



**Town of Gordonsville, Virginia
Agenda Item Summary
April 17, 2023**

<p><u>AGENDA ITEM 15a</u> New Matters by Council</p> <p><u>AGENDA TITLE:</u> Consideration of Deed of Gift from Piedmont Environmental Council (PEC).</p> <p><u>PRESENTER:</u> Mayor Robert Coiner</p>	<p><u>DISPOSITION:</u> <input checked="" type="checkbox"/> Action Required <input type="checkbox"/> For Discussion <input type="checkbox"/> Consent Agenda <input type="checkbox"/> Closed Session <input type="checkbox"/> Informational</p> <p><u>ATTACHMENTS:</u> <input checked="" type="checkbox"/> yes <input type="checkbox"/> no</p>
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BACKGROUND:

In the spring of 2021, the Town and the Piedmont Environmental Council (PEC) entered into a Memorandum of Understanding for donation and development of park property (see attached). In accordance with that MOU, PEC desires to gift two tracts of land to the Town for public park use as part of the Town’s redevelopment and expansion of Verling Park. The appraised value of these properties was included as match funds for the Town’s Land and Water Conservation Fund grant awarded in October 2022.

PEC received a Preservation Trust Fund-Public Access (PTF-PA) grant from the Virginia Outdoors Foundation to support acquisition of these properties for park use. As such, the Town’s acceptance of them is subject to its agreement to dedicate the property in perpetuity as open-space land in accordance with the Open-Space Land Act (Virginia Code §§ 10.1-1700 to 10.1-1705). This agreement will be considered separately later in this meeting.

Attached for Council’s review and information is the deed of gift for the properties. This has been reviewed by the Town Attorney and includes her comments. Pursuant to §15.2-1803 of the Virginia code, no such deed shall be valid unless accepted by the locality. Attached for Council’s consideration is Resolution #2023-4a in this regard.

MOTION FOR CONSIDERATION:

“Motion to adopt resolution #2023-4a to accept a gift of property from the Piedmont Environmental Council (PEC) and to authorize Mayor Coiner and the Town Attorney, on behalf of the Town of Gordonsville, to execute a deed of gift with PEC for the donation and development of public park property as part of the redevelopment and expansion of Verling Park.”

Memorandum of Understanding

Between

Piedmont Environmental Council

And

Town of Gordonsville, Virginia

For Donation and Development of Park Property

This document establishes an understanding between The Piedmont Environmental Council (hereafter "PEC") and the Town of Gordonsville, Virginia, (hereafter the "Town") for the donation of land and development of a comprehensive park to be redesigned and developed upon the donated land and parcels already owned by the Town of Gordonsville, hereafter "The Park."

I. MISSION

PEC's mission is to protect and promote the rural economy, natural resources, history and beauty of the Virginia Piedmont. PEC plans to continue assisting the Town in developing more park and open space in the Town on approximately 4.4 acres of land abutting the Fireman's Fairgrounds.

II. PURPOSE AND SCOPE

PEC purchased 2 parcels of land in the Town of Gordonsville containing approximately 2 acres, known as 304 Market Street and 204 Allen Street, hereafter "PEC Land." PEC wishes to donate the PEC Land to the Town subject to certain conditions which promote open space and park use. The Town owns 3 parcels of real estate containing approximately 2.422 acres which have been consolidated as shown on the Consolidated and Property Line Vacation Plat, dated March 9, 2020, containing (1) the original Verling Park property, (2) the property purchased along Linney Street, and (3) property purchased from CSX, hereafter the "Town Land." The parties wish to work together to develop the PEC Land and the Town Land together as one large park, hereafter "The Park." To further such development of The Park, the parties agree to work together as follows:

1. PEC wishes to convey the PEC Land to the Town for development of The Park.
2. PEC and the Town wish to create a comprehensive park design for The Park prior to conveyance of the PEC Land to the Town;
3. PEC shall raise funds to pay for the design of a comprehensive plan for development of The Park;
4. Upon receipt of such funds, the Town shall issue an RFP for a comprehensive park design for both the PEC Land and the Town Land, with review, cooperation, and comment from PEC, hereafter "Development Plans";
5. The Town and PEC shall work together, with the winning bidder, to create Development Plans for The Park;
6. Once the Town and PEC agree upon the Development Plans for The Park, PEC shall create and seek Town approval of a form of an easement which shall restrict development of the PEC Land consistent with the approved Development Plans, hereafter the "Easement";

7. Once the Town and PEC agree upon the Development Plans and the terms of the Easement, then PEC shall convey the PEC Land to the Town, subject to the Town signing such Deed in acceptance of the gift;
8. PEC intends to raise additional funds for development of The Park pursuant to the Development Plans, with the hope that the Town will also apply for available public grant funds for park development;
9. Once the PEC Land has been conveyed to the Town, and funds have been provided to the Town from PEC and/or public grants, the Town intends to send out an RFP for the construction of The Park consistent with the Development Plans.

