



City of Petersburg Virginia

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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

Special Joint City Council Meeting with the Planning Commission - August 2, 2022

Interim City Manager
Kenneth Miller

**August 2, 2022
Petersburg Public Library
201 West Washington Street
Petersburg, VA 23803
10:00 AM**

1. Roll Call

2. Official Public Hearings

- a. A public hearing on the consideration of an ordinance approving a petition to amend the proffers relating to off-site improvements and a Traffic Impact Analysis (TIA) adopted with the rezoning of the property for the Berkeley Estates residential development. (Page 2)

3. New Business

- a. Consideration of a resolution approving the City Manager to sign and submit appropriate documents for the submittal of the Industrial Revitalization Fund grant for the rehabilitation of 112 North Sycamore Street. (Page 21)
- b. Consideration of a resolution approving the City Manager to sign and submit appropriate documents for the submittal of the Industrial Revitalization Fund grant for the rehabilitation of 1964 Puddledock Road. (Page 24)
- c. Consideration to adopt a resolution to approve the amendments to the City of Petersburg disposition guidelines for city-owned real estate property. (Page 27)
- d. Consideration of a resolution approving the Interim City Manager to sign and submit a grant application to the Department of Housing and Community Development, for the submittal of an Industrial Revitalization Fund Grant for the demolition of the former Ramanda Inn located on 380 East Washington Street. (Page 47)
- e. Consideration of a resolution approving the Interim City Manager to sign the Virginia Brownsfields Assistance Funds Site Assessment and Planning Grant Performance Agreement for the Harbor Project. (Page 50)

4. Adjournment



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: August 2, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager
Tangela Innis, Deputy City Manager
Brian Moore, Director of Economic Development

FROM: Reginald Tabor

RE: **A public hearing on the consideration of an ordinance approving a petition to amend the proffers relating to off-site improvements and a Traffic Impact Analysis (TIA) adopted with the rezoning of the property for the Berkeley Estates residential development. (Page 2)**

PURPOSE: To consider adoption of an Ordinance approving the petition to amend proffers adopted with the rezoning of the property for Berkeley Estates.

REASON: To comply with laws, policies and procedures regarding the amendment of proffers adopted with the rezoning of properties.

RECOMMENDATION: Staff recommends approval of the attached ordinance.

BACKGROUND: The City of Petersburg received a petition from Mr. Robert C. Snead, Agent for Berkeley Holding Company and RCS Group, LLC, to amend the proffers relating to the Traffic Impact Analysis (TIA) adopted with the rezoning of the property for the Berkeley Estates residential development. The proffers were originally adopted February 19, 2008 with 08-Ord-18. The proffers include approved in 2008 include the following provisions:

4. The Applicant shall be responsible for the construction of off-site road segment improvements set out below that are within the existing public rights-of-way upon the sooner of: (i) the date that the applicable improvement is warranted, as set forth in the approved TIA, or (ii) the completion of the road improvements for Phase II of Berkeley Estates. The off-site road segment improvements shall be:

- (a) Overlay approximately 1300 feet of Old Wagner Road from Normandy Drive west to the end of Old Wagner Road at the beginning of Frontage Road with two inches of a VDOT approved surface course bituminous mix and a one foot (stone wedge #26 aggregate) shoulder;
- (b) Reconstruct Normandy Drive between Wagner Road and Old Wagner Road to provide a three lane typical section within the existing right-of-way;

- (c) Modify the existing traffic signal at the intersection of Wagner Road to southbound Normandy Drive to add a light for the new third lane;
- (d) Lengthen the existing right turn lane from eastbound Wagner Road to southbound Normandy Drive from 100 foot to 200 with a 100 foot taper; and
- (e) Lengthen the existing left turn lane from westbound Wagner Road to southbound Normandy Drive from 200 foot to 300 foot with a 150 foot taper.

The Developer, has expressed concern that the off-site improvements approved in the Proffers may not address the current traffic improvements needed following the completion of the development to date. The Developer has hired the same consultant to complete a new Traffic Impact Analysis (TIA) to confirm the off-site improvements that will be necessary to address any traffic concerns caused by the new development. The petition to amend the proffers would require the developer to complete off-site improvements warranted by the results of the new study.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 8/2/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Virginia Department of Transportation (VDOT)

AFFECTED AGENCIES: Public Works, Economic Development and Planning

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: 08-Ord-18, adopted February 19, 2008, 18-Ord-31, adopted November 20, 2018.

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 0802_2022CityCouncilAgendaItemBerkeleyEstatesOrdinance
2. 0802_2022CityCouncilAgendaItemBerkeleyEstatesOrdinanceExhibitA
3. 0219_2008OrdinanceRezoning500OldWagnerRdBerkeleyEstates
4. 0802_2022NotarizedRevisedProffers

AN ORDINANCE APPROVING THE PETITION SUBMITTED BY MR. ROBERT C. SNEAD, AGENT FOR BERKELEY HOLDING COMPANY AND RCS GROUP, LLC, TO AMEND THE PROFFERS RELATING TO THE TRAFFIC IMPACT ANALYSIS (TIA) ADOPTED WITH THE REZONING OF THE PROPERTY FOR THE BERKELEY ESTATES RESIDENTIAL DEVELOPMENT

WHEREAS, the City of Petersburg received a petition from Mr. Robert C. Snead, Agent for Berkeley Holding Company and RCS Group, LLC, to amend the proffers relating to the Traffic Impact Analysis (TIA) adopted with the rezoning of the property for the Berkeley Estates residential development; and

WHEREAS, the proffers were originally adopted February 19, 2008 with 08-Ord-18; and

WHEREAS, the proffers include approved in 2008 include the following provisions:

4. The Applicant shall be responsible for the construction of off-site road segment improvements set out below that are within the existing public rights-of-way upon the sooner of: (i) the date that the applicable improvement is warranted, as set forth in the approved TIA, or (ii) the completion of the road improvements for Phase II of Berkeley Estates. The off-site road segment improvements shall be:

- (a) Overlay approximately 1300 feet of Old Wagner Road from Normandy Drive west to the end of Old Wagner Road at the beginning of Frontage Road with two inches of a VDOT approved surface course bituminous mix and a one foot (stone wedge #26 aggregate) shoulder;
- (b) Reconstruct Normandy Drive between Wagner Road and Old Wagner Road to provide a three lane typical section within the existing right-of-way;
- (c) Modify the existing traffic signal at the intersection of Wagner Road to southbound Normandy Drive to add a light for the new third lane;
- (d) Lengthen the existing right turn lane from eastbound Wagner Road to southbound Normandy Drive from 100 foot to 200 with a 100 foot taper; and
- (e) Lengthen the existing left turn lane from westbound Wagner Road to southbound Normandy Drive from 200 foot to 300 foot with a 150 foot taper.

WHEREAS, the Developer, has expressed concern that the off-site improvements approved in the Proffers in 2008 may not address the current traffic improvements needed following the completion of the development to date; and

WHEREAS, the Developer has hired the same consultant to complete a new Traffic Impact Analysis (TIA) to confirm the off-site improvements that will be necessary to address any traffic concerns caused by the new development; and

WHEREAS, the petition to amend the proffers would require the developer to complete off-site improvements warranted by the results of the new study.

WHEREAS, pursuant to the requirements of the Code of Virginia, as amended, a public hearing was held by the City Council prior to consideration of the approval of this ordinance and the public hearing was advertised, in accordance with applicable laws.

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg adopts this ordinance and approves the proposed petition and the amendment to the proffers relating to the Traffic Impact Analysis (TIA) adopted with the rezoning of the property for the Berkeley Estates residential development in conformance with the attached (Exhibit A).

Exhibit A

The Applicant is pleased to submit the following proffers for the above-referenced Rezoning Request to rezone Tax Parcel 083-02-0001 at 500 Old Wagner Road, in the City of Petersburg, Virginia consisting of 30.232 acres, more or less, from Agricultural (“A”) to Single Family Residential (“R-1”). The propose of the Rezoning Request is to permit the development of the subject property (the “Property”) as single family detached homes.

The proffers are as follows:

1. These proffered conditions shall become zoning conditions upon approval of the case and shall apply to the Applicant or its successors or assigns.
2. The Property shall be developed in general conformance with the street layout, phasing restrictions and other conditions for the subdivision and development of the Berkeley Estates Subdivision, set forth in Exhibit A attached hereto and incorporated herein by this reference.
The total number of dwelling units on the Property shall be determined as part of the subdivision plan process and shall be controlled by the ordinance standards of the City of Petersburg (the “City”).
3. The Applicant shall dedicate and be responsible for the construction of all internal roads on the Property, to be determined as part of the subdivision plan process. The Applicant shall provide a Traffic Impact Analysis (“TIA”) subject to approval by the City as confirmed by the Commonwealth of Virginia, Department of Transportation (“VDOT”).
4. The Applicant shall be responsible for the construction of off-site road segment improvements ~~set out below~~ that are within the existing public rights-of-way upon ~~the sooner of: (i) the date that the applicable improvement is warranted, if warranted by build out of development~~ as set forth in the approved TIA, ~~to be completed in 2022, or (ii) the completion of the road improvements for Phase II of Berkeley Estates.~~ The off-site road segment improvements shall be:

5.

~~(a)~~a. Overlay approximately 1300 feet of Old Wagner Road from Normandy Drive west to the end of Old Wagner Road at the beginning of Frontage Road with two inches of a VDOT approved surface course bituminous mix and a one foot (stone wedge #26 aggregate) shoulder;

b.

~~(b)~~c. Reconstruct Normandy Drive between Wagner Road and Old Wagner Road to provide a three lane typical section within the existing right-of-way;

d.

~~(c)~~e. Modify the existing traffic signal at the intersection of Wagner Road to southbound Normandy Drive to add a light for the new third lane;

f.

~~(d)~~g. Lengthen the existing right turn lane from eastbound Wagner Road to southbound Normandy Drive from 100 foot to 200 with a 100 foot taper; and

h.

~~(e)~~ Lengthen the existing left turn lane from westbound Wagner Road to southbound Normandy Drive from 200 foot to 300 foot with a 150 foot taper.

