.** Select the appropriate entity type.

**Individual.** If you are an individual, you must generally enter the name shown on your income tax return.

**Sole proprietor.** Enter your individual name as shown on your social security card on the "Legal Name" line. You may enter your business, trade, or

"doing business as (DBA)" name on the "Business Name" line.

**Partnership.** A partnership is an entity reflecting a relationship existing between two or more persons who join to carry on a trade or business. Enter the partnership's name on the "Legal Name" line. This name should match the name shown on the legal document creating the entity. You may enter your business, trade, or "doing business as (DBA)" name on the "Business Name" line.

**Trust.** A legal entity that acts as fiduciary, agent or trustee on behalf of a person or business entity for the purpose of administration, management and the eventual transfer of assets to a beneficial party. Enter the name of the legal entity on the "Legal Name" line.

**Estate.** A separate legal entity created under state law solely to transfer property from one party to another. The entity is separated by law from both the grantor and the beneficiaries. Enter the name of the legal entity on the "Legal Name" line.

**Government.** The Government of any State, any Political Subdivision of any State, any Agency or Instrumentality of a State or of a Political Subdivision of a State.

**Non-Profit.** An organization that is organized and operated exclusively for exempt purposes and none of its earnings may inure to any private shareholder or individual.

**Corporation.** A company recognized by law as a single body with its own powers and liabilities, separate from those of the individual members. Enter the entity's name on the "Legal Name" line and any trade or "doing business as (DBA)" name on the "Business Name" line.

**S-Corporation.** A corporation that is taxed like a partnership: a corporation in which five or fewer people own at least half the stock. Enter the entity's name on the "Legal Name" line and any trade or "doing business as (DBA)" name on the "Business Name" line.

**C-Corporation.** A business that is taxed as a separate entity: a business taxed under Subchapter C of the Internal Revenue Code and legally distinct from its owners. Enter the entity's name on the "Legal Name" line and any trade or "doing business as (DBA)" name on the "Business Name" line.

**Limited liability Company (LLC).** An LLC with at least two members is classified as a partnership for federal income tax purposes unless it files Form 8832 and affirmatively elects to be treated as a corporation. Enter the name of the partnership or corporation. An LLC with only one member is treated as an entity disregarded as separate from its owner for income tax purposes (but as a separate

entity for purposes of employment tax and certain excise taxes), unless it files Form 8832 and affirmatively elects to be treated as a corporation. If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner, enter the owner's name on the "Legal Name" line. **Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

**Entity Classification.** Select the appropriate classification type.

**Contact Information.** Enter your contact information.

Enter your **Legal Address**. Enter your **Remittance Address**. A **Remittance Address** is the location in which you or your entity receives business payments.

Enter your **Business Phone Number**. Enter your **Mobile Phone Number**, if applicable. Enter your **Fax Number**, if applicable. Enter your **Email Address**.

For clarification on IRS Guidelines, see [www.irs.gov](http://www.irs.gov).

### Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the Exemptions box, any code(s) that may apply to you. See Exempt payee code and Exemption from FATCA reporting code below.

**Exempt payee code.** Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends. Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following codes identify payees that are exempt from backup withholding:

- 1 - An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2 - The United States or any of its agencies or instrumentalities
- 3 - A state, the District of Columbia, a possession of the United States, or any of their political subdivisions, or instrumentalities
- 4 - A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5 - A corporation

- 6 - A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States
- 7 - A futures commission merchant registered with the Commodity Futures Trading Commission
- 8 - A real estate investment trust
- 9 - An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10 - A common trust fund operated by a bank under section 584(a)
- 11 - A financial institution
- 12 - A middleman known in the investment community as a nominee or custodian
- 13 - A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

If the payment is for...	THEN the payment is exempt for...
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

<sup>1</sup>See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup>However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements.

- A - An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)
- B - The United States or any of its agencies or instrumentalities
- C - A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities
- D - A corporation the stock of which is regularly traded on one or more established securities markets, as described in Reg. section 1.1472-1(c)(1)(i)
- E - A corporation that is a member of the same expanded affiliated group as a corporation described in Reg. section 1.1472-1(c)(1)(i)
- F - A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state
- G - A real estate investment trust
- H - A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940
- I - A common trust fund as defined in section 584(a)
- J - A bank as defined in section 581
- K - A broker
- L - A trust exempt from tax under section 664 or described in section 4947(a)(1)
- M - A tax exempt trust under a section 403(b) plan or section 457(g) plan

## Section 2 - Certification

To establish to the paying agent that your TIN is correct, you are not subject to backup withholding, or you are a U.S. person, or resident alien, sign the certification on Form W-9. You are being requested to sign by the Commonwealth of Virginia.

