

INTRODUCED: October 14, 2019

AN ORDINANCE No. 2019-277

To declare surplus and direct the conveyance of a portion of City-owned real estate on Brown's Island, located at the south end of the South 5th Street footbridge and consisting of 1,256± square feet in the form of a circle with a diameter of 40 feet, for nominal consideration to the Commonwealth of Virginia for the purpose of facilitating the installation and maintenance of the Emancipation Proclamation and Freedom Monument by the Commonwealth of Virginia, and to repeal Ord. No. 2017-005, adopted Feb. 13, 2017.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 12 2019 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That a portion of City-owned real estate on Brown's Island, located at the south end of the South 5th Street footbridge, identified as a portion of Tax Parcel No. W000-0072/001 in the 2019 records of the City Assessor, and consisting of approximately 1,256 square feet in the form of a circle with a diameter of 40 feet shown enclosed in a bold line on sheet 1 of 2 of a survey entitled "Plan Showing a Portion of Browns Island Located near the Fifth Street Footbridge," prepared by Austin Brockenbrough, and dated April 9, 2019, a copy of which is attached to this

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 12 2019 REJECTED: _____ STRICKEN: _____

ordinance, is hereby declared surplus real estate and directed to be conveyed to the Commonwealth of Virginia for nominal consideration, for the purpose of facilitating the installation and maintenance of the Emancipation Proclamation and Freedom Monument by the Commonwealth of Virginia, in accordance with the applicable provisions of Chapter 8 of the Code of the City of Richmond (2015), as amended, the Charter of the City of Richmond (2019), as amended, the Code of Virginia (1950), as amended, and the Constitution of Virginia.

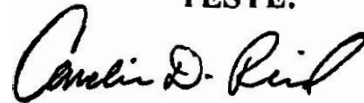
§ 2. That, pursuant to section 8-65(b) of the Code of the City of Richmond (2015), as amended, the Chief Administrative Officer is hereby directed to execute, on behalf of the City, the deed and such other documents, all of which must first be approved as to form by the City Attorney, as may be necessary to consummate the conveyance of the aforementioned portion of City-owned real estate.

§ 3. That Ordinance No. 2017-005, adopted February 13, 2017, is hereby repealed.

§ 4. This ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Amber D. Reil".

City Clerk



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-9181
SEP 18 2019
Office of the Chief Administrative Officer

O&R REQUEST

DATE: September 18, 2019

EDITION: 1

TO: The Honorable Members of City Council

RECEIVED

THROUGH: The Honorable Levar M. Stoney, Mayor

Handwritten signature and date: 10/8/19

THROUGH: Lenora G. Reid, Acting CAO 9/26/19
Selena Cuffee Glenn, Chief Administrative Officer

OFFICE OF THE CITY ATTORNEY

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director for Planning & Development Review

RE: Conveyance of Real Property to Commonwealth of Virginia for the Emancipation Proclamation and Freedom Monument

ORDINANCE OR RESOLUTION NO.:

PURPOSE: To declare surplus a 1,256.64 square foot portion of City-owned property known as Brown's Island (City Tax Parcel No. W0000072001), such portion being more particularly described as a 40' diameter circle as shown on the plans prepared by Austin Brockenbrough dated April 9, 2019, attached hereto (the "Conveyance Property"), and to authorize the CAO to execute documents necessary to convey to the Commonwealth of Virginia for nominal consideration, for the purpose of facilitating the Commonwealth utilizing the Conveyance Property to install and maintain the Emancipation Proclamation and Freedom Monument; and to repeal Ord. No. 2017-005.

REASON: The Emancipation Proclamation and Freedom monument will be funded through an appropriation made by the General Assembly in 2012, and private donations. The Commonwealth wants to retain ownership of the monument. The City cannot grant an easement in excess of 40 years, so the Commonwealth has requested transfer of the approximately 1,256.64 square foot parcel to the Commonwealth in order to facilitate the construction of the monument on Brown's Island. This Ordinance will authorize the CAO to execute documents necessary to convey the property to the Commonwealth.

On February 13, 2017, City Council adopted the Conveyance through the adoption of Ord. No. 2017-005. However, as the design of the Emancipation Proclamation and Freedom Monument progressed, it became clear that the location selected and shown in Ord. No. 2017-005 would not accommodate the number of pedestrians and service vehicles that are present on Brown's Island on a regular basis. As a result, the Commonwealth, City, Venture Richmond, and the design team agreed that adjusting the location of the 40' diameter circle approximately 71' southeast of that identified in Ord. No. 2017-005 would work. This Ordinance, once adopted, would replace Ord. No. 2017-005.

