

INTRODUCED: March 8, 2021

AN ORDINANCE No. 2021-068

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Fourth Amendment to 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, and to repeal section 1 of Ord. No. 2019-278, adopted Nov. 12, 2019.

Patron – Mayor Stoney, Vice President Robertson, Mr. Jones and Mr. Addison

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 22 2021 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

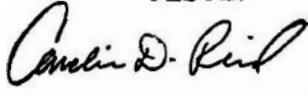
§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute a Fourth Amendment to Controlled Public Access Lease Agreement between the City of Richmond and Venture Richmond, Inc. for the purpose of excluding from the “Demised Premises” certain real property. The Fourth Amendment to Controlled Public Access Lease Agreement shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

§ 2. That section 1 of Ordinance No. 2019-278, adopted November 12, 2019, is hereby repealed.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 22 2021 REJECTED: _____ STRICKEN: _____

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

A TRUE COPY:
TESTE:

City Clerk




CITY OF RICHMOND


INTRACITY CORRESPONDENCE


O&R REQUEST


DATE: February 10, 2021 **EDITION:** 2

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor 

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer 

THROUGH: Sharon Ebert, Deputy Chief Administrative Officer 

FROM: Kevin J. Vonck, Acting Director - Planning and Development Review 

RE: 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.

ORD. OR RES. No. _____

PURPOSE: This O&R request is for amending the Controlled Public Access Lease between Venture Richmond and the City of Richmond by excluding the following real property from the premises demised to Venture Richmond in the Controlled Public Access Lease: that certain real property located in the City of Richmond, Virginia, consisting of a parcel with an area of 2,036.32 square feet, as shown on sheet one of the plat entitled "PLAN SHOWING A PORTION OF BROWNS ISLAND LOCATED NEAR THE FIFTH STREET FOOTBRIDGE," dated January 6, 2021, prepared by Austin Brockenbrough Engineering + Consulting ; and to repeal Ord. No. 2019-278.

REASON: A portion of property currently within the "Demised Premises" of the Controlled Public Access Lease between Venture Richmond and the City of Richmond will be deeded to the Commonwealth of Virginia as part of the Emancipation Proclamation and Freedom Monument. As that portion of the property will no longer be under the ownership of the City, it must be removed from the "Demised Premises."

On November 12, 2019, City Council adopted Ord. No. 2019-278 a Fourth Amendment to Controlled Public Access Lease Agreement between the City and Venture Richmond for the purpose of excluding from the "Demised Premises" certain real property as said property was to be conveyed to the Commonwealth and would no longer be under the ownership of the City, necessitat-

ing its removal from the “Demised Premises.” However, as the design of the Emancipation Proclamation and Freedom Monument progressed, it became clear that the location selected and shown in Ord. No. 2019-278 would not accommodate the number of pedestrians and service vehicles that are present on Brown’s Island on a regular basis. This Ordinance, once adopted, would replace Ord. No. 2019-278.

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: March 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: March 22, 2021

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing, & Transportation Standing Committee.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None.

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Ord. No. 2019-278

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Fourth Amendment to Controlled Public Access Lease Agreement.

STAFF: Kevin J. Vonck, Acting Director - Planning and Development Review
Kevin.Vonck@richmondgov.com - 804.646.3741

**FOURTH AMENDMENT TO
CONTROLLED PUBLIC ACCESS LEASE AGREEMENT**

THIS FOURTH AMENDMENT TO CONTROLLED PUBLIC ACCESS LEASE AGREEMENT (the "Fourth Amendment") is entered into this ___ day of _____, 2021, by and between the City of Richmond, Virginia, a municipal corporation of the Commonwealth of Virginia, acting by and through its duly authorized representative (the "City") and Venture Richmond, Inc., a Virginia corporation and the successor to Riverfront Management Corporation ("Venture Richmond").

RECITALS

A. The City and Venture Richmond entered into that certain Controlled Public Access Lease dated as of September 15, 1998, as amended by First Amendment to Controlled Public Access Lease dated as of April 16, 2002; by Second Amendment to Controlled Public Access Lease dated as of October 13, 2013; and by Third Amendment to Controlled Public Access Lease dated as of _____ (collectively, the "Lease").

B. The City and Venture Richmond now desire to amend the terms of the Lease to remove certain real property from the Demised Premises (as defined in the Lease) as set forth in this Fourth Amendment.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises set forth in the Lease and in this Fourth Amendment, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. All capitalized terms used here and not otherwise defined shall have the meanings set forth in the Lease.

2. As of the date hereof, the "Demised Premises" shall exclude that certain real property located in the City of Richmond, Virginia, consisting of a parcel with an area of 2,036.32 square feet, as shown on sheet one of the plat entitled "PLAN SHOWING A PORTION OF BROWNS ISLAND LOCATED NEAR THE FIFTH STREET FOOTBRIDGE," dated January 6, 2021, prepared by Austin Brockenbrough Engineering + Consulting (the "Plat"), which plat is attached as Schedule A hereto and made a part hereof.

3. Except as amended by this Fourth Amendment, the terms and conditions of the Lease shall remain in full force and effect.

The duly authorized representatives of the parties have executed this Fourth Amendment to be effective on the date indicated below.

[See next page for signatures.]