For a joint account, only the person whose TIN is shown in Part I should sign (when required).

Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

### Submission:

Commonwealth Vendor Group  
Post Office Box 1971  
Richmond, VA 23218-1971

# Select Search Services

## TITLE SEARCH REPORT

This Title Search Report is given for use of the individual to whom it is addressed. This is a report of matters appearing in the official land records of the county or city where said property is located, only. This report does not include items, such as mortgages, judgments, liens and other matters for which have recorded satisfactions or releases, and possible other matters which, would not appear in a title search. The amount shown in said Report for any deeds of trust, judgments and/or taxes is for informational purposes only. Said recipient is responsible for confirming amounts for payoff, proration purposes or other purposes. The liability under this Search Report shall cease and terminate six months after the ending date set forth in the Period of the search.

ORDER/Reference: KDR Real Estate – 2793 S. Crater Rd., Petersburg, VA  
(2102 S. Crater Signals f/k/a Petersburg Intersection Proj. #004)

TITLE TO THE BELOW DESCRIBED PROPERTY IS VESTED OF RECORD IN:

BHY Investments 2, LLC

☐ t/e w/s ☐ j/t w/s ☐ t/c ☐ no tenancy ☐ prtshp ☐ corp ☒ LLC

☒ UNDER THE FOLLOWING DEED:

Grantor(s): Stuart A. Simon, Substitute Trustee and I.L. Development, Inc.

Dated: 5-29-2019 Recorded: 8-15-2019 Deed Bk & Pg./Inst. 190002110  
(Rerecording of 190001598)

☐ Current owner is surviving tenant of survivorship tenancy created in the above deed.  
Deceased tenant died pursuant to information at /in

☐ UNDER THE WILL OF:

Date of Death: Date of Probate:  
Will Book & Pg./Inst. No:

☐ BY INHERITANCE FROM:

Date of Death:  
Heirs determined by:  
IF PROPERTY ACQUIRED BY WILL OR INHERITANCE  
Decedent Acquired The Property By:

### BRIEF LEGAL DESCRIPTION:

☐ Use description on attached page(s) marked "description" in brackets " "

☒ Use description in Schedule A of Deed recorded in/as Inst# 190002110

THE PROPERTY LIES IN THE City of Petersburg VIRGINIA. Recordation references are to the Clerk's Office of the Circuit Court thereof unless otherwise stated.

DEEDS OF TRUST: ( ) None

1. Grantor(s): BHY Investment 2 LLC

Trustee(s): Kurtis J. Marx and R. Scott Ritter

Lender: United Bank

Dated 6-17-2019 Recorded: 6-20-2019 Deed Book-Page / Inst. No: 190001599

Amount: \$1,000,000.00

Beneficiary:

Assignments, Subordination Agmts, etc.: Assignment of Rents, Instr#  
and Recorded:

Dated:

### AGREEMENTS AND DECLARATIONS:

1. Agreement & Declaration, DB404-PG511 Dated 5-9-1984 and Recorded 5-10-1984;  
Ammended in DB 448-PG32, Dated 6-23-1987 and Recorded 2-24-1988.

JUDGMENTS (not including purchaser(s) which are found on next page): ( X ) None

UCC/FINANCING STATEMENTS: ( x ) None

Filed as Financing Statement No.

Debtor:

Secured Party:

( ) See additional Financing Statements attached

TAX & ASSESSMENT INFORMATION: INFORMATION & PRINTOUT NOT WARRANTED.  
CONTACT TREASURER TO CONFIRM.

Address 2793 S. Crater Rd., Petersburg, VA Tax Map/ID# 065110004

Land \$ 234,100 Improvements \$ 1,088,700 Total \$ 1,322,800

Annual Amt \$ 17,857.80 Taxes Payable on: Quarterly – 9/30/20, 12/31/20, 03/31/21, & 06/30/21

Taxes Paid Thru 2<sup>nd</sup> quarter Delinquent Taxes: No

Taxes a Lien, Not Yet Due: \$8,928.90 (\$4,464.45 Due 3<sup>rd</sup> and 4<sup>th</sup> quarters)

Town Taxes, Exemptions, Rollback, Supplementals, Stormwater Fees, Etc:

RESTRICTIONS AND/OR DECLARATIONS: ( X ) None

Dated: Recorded: DB & PG/Inst. No:

Amendments at:

Contain Reverter: ( ) Yes ( ) No

Contain Easements (Not Shown on Subd. Plat ( ) Yes ( ) No

Contain Assessments: ( ) Yes ( ) No

Party Walls: ( ) Yes ( ) No

DEEDED EASEMENTS: ( ) NONE

Deed of Easement and Subordination Agreement, DB448-PG16; Dated 6-23-1987 and Recorded 2-24-1988.