5.6. Signage shall be in general conformance with the purposes of Article 21 (Sign Regulations) of the Zoning Ordinance of the City of Petersburg. All signs shall require a sign permit issued under the provisions of Article 21 of the Zoning Ordinance of the City of Petersburg.

6.7. All uses shall be connected to public water and sewer as part of the development of the Property. The Applicant shall be responsible for the design and construction of all on-site and off-site water and sewer lines necessary to provide service to the particular land use being developed, in accordance with the applicable requirements of the City and the Commonwealth of Virginia. All lines shall be sized in accordance with the applicable requirements of City of Petersburg. The Applicant shall be responsible for provision of a pro-rata share of the costs of off-site improvements to the sanitary sewer capacity and conveyance system for the Poor Creek Sanitary Sewer Basin. The actual costs shall be determined in consultation with the Department of Public Works at or before the time of subdivision plan submission for the development.

7.8. Stormwater management facilities shall be owned and maintained by the Applicant. The stormwater management ponds shall be constructed by the Applicant as determined to be necessary and appropriate by the City, based on a Stormwater Management Plan consistent with the laws of the Commonwealth of Virginia and the requirements of the City of Petersburg. Such plans shall be required at the time of site plan submission. Stormwater management ponds shall primarily be wet ponds and shall be designed so as to enhance the areas in which the ponds are located. The design and location of the various ponds shall be approved by the City of Petersburg at the time of subdivision plan submission.

8.9. The Applicant shall grant utility easements or such other easements as are necessary and appropriate for the development. All utilities shall be underground. The party requesting an easement shall provide a copy of the proposed easement document for review and approval in advance, such easement shall be of a minimum width necessary and shall be located in such a way that it does not reasonable interfere with the productive use of the grantor's property, and the grantee of the easement shall indemnify the grantor for any and all damages that may result of the installation and/or maintenance of such easement.

9.10. Except for timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property

until a land disturbance permit has been obtained from the City and the approved devices installed.

~~10.~~11. The Applicant shall install ornamental lighting throughout the Property in conformance with Dominion Power guidelines. The design and location of the lighting improvements shall be approved by the City of Petersburg at the time of subdivision plan submission. The Applicant shall be responsible for the capital cost and the first year of operating and maintenance cost for such lighting.

~~11.~~12. The Applicant shall install sidewalks as shown on the tentative Master Plan to provide pedestrian access and connectivity. The design and location of the sidewalks shall be approved by the City of Petersburg at the time of subdivision plan submission.

~~12.~~13. The Applicant shall preserve all existing plantings and vegetation to within an area of at least 50 feet along the edge of the Property adjacent to the Frontage Road.

We are pleased to make these proffers in the spirit of a commitment to quality in the development of this project.

The Applicant reserves the right to amend, alter or supplement these proffers until this application comes before the City Council for consideration.

With warm regards, I respectfully submit this and remain,

Very truly yours,

Patrons - All Members of Council

Approved as to form and legality by the City Attorney

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PETERSBURG, AS AMENDED, BY AMENDING THE DISTRICT MAP CONSTITUTING A PART OF SAID ORDINANCE, AS AMENDED, SO AS TO MODIFY THE DESIGNATION OF CERTAIN PROPERTY HAVING A CURRENT ADDRESS OF 500 OLD WAGNER ROAD, FURTHER IDENTIFIED AS TAX PARCEL 083-02-0001, FROM "A", AGRICULTURAL DISTRICT, TO "R-1", SINGLE-FAMILY RESIDENCE DISTRICT, WITH CONDITIONS.

WHEREAS, RCS Group, LLC, contractual owner of certain property having a current address of 500 Old Wagner Road, further identified as tax parcel 083-02-0001, petitioned the City Council of the City of Petersburg, through its Planning Commission to amend the City's zoning ordinance; and

WHEREAS, the subject property, having a current address of 500 Old Wagner Road, further identified as tax parcel 083-02-0001, contains approximately 30 acres of land and is located at the intersection of Wagner Road and Normandy Drive; and

WHEREAS, the amendment sought by the contractual owner of the subject property would modify the zoning designation of the subject property from "A", Agricultural District, to "R-1", Single-Family Residence District; and

WHEREAS, such proposed amendment is sought to facilitate the development of a single-family residential subdivision containing approximately 71 lots; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendment on November 7, 2007; and

WHEREAS, at that public hearing, adjoining property owners and other interested parties raised concerns regarding (i) the impact of traffic expected to be generated by the proposed subdivision, (ii) the proposed size of the subdivision's lots in comparison to the existing lots within the adjoining Berkeley Manor subdivision, (iii) the size, style, and building

material type for the proposed residential units, and (iv) the manner in which proposed streets would be connected to the existing streets of the Berkeley Manor Subdivision; and

WHEREAS, by letter dated February 19, 2008, the contractual owners of the subject property proffered to the City conditions to mitigate the impact of the change of zone designations upon the surrounding properties and land uses; and

WHEREAS, the Planning Commission finds that the proposed change of zone designation is not fully consistent with the Comprehensive Plan 2000 General Land Use Plan (Map), which Plan identifies light industrial/flexible uses as appropriate for the subject property; and

WHEREAS, the Planning Commission observes that the land use circumstances and development patterns for the affected area of the City are in flux; and

WHEREAS, the Planning Commission finds that the requested change of zone designation is compatible with the existing zoning and development of adjacent land areas; and

WHEREAS, the Planning Commission recommends that City Council approve the proposed amendment to the zoning ordinance, with the conditions proffered by the petitioner, attached hereto and made a part hereof; and

WHEREAS, the City of Petersburg has held a public hearing on February 19, 2008, pursuant to notice thereof as required by law, on the proposed amendment to the zoning ordinance; and

WHEREAS, the City Council of the City of Petersburg has determined that the proposed amendment to the zoning ordinance should be granted, with the conditions proffered by the petitioner attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Petersburg:

1. That the zoning ordinance, as amended, be amended further by amending the District Map constituting a part of said ordinance, as amended, so as to change the designation of the following described property from "A", Agricultural District, to "R-1", Single-Family Residential District, with the proffered conditions attached hereto and made a part hereof:

that certain 30.232 +/- acre parcel of land situate and being in the City of Petersburg, Virginia, along the south line of Old Wagner Road, with approximately one thousand four hundred (1,400') feet of frontage along the south side of Old Wagner Road and an additional (approximately) six hundred (600') feet of frontage along the east side of Frontage Road, addressed as 500 Old Wagner Road and further identified as Tax Parcel 083-02-0001.

2. That this rezoning is conditioned upon the compliance by the owner or owners with all of the proffered conditions contained in the three page letter dated February 19, 2008, from RCS Group LLC to Leonard A. Muse, Director of Planning and Development, City of Petersburg, a copy of which is attached to, incorporated into, and made a part of this ordinance. These conditions, having been proffered by the owners or owners and accepted by the City, shall continue in full force and effect until a subsequent amendment to the City's zoning ordinance changes the zoning of the parcel rezoned by this ordinance and specifically repeals such conditions.

3. That if the current or future owner or owners of the subject property fail to fulfill the proffered conditions incorporated into this ordinance with regards to the rezoned property identified s Tax Parcel 083-02-0001 at 500 Wagner Road by March 1, 2013, the Petersburg City Council may, by duly adopted ordinance, deem such conditions void, repeal this ordinance, and rezone the property.

4. That this ordinance shall take effect immediately upon adoption.

RCS GROUP, LLC
P. O. Box 410
St. Stephens Church, Virginia 23148
(804) 769-1282 (Office)
(804) 769-1283 (Fax)
E-Mail: robertmartinko@aol.com

February 19, 2008

Leonard A. Muse
Director Planning and Community Development
City of Petersburg
City Hall, Room 304
135 N. Union Street
Petersburg, Virginia 23803

RE: Proffers Relative to RCS Rezoning Application
RCS, LLC, Applicant
Property Address: 500 Old Wagner Road
REZ-2007-10

Dear Mr. Muse:

The Applicant is pleased to submit the following proffers for the above-referenced Rezoning Request to rezone Tax Parcel 083-02-0001 at 500 Old Wagner Road, in the City of Petersburg, Virginia, consisting of 30.232 acres, more or less, from Agricultural ("A") to Single Family Residential ("R-1"). The purpose of the Rezoning Request is to permit the development of the subject property (the "Property") as single family detached homes.

The proffers are as follows:

1. These proffered conditions shall become zoning conditions upon approval of the case and shall apply to the Applicant or its successors or assigns.
2. The Property shall be developed in general conformance with the street layout, phasing restrictions and other conditions for the subdivision and development of the Berkeley Estates Subdivision, set forth in Exhibit A attached hereto and incorporated herein by this reference. The total number of dwelling units on the Property shall be determined as part of the subdivision plan process and shall be

controlled by the ordinance standards of the City of Petersburg (the "City").

3. The Applicant shall dedicate and be responsible for the construction of all internal roads on the Property, to be determined as part of the subdivision plan process. The Applicant shall provide a Traffic Impact Analysis ("TIA") subject to approval by the City as confirmed by the Commonwealth of Virginia, Department of Transportation ("VDOT").
4. The Applicant shall be responsible for the construction of off-site road segment improvements set out below that are within the existing public rights-of-way upon the sooner of: (i) the date that the applicable improvement is warranted, as set forth in the approved TIA, or (ii) the completion of the road improvements for Phase II of Berkeley Estates. The off-site road segment improvements shall be:
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 - (e). Lengthen the existing left turn lane from westbound Wagner Road to southbound Normandy Drive from 200 foot to 300 foot with a 150 foot taper.
5. Signage shall be in general conformance with the purposes of Article 21 (Sign Regulations) of the Zoning Ordinance of the City of Petersburg. All signs shall require a sign permit issued under the provisions of Article 21 of the Zoning Ordinance of the City of Petersburg.
6. All uses shall be connected to public water and sewer as part of the development of the Property. The Applicant shall be responsible for the design and construction of all on-site and off-site water and sewer lines necessary to provide service to the

particular land use being developed, in accordance with the applicable requirements of the City and the Commonwealth of Virginia. All lines shall be sized in accordance with the applicable requirements of City of Petersburg. The Applicants shall be responsible for provision of a pro-rata share of the costs of off-site improvements to the sanitary sewer capacity and conveyance system for the Poor Creek Sanitary Sewer Basin. The actual costs shall be determined in consultation with the Department of Public Works at or before the time of subdivision plan submission for the development.