RECOMMENDATION: The City Administration recommends approval.

BACKGROUND: The Dr. Martin Luther King, Jr., Memorial Commission is a statutory and bi-partisan agency of the Virginia General Assembly, created in 1992, to honor the memory and legacy of Dr. King and to continue his work through educational, historical, and cultural programs, among other activities. The Commission is implementing the development, creation, and erection of the Virginia Emancipation Proclamation and Freedom Monument to serve as an education site and tool for educating the public about the importance of the Emancipation Proclamation and to memorialize as part of the Monument notable African American Virginians who have made significant contributions to the emancipation and freedom of formerly enslaved persons or descendants.

The Commission received funding to help in the planning, design, fabrication, and installation from the General Assembly in 2012 and has selected artist Thomas J. Warren of Oregon to fabricate and install the 12-foot monument on Brown's Island in time to commemorate the 400th anniversary of the arrival of the first recorded Africans to English North America in Jamestown.

As owner of Brown's Island, City staff have been part of the discussions related to the placement of the Monument on Brown's Island, and have advised the Commission on the necessary processes necessary to place the Monument on Brown's Island. In order to make it possible for the Emancipation Proclamation and Freedom Monument to be located at this particular site a total of three (3) Ordinances will ultimately need to be adopted by Council. Those Ordinances include:

1. To declare and direct conveyance of a portion of City-owned real estate to the Commonwealth of Virginia to facilitate the installation, and maintenance of the Emancipation Proclamation and Freedom Monument.
2. To grant a non-exclusive permanent deed of easement to install, access, and maintain the Emancipation Proclamation and Freedom Monument. All maintenance costs associated with the installation of the Emancipation Proclamation and Freedom Monument will be borne by the Commonwealth of Virginia.
3. To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Fourth Amendment to the Controlled Public Access Lease Agreement between the City of Richmond and Venture Richmond, Inc., for the purpose of excluding from the "Demised Premises" certain real property.

FISCAL IMPACT/COST: None.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: None.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: October 14, 2019

CITY COUNCIL PUBLIC HEARING DATE: November 12, 2019

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, October 21, 2019

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None.

AFFECTED AGENCIES: Office of the City Attorney, Department of Planning and Development Review

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): N/A

ATTACHMENTS: Conveyance of Property Survey prepared by Austin Brockenbrough dated April 9, 2019.

STAFF: Mark A. Olinger, Director, Department of Planning & Development Review, 646-6305

- NOTES
1. Unsurveyed utility to shown were field located from marks on the ground by hand.
 2. Existing features or structures shown were taken from a field survey and aerial imagery.
 3. There was no boundary survey performed as a part of this project.

LEGEND

	Construction Line
	Power Line
	Asph/Conv Concrete Pav
	Bit Top
	Cherry Tree
	Oak Tree
	Magnolia Tree
	Propylon Control Mark

Vehicle High Construction and Access Easement
 Area 2123289 SQT
 or 6337 ACRES

	Construction Line
	Power Line
	Asph/Conv Concrete Pav
	Bit Top
	Cherry Tree
	Oak Tree
	Magnolia Tree
	Propylon Control Mark

67 Diameter Round
 to be Constructed
 Area = 4257 SQ FT
 Radius = 30'
 -N427396.75
 E1778516.6



CONVEYANCE PROPERTY SURVEY
 PLAN SHOWING A PORTION OF
 BROWNS ISLAND
 LOCATED NEAR THE
 FIFTH STREET FOOTBRIDGE

Brockenbrough
 REAL ESTATE SERVICES, LLC
 405 W. 5th Street, Suite 1000, Norfolk, VA 23510
 757.644.1000 www.brockenbrough.com

DATE	TAC	CLIENT
	16-100	VA DCS
APPENDIX	DATE	
	4/9/18	
D.C. REVIEW	TAC	DATE
MAJ	AS SHOWN	

STATE OF VIRGINIA
 OFFICE OF THE CLERK OF COURTS
 SUPERIOR COURT OF THE CITY OF RICHMOND
 JAMES M. HINDS, CLERK
 515 S. 9th Street, Richmond, VA 23219
 804.775.1111
 4/9/18

SHEET NO.
 1 of 2