ITEMS SHOWN ON PLAT OF SUBDIVISION/PROPERTY recorded in/as DB448\_PG38  
( ) None

1. 10' Water Lane Easement
2. Easement parallel to Parcel C.
3. 50' R/W on Avenue..

ITEMS SHOWN ON OTHER PLAT recorded in/as (X) None

ACCESS:

- (X) Public street(s) named: U.S. Rte. 301/S. Crater Road
- ( ) Appurtenant easement created by Deed Book & Pg./Inst. No.:
- ( ) Road Maintenance Agreement in Deed Book & Pg./Inst. No.:

OTHER MATTERS: ( ) None

SEARCH TYPE: ( ) Current Owner ( ) Two Owner  
( ) Standard Residential (X) Commercial  
( ) Other: with policy

BACK TITLE INFO RELIED UPON IS Policy/Case #

Items to be picked up from this policy affecting the property listed on page 1 are as follows: N/A

EFFECTIVE DATE: 3-9-2021 @ 8:00 A.M.

SEARCHER: Rigina Easell

THIS REPORT CONSISTS OF 3 PAGES, excluding document copies, adverse sheets, etc



# e-Treasurer *Easy Pay*

Questions & Comments Call: 804-733-2349 Email: City Collector

- Reprint Real Estate Taxes Paid

Department: RIE2020 Ticket No: 8950003 Frequency: 3 Supplement No: 0

Name: BHY INVESTMENT 2 LLC Account No: 12674

Name 2:

Map No: 065 110004

Address:

District: 01

10 AVALON CT

Description: 2793 S CRATER ROAD

BETHESDA MD 20816

PARCEL A 5.375 ACRES

Bill Date: 01/01/2021

Due Date: 03/31/2021

Land Value: \$234,100

Improvement Value: \$1,088,700

Original Bill: \$4,464.45

Acres: 53750

Last Date: 01/01/2021

Payments: \$0.00

Penalty Paid: \$0.00

Interest Paid: \$0.00

Amount Owed: \$4,464.45

Total Owed: \$4,464.45

Penalty: \$0.00

Interest: \$0.00

Note: If payment was received within the past 10 business days,  
then any returned items may not be posted at this time.

Date	Type	Transaction No.	Amount	Balance
01/01/2021	Charge	0	\$ 4464.45	\$ 4464.45

New Search Previous

JACKIE ABRAMOV  
8046721368  
KDR REAL ESTATE  
2500 GRENOBLE ROAD  
RICHMOND VA 23294

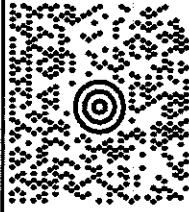
1 LBS PAK 1 OF 1

**SHIP TO:**

EUN S. LEE, MANAGER  
BHY INVESTMENT 2, LLC  
10 AVALON COURT

**BETHESDA MD 20816-1124**

7-28-24



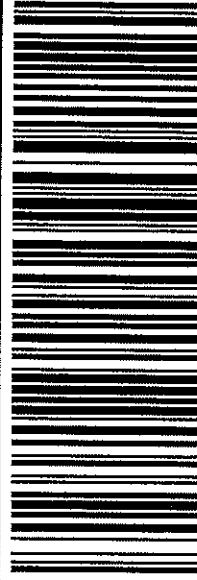
**MD 207 9-84**



**UPS NEXT DAY AIR**

**1**

TRACKING #: 1Z E27 W16 NT 9279 1202



BILLING: P/P  
ATTENTION UPS DRIVER: SHIPPER RELEASE

Reference#1: 2102-South Crater/Parcel 004  
Reference#2: Offer Package

USPS® WINTNV50 30.0A 07/2021\*



TM

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1ZE27W16NT92791202

**Weight**

1.00 LBS

**Service**

UPS Next Day Air®

**Shipped / Billed On**

07/28/2021

**Delivered On**

07/29/2021 11:03 A.M.