WITNESS THE FOLLOWING SIGNATURES:

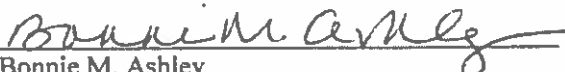
CITY OF RICHMOND, VIRGINIA

By: _____
Name: _____
Title: [Acting] Chief Administrative Officer

VENTURE RICHMOND, INC., a Virginia corporation

By: _____
Name: Lisa Sims
Title: CEO

APPROVED AS TO FORM:

By: 
Bonnie M. Ashley
Deputy City Attorney

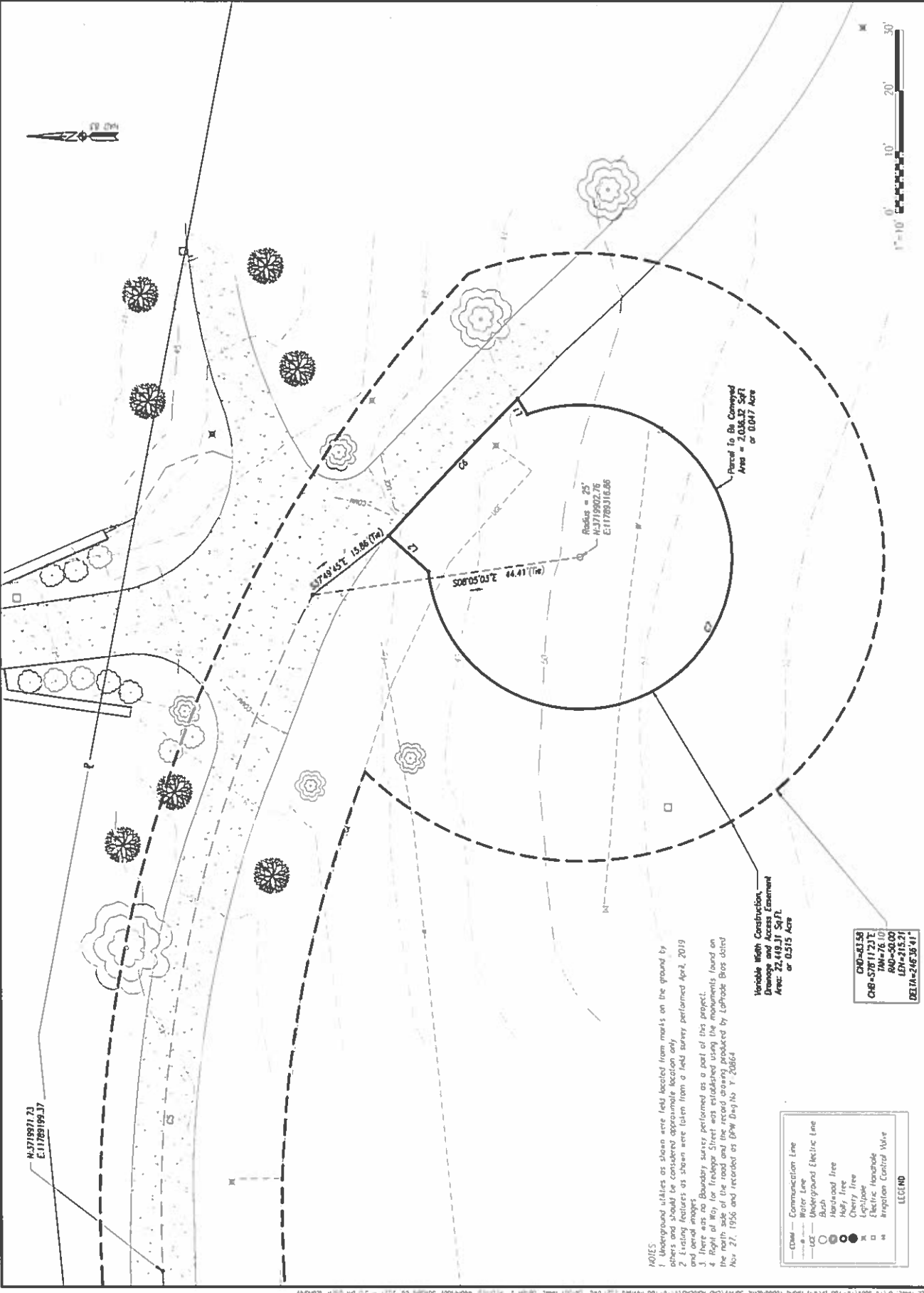
SCALE	TAC	DATE	DESIGN	JOB NO.	TAC	VA DCS	CLIENT
1/6/21		16-100					

Brockenbrough
 ENGINEERING • CONSULTING
 1011 Boulder Springs Drive, Suite 203 | Richmond, Virginia 23229
 804.592.3900 | Fax: 804.592.3901 | www.brockenbrough.com

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



SHEET NO
1 of 2



- NOTES
- Underground utilities as shown were field located from marks on the ground by others and should be considered approximate location only.
 - Existing features as shown were taken from a field survey performed April, 2019.
 - There was no boundary survey performed as a part of this project.
 - Right of Way for Fredegar Street was established using the monuments found on the north side of the road and the record drawing produced by Lathrop Bros dated Nov. 27, 1956 and recorded as BPM Dag No. Y-20864.

Variable Width Construction,
 Drainage and Access Easement
 Area: 22,149.31 Sq Ft,
 or 0.515 Acre

CH0=43.59
 CH8=5781121
 TAN=76.10
 RAD=90.00
 LEN=215.21
 DELTA=246.35 41°

LEGEND

--- CDW ---	Communication Line
--- WL ---	Water Line
--- UEL ---	Underground Electric Line
○	Handwood Tree
●	Cherry Tree
○	Cedar Tree
○	Electric Handmade
○	Irrigation Control Valve