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FILE NO: 53079.000157

April 20, 2018

By E-Mail Only

Ms. Kimberly Chen
Principal Planner, Division of Planning and Preservation
Department of Planning and Development Review
City of Richmond
900 E. Broad St., Room 510
Richmond, VA 23219
kimberly.chen@richmondgov.com

Amendment of White House of the Confederacy Old & Historic District (the "District")

Dear Ms. Chen:

This firm represents the VCU Health System Authority (the "Authority"). As you know, the current boundaries of the above-referenced District encompass a portion of the Authority's real property at 1222 East Clay Street (the "Authority Parcel"), together with all of the neighboring property owned by the Confederate Memorial Literary Society ("CMLS") at 1201 East Clay Street (the "CMLS Parcel"). The Authority Parcel was created out of the CMLS Parcel via a 2017 lot split.

CMLS and the Authority have agreed to pursue an amendment to the District's boundaries to encompass only the CMLS Parcel. Please accept this letter as evidence of the Authority's consent to CMLS's February 23, 2018 letter requesting such an amendment, a copy of which letter is attached hereto as Exhibit A.

Please let me know if you have any questions regarding this letter or if you need any further evidence of the Authority's consent to CMLS's request to amend the District boundaries.

Sincerely yours,



Daniel M. Campbell

cc: Paul C. Neimeyer, Esq.
R. Robert Benaicha, Esq.

EXHIBIT A

February 23, 2018 Letter from CMLS Requesting District Amendment

[SEE ATTACHED]

McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Phone: 804.775.1000
Fax: 804.775.1061
www.mcguirewoods.com

R. Robert Benaicha
Direct: 804.775.1152

McGUIREWOODS

rbenacha@mcguirewoods.com
Fax: 804.698.2067

February 23, 2018

By Hand and E-mail

Mr. Mark Olinger
Director
Department of Planning and Development Review
City of Richmond
900 E. Broad St., Room 510
Richmond, VA 23219

Amendment of White House of the Confederacy Old & Historic District

Dear Mark:

On behalf of the Confederate Memorial Literary Society (the "Society") and its sole member, the American Civil War Museum ("ACWM"), I am writing to request an amendment of the boundaries of the White House of the Confederacy Old and Historic District (1200 East Clay Street) (the "District").¹

This amendment would remove from the District 40% of the footprint of the Museum of the Confederacy building (the "Museum"), which lies to the south and east of the historic White House of the Confederacy building and its gardens (collectively, the "White House"). The White House would remain protected within the District, leaving the District's animating purpose unaffected.

I. Background

The District was created in 1970 to protect the White House under the City's Old and Historic District regulations found at City Code § 30-930 *et seq.* (the "O&H Ordinance"). The O&H Ordinance's purpose is to promote "the general welfare...of the City" through the "identification, preservation and enhancement of buildings, structures, landscapes, settings, neighborhoods, sites and features with special historic, cultural, artistic, and architectural significance."² The White House was built in 1818 and is listed on the National Register of Historic Places and the Virginia Landmarks Register. It is unquestionably "historic" under the O&H Ordinance's definition since it "pertains to [a period] of development, events, persons, or activities of importance in the history of the City, the Commonwealth, [and] the United States of America."³ Beyond being the District's namesake, the White House is quite clearly the District's reason for being.

¹ See City Code § 30-930.5.

² City Code § 30-930.2.

³ City Code § 30-930.1.

The District's current extent is outlined in red on the Exhibit Plat attached hereto as Exhibit 1.⁴ Since its 1970 enactment the District's boundaries have matched those of the White House's original parcel, acquired by the Society in 1894 (the "1894 Tract"). The part of the District the Society seeks to have removed (the "Excess Area") is marked on Exhibit 1 with horizontal lines and labeled "Portion of Current White House of the Confederacy Old and Historic District to be Removed (Conveyed to VCUHSA in 2017)".

Until last year the Society also owned two additional parcels located just to the east and south of the 1894 Tract (collectively, the "Outside Tracts"), neither of which were ever included in the District.⁵ The Society acquired one of the Outside Tracts in 1962 (before the District's creation), and the other in 1973.

The Museum was built around 1974, after the District's enactment. The Museum's footprint straddles the boundary between the Excess Area and the Outside Tracts, and only about 40% of its footprint is within the District.