**Delivered To**

10 AVALON CT  
BETHESDA, MD, 20816, US

**Left At**

Front Door

**Reference Number(s)**

OFFER PACKAGE, 2102-SOUTH CRATER/PARCEL 004

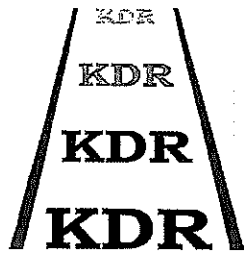
Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 07/29/2021 11:08 A.M. EST





## KDR Real Estate Services

*"When you need it done the right way"*

VIA UPS OVERNIGHT DELIVERY

August 16, 2021

BHY Investment 2, LLC  
c/o Eun S. Lee, Manager  
10 Avalon Court  
Bethesda, MD 20816

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)  
State Project No: 0301-123-259, RW201  
Property Owner: BHY Investment 2, LLC, a Virginia limited liability company  
Property Address: 2793 S. Crater Road, Petersburg, VA 23805  
PID No.(s): 065-110004  
Parcel No(s): 004

Dear Mr. Lee,

Please find enclosed the following documents for your signature:

- Deed of Easement, with plat attached setting forth the rights to be acquired
- Compensation Agreement
- Verification of Identity
- Certificate of Authorization
- Third Party Mortgage Authorization
- Owner/Seller Affidavit
- Commonwealth of Virginia Substitute W-9 Form (Form W-9)

On the compensation agreement, please cross one line through the \$300 and write in "\$500" and initial next to it.

Also, the following information will be required:

- Reinstatement with Virginia State Corporation Commission

Sincerely,

Jackie Abramov, SR/WA  
KDR Right of Way Specialist

2500 Grenoble Road, Richmond, Virginia 23294 •Tel. (804) 672-1368 •Fax (804) 672-1373

**JACKIE ABRAMOV**  
**8046721368**  
**KDR REAL ESTATE**  
**2500 GRENOBLER**  
**RICHMOND VA 23**

**LTR**

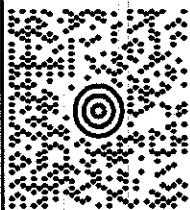
**1 OF 1**

5-16-21

SHIP TO:

**EUN S. LEE, MANAGER  
BHY INVESTMENT 2, LLC  
10 AVALON COURT**

**BETHESDA MD 20816-1124**



**MD 207 9-84**



**UPS NEXT DAY AIR**



TRACKING #: 1Z E27 W16 NT 9726 9643



BILLING: P/P  
ATTENTION UPS DRIVER: SHIPPER RELEASE



Reference#1: 2102-South Crater/Parcel 004

Reference#1: Z10Z-3000 Crater/Falcor V04  
Reference#2: Documents for Signature  
US 22.0.1B. VENT NV50 33.0A 08/2021\*

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1ZE27W16NT97269643

**Service**

UPS Next Day Air®

**Shipped / Billed On**

08/16/2021

**Delivered On**

08/17/2021 11:39 A.M.

**Delivered To**

10 AVALON CT  
BETHESDA, MD, 20816, US

**Left At**

Front Door

**Reference Number(s)**

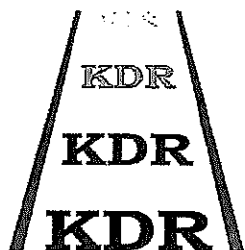
DOCUMENTS FOR SIGNATURE, 2102-SOUTH CRATER/PARCEL 004

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 08/17/2021 11:42 A.M. EST



## KDR Real Estate Services

*"When you need it done the right way"*

VIA USPS PRIORITY MAIL

November 23, 2021

BHY Investment 2, LLC  
c/o Eun S. Lee, Manager  
10 Avalon Court  
Bethesda, MD 20816

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)  
State Project No: 0301-123-259, RW201  
Property Owner: BHY Investment 2, LLC, a Virginia limited liability company  
Property Address: 2793 S. Crater Road, Petersburg, VA 23805  
PID No.(s): 065-110004  
Parcel No(s): 004

Dear Mr. Lee:

On July 29, 2021 an offer package was delivered to you, containing the City of Petersburg's offer to purchase property rights necessary for the construction of the above- referenced project. We last spoke on October 14, 2021, and at that time you advised that you would be sending me the signed documents for this project. To date, I have not received them.

It is imperative that we complete the acquisition soon in order to maintain the project schedule. With that in mind, please provide a response *within two weeks*.

