



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

<p><u>AGENDA ITEM 15b</u> New Matters by Council</p> <p><u>AGENDA TITLE:</u> Consideration of Deed of Dedication of Open Space.</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 the donation and development of park property (see attached). In accordance with that MOU, PEC is gifting two tracts of land containing 1.884 acres, more or less, located at 204 Allen Street and 304 Market Street, to the Town for public park use as part of the Town’s redevelopment and expansion of Verling Park. The Town will consider acceptance of the donation of property during New Business item 11a.

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 them in perpetuity as open-space land in accordance with the Open-Space Land Act (Virginia Code §§ 10.1-1700 to 10.1-1705). Additionally, the Town must adhere to the terms of the VOF grant by intending to accomplish the following:

1. To keep each tract of the Property as a single undivided parcel;
2. To allow public access on the Property on a regular basis;
3. To allow only those improvements that support public use of the Property as a park;
4. To limit total impervious surface on the Property, including both existing and additional improvements, to no more than 35% of the total area of the Property.

In accordance with the VOF Grant Award to PEC, responsibility for compliance with the preceding terms rests solely with the Town once it takes ownership of the properties.

Attached for Council’s review and information is the deed of dedication of open-space land 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 by resolution. Attached for Council's consideration is Resolution #2023-4b in this regard.

MOTION FOR CONSIDERATION:

“Motion to adopt resolution #2023-4b to authorize Mayor Coiner and the Town Attorney, on behalf of the Town of Gordonsville, to execute a deed of dedication of open-space land 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

NOTE TO TITLE EXAMINERS: This deed contains a restriction on use of the property described below, which runs with the land and is applicable to the property in perpetuity.

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

Return to: The Piedmont Environmental Council
45 Horner Street
Warrenton, VA 20186

Tax Map Parcel IDs: 068A2013800050 and 068A2013800020

Exempt from recordation tax under the Code of Virginia (1950), as amended,
Section 58.1-811(A)(3) and from Circuit Court Clerk's fees under Sections 17.1-266 and 17.1-279.

THIS DEED OF DEDICATION OF OPEN-SPACE LAND made the ____ day of _____, 2023 by the TOWN OF GORDONSVILLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "Town"), the address of which is 112 S. Main Street, Gordonsville, Virginia 22942, with a right retained by the VIRGINIA OUTDOORS FOUNDATION ("VOF")~~Virginia Outdoors Foundation (VOF)~~, an agency of the Commonwealth of Virginia, in the event of a conversion or diversion of the property, witnesseth:

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Commented [RC1]: Does this address need to be confirmed?

RECITALS:

WHEREAS, pursuant to Chapter 18, Title 10.1, Section 10.1-1801.1 the Virginia Outdoors Foundation (VOF) has provided an Open-Space Lands Preservation Trust Fund Grant in the amount of \$100,000.00 to the Piedmont Environmental Council for development of a project described in the Virginia Outdoors Foundation Open-Space Lands Preservation Trust Fund-Public Access Recognition of Grant Award (the "Grant Award") attached hereto as Exhibit A, and

WHEREAS, in accordance with the grant agreement, the Property is to be retained and used by the Town in perpetuity as open-space land pursuant to Chapter 17, Title 10.1, Section 10.1-1701 of the Code of Virginia (1950), as amended, and

WHEREAS, the Town is the owner in fee simple of real property located at 204 Allen Street and 304 Market Street, Gordonsville, Virginia, as more particularly described on SCHEDULE A attached hereto (the "Property")

WHEREAS, the Virginia Outdoors Plan and the Gordonsville Comprehensive Plan prioritize neighborhood parks, and

WHEREAS, the Property is located adjacent to Verling Park, a park space owned by the Town of Gordonsville; and

WHEREAS, conservation of the Property provides a scenic green space buffer to Verling Park to the south and open space owned by the Gordonsville Volunteer Fire Department to the north;

WHEREAS, the Property is visible from the park space and open space and contributes to the scenic view from the Park;

WHEREAS, the Property contributes to the creation of a park network adjacent to the Gordonsville Historic District in the center of town;

WHEREAS, the Property will provide public access to town residents and visitors alike;

WHEREAS, the Property is located near the Gordonsville Historic District and contributes to maintaining the open, historic nature of this rural town;

WHEREAS, limiting the impervious surface on the Property and maintaining the Property as open space will protect water quality by minimizing storm water running-off the Property to an unnamed tributary on the adjacent Verling Park that flows into the South Anna River; and.

