

INTRODUCED: February 26, 2018

AN ORDINANCE No. 2018-056

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.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 26 2018 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. This ordinance shall be in force and effect upon adoption.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 26 2018 REJECTED: _____ STRICKEN: _____



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

4-7503
FEB 9 2018

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: February 9, 2018

EDITION: 1

TO: The Honorable Members of City Council

RECEIVED

THROUGH: The Honorable Levar M. Stoney, Mayor

FEB 12 2018

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

OFFICE OF CITY ATTORNEY

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director
Department of Planning & 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.

ORDINANCE OR RESOLUTION NO.:

PURPOSE: This O&R request is for amending the Controlled Public Access Lease between Venture Richmond and the City of Richmond.

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, previously adopted by City Council on February 13, 2017, Ord. No. 2017-005. As that portion of the property will no longer be under the ownership of the City, it must be removed from the "Demised Premises."

RECOMMENDATION: Approval is recommended by the City Administration.

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 four (4) 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. Council adopted Ordinance No. 2017-005 on February 13, 2017.
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.
4. To authorize the Chief Administrative Office to accept a donation of services and materials from Venture Richmond, Inc., in an amount approximated at \$103,800 related to the movement of the sculpture "The Mill" from its present location on Brown's Island to a new location, including site preparation, and new site elements.

FISCAL IMPACT/COST: None.

FISCAL IMPLICATIONS: None.

BUDGET AMENDMENT NECESSARY: None.

REVENUE TO CITY: None.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: February 26, 2018

CITY COUNCIL PUBLIC HEARING DATE: March 26, 2018

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing, & Transportation, March 20, 2018

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None.

AFFECTED AGENCIES: Chief Administrative Officer, Department of Planning and Development Review, Office of the City Attorney, Economic & Community Development

RELATIONSHIP TO EXISTING ORD. OR RES.: Ord. No. 2017-005.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Conveyance of Property Survey

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

**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 _____, 2018, 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; Second Amendment to Controlled Public Access Lease dated as of October 13, 2013; and by Third Amendment to Controlled Public Access Lease (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 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 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 40' diameter parcel with an area of 1,256.64 square feet, as shown on page 1 of 2 of the plat entitled "PLAN SHOWING A PORTION OF BROWNS ISLAND LOCATED NEAR THE FIFTH STREET FOOTBRIDGE", dated December 19, 2016, 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 Amendment to be effective on the date indicated below.

[See next page for signatures.]

WITNESS THE FOLLOWING SIGNATURES:

CITY OF RICHMOND, VIRGINIA

By: _____
Name: Selena Cuffee-Glenn
Title: Chief Administrative Officer

VENTURE RICHMOND, Inc., a Virginia
corporation

By: _____
Name: _____
Title: _____

APPROVED AS TO FORM:

By: *Bennett Arley*
City Attorney

- NOTES:
1. Underground utilities as shown were field located from marks on the ground by others and should be considered approximate location only.
 2. Existing features as shown were taken from a field survey and aerial images.
 3. There was no Boundary survey performed as a part of this project.

Vehicle Wash Construction and Access Easement
 Area: 2083181 Sq.Ft.
 or 0.480 Acre

Central Point
 N = 3719922.85
 E = 11783002.51

407 Diameter Round
 To Be Covered
 Area = 1,264.64 SQFT
 or 0.029 Acre

Bench
 N21719845.07
 E117789307.15

CRB-887.04
 CRB-887.1712E
 IAH-58.19
 RAD-50.00
 LDH-170.94
 RELD-1953.15"



LEGEND	
	Water Line
	Underground Electric Line
	Ash
	Hornwood Tree
	Maple Tree
	Holly Tree
	Agave Tree
	Electric Handhole

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

Austin
Brockenbrough
 ENGINEERING • CONSULTING

1011 Boulder Springs Drive, Suite 200 | Richmond, Virginia 23225
 804.592.3900 main | 804.592.3901 fax
 www.brockenbrough.com

DATE	BY	CLIENT
TAC	TAC	VA DGS
DESIGN		JOB NO.
		16-100
APPROVED		DATE
TAC	TAC	12/19/16
D.C. REVIEW		SCALE