If you feel it is necessary, I would be happy to schedule a time to speak with you to further discuss this project and answer any additional questions. You may contact me by postal mail, email or telephone. I can be reached at **804.956.4674** or by email at **[jabramov@kdrrealestate.com](mailto:jabramov@kdrrealestate.com)**. A business card with my contact information is enclosed for your reference.

Pursuant to § 25.1-204(B) of the Code of Virginia, the City of Petersburg has reviewed this acquisition for purposes of complying with § 1-219.1 of the Code of Virginia. The public use for this project is roadway improvements.

Thank you for your consideration of the City's offer.

Sincerely,  
  
Jaclyn M. Abramov  
Right of Way Specialist



US POSTAGE AND FEES PAID  
NOV 23 2021 Mailed from ZIP 23294  
PM Flat Rate Envelope  
Commercial Plus Price



stamps  
endicia 062S14404718

**PRIORITY MAIL 2-DAY™**

Mrs. Jackie Abramov  
Right of Way Specialist  
KDR Real Estate Services  
2500 Grenoble Road  
Richmond VA 23294-3614

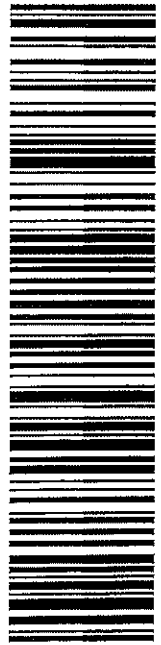
0000

**SHIP**

**TO:** BHY Investment 2 LLC  
c/o Eun S. Lee, Manager  
10 AVALON CT  
**Bethesda MD 20816-1124**

2102-South Crater Road/004/cs  
Contact Request Letter - BHY Investment 2, LLC

**USPS TRACKING #**



9405 5112 0253 0441 9104 73



Powered By:

[Track Another Package +](#)

**Tracking Number:** 9405511202530441910473

[Remove X](#)

Your item was delivered in or at the mailbox at 5:17 pm on November 26, 2021 in BETHESDA, MD 20816.

**USPS Tracking Plus™ Available** 

 **Delivered, In/At Mailbox**

November 26, 2021 at 5:17 pm  
BETHESDA, MD 20816

**Get Updates** 

Feedback

---

**Text & Email Updates**



---

**Tracking History**



November 26, 2021, 5:17 pm  
Delivered, In/At Mailbox  
BETHESDA, MD 20816

Your item was delivered in or at the mailbox at 5:17 pm on November 26, 2021 in BETHESDA, MD 20816.

November 26, 2021, 6:10 am  
Out for Delivery  
BETHESDA, MD 20816

November 25, 2021, 11:51 am  
Arrived at Hub  
BETHESDA, MD 20817

November 25, 2021, 7:13 am  
Arrived at USPS Facility  
BETHESDA, MD 20817

November 25, 2021, 2:51 am  
Departed USPS Regional Facility  
WASHINGTON DC NETWORK DISTRIBUTION CENTER

November 24, 2021, 1:47 pm  
Arrived at USPS Regional Facility  
WASHINGTON DC NETWORK DISTRIBUTION CENTER

November 24, 2021, 1:01 pm  
Departed USPS Facility  
HYATTSVILLE, MD 20785

November 24, 2021, 5:40 am  
Arrived at USPS Facility  
HYATTSVILLE, MD 20785

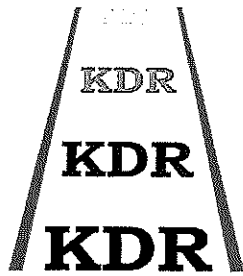
November 24, 2021, 2:51 am  
Departed USPS Regional Facility  
RICHMOND VA DISTRIBUTION CENTER

November 24, 2021, 12:01 am  
Arrived at USPS Regional Facility  
RICHMOND VA DISTRIBUTION CENTER

November 23, 2021, 10:46 pm  
Accepted at USPS Origin Facility  
HENRICO, VA 23294

November 23, 2021, 5:07 pm  
Shipping Label Created, USPS Awaiting Item  
HENRICO, VA 23294

Feedback



## KDR Real Estate Services

*"When you need it done the right way"*

### UPS OVERNIGHT

BHY Investment 2, LLC  
c/o Eun S. Lee, Manager  
10 Avalon Court  
Bethesda, MD 20816