7. Stormwater management facilities shall be owned and maintained by the Applicant. The stormwater management ponds shall be constructed by the Applicant as determined to be necessary and appropriate by the City, based on a Stormwater Management Plan consistent with the laws of the Commonwealth of Virginia and the requirements of the City of Petersburg. Such plans shall be required at the time of site plan submission. Stormwater management ponds shall primarily be wet ponds and shall be designed so as to enhance the areas in which the ponds are located. The design and location of the various ponds shall be approved by the City of Petersburg at the time of subdivision plan submission.
8. The Applicant shall grant utility easements or such other easements as are necessary and appropriate for the development. All utilities shall be underground. The party requesting an easement shall provide a copy of the proposed easement document for review and approval in advance, such easement shall be of a minimum width necessary and shall be located in such a way that it does not reasonably interfere with the productive use of the grantor's property, and the grantee of the easement shall indemnify the grantor for any and all damages that may result of the installation and/or maintenance of such easement.
9. Except for timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the City and the approved devices installed.
10. The Applicant shall install ornamental lighting throughout the Property in conformance with Dominion Power guidelines. The design and location of the lighting improvements shall be approved by the City of Petersburg at the time of subdivision plan submission. The Applicant shall be responsible for the capital cost and the first year of operating and maintenance cost for such lighting.

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12. The Applicant shall preserve all existing plantings and vegetation to within an area of at least 50 feet along the edge of the Property adjacent to the Frontage Road.

We are pleased to make these proffers in the spirit of a commitment to quality in the development of this project.

The Applicant reserves the right to amend, alter or supplement these proffers until this application comes before the City Council for consideration.

With warm regards, I respectfully submit this and remain,

Very truly yours,



Robert Martinko
Principal
RCS Group, LLC

Commonwealth of Virginia:

Subscribed and sworn to before me this 19th day of February, 2008, by Robert Martinko.

My Commission Expires:

3/31/09



NOTARY PUBLIC

Virginia Notary Registration #:

H 368931

[AFFIX SEAL]

EXHIBIT A**Berkeley Estates Subdivision**

- A. The Applicant shall develop the Berkeley Estates subdivision in general accordance with the street layout set forth in that certain tentative Master Plan for Berkeley Estates attached hereto, dated February 14, 2008, by Charles Townes, surveyor, consisting of two sheets. Additionally, such street layout shall be consistent with the requirements of the Subdivision Ordinance at the time of subdivision plat submission.
- B. Berkeley Estates Subdivision shall contain no more than 250 lots and shall be controlled by the ordinance standards of the City of Petersburg.
- C. Berkeley Estates Subdivision shall be developed in accordance with a Phasing Plan as follows:
- I. Building permits for approved lots within Phase I may be applied for and obtained upon final subdivision plat approval and recordation;
 - II. Building permits for approved lots within Phase II may not be applied for and obtained until after June 30, 2009;
 - III. Building permits for approved lots within Phase III may not be applied for and obtained until after June 30, 2010;
 - IV. Building permits for approved lots within Phase IV may not be applied for and obtained until after June 30, 2011;
 - V. Building permits for approved lots within Phase V may not be applied for and obtained until after June 30, 2012;
- D. The one story dwelling units shall contain a minimum of 1,500 square feet of finished living space, and the two story dwelling units shall contain a minimum of 1,700 square feet of finished living space. For purposes of this condition, "finished living space" shall not include garages, patios, open porches or any accessory structures. At least 80% of the total number of dwelling units shall be two story units. At least 75% of the total number of dwelling units shall have at least a one car garage. Each of the dwelling units shall have concrete driveways and each of the dwelling units shall have brick foundations.

- E. The Applicant shall execute a "Declaration of Covenants and Restrictions" (Declaration), approved in advance by the City Attorney as consistent with the Ordinance adopted approving this zoning case, and so by create a homeowners association (the "HOA"). The HOA shall adopt and enforce the standards for development, consistent with the proffers, and assure the quality of development, architectural compatibility, environmental protection and other elements of development control.

The Declaration shall be recorded among the land records of the City of Petersburg prior to the conveyance of any properties by the Applicant to third parties and as soon as practicable upon approval of the zoning case. The HOA shall be funded by all owners of property within the Berkeley Estates development by payment of dues to the HOA based upon the number of lots approved as part of the subdivision process.

[End of Exhibit A]

July 18, 2022
RCS Group LLC.
PO Box 410
St. Stephens Church, Va. 23148

Reginald Tabor
Director Planning and Community Development
City of Petersburg
City Hall, Room 304
135 N. Union Street
Petersburg, Virginia 23803

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4. The Applicant shall be responsible for the construction of off-site road segment improvements that are within the existing public rights-of-way upon the date that the applicable improvement

is warranted, if warranted by build out of development as set forth in the approved TIA, to be completed in 2022. The off-site road segment improvements shall be:

- a. Reconstruct Normandy Drive between Wagner Road and Old Wagner Road to provide a three lane typical section within the existing right-of-way;
 - b. Modify the existing traffic signal at the intersection of Wagner Road to southbound Normandy Drive to add a light for the new third lane;
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5. Signage shall be in general conformance with the purposes of Article 21 (Sign Regulations) of the Zoning Ordinance of the City of Petersburg. All signs shall require a sign permit issued under the provisions of Article 21 of the Zoning Ordinance of the City of Petersburg.
 6. All uses shall be connected to public water and sewer as part of the development of the Property. The Applicant shall be responsible for the design and construction of all on-site and off-site water and sewer lines necessary to provide service to the particular land use being developed, in accordance with the applicable requirements of the City and the Commonwealth of Virginia. All lines shall be sized in accordance with the applicable requirements of City of Petersburg. The Applicant shall be responsible for provision of a pro-rata share of the costs of off-site improvements to the sanitary sewer capacity and conveyance system for the Poor Creek Sanitary Sewer Basin. The actual costs shall be determined in consultation with the Department of Public Works at or before the time of subdivision plan submission for the development.
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 8. The Applicant shall grant utility easements or such other easements as are necessary and appropriate for the development. All utilities shall be underground. The party requesting an easement shall provide a copy of the proposed easement document for review and approval in advance, such easement shall be of a minimum width necessary and shall be located in such a way that it does not reasonably interfere with the productive use of the grantor's property, and

the grantee of the easement shall indemnify the grantor for any and all damages that may result of the installation and/or maintenance of such easement.

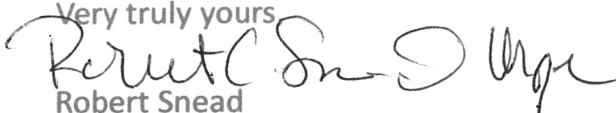
9. Except for timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the City and the approved devices installed.
10. The Applicant shall install ornamental lighting throughout the Property in conformance with Dominion Power guidelines. The design and location of the lighting improvements shall be approved by the City of Petersburg at the time of subdivision plan submission. The Applicant shall be responsible for the capital cost and the first year of operating and maintenance cost for such lighting.
11. The Applicant shall install sidewalks as shown on the tentative Master Plan to provide pedestrian access and connectivity. The design and location of the sidewalks shall be approved by the City of Petersburg at the time of subdivision plan submission.
12. The Applicant shall preserve all existing plantings and vegetation to within an area of at least 50 feet along the edge of the Property adjacent to the Frontage Road.

We are pleased to make these proffers in the spirit of a commitment to quality in the development of this project.

The Applicant reserves the right to amend, alter or supplement these proffers until this application comes before the City Council for consideration.

With warm regards, I respectfully submit this and remain,

Very truly yours



Robert Snead

Managing Partner

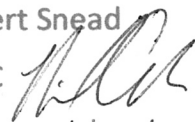
RCS Group LLC.

Commonwealth of Virginia:

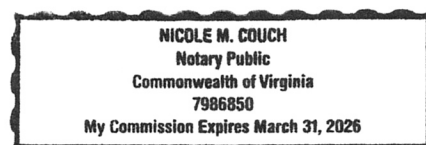
Subscribed and sworn to before this day 18th of July 2022 by Robert Snead

My Commission Expires March 31st 2026 NOTARY PUBLIC

Virginia Notary Registration #: 7986850



Nicole M Couch





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: August 2, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Brian Moore

RE: **Consideration of a resolution approving the City Manager to sign and submit appropriate documents for the submittal of the Industrial Revitalization Fund grant for the rehabilitation of 112 North Sycamore Street. (Page 21)**

PURPOSE: Resolution approving the City Manager to sign and submit appropriate documents for the submittal of the Industrial Revitalization Fund grant for the rehabilitation of 112 North Sycamore Street

REASON: The City of Petersburg, Virginia, wishes to apply for \$900,000 of Industrial Revitalization Funds for the rehabilitation of 112 North Sycamore Street that will support the City's ongoing revitalization efforts of the downtown.

RECOMMENDATION: It is recommended that the City Council adopts the resolution approving the City Manager to sign and submit appropriate documents for the submittal of the industrial revitalization fund grant for rehabilitation of 112 North Sycamore Street

BACKGROUND: The City of Petersburg, Virginia, wishes to apply for \$900,000 of Industrial Revitalization Funds for the rehabilitation of 112 North Sycamore Street that will support the City's ongoing revitalization efforts of the downtown.

