

AN ORDINANCE NO. 24-2

Approving a Deed of Easement with MDC Coast 12, LLC, whereby the City grants MDC Coast 12, LLC a ten-year greenspace easement over approximately 9,880 square feet of Cedar Lane; and rescinding Ordinance No. 22-19.

WHEREAS, Cedar Lane is a public right-of-way in the City of Colonial Heights; and

WHEREAS, RIO Prime, LLC originally submitted a preliminary plan of development to construct a car wash facility adjacent to Cedar Lane; and

WHEREAS, as part of its development and to beautify a part of Cedar Lane, RIO Prime, LLC desired to remove the pavement and plant grass and other City-approved vegetation over an approximate 9,880 square foot part of Cedar Lane; and

WHEREAS, the part of Cedar Lane on which RIO Prime, LLC wished to plant grass and other vegetation is approximately 260 feet long by 38 feet wide and runs south from the southern boundary of A Avenue to the northern boundary of the lot known as parcel identification number 2200030A013; and

WHEREAS, at its December 13, 2022 meeting, Council granted RIO Prime, LLC the greenspace easement through Ordinance No. 22-19, contingent upon RIO Prime, LLC purchasing the property from Wallace Properties, LLC and executing a Deed of Easement; and

WHEREAS, MDC Coast 12, LLC instead of RIO Prime, LLC purchased the property from Wallace Properties, LLC; and MDC Coast 12, LLC is leasing the property to Go Car Wash Virginia, LLC to operate the carwash facility; and

WHEREAS, MDC Coast 12, LLC needs Council's consent to use the specified part of Cedar Lane as greenspace; and

WHEREAS, MDC Coast 12, LLC has submitted a bid to be granted a ten-year greenspace easement over the above-referenced approximate 9,880 square foot part of Cedar Lane; and

WHEREAS, at the March 12, 2024 City Council meeting, Council's presiding officer summarized the bid from MDC Coast 12, LLC, inquired if any other bids were being offered, noted

that no other bids were offered, declared the bidding closed, and received the staff's recommendation on the MDC Coast 12, LLC bid; and

WHEREAS, after holding a public hearing, the Council believes it is appropriate to accept MDC Coast 12, LLC's bid and grant it the requested ten-year greenspace easement; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. The Council approves a Deed of Easement whereby the City grants MDC Coast 12, LLC a ten-year greenspace easement over the above-referenced approximate 9,880 square foot part of Cedar Lane that runs south from the southern boundary of A Avenue for approximately 260 feet to the northern boundary of the lot known as parcel identification number 2200030A013.

2. The approved Deed of Easement is attached hereto and made a part of this ordinance; and it is substantially similar to the Deed of Easement previously drafted for the benefit of RIO Prime, LLC.

3. City Council's approval of this Deed of Easement is contingent on the development and operation of a car wash facility on the parcel owned by MDC Coast 12, LLC, which adjoins the part of Cedar Lane referenced above that will be used as greenspace.

4. Ordinance No. 22-19 is hereby rescinded.

5. This ordinance shall be effective upon approval on second reading.

Approved:


Mayor

Attest:


City Clerk

I certify that the above ordinance was:

Adopted on its first reading on February 13, 2024.

Ayes: 5 Nays: 2 Absent: 0 Abstain: 0

The Honorable Kenneth B. Frenier, Councilmember: Aye

The Honorable Elizabeth G. Luck, Councilmember: Aye

The Honorable, John E. Piotrowski, Councilmember: Nay

The Honorable Dr. Laura F. Poe, Councilmember: Aye

The Honorable John T. Wood, Councilmember: Nay

The Honorable Robert W. Wade, Vice-Mayor: Aye

The Honorable T. Gregory Kochuba, Mayor: Aye

Adopted on its second reading on March 12, 2024.

Ayes: 5 Nays: 2 Absent: 0 Abstain: 0

The Honorable Kenneth B. Frenier, Councilmember: Aye

The Honorable Elizabeth G. Luck, Councilmember: Aye

The Honorable, John E. Piotrowski, Councilmember: Nay

The Honorable Dr. Laura F. Poe, Councilmember: Aye

The Honorable John T. Wood, Councilmember: Nay

The Honorable Robert W. Wade, Vice-Mayor: Aye

The Honorable T. Gregory Kochuba, Mayor: Aye

Pamela B. Wallace
City Clerk

Approved as to form:

Hugh P. Foster III
City Attorney