III. RESPONSIBILITIES

Each party will appoint a person to serve as the official contact and coordinate the activities of each organization in carrying out this understanding. The initial appointees of each organization are:

Piedmont Environmental Council: Peter Hujik, Field Representative
540.395.2911

Town of Gordonsville: Deborah S. Kendall, Town Manager
540.832.2233

PEC intends to allocate staff, fundraise, and work with the Town for development of The Park.

IV. TERMS OF UNDERSTANDING

The term of this understanding is for a period of one (1) year from the effective date, and may be extended upon written mutual agreement. The parties hereby represent that it is the intent of both parties that the work should commence as soon as possible and that both parties intend to complete the work within the time allowed but that forces beyond their control may extend the deadline. Either party may terminate this understanding upon 30 days written notice.

Authorization

The Piedmont Environmental Council



By: Christopher G. Miller, President

_____ Date

Town of Gordonsville



By: Deborah S. Kendall, Town Manager

5/18/2021
Date

Prepared by and return to:
Kerry Brian Hutcherson, VSB #75018
Rudy, Coyner & Associates, PLLC
9910 Wagners Way
Chesterfield, VA 23832

Consideration: \$0.00

Tax Map Parcel ID: ~~068A201380005002800000000370~~ and 068A2013800020

Title Insurer: _____

**Exempted from recordation tax
under the Code of Virginia (1950), as amended, Section 58.1-811 (D)**

THIS DEED OF GIFT (this "Deed"), made as of this ____ day of _____, 2023, between THE PIEDMONT ENVIRONMENTAL COUNCIL, whose address is 45 Horner St, PO Box 460, Warrenton, VA, 20186 (the "Grantor"), and the TOWN OF GORDONSVILLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia, whose address is 112 S. Main Street, Gordonsville, VA 22492 ("Grantee") (the designations "Grantor" and "Grantee" refer to the Grantor and Grantee and their respective successors and assigns),

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of real property situated in Town of Gordonsville, Virginia, containing 1.884 acres, more or less, located at 304 Market Street, Gordonsville, Virginia, as more particularly described on ~~Exhibit~~ SCHEDULE A attached hereto (the "Property"), and Grantor desires to give and convey the Property to Grantee as herein set forth, and

WHEREAS, Grantor is a non-profit organization and land trust, and in furtherance of its charitable mission, Grantor acquired the Property in order to ensure its availability to be included as a portion of Grantee's public park system with the intention of transferring the Property to the Town to be used as a public park, and

WHEREAS, on June 25, 2020, the Board of Trustees of the Virginia Outdoors Foundation ("VOF") awarded a Preservation Trust Fund-Public Access (PTF-PA) grant in the amount of \$100,000 to Grantor in support of Grantor's acquisition of the Property and transfer of the Property to the Town for public park use, and

WHEREAS,

Commented [RC1]: Peter, please feel free to add more background recitals here as necessary.

NOW THEREFORE, in consideration of the foregoing recitals, incorporated herein, but FOR NO MONETARY CONSIDERATION and as a gift, Grantor hereby gives, grants, and conveys with Special Warranty of Title to Grantee all Grantor's right, title and interest in and to the real property described on SCHEDULE A attached hereto and made a part hereof (the "Property").

This deed is executed by Robert K. Coiner, Mayor of the Town of Gordonsville after having been authorized to act on behalf of the town by resolution duly adopted on March , 2023, by the Town Council of the Town of Gordonsville.

This deed is approved as to form by Angela Scolforo, Town Attorney, accordingly by § 15.2-1803 of the Code of Virginia (1950), as amended, as evidenced by her signature.

[Counterpart signature pages follow.]

[Counterpart signature page 1 of 3]

WITNESS the following signatures and seals:

**GRANTOR:
THE PIEDMONT
ENVIRONMENTAL COUNCIL**

By: _____

Name: _____

Its: _____

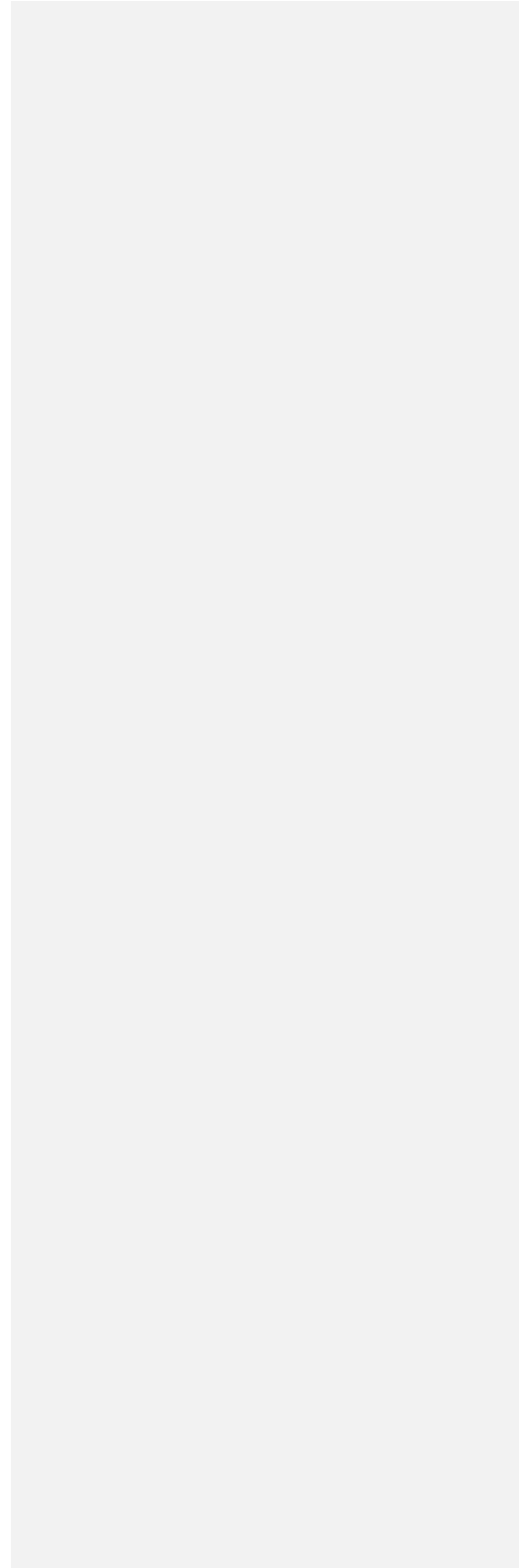
COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, TO WIT:

The foregoing instrument was acknowledged before me this ___ day of _____, 2023
by _____, the _____ of the Piedmont
Environmental Council.

Notary Public

(SEAL)

My commission expires: _____
Registration No. _____



[Counterpart signature page 2 of 3]

GRANTEE:

Accepted:
TOWN OF GORDONSVILLE, VIRGINIA,
A political subdivision of the Commonwealth of
Virginia

By: _____

Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, TO WIT:

The foregoing instrument was acknowledged before me this ___ day of _____, 2023, by
_____, the _____ of the Town of
Gordonsville, Virginia, on behalf of the Town.

Notary Public

(SEAL)

My commission expires: _____

Registration No. _____

[Counterpart signature page 2 of 3]

TOWN OF GORDONSVILLE

By: Robert K. Coiner, Mayor

(SEAL)

COMMONWEALTH OF VIRGINIA, AT -LARGE,
TOWN OF GORDONSVILLE, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____,
____, by _____, _____, on behalf of the Town of Gordonsville, Virginia.