The development and revitalization of this site into a multi-use business operation will support, housing, and promote small minority, and women-owned businesses. This sector of retail business was harmed by the pandemic. The first floor will be petitioned as 9,655 sq. ft. of operable retail and office service counters for small business entrepreneurs. The concept is to provide access and convenience to small shop owners very much like a department store. The mini-mall concept is to provide a one-stop experience for service(s) and shopping pleasure. The facility will have a small café and various vignettes to choose with a sense of collaborating purpose. Each department will associate its retail purpose to enhance the experience of other vendors but independently. As an added dimension to the downtown corridor with shared store fronts that offer a variety of goods and services to all genders. The atmosphere is set to attract tourists, students and people of all ages to experience the adapted reuse of the former Lavenstein's Department Store. The adapted reuse of this facility is intended to spur an increased flow of walkable traffic, as well as provide a destination place for goods and services under one roof, with elevated residential living on the 2nd, 3rd, and 4th floors.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Tax revenue from the redevelopment of the site

CITY COUNCIL HEARING DATE: 8/2/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager's Office, Economic Development,

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. IRFResolution-Cosmos

**RESOLUTION APPROVING THE CITY MANAGER TO SIGN AND SUBMIT APPROPRIATE DOCUMENTS
FOR THE SUBMITTAL OF THE INDUSTRIAL REVITALIZATION FUND GRANT FOR THE
REHABILITATION OF 112 NORTH SYCAMORE STREET**

WHEREAS, The City of Petersburg, Virginia, wishes to apply for \$900,000 of Industrial Revitalization Funds for the rehabilitation of 112 North Sycamore Street that will support the City's ongoing revitalization efforts of the downtown.; and

WHEREAS, The development and revitalization of this site into a multi-use business operation will support, housing, and promote small minority, and women-owned businesses; and

WHEREAS, The first floor will be petitioned as 9,655 sq. ft. of operable retail and office service counters for small business entrepreneurs with elevated residential living on the 2nd, 3rd, and 4th floors; and

WHEREAS, It is projected that the project will assist in increasing tax revenues for the City;

NOW therefore be it RESOLVED that the City Council of the City of Petersburg hereby approve the City Manager, to sign and submit appropriate documents for the submittal of this Industrial Revitalization Fund proposal.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: August 2, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Brian Moore

RE: **Consideration of a resolution approving the City Manager to sign and submit appropriate documents for the submittal of the Industrial Revitalization Fund grant for the rehabilitation of 1964 Puddledock Road. (Page 24)**

PURPOSE: Resolution approving the City Manager to sign and submit appropriate documents for the submittal of the Industrial Revitalization Fund grant for the rehabilitation of 1964 Puddledock Road

REASON: The City of Petersburg, Virginia, wishes to apply for \$600,000 of Industrial Revitalization Funds for the rehabilitation of 1964 Puddledock Road

RECOMMENDATION: It is recommended that the City Council adopts the resolution approving City Manager to sign and submit appropriate documents for the submittal of the Industrial Revitalization Fund grant for the rehabilitation of 1964 Puddledock Road

BACKGROUND: The City of Petersburg, Virginia, wishes to apply for \$600,000 of Industrial Revitalization Funds for the rehabilitation of 1964 Puddledock Road

The goal of the “The 1964 Project” is not to demolish the building, but to renovate the building and make it the new home for a physical therapy clinic with an indoor sports facility and wellness center. As the development of the building expands, there will be the potential to add jobs and mentoring opportunities with local schools. “The 1964 Project” will meet two of the needs of the City of Petersburg through the removal of blight / vacated property as well as economic stimulation by bringing a privately owned healthcare organization to the City of Petersburg. Currently throughout the city, new privately owned businesses are working to improve the economic resources of the city through building new businesses and employment opportunities by renovating old vacant buildings and giving them new life and new purpose

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Tax Revenue

CITY COUNCIL HEARING DATE: 8/2/2022

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:

1. Puddledock Resolution

**RESOLUTION APPROVING THE CITY MANAGER TO SIGN AND SUBMIT APPROPRIATE DOCUMENTS
FOR THE SUBMITTAL OF THE INDUSTRIAL REVITALIZATION FUND GRANT FOR THE
REHABILITATION OF 1964 PUDDLEDock ROAD**

WHEREAS, The City of Petersburg, Virginia, wishes to apply for \$600,000 of Industrial Revitalization Funds for the rehabilitation of 1964 Puddledock Road; and

WHEREAS, The goal of the “The 1964 Project” is not to demolish the building, but to renovate the building and make it the new home for a physical therapy clinic with an indoor sports facility and wellness center; and

WHEREAS, “The 1964 Project” will meet two of the needs of the City of Petersburg through the removal of blight / vacated property as well as economic stimulation by bringing a privately owned healthcare organization to the City of Petersburg; and

WHEREAS, It is projected that the project will assist in increasing tax revenues for the City;

NOW therefore be it RESOLVED that the City Council of the City of Petersburg hereby approve the City Manager, to sign and submit appropriate documents for the submittal of this Industrial Revitalization Fund proposal.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: August 2, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Kenneth Miller, Interim City Manager

FROM: Brian Moore

RE: **Consideration to adopt a resolution to approve the amendments to the City of Petersburg disposition guidelines for city-owned real estate property. (Page 27)**

PURPOSE: A request to adopt a resolution to approve the amendments to the City of Petersburg Disposition Guidelines for City-owned Real Estate Property.

REASON: To consider a resolution to approve the amendments to the City of Petersburg Disposition Guidelines for City-owned Real Estate Property.

RECOMMENDATION: The Department of Economic Development recommends that the City Council approves the resolution to adopt the amendments to the City of Petersburg Disposition Guidelines for City-owned Real Estate Property

BACKGROUND: The City of Petersburg authorized for disposition and development an inventory of vacant real estate properties on March 19, 2019. On June 21, 2022, City Council approved the resolution to allow staff to list city-owned properties on the GovDeals website for auction. Staff have amended the disposition guidelines to reflect the process of submitting proposals and bidding on city-owned properties on the GovDeals website

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Potential revenue from the sale of property and associated fees and taxes

CITY COUNCIL HEARING DATE: 8/2/2022

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager's Office, Economic Development, City Assessor

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Resolution For Disposition Guidelines Amendment
2. Property Disposition Guidelines 2022 Amendment - clean version_BAM
3. Petersburg T and C- redlined version - clean version_BAM (1)
4. City of Petersburg Real Estate Application
5. Assessment Form
6. 060822VacantCityOwnedRealEstatePropertyList

**A RESOLUTION TO APPROVE THE AMENDMENTS TO THE CITY OF
PETERSBURG DISPOSITION GUIDELINES FOR CITY-OWNED REAL ESTATE
PROPERTY**

WHEREAS, the City of Petersburg authorized for disposition and development an inventory of vacant real estate properties on March 19, 2019; and

WHEREAS, on June 21, 2022, City Council approved the resolution to allow staff to list city-owned properties on the GovDeals website for auction; and

WHEREAS, Staff have amended the disposition guidelines to reflect the process of submitting proposals and bidding on city-owned properties on the GovDeals website; and,

THEREFORE BE IT RESOLVED, by the City Council of the City of Petersburg, approves the amendments to the City of Petersburg Disposition Guidelines for City-owned Real Estate Property.



Adopted August 2, 2022

City of Petersburg Disposition Guidelines for City-Owned Real Estate Property

Pre-Disposition

1. The Department of Economic Development (DED) will submit a request through the City Manager to City Council for the approval of a Resolution authorizing the City Manager to market and offer for sale specified City-owned real estate property.
2. The DED staff will maintain a list of vacant City-owned real estate property available for sale.
3. The DED staff will market property and solicits proposals for the purchase of City-owned real estate property on the GovDeals website. A link to the GovDeals website is posted on the Economic Development website. Potential buyers must register as a bidder on the GovDeals website in order to submit a proposal for City-owned real estate properties.
4. All proposals must be submitted on the GovDeals website for the Department of Economic Development staff to begin the review process. All buyers will be required to submit a preliminary proposal (Petersburg General Bidder Application) on the GovDeals site for review by the DED staff prior to approval to bid on the selected real estate property. Once approved by DED staff, then the buyer will be able to submit a bid on the site for the property. All bids are subject to approval by the DED staff prior to submission to the City Council for final approval.

GovDeals Auction Process

Phase 1: Property Listings Available (Approximately 30 Days)

Property listings will be available at [GovDeals.com/PetersburgRealEstate](https://www.govdeals.com/PetersburgRealEstate) for approximately thirty (30) days prior to bidding.

To become a qualified online auction participant (a "bidder"), the following steps must be completed by the deadline:

- a. Register to bid through the online auction website at www.govdeals.com/register.
This must be completed by all first-time bidders.
- b. Follow all instructions for setting up the GovDeals account and passwords.
- c. Once registration is completed, interested parties will be able to participate in all city auctions moving forward.
- d. Read the Terms & Conditions.

- e. Complete the Petersburg General Bidder Application. The application must be completed by all bidders and only needs to be submitted once.
- f. Browse and review available properties during the approximately thirty (30) day Property Listing Phase.
- g. Potential bidders are responsible for property research, inspections, and financial preparations during this property review period. TIP: Visit Petersburg GIS to research property records, lot specifications, tax information, and more.

Complete the Application(s)

- a) Bidders must submit this Property Application for each property bidders wish to bid on.
- b) Submit Bid Deposit(s) for each property bidders you wish to bid on. IMPORTANT: Bidders will not be permitted to bid on any auction until completing all the above steps before the deadline.

Phase 2: Bidding Period (7 Days)

After the Property Listing Phase, a seven (7) day bidding period opens. This is when the auction is live, and all available properties are subject to active bidding. You will NOT be able to bid on any property until all steps from Phase 1 are completed.

Auto-Bidding: Upon placing a bid on a property, you will have the option to activate auto-bidding. Auto-bidding means your bid will automatically be increased to outbid anyone who bids higher than you up to your pre-established maximum bid amount.

IMPORTANT: If auto-bidding is not activated, you will need to check the status of your bid(s) periodically during the bidding period.