On June 30, 2017, the Society recorded the Lot Split Plat attached hereto as Exhibit 2 to carve out of the 1894 Tract both the Excess Area and the area on Exhibit 1 labeled "Negative Easement Area" (collectively, the "New Tract"), and then sold the New Tract, together with the Outside Tracts, to the VCU Health System Authority (the "Authority").⁶ The Society retained the western portion of the 1894 Tract on which the White House is located (the "Retained Parcel") as well as easements over the Negative Easement Area which give the Society a veto over any new construction therein.

ACWM is currently constructing a new, state-of-the-art museum facility at Historic Tredegar that will be a showcase for the City and further ACWM's mission of being the preeminent center for the exploration of the American Civil War. Most of the exhibits and artifacts housed at the Museum will be moved to ACWM's new facility.

II. Request

The Society hereby requests that the District's boundary be amended to remove the Excess Area from the District. The amended District would encompass the Retained Parcel and the Negative Easement Area and is depicted on Exhibit 1 as the area labeled "Proposed New Boundary of White House of the Confederacy Old and Historic District".

This amendment would conform the District's boundary to its sole original intended purpose: preservation of the White House. Unlike other districts enacted under the O&H Ordinance, which in many cases cover several city blocks, the District has always covered one discrete parcel containing only the White House. The District was named after the White House. Its boundaries even omitted one of the Outside Tracts owned by the Society at the time of the District's enactment, most likely because that parcel was not integral to the White House

⁴ Please note that the City's GIS maps do not reflect the District's correct boundary as set forth in the O&H Ordinance and shown on Exhibit 1.

⁵ The Outside Tracts are depicted on Exhibit 1 as the cross-hatched areas labeled "Portion of Former CMLS Parcel Lying Outside Old and Historic District (Conveyed to VCUHSA in 2017)".

⁶ The Authority, whose counsel is copied on this letter, has consented to this amendment request.

Mr. Mark Olinger
Amendment of White House of the Confederacy Old & Historic District
February 23, 2018
Page 3

or its preservation. Quite simply, the White House's preservation is the only purpose that can be inferred from the City's enactment of the District in its present configuration.

The amendment would not detract from the District's mission of preserving the White House. The Excess Area already houses a portion of the Museum, which is a two-story, late-20th century modern concrete-block structure. Given the fact that the Museum and other large, non-historic buildings already surround the White House, removing the Excess Area from the District would not result in any material change in the White House's situation. The retention of the Negative Easement Area in the proposed new District boundary will preserve the spatial relationship between the White House and neighboring structures.

For the foregoing reasons, we believe City Council should adopt an ordinance and resolution amending the District's boundaries as set forth in City Code § 30-930.5(41) to conform to the surveyed metes and bounds of the Retained Parcel and Negative Easement Area set forth on the attached Exhibit 3.

Please let me know if you have any questions or need any additional information.

Sincerely,



R. Robert Benaicha

Enclosures

cc: Daniel E. Campbell, Esq. (by email only)
Donald E. King, Esq. (by email only)

Mr. Mark Olinger
Amendment of White House of the Confederacy Old & Historic District
February 22, 2018

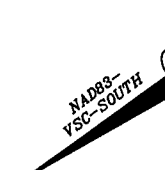
EXHIBIT 1

Exhibit Plat

[ATTACHED]

DATE	DESCRIPTION	BY	CHK

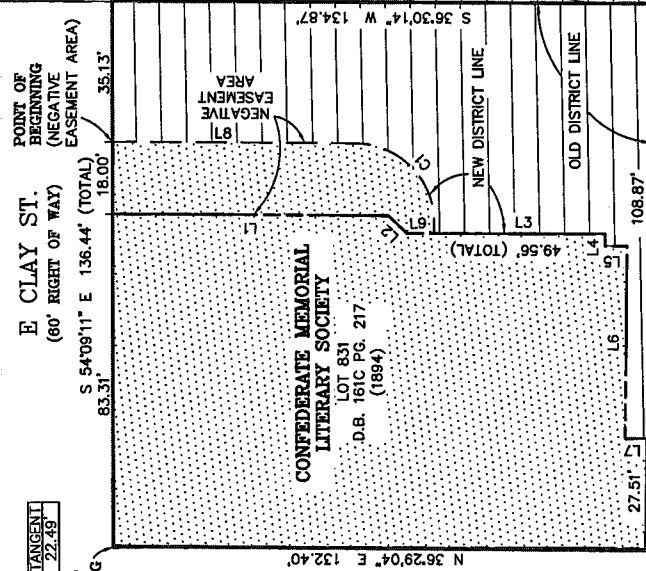
SCALE: 1" = 30'
 JOB NO. 8909-01-001
 DATE: FEBRUARY 18, 2015
 FILE NO.



