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HOUSE BILL NO. 1685

Offered January 9, 2013

Prefiled January 7, 2013

A BILL to authorize the Governor to convey certain real property in the City of Richmond.

Patrons—McQuinn, Loupassi and McClellan

Referred to Committee on General Laws

Whereas, P&J Properties, Inc. ("P&J"), is a corporation duly organized and existing under the laws of the Commonwealth of Virginia with its primary place of business in the City of Richmond, Virginia; and

Whereas, by deed dated August 31, 1987, recorded August 30, 1987, in the Clerk's Office, Circuit Court, City of Richmond, Virginia, in Deed Book 140, page 228, P&J acquired a certain tract or parcel of land in the City of Richmond, Virginia, containing 4.5 acres, known as 3200 Williamsburg Avenue, located at the northeast corner of Williamsburg Avenue and 31st Street ("PJ's Property") from P&J Associates, a Virginia general partnership; and

Whereas, P&J Associates acquired PJ's Property by deed dated July 31, 1979, recorded July 31, 1979, in the aforesaid Clerk's Office in Deed Book 755, page 1375, from Continental Group, Inc., a Virginia corporation ("Continental"). Continental, formerly known as Continental Can Company, Inc., was formed as the result of a Certificate of Consolidation of Robert Gair Co., Inc., and Continental Can Company. Robert Gair Co., Inc., was formed by the merger of Fibre Board Container Corporation ("FIBRE"), a Delaware corporation; and

Whereas, FIBRE acquired its interest in PJ's Property in 1949, by deed from L. N. Donati, Anthony J. Bagley, and Thomas J. Bourne, Jr., Partners d/b/a Fibre Board Container Co. (the "Partners") by deed dated June 1, 1949, recorded in the aforesaid Clerk's Office on June 2, 1949, in Deed Book 515A, Page 545, attached as Exhibit B; and

Whereas, the aforementioned deed defines the property conveyed to FIBRE as Parcels I, II, III, IV, VIII, IX, X, and XI, as more particularly shown on that certain plat record in the City of Richmond, Circuit Court, Clerk's Office, in Plat Book 10, at Page 70. A thorough examination of land records in the aforementioned Clerk's Office, as well as research at the Commonwealth of Virginia State Library and Richmond City Hall, show that portions of Parcels ("the Parcels") were never conveyed to the Partners; thereby creating a gap in title to PJ's Property; and

Whereas, portions of Parcels II, VIII, and X, known as Lot No. 186 on a plat recorded in the aforesaid Clerk's Office in Deed Book 64, at Page 54, were conveyed to the Partners by deed from Clara M. Donati, widow of David J. Donati, Jr., First & Merchants National Bank of Richmond, and David J. Donati III, Administrators, c.t.a. of the Estate of David J. Donati, Jr., deceased, dated September 1, 1941, recorded November 6, 1941, in Deed Book 429A, Page 305. Said conveyance transferred David J. Donati, Jr.'s, (deceased) ownership of Lot No. 186; further, Item #10 in said deed states the property conveyed as, "All right, title, and interest under State of Virginia Land Office Treasury warrant No. 32589 for one acre of unappropriated land designated as Lot No. 186 on the Plan of the City of Richmond, and to any grant or deed whenever made for said land"; and

Whereas, land records show no deed of record, nor any grant found for Lot No. 186. The only land record found is a line entry in the index book held at the Commonwealth of Virginia State Library showing the following: "Name - David J. Donati and L.N. Donati; Acres - 1; Amount \$0. 75; Number - 32,589; Date - Sept. 30, 1940" with the owner of record named as the Commonwealth of Virginia, which acquired Lot No. 186 as waste and unappropriated land; and

Whereas, ownership of Lot No. 186 remains in the name of the Commonwealth of Virginia; now therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of General Services, with the approval of the Governor, is hereby authorized to convey to P&J Properties, Inc., all of the Commonwealth's right, title, and interest, if any, in and to, and to release any claim upon, that certain one acre, more or less, as described in that current survey of the land designated as Lot No. 186 on the Plan of the City of Richmond by James McKnight dated December 5, 2012 and described as follows: Commencing at a point where the East line of 31st Street intersects with the north line of Williamsburg Road; thence, Southeasterly along the North line of Williamsburg Road, 65 feet more or less to the old Eastern line of 32nd Street (now abandoned); thence along the East line of the now abandoned 32nd Street North 58°58'00" East, a distance of 159.00 feet to a point that marks the division line between lots 195 and 186, the Point of*

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59 *Beginning; thence continuing North 58°58'00" East, a distance of 140.00 feet; thence South 52°55'45"*
60 *East, a distance of 49.50 feet; thence South 01°25'51" West, a distance of 58.29 feet; thence South*
61 *07°14'40" West, a distance of 53.81 feet; thence South 14°43'52" West, a distance of 27.90 feet; thence*
62 *North 56°15'09" West, a distance of 173.33 feet to the Point of Beginning. The conveyance shall be*
63 *made in a form approved by the Attorney General.*

64 *§ 2. The conveyance of property that is the subject of this act shall not be deemed a conveyance of*
65 *surplus property and there shall be no requirement for the payment of any money consideration in*
66 *connection with such conveyance. Neither the Commonwealth nor its Department of General Services*
67 *shall have any obligation to see the disposition of said tract of land or to the application of any*
68 *proceeds that may be obtained from any sale thereof.*