Disposition

1. A complete application describing the proposal for each parcel are submitted by a Prospective Purchaser to the Department of Economic Development (DED) on the GovDeals website.
2. The DED staff will review and approve the bids and complete the Assessment Form to evaluate the Purchase Proposal. The City Manager or their designee will negotiate the terms of a Purchase Agreement.
3. The negotiated Purchase Agreement is submitted to and reviewed by Legal Counsel and shall include unless otherwise determined by the DED staff or Council:
 - a. A due diligence period for the purchaser to investigate the property prior to purchase;

- b. A Development Agreement which is reviewed and approved by Council. It will describe the proposed development and use of the property. It will identify a construction timeline and funding sources, and the financial ability of the purchaser to complete the project.
 - c. The Development Agreement identified in paragraph 3(b) is incorporated into the deed of sale by reference so that it will run with the land for the duration of the Development Period.
 - d. Claw Back provisions that require the purchaser (or any subsequent purchaser) to complete the development within the time period prescribed by the Development Agreement, and a reversion clause that is also included in the Deed of Sale enabling the City to re-acquire the property if the deadline is not met.
 - e. An Earnest Money Deposit Requirement Earnest Deposit totaling 10% of the final purchase price (9% Refundable.)
- 4. Upon completion of review, the City Attorney shall return the Purchase Agreement to the DED staff who shall secure execution by the Purchaser (thus creating their formal offer to purchase the property.)
- 5. Staff requests that the City Council schedules a Public Hearing requesting adoption of an Ordinance authorizing the City Manager to execute the Purchase Agreement **described above**.
 - a. The Code of Virginia requires a public hearing concerning the disposal of City property.
 - b. The Constitution of Virginia requires an affirmative vote of the governing body of an ordinance or resolution prior to the sale of property and three-fourths of the governing body if the use of the property at the time of sale or prior thereto was a public use.
- 6. The Ordinance and related documents are submitted to the City Council for review and consideration following the Public Hearing. If approved, the City Manager is authorized to execute the Purchase Agreement.
 - a. Council may adopt the Ordinance signifying acceptance of the offer to purchase; deny the Ordinance signifying rejection of the offer to purchase; or modify the terms of the purchase agreement signifying a counteroffer to the proposed purchase.

7. The City Attorney must sign the Purchase Agreement signifying approval as to form, and the City Manager shall thereafter execute the Purchase Agreement on behalf of the City.
8. The Prospective Purchaser submits Earnest Deposit (if applicable) totaling 10% of the final purchase price (9% Refundable), with the signed executed Purchase Agreement to the City appointed closing attorney.
9. After the purchase agreement is executed, the purchaser will have a due diligence period not to exceed 120 Days unless otherwise negotiated in Purchase Agreement approved by Council.
10. After the completion of the due diligence period, a Development Agreement (if applicable) is submitted to the City Council by DED Staff in conjunction with Purchaser for approval via Resolution. If approved, the Development Agreement is executed as approved as to form by the City Attorney and executed by the City Manager on behalf of the City.
11. Closing occurs and documents referencing all previous agreements are recorded and the final payment is made by the Purchaser.

Assessment Criteria

The following are considered in the assessment of proposals for the purchase of City-owned real estate property:

All proposals should include a tentative business plan, site development plan, and supporting financial statement(s). If the supporting documents and purchase proposal do not meet the Assessment criteria detailed below, this may result in rejection of the proposal.

1. Ability of the Prospective Purchaser to Realize Development
 - a. Experience/Qualifications of the prospective Purchaser.
 - b. Any Outstanding Obligations to the City by the prospective Purchaser.
 - c. Financial Backing.
2. The proposed use of the property
 - a. Whether the proposed use complies with the current zoning of the property.
 - b. Whether the proposed use complies with the Comprehensive Plan.
3. The proposed development of the property
 - a. Whether the development would include improvements that increase the value.

- b. Whether the property would be maintained as open space without improvements.
- c. Whether the development would include New Construction.
- d. Whether the development would include Rehabilitation of existing structures.
- e. Whether the property is eligible for Rehab Real Estate Tax Abatement.
- f. Whether the property is a historic structure and/or located in a Historic District.
- g. Whether the property is eligible for Enterprise Zone or other Incentives.

4. The potential City Return (Revenue - Cost)

- a. The current assessed value of the property at the time of the application.
- b. The potential City Revenue from the sale of the property including:
 - i. The proposed purchase price.
 - ii. The proposed total investment in the property and Projected Tax.
- c. Future revenue associated with the sale of the property including:
 - i. Real Estate Tax
 - ii. Personal Property Tax
 - iii. Machinery and Tools Tax
 - iv. Sales and Use Tax
 - v. Business License Fee
 - vi. Lodging Tax
 - vii. Meals Tax
 - viii. Other Taxes or Fees
 - ix. Total Estimated Tax Revenue

5. Potential Costs to the City

- a. Increased infrastructure costs.
- b. Increased demand on utility systems exceeding current capacity.
- c. Total Estimated Tax Abatement.

6. Potential Benefits

- a. Number of Projected Jobs
 - i. Temporary
 - ii. Construction
 - iii. Permanent
- b. Average Wages
- c. Community Benefit

7. Proposed Financing

- a. The proposed purchase and development financing.
- b. Whether financing has been secured

8. Contingencies

9. The anticipated Due Diligence Period

10. Whether the Last Use of the property was Public and requires $\frac{3}{4}$ approval

11. Proposed Construction period including the Start Date and Completion Date.

**TERMS AND CONDITIONS
OF THE CITY OF PETERSBURG ONLINE REAL ESTATE AUCTION**

City of Petersburg, Virginia

Effective Date: [Date]

Incorporation by Reference of Terms and Conditions. The following Terms and Conditions are specific to this City of Petersburg online real estate auction and are applicable to all bidders on our marketplace. **All bidders and other participants of this auction do hereby acknowledge and agree they have read and fully understand these terms and conditions and agree to be bound by them.**

REGISTRATION FOR AUCTION

To become a qualified participant in the online auction (a "Bidder"), you must register to bid through the online auction website at www.govdeals.com. You must also complete the Petersburg General Bidder Application. To bid on a particular property, you must complete the Petersburg Property Application and make a bidder's deposit of ten percent \$2,500-\$5,000 of the required minimum bid. You must make your Bidder's deposit before you will be approved as a Bidder at the auction. By registering to bid at the auction, you are affirming:

- 1) That you acknowledge and agree to the terms and conditions for this auction as stated herein;
- 2) That you are not delinquent on any City of Petersburg real estate or other taxes or fees; and
- 3) That you have no outstanding code violation on other property you own in the City of Petersburg.

Please be advised that, should any registrant be an employee of the City of Petersburg or a member of any of the City's various Boards or Commissions established by the Petersburg City Code or the Petersburg City Council, certain provisions of the Virginia Conflicts of Interest Act (Va. Code § 2.2-3100 et seq.) may limit or prohibit the ability of such persons to enter into a contract with the City for the purchase of any property listed in this auction.

PROPERTIES

The City of Petersburg ("City") is the owner in fee simple absolute of certain real property that is listed for the online auction, together with all rights and appurtenances thereunto pertaining ("Property" or "Properties"). Along with the addresses of the Properties listed for auction, there will be additional information related to each Property. The additional information may include legal descriptions, photos, certain terms and conditions, disclaimers, and may include special City requirements (**"Property Purchase Requirements"**).

Each of the Properties will be sold separately through the online auction and as to each of these Properties the City makes no representations and no warranties of any kind (except for the special warranty contained in the deed), including, but not limited to, making no warranty, guaranty or representation, expressed or implied, as to access (vehicular or actual), zoning, status or availability of utilities, flood zone status, trees, merchantability or fitness for any purpose of the property offered for sale, or as to any of the improvements or structures thereon.

The Properties are sold "AS IS, WHERE IS", in gross and not by the acre, and these Properties are subject to, as provided by law and without limitation, restrictions, conditions, easements, liens or encumbrances of record, possible rights of parties in possession, encroachments, overlaps, gaps and gores, deficiency in quantity, all questions of boundaries, location and acreage which a current and accurate survey would disclose, roadways, environmental and wetland matters, unrecorded easements, matters which would be disclosed by an inspection of the premises, or any other matter of record or not of record. Further, the City of Petersburg does not warrant or convey title to any personal property that might be on the Property (or within any improvement or structure located on the Property). Personal property includes, without limitation, such items as storage buildings, appliances, window treatments, furniture, automobiles, etc. All parcels are bought at the purchaser's own risk. In short, these properties are sold "as is," "with all faults," and without any representation or any warranty of any kind, nature, or description.

Each of the Properties has been reviewed to determine that it is likely a buildable lot under the applicable provisions of the City's Zoning Ordinance. However, this review is not an official, legally binding determination, and all Bidders do hereby acknowledge that NO official determination that the lot is buildable will be provided except in accordance with City of Petersburg's Zoning Confirmation process, which requires a request to the Zoning Administrator and payment of the required fee of \$100.00 for a 30-day turnaround time period and \$500 for a or 15-day turnaround time period. Please send request to pcd@petersburg-va.org.

All Bidders do hereby acknowledge and agree that they are not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential as a result of participation of any kind in the online auction and that the City shall not be liable for any latent or patent defects that may exist in or on the Property.

CONDUCT OF THE AUCTION

The properties are offered for sale through the online auction to such Bidders in accordance with all legal requirements including all applicable Fair Housing laws. The City and Govdeals.com reserve the right to deny permission to bid or to terminate the right of any individual to bid at the auction if the Bidder violates the Terms and Conditions of the auction or otherwise interferes with the auction.

The Properties will be listed publicly on the www.govdeal.com website for review by potential Bidders for a minimum of **30 days**. During this time potential Bidders will be able to perform, at their own expense, their due diligence, submit any documentation to meet any Property Purchase Requirements that may apply to a particular Property, and present their questions electronically for response. The City of Petersburg staff members will provide responses to all relevant questions regarding any specific property listed on the online auction website.

The auction will be open for bidding for **7 days**. At the end of the 7-day bidding period, City Staff will review the bids, determine the highest bid and assess the highest bidder's ability to meet specific Property requirements as applicable. In addition, City Staff will vet the highest bidder to ensure they meet all eligibility requirements established for the auction, including but not limited to, being current on all taxes and fees owed by them, and in compliance with all City regulations. The City reserves the right to reject all bids. As to the auction of any specific property, a fully vetted eligible highest bidder will be considered a "Successful High Bidder". Note that nothing in this action, including the determination of the Successful High Bidder, constitutes an offer to sell or acceptance of an offer for the purchase land.

Once a Successful Highest Bidder is determined for a particular auctioned Property, all deposits received from unsuccessful Bidders shall be released and returned to each of them. The Economic Development Office will prepare and advance, for Petersburg City Council review and consideration, an ordinance authorizing the sale of each of the specific properties to each of the respective Successful Highest Bidders for which the auction received an acceptable bid (the "Ordinance"). The City, acting by and through the Petersburg City Council, reserves the right to reject and decline to approve all bids, including that of the Successful Highest Bidder.