VIRGINIA COMMONWEALTH UNIVERSITY
 REAL ESTATE SERVICES
 PARCEL ID: E0000208001
 404 N 13TH STREET
 D.B. 347B PG. 4
 (1935)
 (PORTION OF CLAY STREET TO BE CLOSED)
 QUIT CLAIM FROM CITY OF RICHMOND

VIRGINIA COMMONWEALTH UNIVERSITY
 REAL ESTATE SERVICES
 PARCEL ID: E0000208001
 404 N 13TH STREET
 D.B. 347B PG. 4
 (1935)
 LOT 834
 D.B. 161C PG. 217
 (1894)

VIRGINIA COMMONWEALTH UNIVERSITY
 REAL ESTATE SERVICES
 PARCEL ID: E0000208001
 404 N 13TH STREET



E CLAY ST.
 (60' RIGHT OF WAY)

POINT OF BEGINNING (NEGATIVE EASEMENT AREA)

CONFEDERATE MEMORIAL LITERARY SOCIETY
 LOT 831
 D.B. 161C PG. 217
 (1894)

N 12TH ST

CURVE TABLE

CURVE	RADIUS	LENGTH	BEARING	CHORD	DELTA	TANGENT
C1	20.00'	33.76'	S 85°03'28" W	29.89'	96°42'56"	22.49'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 36°42'02" W	68.56'
L2	S 79°53'58" W	6.37'
L3	S 36°30'32" W	42.82'
L4	N 53°29'28" W	2.97'
L5	S 36°40'52" W	5.51'
L6	N 53°19'08" W	48.15'
L7	S 36°21'23" W	5.42'
L8	S 36°42'02" W	60.35'
L9	N 36°30'32" E	6.74'

VIRGINIA COMMONWEALTH UNIVERSITY
 HEALTH SCIENCES SERVICES
 PARCEL ID: E0000207012
 1150 E MARSHALL STREET



LEGEND

- PROPOSED NEW BOUNDARY OF WHITE HOUSE OF THE CONFEDERACY OLD AND HISTORIC DISTRICT
- PORTION OF CURRENT WHITE HOUSE OF THE CONFEDERACY OLD AND HISTORIC DISTRICT TO BE REMOVED (CONVEYED TO VCUHSA IN 2017)
- PORTION OF FORMER CMLS PARCEL LYING OUTSIDE OLD AND HISTORIC DISTRICT (CONVEYED TO VCUHSA IN 2017)

Mr. Mark Olinger
Amendment of White House of the Confederacy Old & Historic District
February 22, 2018

EXHIBIT 2

Lot Split Plat

[ATTACHED]

NOTES

1. THE SURVEYED PROPERTY DELINEATED HEREON IS LOCATED IN THE CITY OF RICHMOND AS PARCEL ID: E0000208015 AND IS ZONED B-4 (CENTRAL BUSINESS).
2. THE SURVEYED PROPERTY IS CURRENTLY IN THE NAME OF CONFEDERATE MEMORIAL LITERARY SOCIETY AND IS RECORDED IN DEED BOOK 161C, PAGE 217, DEED BOOK 615B, PAGE 497, DEED BOOK 687D, PAGE 413 AMONG THE LAND RECORDS OF THE CITY OF RICHMOND, VIRGINIA.
3. BOUNDARY INFORMATION AS SHOWN HEREON IS BASED ON DEED BOOK 161C, PAGE 217, DEED BOOK 397B, PAGE 4, DEED BOOK 615B, PAGE 497, DEED BOOK 687D, PAGE 410, AND DEED BOOK 687D, PAGE 413 AMONG THE LAND RECORDS IN THE CIRCUIT COURT THE CITY OF RICHMOND, VIRGINIA.
4. THIS PLAT WAS MADE WITH THE BENEFIT A TITLE COMMITMENT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 17-12915, WITH AN EFFECTIVE DATE OF FEBRUARY 17, 2017.
5. THE SURVEYED PROPERTY SHOWN HEREON LIES IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP FOR THE CITY OF RICHMOND, VIRGINIA, COMMUNITY-PANEL NUMBER 5101290041E, EFFECTIVE DATE JULY 16, 2014.
6. NORTH MERIDIAN INFORMATION AS SHOWN HEREON IS BASED ON GPS UPUS SOLUTIONS AND IS NAD83, VIRGINIA STATE COORDINATE SYSTEM, SOUTH ZONE.
7. THIS SURVEY WAS PRODUCED FROM AN ACTUAL FIELD SURVEY PERFORMED BY BOWMAN CONSULTING ON MARCH 6, 2017.