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)  
State Project No: 0301-123-259, RW201  
Property Owner: BHY Investment 2, LLC, a Virginia limited liability company  
Property Address: 2793 S. Crater Road, Petersburg, VA 23805  
PID No.(s): 065-110004  
Parcel No(s).: 004

Dear Mr. Lee:

As Jackie Abramov, KDR Right of Way Specialist, has previously discussed, the City of Petersburg ("CITY") plans to begin construction of the above project soon. In order to do so it is necessary for us to acquire a portion of your property. She has described the portion that the CITY needs to acquire and the impact the construction will have on your remaining property. She has given you a copy of the conveyance instrument with plat attached, compensation agreement, third party/mortgage authorization, title report, certificate of authorization, the highway plan sheet, profile sheet, and a Basic Acquisition Report that establishes our estimate of the value of the property and any other rights that we need to acquire from you.

As of the date of this letter, we still have not been able to reach a mutual agreement on the amount of compensation you will accept in return for voluntarily conveying the land and any necessary rights to the CITY. We have talked about the fact that if we cannot reach an agreement in a timely manner, it will be necessary for the CITY to acquire the property by condemnation. Jackie has explained the condemnation process to you.

Condemnation is not the preferred manner of acquiring property for highway projects and the CITY strives to avoid it whenever possible.

Unfortunately we are now at the point at which we need to either reach agreement or the CITY must begin the condemnation process. As a follow-up to the last contact on



November 30, 2021, and in an effort to reach a mutually acceptable resolution and thereby eliminating the necessity for condemnation, I respectfully request that you reconsider the last offer we made. If you feel you cannot accept that offer, I would very much appreciate your communicating to me the minimum amount you would accept in return for voluntarily conveying the needed property and rights to the CITY. I assure you it will receive my prompt attention and consideration and you will receive a prompt reply concerning our ability to accept it.

If I have not heard from you in **two weeks (December 16, 2021)** I will assume that we are not able to reach a mutual agreement and that there is no offer that we are able to make that you would accept. In that event, we will have no other option but to turn this over to the city to consider condemnation in order to avoid delaying the project. You will be notified by separate letter if the city moves forward with condemnation proceedings.

Please understand that pursuing condemnation is not intended to prohibit any further negotiations. If at any time you feel that there is a mutually acceptable resolution, please let me know so that we can pursue a settlement.

I can be reached at **804.956.4672** or by email at **[jdykes@kdrrealestate.com](mailto:jdykes@kdrrealestate.com)**. A business card with my contact information is enclosed for your ready reference.

Sincerely,



Jefferson L. Dykes, SR/WA  
KDR Project Manager

JLD/jm

On Behalf of:  
City of Petersburg

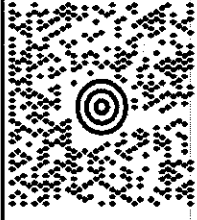
JEFF DYKES  
8046721368  
KOR REAL ESTATE  
2500 GRENOBLE ROAD  
RICHMOND VA 23294

LTR

1 OF 1

**SHIP TO:**  
EUN S. LEE, MANAGER  
BHY INVESTMENT 2, LLC  
10 AVALON COURT  
**BETHESDA MD 20816**

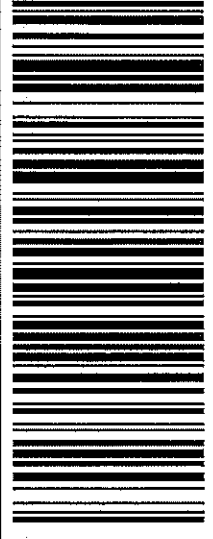
12-2-21



**MD 207 9-84**



**UPS NEXT DAY AIR SAVER 1P**  
TRACKING #: 1Z E27 W16 13 9329 7147



BILLING: P/P



Reference #1: 2102 South Crater Signals/004  
Reference #2: Follow Up Letter  
XOL21:11:21 NV45 49.0A 11/2021\*

# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1ZE27W161393297147

**Service**

UPS Next Day Air Saver®

**Shipped / Billed On**

12/02/2021

**Delivered On**

12/03/2021 4:17 P.M.