In the event the Ordinance is adopted by the Petersburg City Council, the bidder when then enter a due diligence period not to exceed 120 days. At the end of the due diligence period, the bidder will enter into a development agreement that will include the project summary documents describing the intentions of the bidder about the purchase and development of the Property. The bidder shall perform the redevelopment or the property strictly in compliance with the project summary documents and in accordance with the terms in the Agreement. This Agreement shall be referenced as if set forth fully in the deed of conveyance of the Property from the City to the purchaser and shall run with the land until such time as all requirements are completed.

Inspection Instructions

Bidders may inspect the property prior to bidding. Inspection is by appointment only. The bidder must complete a Hold Harmless Agreement prior to the tour of the site. Please use the 'Ask a Question' feature to schedule an appointment for Inspection.

Payment Instructions

Upon the effective date of the Ordinance approving the sale, the City Staff will accept the bid through the GovDeals online platform. The Successful High Bidder will receive a **“Buyer’s Certificate”** confirming and outlining the accepted bid. The Successful High Bidder will be contacted by the City of Petersburg closing attorney with instructions on how to submit their earnest deposit in the amount of 10% of the total purchase price. The bidder’s deposit will be deducted from the total amount due for the earnest deposit. The bidder will be responsible for all applicable closing cost.

Special Instructions

NOTICE: If you are the winning bidder and default by failing to adhere to this seller’s terms and conditions your account with Liquidity Services WILL BE LOCKED.

Guaranty Waiver. All property is offered for sale 'AS IS, WHERE IS.' Petersburg - Real Estate, VA makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. Please note that upon closing on the property, all sales are final.

Description Warranty. Seller warrants to the Buyer that the property offered for sale will conform to its description. Any claim for misdescription must be made prior to purchasing of the property. If Seller confirms that the property does not conform to the description, Seller will keep the property and refund any money paid. The liability of the seller shall not exceed the actual purchase price of the property.



City of Petersburg Real Estate Application

Buyer Demographics

Contact Name _____

Contact Address _____

Contact Email Address _____

Contact Phone Number _____

Real Estate Information

Property Address _____

Parcel Number _____

Project Details

Development Description-

Construction Costs- _____

(Buyer agrees that construction of a residential home on the property must start within 9 months after the date of transfer on the deed and must be completed within 12 months after that date. The date of completion of construction under this term shall be the date that a certificate of occupancy has been issued for the home)

Description of Financing (%) - _____

(Please note that proof of financial wherewithal to complete project will be required prior to the sale of property)

Community Benefit-

Job Creation:

Construction Timeline-

Buyer Experience

Please detail experience you have in development

Please email application to:

The Department of Economic Development

econdev@petersburg-va.org

Proposal to Purchase City-Owned Property



Purchaser									
Project Name									
Property Address									
Parcel Number									
Year Constructed									
Project Developer									
Contact Name									
Address									
Email									
Experience/Qualifications									
Development Description									
Offered Purchase Price					Construction Costs				
					Total Investment				
Description of Financing (%)									
Community Benefit									
Due Diligence Period (days)									
Construction Start Date					Completion Date				
Number of Projected Jobs	Temp/Const. Jobs			Permanent Jobs					
Average Wage									
Contingencies									
City Assessment									
Outstanding Obligations									
Proposed Land Use					Yes	No			
Comp Plan Land Use					Conformance				
Zoning					Conformance				
Enterprise Zone									
Rehab/Abatement									
New Construction									
Historic District									
Assessed Value					Appraised Value	\$	-	Date	
City Revenue from Sale	\$	-							
Projected Tax Revenue	Abatement		Year 1		Year 5		Year 20		
Real Estate Tax	\$	-	\$	-	\$	-	\$	-	
Personal Property Tax	\$	-	\$	-	\$	-	\$	-	
Machinery and Tools Tax	\$	-	\$	-	\$	-	\$	-	
Sales and Use Tax	\$	-	\$	-	\$	-	\$	-	
Business License Fee	\$	-	\$	-	\$	-	\$	-	
Lodging Tax	\$	-	\$	-	\$	-	\$	-	
Meals Tax	\$	-	\$	-	\$	-	\$	-	
Other Taxes or Fees	\$	-	\$	-	\$	-	\$	-	
Total	\$	-	\$	-	\$	-	\$	-	
Total Tax Revenue			\$	-	\$	-	\$	-	
Waivers & Other Costs to the City			\$	-	\$	-	\$	-	
City ROI (Revenue - Cost)	\$	-	\$	-	\$	-	\$	-	
Staff Recommendation									
Last Use Public					Comm. Review Date				
Council Decision					Council Review Date				
Disposition Ord #					Ord Date				



#	Parcel ID	Premise	Street	Description	Total Assessed Value	Land Area (ac)	Zoning	Current Use	Ward	Council Member	Historic District
1	024180001	1004	Commerce St	Parking Area	\$ 358,700	2.00	M-1	Vacant Lot	Ward 6	Annette Smith-Lee	-
3	024140014	1015	Commerce St	Vacant Bldg	\$ 3,137,800	3	M-1	Vacant Bldg	Ward 5	W. Howard Myers	Battersea/West High Street
4	023050003	645	Hinton St	Jones St (NE Corner)	\$ 6,600	0.11	M-1	Vacant Lot	Ward 5	W. Howard Myers	Folley Castle
5	027170003	2071	Midway Ave	Anchor Ind Pk Parking	\$ 36,300	0.14	M-1	Vacant Lot	Ward 7	Arnold Wesbrook, Jr	-

#	Parcel ID	Premise	Street	Description	Total Assessed Value	Land Area (ac)	Zoning	Current Use	Ward	Council Member	Historic District
1	012070031	801	BANK ST E		\$ 8,400	0.09	B-2	Vacant Lot	Ward 1	Treska Wilson-Smith	-
2	012050017	703-05	Bank St E	Duplex	\$ 70,200	0.06	B-2	Vacant Bldg	Ward 1	Treska Wilson-Smith	-
3		6104	County Drive		\$ 100,000,000						-
5	022160001	140	Halifax St	Halifax Triangle	\$ 90,300	0.41	B-3	Vacant Lot	Ward 4	Charles Cuthbert	Halifax Triangle and Downtown Commercial
6	022180013	155	Halifax St	S Market St NE Corner	\$ 20,500	0.10	B-3	Vacant Lot	Ward 4	Charles Cuthbert	Halifax Triangle and Downtown Commercial
7	022180025	123	Halifax St	Adj Halifax Triangle	\$ 20,900	0.10	B-3	Vacant Lot	Ward 4	Charles Cuthbert	Halifax Triangle and Downtown Commercial
8	022180800	147	Halifax St	Adj Halifax Triangle	\$ 18,600	0.08	B-3	Vacant Lot	Ward 4	Charles Cuthbert	
9	022180011	137	Market St S	Adj Halifax Triangle	\$ 9,400	0.07	B-3	Vacant Lot	Ward 4	Charles Cuthbert	-
10	022300016	334	Sycamore St S	Filmore (Corner)	\$ 70,000	0.27	RB	Vacant Lot	Ward 4	Charles Cuthbert	-
11	031180013	617	Sycamore St S	Graham Rd (NE Corner)	\$ 50,000	0.23	RB	Vacant Lot	Ward 4	Charles Cuthbert	-
12	011320013	335	Washington St E	Madison St (NW Corner)	\$ 40,500	0.24	B-2	Vacant Lot	Ward 4	Charles Cuthbert	-
13	012140001	501	Washington St E		\$ 354,700	1.77	B-2	Vacant Lot	Ward 4	Charles Cuthbert	-
14	022020800	101	Washington St W	Across from Transit Ctr	\$ 346,500	1.71	B-3	Vacant Lot	Ward 4	Charles Cuthbert	Courthouse

0	Parcel ID	Premise	Street	Total Assessed Value	Land Area (ac)	Lot Width	Lot Depth	Zoning	Ward	Council Member	Historic District
1	012260022	33	Crater Rd S	\$ 42,500.00	0.1948	44.78-71.77	199	R-3	Ward 1	Treska Wilson-Smith	-
3	045-240013	1237	Halifax St	\$ 307,100.00	2.034	206.331	430	R-2	Ward 6	Annette Smith-Lee	-
5	044070009	1022	High Pearl St	\$ 40,600.00		50	96	R-2	Ward 5	W. Howard Myers	-
6	022390008	417	Jefferson St S	\$ 9,200.00	0.1722	50	150	R-3	Ward 4	Charles Cuthbert	-
7	046030016	1605	Lincoln St	\$ 16,500.00	0.7144	125	249	R-1	Ward 7	Arnold Wesbrook, Jr	-
8	18060011	2902	Nivram	\$ 105,400.00	0.344			R-1A	Ward 3	Treska Wilson-Smith	
9	070030005	1900	Squirrel Leve Rd	\$ 30,000.00	0.4966	128.24	140	R-1	Ward 4	Charles Cuthbert	-
10	031180013	617	Sycamore St S	\$ 50,000.00	0.233	70	145	RB	Ward 4	Charles Cuthbert	Poplar Lawn
11	10150029	357	University Blvd	\$ 52,500.00	0.112			R-3	Ward 5	W. Howard Myers	Old Towne
12	041100003	1805	Walton St	\$ 31,100.00	0.8838	256.79	150	R-1	Ward 2	Darrin Hill	-
13	024290024	118	West St S	\$ 12,700.00	0.225	70	140	R-3	Ward 6	Annette Smith-Lee	-
14	029120016	323	West St S	\$ 7,400.00	0.0999	50	87	R-3	Ward 5	W. Howard Myers	-
15	012330006	716	Wythe St E	\$ 10,700.00	0.1346	50	117	R-3	Ward 1	Treska Wilson-Smith	-
16	012260019	715	Wythe St E	\$ 6,600.00	0.0482	83	72	R-3	Ward 1	Treska Wilson-Smith	-
17	024290017	1114	Wythe St W	\$ 9,700.00	0.1779	50	155	R-3	Ward 6	Annette Smith-Lee	-



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: August 2, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Tangela Innis, Deputy City Manager

FROM: Brian Moore

RE: **Consideration of a resolution approving the Interim City Manager to sign and submit a grant application to the Department of Housing and Community Development, for the submittal of an Industrial Revitalization Fund Grant for the demolition of the former Ramanda Inn located on 380 East Washington Street. (Page 47)**

PURPOSE: A City Council resolution is needed to authorize an application for the Industrial Revitalization Fund in support of the demolition of the former Ramada Inn located at 380 E. Washington Street.