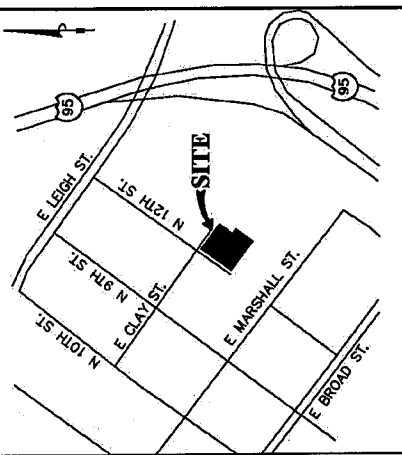
- EASEMENT LEGEND**
- PROPOSED EASEMENT AREA
 - PROPOSED UNBUILDABLE AREA

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 53°07'02" E	27.51'
L2	N 35°21'23" E	5.43'
L3	N 35°40'57" E	5.51'
L4	S 53°29'28" E	2.97'
L5	N 79°53'58" E	6.37'

APPROVED BY THE CITY OF RICHMOND
PLANNING COMMISSION AND/OR
DIRECTOR OF PLANNING

DATE: _____ ACTING SECRETARY/AGENT



VICINITY MAP
SCALE: 1" = 400'

LEGEND

- TOP POST
- SON
- POST
- TELEPHONE MANHOLE
- GAS VALVE
- SANITARY CLEANOUT
- STORM MANHOLE
- STORM GRATE
- WATER VALVE
- FIRE HYDRANT
- WATER STRUCTURE
- CONC.
- CONCRETE
- HC
- FENCE
- CURB
- IPS IRON PIPE SET

AREA TABULATION

TOTAL GPN E0000208015	24,807 SF.	0.56849 AC.
VOL HEALTH SVCS AUTH.	14,316 SF.	0.32865 AC.
CONFED. MEM. LIT. SOC.	10,490 SF.	0.24084 AC.
TOTAL PLAT	24,807 SF.	0.56849 AC.

PLAT SHOWING

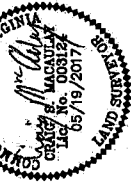
LOT SPLIT
ON THE PROPERTY OF
CONFEDERATE MEMORIAL LITERARY SOCIETY

PARCEL ID: E0000208015
DEED BOOK 161C, PAGE 217
DEED BOOK 615B, PAGE 497
DEED BOOK 687D, PAGE 413
CITY OF RICHMOND
HENRICO COUNTY, VIRGINIA

DATE: MAY 19, 2017

SCALE: 1" = 20'

18-00008



SURVEYOR'S CERTIFICATE

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS AS SET FORTH IN THE ORDINANCE FOR APPROVING PLATS OF SUBDIVISION OR PLATS OF MONUMENTS WILL BE SET BY JUNE 17, 2017.

BY: CRAIG S. MACALLAY, L.S. (U.C. NO. 3124)
BOWMAN CONSULTING GROUP, LTD.