**Delivered To**

10 AVALON CT  
BETHESDA, MD, 20816, US

**Received By**

DRIVER RELEASE

**Left At**

Front Door

**Reference Number(s)**

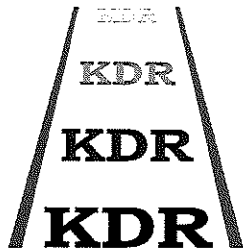
FOLLOW UP LETTER, 2102 SOUTH CRATER SIGNALS/004

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 12/06/2021 8:16 A.M. EST



## KDR Real Estate Services

*"When you need it done the right way"*

January 5, 2022

Mr. William Riggleman  
Office of Development and Operations  
1340 East Washington Street  
Petersburg, VA 23803

Re: South Crater Road Traffic Signal Improvements Project (UPC 101039)  
State Project No: 0301-123-259, RW201  
Property Owner: BHY Investment 2, LLC, a Virginia limited liability company  
Property Address: 2793 S. Crater Road, Petersburg, VA 23805  
PID No.(s): 065-110004  
Parcel No(s).: 004

Dear Mr. Riggleman:

Enclosed please find the legal file for Parcel 004 BHY Investment 2, LLC, a Virginia limited liability company, for the South Crater Road Traffic Signal Improvements Project.

KDR recommends moving forward with the Eminent Domain Process. The offer package was mailed on July 28, 2021. Mr. Lee agreed upon a negotiated amount and then said he is refusing to sign anything. An impasse "hard" letter requesting response from the Landowner has been sent with no response from Mr. Lee.

Please contact me at 804.956.4672 or [jdykes@kdrrealestate.com](mailto:jdykes@kdrrealestate.com) should you need additional information.

Sincerely,

Jefferson L. Dykes, SR/WA  
KDR Project Manager



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 24, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Kenneth Miller, Interim City Manager

**FROM:** Margo Hardy

**RE:** Consideration of an appropriation of the American Rescue Plan Act (ARPA) - Group Violence Intervention Grant - \$300,000 - 2nd Reading (Page 69)

---

**PURPOSE:** To appropriate the American Rescue Plan Act (ARPA) - Group Violence Intervention Grant in the amount of \$300,000.

**REASON:** These are the funds awarded to the City of Petersburg Department of Police and issued by the Commonwealth of Virginia Office of the Attorney General.

**RECOMMENDATION:** Recommend that Council approve the appropriation ordinance of the American Rescue Plan Act (ARPA) - Group Violence Intervention Grant for \$300,000.

**BACKGROUND:** The City of Petersburg Department of Police has been awarded a grant from the Commonwealth of Virginia Office of the Attorney General for the American Rescue Plan Act (ARPA) - Group Violence Intervention Grant in the amount of 300,000.

**COST TO CITY:** There is no monetary cost to the City. This is a reimbursement grant.

**BUDGETED ITEM:**

**REVENUE TO CITY:** \$300,000

**CITY COUNCIL HEARING DATE:** 5/24/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** City of Petersburg Department of Police

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. American Rescue Plan Act (ARPA) Group Violence Intervention Grant

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE  
MAKING APPROPRIATIONS FOR THE FISCAL YEAR  
COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2023  
FOR THE GRANTS FUND.**

---

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

I. That appropriations for the fiscal year commencing July 1, 2022, in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2023.

**Previously adopted** **\$0.00**

**ADD:** American Rescue Plan Act (ARPA) Group Violence Intervention Grant **\$300,000**

**Total Revenues** **\$300,000**

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2022 and ending June 30, 2023, the following sums for the purposes mentioned:

**Previously adopted** **\$0.00**

**ADD:** American Rescue Plan Act (ARPA) Group Violence Intervention Grant **\$300,000**

**Total Expenses** **\$300,000**



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** May 24, 2022

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Kenneth Miller, Interim City Manager

**FROM:** Stacey Jordan

**RE:** Consideration to amend Ordinance Section 106-1. - Rate of taxation on real property.  
(Page 71)

---

**PURPOSE:** Amend Ordinance Section 106-1. Rate of taxation on real property.

**REASON:** The City of Petersburg recently completed the reassessment process. With these reassessment figures, we have computed a revenue neutral tax rate for your consideration. The FY22-23 Budget was compiled based on the reduction. The reduction does not hinder the city from maintaining the budget or maintain services, but to reallocate funds to create a more livable City for all.

**RECOMMENDATION:** It is the recommendation of City staff that Council adopt a tax rate necessary to accomplish the Council's choices in the FY22-23 budget and approve the attached ordinance.

**BACKGROUND:** The City has not had a tax reduction in Real Property taxes. For FY22-23 Council choices is to reduce the tax rate. Advertisement was placed with the Notice of proposed tax rate was advertised April 5th and the public hearing was conducted on April 19th.