NOW, THEREFORE, the Town of Gordonsville does hereby dedicate and designate the following described Property in the Town of Gordonsville, Orange County, Virginia as open-space land pursuant to Chapter 17, Title 10.1, Section 10.1-1701 of the Code of Virginia (1950), as amended, to-wit:

204 Allen Street (identified as Parcel Number 068A2013800050 among the Orange County land records) and 304 Market Street (identified as Parcel Number 068A2013800020 among the Orange County land records) as described in SCHEDULE A.

Even if the Property may have been acquired previously as separate parcels, it shall be considered one parcel for purposes of this Deed, and the restrictions and covenants of this Deed shall apply to the Property as a whole.

Adhering to the terms of the VOF grant, the Town of Gordonsville shall adhere to the following conditions regarding the use of the Property:

1. To keep the Property as a single undivided parcel,
2. To allow public access on the Property on a regular basis,
3. To allow only those improvements that support public use of the Property as a park,

4. To limit total impervious surface on the Property, including both existing and additional improvements, to no more than thirty-five percent (35%) of the total area of the Property. Measurement of impervious surface may be calculated using the Town of Gordonsville's standard definitions and methodology.

In accordance with the Grant Award responsibility for compliance with the preceding terms rests solely with the Town.

No part of the Property may be converted or diverted from its open-space use unless such conversion or diversion is determined by VOF to be in compliance with the provisions of Section 10.1-1704 of the Open-Space Land Act.

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.

WITNESS the following signatures and seals

[Counterpart signature pages follow.]

Approved as to form:

THE PIEDMONT ENVIRONMENTAL COUNCIL

By: Kerry B. Hutcherson,
Counsel for The Piedmont Environmental Council

TOWN OF GORDONSVILLE

By: Angela Scolforo, Town Attorney

[Counterpart signature page 1 of 2 of deed of dedication to open-space]

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: _____

[Counterpart signature page 2 of 2 of deed of dedication to open-space]

Accepted:
VIRGINIA OUTDOORS FOUNDATION,

By: _____

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

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____, a Deputy Director/Staff Attorney of the Virginia Outdoors Foundation.

Notary Public

My commission expires: _____
Registration No. _____

(SEAL)

SCHEDULE A

This text is a placeholder until survey has been provided. VOF would like to include an introductory statement referencing ‘the Property’ including language referencing the new survey and the 1.884 acres. ‘and further described as...’.

TMP 068A2013800050

“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 Roan Enterprises, LLC by deed recorded on August 19, 2019 in the Circuit Court Clerk’s Office for the County of Orange, Virginia as Instrument Number 190003726.

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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.

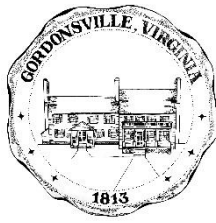
LESS AND EXCEPT that certain portion conveyed to John S. Reynolds, Jr. and Margaret T. Reynolds, by Deed of Confirmation of Boundary Settlement, dated July 10, 1987, in the Clerk’s Office, Circuit Court, Orange County, Virginia, in Deed Book 396, page 764.”

AND BEING THE SAME real property conveyed to The Piedmont Environmental Council from Phillip H. Black and Tracy R. Black by deed recorded on September 15, 2020 in the Circuit Court Clerk’s Office for the County of Orange, Virginia as Instrument Number 200004910.

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Exhibit A

Virginia Outdoors Foundation Open-Space Lands Preservation Trust Fund-
Public Access Recognition of Grant Award



**TOWN OF GORDONSVILLE
RESOLUTION
DEED OF DEDICATION OF OPEN-SPACE LAND
#2023 – 4b**

WHEREAS, pursuant to Virginia Code Chapter 18, Title 10.1, Section 10.1-1801.1, the Virginia Outdoors Foundation (VOF) provided an Open-Space Lands Preservation Trust Fund Grant to the Piedmont Environmental Council (PEC) for the acquisition of property to be used as park and open space within the town of Gordonsville; and

WHEREAS, the property consists 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 PEC is a non-profit organization and land trust, and in furtherance of its charitable mission, it 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 has acted to accept from the PEC a gift of the Property for use as a public park; and

WHEREAS, in accordance with the VOF grant agreement, the Property is to be retained and used by the Town in perpetuity as open-space land; and

WHEREAS, Chapter 17, Title 10.1, Section 10.1-1701 of the Code of Virginia (1950), as amended, authorizes the Town to designate property for use as open-space land; and

WHEREAS, the Gordonsville Comprehensive Plan 2035 prioritizes the development of neighborhood parks; and

WHEREAS, the Town desires to designate the Property for use as public and open-space land as part of its Verling Park expansion and redevelopment project.

NOW, THEREFORE, BE IT RESOLVED, the Gordonsville Town Council hereby agrees to dedicate the Property to open-space land and authorizes the Mayor and Town Attorney to execute the Deed of Dedication of Open-Space Land, 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

DRAFT