RECORDED _____ PLAT BOOK: _____ PAGE: _____

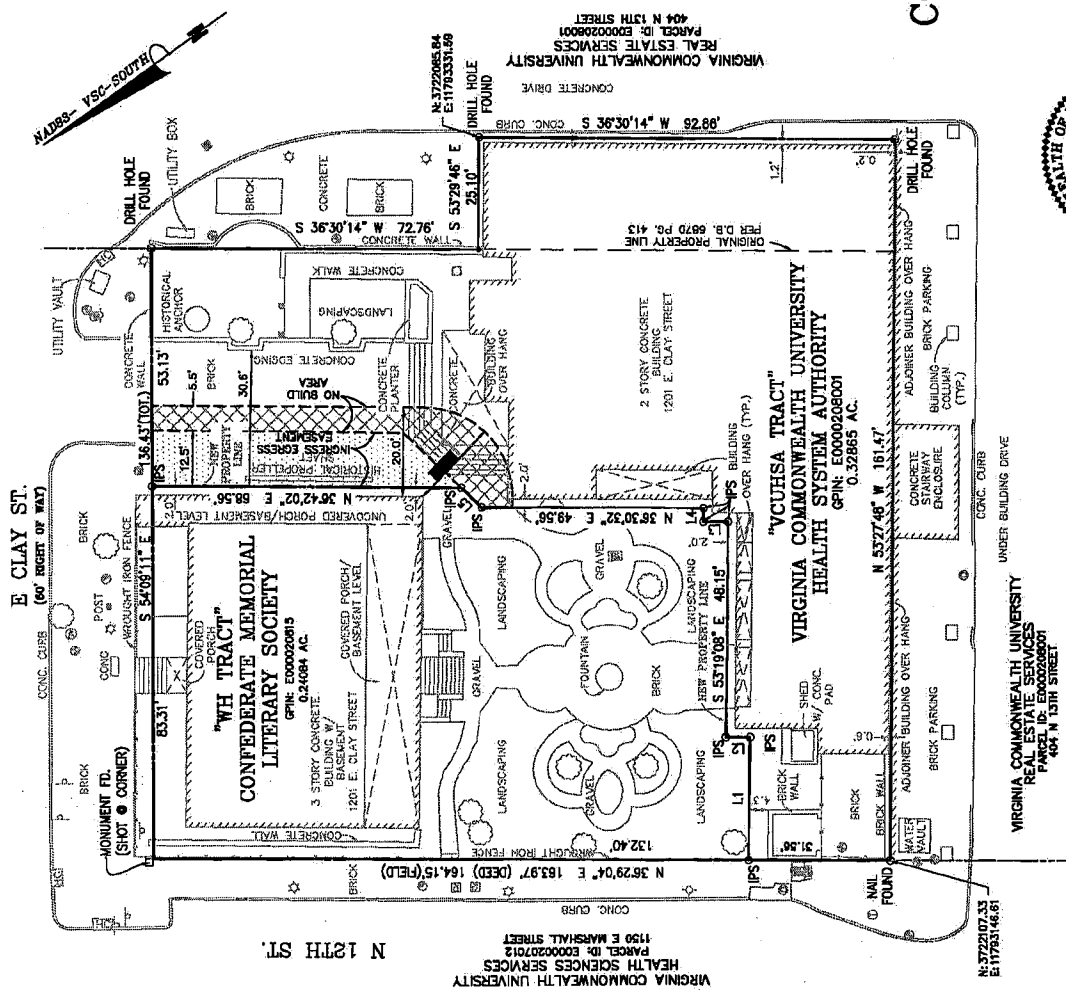


EXHIBIT 3

Surveyed Description of Proposed Amended District Boundary

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF EAST CLAY STREET AND THE EAST LINE OF NORTH TWELFTH STREET; THENCE RUNNING IN AN EASTERLY DIRECTION ALONG THE SOUTH LINE OF EAST CLAY STREET S 54°09'11" E 101.30 FEET TO A POINT; THENCE RUNNING IN A SOUTHERLY DIRECTION S 36°42'02" W 60.35 FEET TO A POINT, BEING A POINT OF CURVATURE; THENCE ALONG AN ARC 33.76 FEET ALONG A CURVE DEFLECTING TO THE RIGHT WITH A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 96°42'56", AND A CHORD BEARING AND DISTANCE OF S 85°03'28" W 29.89 FEET, TO A POINT; THENCE S 36°30'32" W 42.82 FEET TO A POINT; THENCE N 53°29'28" W 2.97 FEET TO A POINT; THENCE S 36°40'52" W 5.51 FEET TO A POINT; THENCE N 53°19'08" W 48.15 FEET TO A POINT; THENCE S 36°21'23" W 5.42 FEET TO A POINT; THENCE RUNNING IN A WESTERLY DIRECTION N 53°07'02" W 27.51 FEET TO A POINT LYING ON THE EAST LINE OF NORTH TWELFTH STREET; THENCE RUNNING IN A NORTHERLY DIRECTION ALONG THE EAST LINE OF NORTH TWELFTH STREET N 36°29'04" E 132.40 FEET TO THE POINT OF BEGINNING.