Notary Public

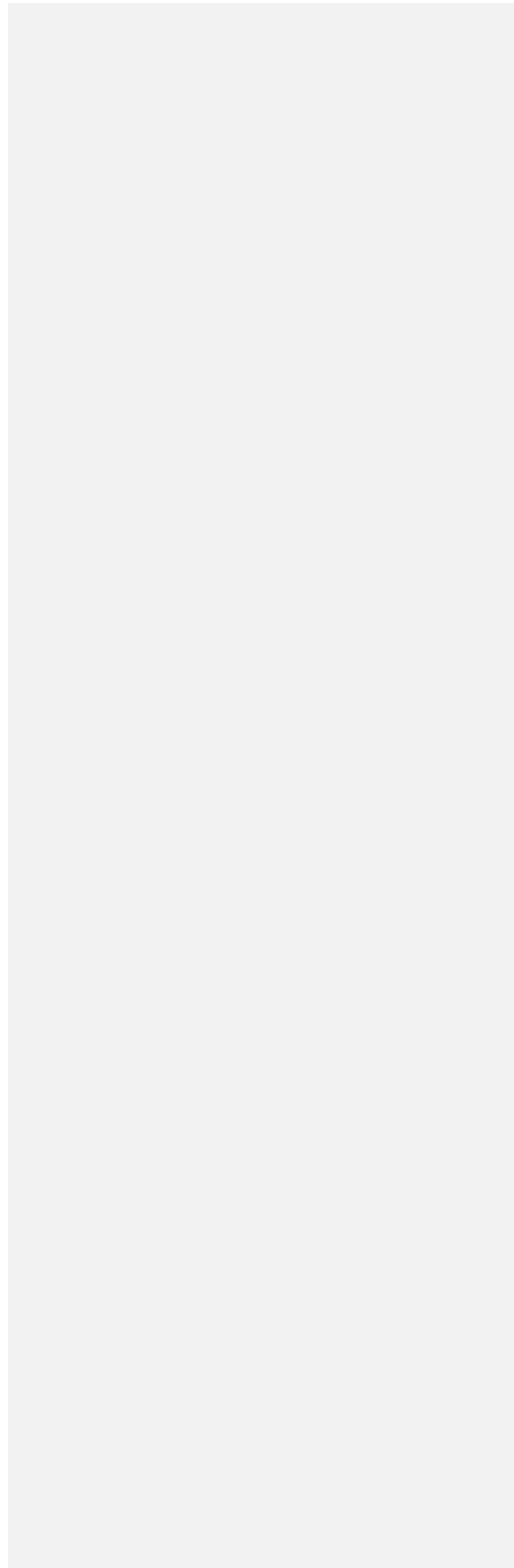
Notary Public Reg. No. _____

My commission expires: _____

Approved as to form:

TOWN OF GORDONSVILLE

By: Angela Scolforo, Town Attorney



**SCHEDULE A
(Description of the Property)**

TMP ~~068A201380005002800000000370~~

“ALL that certain tract or parcel of land located and being in Town of Gordonsville, County of Orange, Virginia, containing one (1) acre, more or less, with the dwelling and other improvements located thereon, situate at the intersection of Allen Street and King Street, formerly known as the Lillie Bibb property. The subject property is commonly known as 204 Allen Street, Gordonsville, Virginia.”

AND BEING THE SAME real property conveyed to The Piedmont Environmental Council from _____ by deed recorded on _____ in the Circuit Court Clerk’s Office for the County of Orange, Virginia as Instrument Number _____

Commented [EW2]: Not acquired together, not one parcel. Unless this was surveyed and combined?

Commented [RC3]: I’ll complete this when we get a title update.

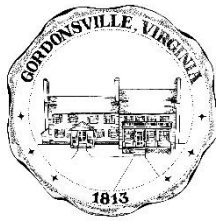
TMP 068A2013800020

“ALL that certain tract or parcel of land with buildings and improvements thereunto belonging, lying, situate and being in the Town of Gordonsville, Orange County, Virginia, fronting along the northern margin of Market Street in said town, adjoining property now or formerly owned by John H. Clements, Martin and Bailey Streets.

LESS AND EXCEPT that certain portion conveyed to John S. Reynolds, Jr. and Margaret T. Reynolds, by Deed of Confirmation of Boundary Settlement, dated July 10, 1987, in the Clerk’s Office, Circuit Court, Orange County, Virginia, in Deed Book 396, page 764.”

AND BEING THE SAME real property conveyed to The Piedmont Environmental Council from _____ by deed recorded on _____ in the Circuit Court Clerk’s Office for the County of Orange, Virginia as Instrument Number _____

Commented [RC4]: I’ll complete this when we get a title update.



**TOWN OF GORDONSVILLE
RESOLUTION
ACCEPTING GIFT OF REAL ESTATE FROM
PIEDMONT ENVIRONMENTAL COUNCIL
#2023 - 4a**

WHEREAS, Virginia Code sections 15.2-1800 and 15.2-1803 authorize the Town to receive and accept real estate by gift for any public purpose; and

WHEREAS, the Piedmont Environmental Council (PEC) is the owner in fee simple of real property situated in the Town of Gordonsville, Virginia, containing 1.884 acres, more or less, located at 204 Allen Street and 304 Market Street, Gordonsville, Virginia (“the Property”); and

WHEREAS, the Piedmont Environmental Council is a non-profit organization and land trust, and in furtherance of its charitable mission, the PEC acquired the Property in order to ensure its availability to be included as a portion of the Town’s public park system with the intention of transferring the Property to the Town to be used as a public park; and

WHEREAS, the Town wishes to accept conveyance of such property for use as a public park and to incorporate it in the expansion and redevelopment of Verling Park.

NOW, THEREFORE, BE IT RESOLVED, the Gordonsville Town Council hereby agrees to accept the Property and authorizes the Mayor and Town Attorney to execute the Deed of Gift, and other documents as may be required to complete said transaction.

Mayor Robert Coiner
Vice-Mayor Emily Winkey
Councilmember Ronald Brooks III

Councilmember Theresa Lewis
Councilmember Elizabeth Samra

TOWN OF GORDONSVILLE, VIRGINIA

By: _____
Robert K. Coiner, Mayor

This resolution is hereby effective upon adoption this 17th day of April, 2023, by the Town Council of the Town of Gordonsville by affirmative vote.

CERTIFICATE

I attest and certify that the foregoing resolution was adopted by the Gordonsville Town Council on April 17, 2023.

Janet W. Jones, Clerk of Council

Date