**COST TO CITY:**

**BUDGETED ITEM:** yes

**REVENUE TO CITY:** \$26,095,839

**CITY COUNCIL HEARING DATE:** 5/24/2022

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** General Government

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. Ordinance to amend Section 106.1
2. 2
3. Revenue Neutral



**AN ORDINANCE TO AMEND SECTION 106.1 PERTAINING TO REAL PROPERTY TAX RATE**

WHEREAS, The City of Petersburg Code has a codified section that depicts a real property for all tracts of land, lots and improvements thereon; and,

WHEREAS, this aforementioned tax is referenced in Section 106.1 of the City of Petersburg code; and

WHEREAS, The City of Petersburg Council revisits this section of Petersburg City Code in correlation with reviewing budget options for the impending fiscal year and amends the aforementioned tax rate to accomplish Council's priorities in the City of Petersburg next fiscal year's budget.

NOW therefore be it ORDAINED, that the adoption of this ordinance shall implement the proposed amendments to Sections 106.1 of the City of Petersburg City Code to change the real estate tax rate to \$1.27 cents per \$100 of assessed value.

---

**Sec. 106-1. Rate of taxation on real and personal property.**

The city council shall annually fix the rate of taxation which shall be assessed upon real and personal property.

(Code 1981, § 34-1)

# Revenue Neutral Rate Calculations & Options for FY 21-22 Budget

58.1-3321. Effect on rate when assessment results in tax increase; public hearings.

A. When any annual assessment, biennial assessment or general reassessment of real property by a county, city or town would result in an increase of one percent or more in the total real property tax levied, such county, city, or town **shall reduce its rate of levy for the forthcoming tax year so as to cause such rate of levy to produce no more than 101 percent of the previous year's real property tax levies, unless subsection B is complied with, which rate shall be determined by multiplying the previous year's total real property tax levies by 101 percent and dividing the product by the forthcoming tax year's total real property assessed value.**

## Calculation:

Fiscal Year	RE Tax Rate/ \$100	Tax Yr RE Assessed Value-1	Actual Levy Rate x Assessment	Increase
2021-22	..	<b>\$2,185,947,332</b>	\$29,510,289	13.43%
2020-21	\$1.35	\$1,927,106,692	\$26,015,940	

Grand (Deferred) Total Local Levy (21-22) = 26,015,940 \* 101% = 26,276,099.40  
Grand (Deferred) Total Value (2021-2022 estimate) = 2,185,947,332  
Tax Rate (2023) = 0.0135

## Notes:

1 estimate from Commissioner of Revenue while awaiting formal submission of date from Assessor  
and using COR value for 2022-23

## Options:

	Reduced tax rate to PY levy plus 1%	Option 1 reduce tax rate to 100% of	Option 2 reduce tax rate to 100%	Option 3 No change in
New tax rate	\$1.20	\$1.21	\$1.23	\$1.27
New RE levy	\$26,276,100	\$26,536,259	\$26,796,419	\$27,761,531
Actual RE revenue	\$24,699,534	\$24,944,084	\$25,188,633	\$26,095,839
Difference in Revenue for each option		\$244,550	\$229,877	\$852,773

Calculation to Determine Revenue Neutral Tax Rate as per 58.1-3321:

- Determine tax levy for current fiscal year and the increase
- If greater than 1% increase, must reduce new levy to 101% of previous year  
the increase is 13.43% so must reduce rate to = 101%
- a 1% increase of the previous year level = \$26,276,100
- calculation to reduce the tax to equate to 101% of last year's levy  
\$26,276,100 = X (\$1,425,000,000)
- Solve for X = \$1.2020
- Check Levy that equates to 101% of previous year levy  
\$1,425,000,000 x \$.7958 = \$26,276,100
- Tax rate would reduce to \$1.2020
- Tax rate reduction \$0.1480  
in cents = 14.80

## Other Options:

- reduce tax rate to greater than 101% of the previous year levy, see section B pf 58.1-3321; requires separate public hearing and 30 day notice or 14 depending on amendments by April 30
- To reduce that tax rate to 100% revenue neutral
- to reduce rate beyond revenue neutral, = 1 cent reduction is \$218,594.73

Is tax base total the Grand total including land use deferred total or Grand deferred total

Board wants to use \$250,000 for FB

## Tax Rate Reduction Scenario- Median Assessment

Current Tax Rate	Option 1
\$ 102,000	\$ 102,000
\$ 1.35	\$ 1.27
\$ 1,377	\$ 1,295
Difference from Current Rate	\$ 82