REASON: The Industrial Revitalization Fund was created to improve physical and economic conditions characterized by blight and dilapidated properties.

RECOMMENDATION: Staff recommends City Council approval of the resolution authorizing grant applications for the Industrial Revitalization Fund

BACKGROUND: The Virginia Department of Housing and Community Development (DHCD) administers the Industrial Revitalization Fund that supports revitalization and redevelopment activities including, acquisition, rehabilitation, demolition, and other physical repairs involving derelict or vacant structures. The funding allocated by the General Assembly for the recovery, demolition and revitalization of the former Ramada Inn and site is being managed by DHCD.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 8/2/2022

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:

1. DRAFT Resolution for IRF Grant

DRAFT

RESOLUTION

BE IT RESOLVED THAT, The City of Petersburg wishes to apply for \$1,000,000 of Industrial Revitalization Funds for the former Ramada Inn building and site located on East Washington Street in Petersburg.

WHEREAS, Fiscal Year 23 funds from the Industrial Revitalization Fund allocated by the General Assembly from distributions of the federal State and Local Recovery Fund (SLRF) pursuant to the American Rescue Plan Act of 2021 (ARPA). These funds are non-competitive pursuant to Item 482.A.2.d.1 of the Special Session budget bill signed on June 22, 2022, and will be used for the recovery (purchase) of the former Ramada Inn building and land.

BE IT FURTHER RESOLVED that the interim City Manager is hereby authorized to sign and submit appropriate documents for the submittal of this Industrial Revitalization Fund Proposal.

(Resolution 2)

BE IT RESOLVED THAT, The City of Petersburg wishes to apply for \$700,000 of Industrial Revitalization Funds for the former Ramada Inn building and site at E. Washington Street.

WHEREAS, Fiscal Year 23 funds from the Industrial Revitalization Fund allocated by the General Assembly from distributions of the federal State and Local Recovery Fund (SLRF) pursuant to the American Rescue Plan Act of 2021 (ARPA). These funds are non-competitive pursuant to Item 482.A.2.d.1 of the Special Session budget bill signed on June 22, 2022, and will be used for the demolition of the former Ramada Inn building.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: August 2, 2022

TO: The Honorable Mayor and Members of City Council

THROUGH: Tangela Innis, Deputy City Manager

FROM: Brian Moore

RE: **Consideration of a resolution approving the Interim City Manager to sign the Virginia Brownsfields Assistance Funds Site Assessment and Planning Grant Performance Agreement for the Harbor Project. (Page 50)**

PURPOSE: Debris Cleanup and Concrete Slab Removal for property known as the Petersburg Harbor located at multiple contiguous parcels.

REASON: The VBAF Funding will be used to convert the Harbor into a greenspace to host special events and festivals, becoming the premier event venue in Petersburg. Project work includes site cleanup, construction and installation of 400 amp electric service and an irrigation system and landscaping. The second goal is removal of a road abandonment.

RECOMMENDATION: Recommend City Council authorize the Interim City Manager to sign the performance agreement.

BACKGROUND: The City of Petersburg and Waukeshaw Development have entered into a Development Contract outlining the terms of the property development to ensure that this site becomes and remains an event venue and is not conveyed or developed in any other manner. The Harbor property is located near many assets that will make it successful. The intended end use of this property is to become an event venue to be used by the public, nonprofits, and other organizations both locally, regionally, and statewide.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 8/2/2022

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:

1. Petersburg PA Execution Copy - VBAF-193 (2)

**VIRGINIA BROWNFIELDS RESTORATION AND ECONOMIC REDEVELOPMENT
ASSISTANCE FUND PROGRAM**

SITE ASSESSMENT AND PLANNING GRANT

PERFORMANCE AGREEMENT

<u>Executive Summary</u>	
Effective Date:	April 7, 2022
Grantee:	The City of Petersburg, Virginia, a political subdivision of the Commonwealth of Virginia
Project:	Debris Cleanup and Concrete Slab Removal
Site:	Property known as the Petersburg Harbor located at (multiple contiguous parcels): 200 Joseph Jenkins Robert St., 209 River St., 209 Rear River St., 275 River St., 429 Fifth St., 433 River St., 501 Second St., 236 River St., 240 River St., Petersburg, VA 23803 (Tax Parcel IDs # 011-020006, 011-020002, 011-020004, 011-030001, 012-010001, 011-020801, 011-040002, and 011-40003)
Grant:	\$50,000
Local Match:	\$100,000 as detailed in Exhibit A
Performance Date:	June 30, 2023
Variations:	N/A
Notices:	if to the Grantee: Brian Moore, Economic Development Director City of Petersburg 135 N. Union St. Petersburg, VA 23803 bamoore@petersburg-va.org

[SIGNATURES APPEAR ON FOLLOWING PAGE,
FOLLOWED BY BODY OF AGREEMENT]

WITNESS the following signatures as of the effective date, each having the same force and effect as if set forth at the end of this agreement.

**VIRGINIA ECONOMIC
DEVELOPMENT PARTNERSHIP
AUTHORITY**

By: _____
Name: _____
Title: _____
Date: _____

CITY OF PETERSBURG, VIRGINIA

By: _____
Name: _____
Title: _____
Date: _____

SEEN AND ACKNOWLEDGED:

**VIRGINIA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

By: _____
Name: Kathryn Perszyk
Title: Director, Division of Land Protection and Revitalization
Date: _____

VIRGINIA RESOURCES AUTHORITY

By: _____
Name: _____
Title: _____
Date: _____

This **PERFORMANCE AGREEMENT** (this “Agreement”), dated as of the Effective Date, by and between the **VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP AUTHORITY** (“VEDP”), a political subdivision of the Commonwealth of Virginia (the “Commonwealth”), and the **GRANTEE** identified in the Executive Summary above, recites and provides as follows:

Recitals:

1. The Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund (the “VBAF”) was established pursuant to § 10.1-1237 of the Code of Virginia of 1950, as amended (the “Virginia Code”), to promote the restoration and redevelopment of brownfield sites in the Commonwealth and to address environmental problems or obstacles to reuse so that such sites can be effectively marketed to new economic development prospects;
2. The VBAF is administered by the Virginia Resources Authority (“VRA”), and VEDP directs the distribution of grants from the VBAF;
3. VEDP, in consultation with the Virginia Department of Environmental Quality (“DEQ”), has established guidelines for the awarding of Site Assessment and Planning Grants from the VBAF;
4. The Grantee submitted an application for a Site Assessment and Planning Grant (the “Grant”) to assist with the Investment (set forth in Exhibit A attached hereto) being made by or on behalf of the Grantee for the Project at the Site;
5. VEDP, in consultation with DEQ and based upon the VBAF priorities, has awarded the Grant to the Grantee for the Project;
6. VEDP and the Grantee desire to set forth their mutual understanding and agreement as to the payout of the Grant, the use of the Grant proceeds, the obligations of the Grantee, and the repayment by the Grantee of all or part of the Grant proceeds under certain circumstances, all of which shall be governed by this Agreement; and
7. The restoration and redevelopment of brownfield sites and addressing environmental problems or obstacles to reuse of such sites constitutes a valid public purpose for the expenditure of public funds and is the animating purpose in making the Grant:

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows.

Section 1. Construction and Definitions.

(a) *Incorporated Terms:* The Executive Summary, signature page and recitals above, and exhibits attached hereto, all constitute integral parts of this Agreement and are hereby incorporated by reference.

(b) *Variations:* To the extent any terms and conditions set forth in the Variations section of the Executive Summary, if applicable, conflict with the terms and conditions set forth below, the terms and conditions set forth in the Variations section of the Executive Summary shall prevail.

(c) *Definitions:* As used in this Agreement, terms set forth in the first column of the Executive Summary shall have the meanings ascribed thereto in the second column, and the following terms shall have the following meanings:

“Asbestos Abatement Report” means a report in the form of Exhibit C attached hereto, to be delivered by the Grantee in accordance with Section 4(c) (if applicable).

“Grant Report” means a report in the form of Exhibit B attached hereto, to be delivered by the Grantee in accordance with Section 4(b).

“Investment” means expenditures by or on behalf of the Grantee associated with the Project, including the Grant proceeds and the Local Match, to be made in accordance with Exhibit A attached hereto.

“Local Match” means the required one-to-one match by the Grantee of the amount of the Grant from public and/or private sources in either cash or documented reasonable and necessary costs associated with the Project, to be included in the Investment, as identified in the Executive Summary and Exhibit A attached hereto.

“Performance Date” means the date designated as such in the Executive Summary, which is the date by which the Grantee expects to have completed the Project. If VEDP, in consultation with DEQ, deems that good faith and reasonable efforts have been made and are being made by the Grantee to complete the Project, the Performance Date may be extended by up to 15 months and the date to which the Performance Date has been extended shall be the “Performance Date” for the purposes of this Agreement.

Section 2. The Grant.

(a) *The Grant:* VEDP, in consultation with DEQ and based upon the VBAF priorities, has awarded the Grant to the Grantee for the Project.

(b) *Disbursement:* Promptly after the full execution and delivery of this Agreement, VEDP will forward a fully-executed copy of this Agreement to VRA, together with a direction to

disburse the full amount of the Grant in one lump sum to the Grantee, by wire transfer in accordance with the ACH instructions previously provided by the Grantee.

(c) *Use of Grant Proceeds:* The Grantee will expend the proceeds of the Grant only as permitted by § 10.1-1237 of the Virginia Code and as part of the Investment in accordance with Exhibit A attached hereto.

Section 3. Investment.

(a) *Investment:* The Grantee expects to make the Investment and complete the Project on or before the Performance Date. As the Project is undertaken, adjustments to the Investment may be needed. Except for *de minimis* adjustments (impacting, in the aggregate, less than 10% of the Grant proceeds), adjustments to the Investment require the prior written approval of VEDP and must be reflected on a revised Exhibit A provided to VEDP.

(b) *Local Match:* The Grantee will contribute the required Local Match toward the Investment on or before the Performance Date.

Section 4. Reporting.

(a) *Interim Reports:* The Grantee shall provide an interim report on the progress of the Project at such times as VEDP and DEQ may request.

(b) *Grant Report:* Promptly after completion of the Project, the Grantee will deliver the Grant Report to VEDP. Such report must be completed, signed by an authorized representative of the Grantee, and have copies of invoices and all other required supporting documentation attached.

(c) *Asbestos Abatement Report (if Applicable):* If the Project involves the removal of asbestos-containing material, the Grantee will, promptly after completion of the Project, deliver the Asbestos Abatement Report to VEDP. Such report must be completed, signed by an authorized representative of the Grantee, and have all required supporting documentation attached.

(d) *Status Reports:* After the Performance Date, at such times as VEDP and DEQ may request, the Grantee shall provide a written detailed report satisfactory to VEDP and DEQ providing an update on the Site, including whether (i) the Site was successfully marketed to a new economic development prospect, and (ii) the Project generated any additional private investment and job creation.

(e) *Costs of Reporting:* The costs of reporting shall be borne by the Grantee.

Section 5. Repayment Obligations.

(a) *If Investment is Less than Expected:* If the Grant Report indicates that the Grantee was able to complete the Project for less than the expected Investment, such that the amount of the Grant proceeds exceeds the Local Match or the Grantee will not need all of the Grant proceeds previously disbursed to the Grantee, the Grantee must repay to VEDP an amount equal to the excess amount or the amount of the Grant proceeds no longer required.

(b) *If Grant Proceeds are Misspent:* If the Grant Report indicates, or any evidence gathered by VEDP reveals, that any Grant proceeds have been expended on anything other than the Investment, the Grantee must repay to VEDP the amount so misspent.

(c) *Failure to Complete by Performance Date:* If it is determined that the Grantee is unable to complete the Project and expend the Grant proceeds by the Performance Date and the Performance Date is not extended, the Grantee must repay to VEDP the unspent proceeds of the Grant as of the Performance Date.

(d) *Repayments to Fund:* VEDP will provide written notification to the Grantee if any repayment is due from the Grantee to VEDP under this Agreement. Within 60 days of receiving such notification, the Grantee will make the repayment to VEDP, subject to appropriation. Any repayment received by VEDP will be promptly transferred by VEDP to the VRA for redeposit to the VBAF.

Section 6. Notices.

Formal notices and communications among the parties shall be given either by (i) personal service, (ii) delivery by a reputable document delivery service that provides a receipt showing date and time of delivery, (iii) mailing utilizing a certified or first class mail postage prepaid service of the United States Postal Service that provides a receipt showing date and time of delivery, or (iv) delivery by email with transmittal confirmation and confirmation of delivery, addressed as noted below. Notices and communications personally delivered or delivered by document delivery service shall be deemed effective upon receipt. Notices and communications mailed shall be deemed effective on the second business day following deposit in the United States mail. Notices and communications delivered by email shall be deemed effective the next business day, not less than 24 hours, following the date of transmittal and confirmation of delivery to the intended recipient. Such written notices and communications shall be addressed to:

if to the Grantee: [see Executive Summary]

if to VEDP, to:

Virginia Economic Development Partnership
One James Center, Suite 900
901 East Cary Street

with a copy to:

Virginia Economic Development Partnership
One James Center, Suite 900
901 East Cary Street

Richmond, Virginia 23219
Email: kellett@vedp.org
Attention: Director of Compliance

Richmond, Virginia 23219
Email: jcanup@vedp.org
Attention: Assistant General Counsel

Section 7. Miscellaneous.

- (a) *Compliance with Laws:* The Grantee hereby agrees that all proceeds of the Grant shall be used for the Investment, and all work and activities associated with the Project will be performed and conducted in full compliance with all applicable laws, rules, and regulations.
- (b) *Entire Agreement; Amendments:* This Agreement constitutes the entire agreement between the parties hereto as to the Grant, and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Grantee may not assign its rights and obligations under this Agreement without the prior written consent of VEDP.
- (c) *Governing Law; Venue:* This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced in accordance with the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the City of Richmond, and such litigation shall be brought only in such court. In the event this Agreement is subject to litigation, each party shall be responsible for its own attorneys' fees.
- (d) *Counterparts:* This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.
- (e) *Severability:* If any provision of this Agreement is determined to be unenforceable, invalid, or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

[SIGNATURES APPEAR ON PAGE 2]

Exhibit A: Investment
Exhibit B: Form of Grant Report
Exhibit C: Form of Asbestos Abatement Report

EXHIBIT A

INVESTMENT

Scope of Work:

Debris Cleanup and Concrete Slab Removal

Project Budget:

[ATTACHED]

3. Budget:

Phase I and Limited Phase II ESA Completed: \$5,925 (invoice and proof of payment attached as Exhibit E)

Remediation Budget (Estimate attached as Exhibit F):

-Slab Removal, Disposal, and Clean Up: \$42,000

-Drainage repair: \$2,800

Development Budget:

-Removal of street and curb: \$28,000

TOTAL: \$78,725

Local Match: Waukeshaw Development, the property owner, purchased the site from the City for \$100,000. The property value and purchase price will be used as the local match for the project.

EXHIBIT B

FORM OF GRANT REPORT

[ATTACHED]

**VIRGINIA BROWNFIELDS RESTORATION AND ECONOMIC
REDEVELOPMENT ASSISTANCE FUND PROGRAM**

SITE ASSESSMENT AND PLANNING GRANT

GRANT REPORT

<u>Project Summary</u>	
Grantee:	The City of Petersburg, Virginia, a political subdivision of the Commonwealth of Virginia
Site:	Property known as the Petersburg Harbor located at (multiple contiguous parcels): 200 Joseph Jenkins Robert St., 209 River St., 209 Rear River St., 275 River St., 429 Fifth St., 433 River St., 501 Second St., 236 River St., 240 River St., Petersburg, VA 23803 (Tax Parcel IDs # 011-020006, 011-020002, 011-020004, 011-030001, 012-010001, 011-020801, 011-040002, and 011-40003)
Grant Amount:	\$50,000
Effective Date of Performance Agreement:	April 7, 2022
Performance Date:	June 30, 2023

Project Report

1. Project Summary. Provide a brief summary of the outcome of the Project:

--

2. Adjustments to Scope of Work. In the table below, report any adjustments to the scope of work for the Project (as set forth in Exhibit A to the Performance Agreement) and associated costs (or check the box if no adjustments were made).

☐ There were no adjustments to the Scope of Work for the Project.

ADJUSTMENTS TO SCOPE OF WORK FOR PROJECT				
Scope of Work Adjustment	Budget	Source		
		Local Match	EPA Grant Share	VBAF Grant Share
TOTAL	\$ _____	\$ _____	\$ _____	\$ _____

3. Enhanced Value. Provide assessment values for the Site before the Grant and after completion of the Project:

	Before Grant	After Project Completion
Assessed Property Value:	\$ _____	\$ _____

4. Reports. Attach complete copies of all studies and reports performed and obtained in connection with the Project. Such studies and reports will be subject to review and requests for supporting documentation and additional materials.

EXHIBIT C

FORM OF ASBESTOS ABATEMENT REPORT

[ATTACHED]

[MAY OR MAY NOT APPLY CHECK APPLICATION AND LEAVE IN REGARDLESS]

Asbestos Abatement Report

1. **Introduction and Project Description.** Provide a brief summary of the asbestos abatement portion of the Project and its outcome (based on the Asbestos Survey Report):

2. **Notifications.** In the space below, describe any notifications received from the Environmental Protection Agency (EPA) and/or the Virginia Occupational Health and Safety Compliance Program (VOSH) (or check the box if no such notifications were received).

☐ No such notifications were received in connection with the Project.

3. General Observations. In the space below, provide any general observations of which the VBAF Review Committee should be aware regarding the asbestos and any lead paint abatement processes for this Project.

4. Air Monitoring Reports. In the space below, generally summarize the findings set forth in the Asbestos Air Monitoring Report(s) obtained in connection with this Project, including any abatement and clearance.

5. Special Waste Shipments. In the space below, summarize any special waste shipments associated with the Project, including the identity of any hauling contractors involved.

6. Waste Disposal. In the space below, report the total quantities of waste materials that required or require disposal in connection with the Project, and identify landfills utilized.

--

7. Attachments. Complete copies of all of the following Project documents **must be** labeled and attached to this Asbestos Abatement Report in the following order:

<u>Attachment</u>	<u>Description</u>
A	Accreditation Documentation (DPOR Licenses)
B	Site Map (Abatement Locations)
C	Daily Field Reports (Abatement Activities)
D	Asbestos Air Monitoring Reports (PCM)
E	Asbestos Clearance Reports (TEM)
F	Photograph Log (Abatement Process)
G	CDL Licenses (Special Waste Endorsement)
H	Shipping Documentation (DOT)
I	Disposal Records (Landfill)
J	Building Permit Application (City Code Compliance)
K	Asbestos Survey Report (Type and Location of Asbestos)

8. Note on ACMs and Lead Paint. Projects involving the removal of asbestos-containing materials (ACMs) and lead paint abatement may require specific permitting and licensing requirements and these criteria must be met. Please check with the Department of Labor and Industry at 804.371.2327 regarding notification requirements and the Department of Professional and Occupational Regulation at 804.367.8595 regarding licensing

requirements. Removal of ACMs and lead paint abatement must be conducted pursuant to applicable federal and state laws and regulations, including but not limited to, the National Emission Standards for Hazardous Pollutants (NESHAP), Occupational Safety and Health Administration (OSHA), Residential Lead-Based Paint Hazard Reduction Act of 1992, Toxic Substances Control Act of 1976, VOSH, and Virginia Regulations for Asbestos Emissions Standards for Demolition and Renovation.

CERTIFICATION BY A REPRESENTATIVE OF THE GRANTEE:

By my signature below, I hereby certify that: (i) I have examined this Asbestos Abatement Report and the information provided is true, correct, and complete in all respects, and all required documentation is attached, and (ii) all work and activities associated with the removal of ACMs and/or lead paint abatement and related to the Project were performed and conducted in all respects in full compliance with all applicable laws, rules, and regulations.

WITNESS the following signature.

Grantee: **CITY OF PETERSBURG, VIRGINIA**

Submitted by: _____
Signature of Official Title

Name: _____
Print Name

Date: _____