

INTRODUCED: November 9, 2020

AN ORDINANCE No. 2020-240

To declare that a public necessity exists and to authorize the Chief Administrative Officer or the designee thereof, for and on behalf of the City of Richmond, to acquire, at a tax delinquent judicial sale, the property located at 1305 North 5th Street and to authorize the Chief Administrative Officer or the designee thereof to accept title to such property for the purpose of preserving the property as a historic burial ground.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 14 2020 AT 6 P.M.

WHEREAS, pursuant to sections 58.1-3970 and 58.1-3970.1 of the Code of Virginia (1950), as amended, the City of Richmond is authorized to acquire tax delinquent properties sold pursuant to 58.1-3965 through 58.1-3975 of the Code of Virginia (1950), as amended, or pursuant to any other provision of law for the enforcement of tax liens; and

WHEREAS, the property located at 1305 North 5th Street with Tax Parcel No. N000-0233/006, will be sold at a judicial sale for delinquent taxes; and

WHEREAS, the City desires to acquire the aforesaid property for the purpose of preserving such property as a historic burial ground; and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 14 2020 REJECTED: _____ STRICKEN: _____

WHEREAS, any such acquisition is subject to the approval of the Circuit Court of the City of Richmond; and

WHEREAS, upon acquisition, the City desires to obtain title to the aforesaid property for the purpose of preserving such property as a historic burial ground; and

WHEREAS, the Chief Administrative Officer's authority to accept title to the aforesaid property is contingent upon the City's acquisition of the aforesaid property and is, therefore, null and void if the Circuit Court of the City of Richmond should reject the City's offer to acquire;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That pursuant to sections 58.1-3970 and 58.1-3970.1 of the Code of Virginia (1950), as amended, the Chief Administrative Officer, or the designee thereof, is hereby authorized to acquire, at a tax delinquent judicial sale, the property located at 1305 North 5th Street, with Tax Parcel No. N000-0233/006, for the purpose of preserving such property as a historic burial ground.

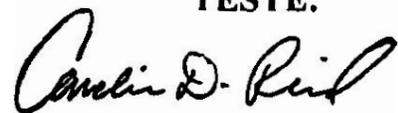
§ 2. That the acquisition is necessary for the public purpose of preserving such property as a historic burial ground.

§ 3. That upon acquisition of the property, the Chief Administrative Officer, or the designee thereof, is hereby authorized on behalf of the City of Richmond to accept title to the property located at 1305 North 5th Street, with Tax Parcel No. N000-0233/006, for the purpose of preserving such property as a historic burial ground.

§ 4. 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: September 30, 2020 **EDITION:** 2

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor 

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer 

THROUGH: John B. Wack, Director of Finance 

THROUGH: Jay A. Brown, Director of Budget and Strategic Planning 

FROM: Sharon L. Ebert, DCAO – Economic Development & Planning Portfolio 

RE: To declare a public necessity exists and to authorize the acquisition of 1305 N. 5th Street, via purchase at tax delinquent auction, for the purpose of preserving property historically utilized as a *Burial Ground for Free Persons of Colour and Slaves*.

ORD. OR RES. No. _____

PURPOSE:

To declare a public necessity exists and to authorize the CAO to acquire on behalf of the City the parcel of real estate known as 1305 N. 5th Street and identified as Tax Parcel No. N0000233006 in the 2020 records of the City Assessor, via purchase at tax delinquent auction, for the purpose of preserving the property historically utilize as a *Burial Ground for Free Persons of Colour and Slaves*.

REASON: An ordinance is necessary to authorize the City's acquisition of this historically-significant property.

RECOMMENDATION: The City Administration recommends approval.

BACKGROUND:

This ordinance authorizes the City's acquisition of the *Burial Ground for Free Persons of Colour and Slaves*, which is of critical importance. The property, located at 1305 North 5th Street (N0000233006), has a current assessed value of \$145,000, is tax delinquent, and anticipated to

go to tax sale auction in February 2021. Va. Code 58.1-3970 grants the City the authority to purchase property at tax sale auction and an ordinance for Council to authorize the City's use of existing CIP funds to purchase this parcel at tax sale auction was introduced on September 28, 2020 (Ord. No 2020-213).. This property was used as the burial site for Richmond's black population from 1816 to 1879 and it is believed that as many as 21,000 souls may have been buried in this cemetery. The property has been extensively desecrated over the years by the construction of roads, railroads, highways, and municipal buildings. It is also from this site that many of the remains found in the VCU well originated. Despite the extensive disturbance, there is evidence that remains and burial sites are still intact and present at the property. Today, a billboard and the shell of a small gas station (vacant for many years) stand on the property, which in no measure resembles a cemetery or sacred space.

FISCAL IMPACT / COST: Existing CIP funds will be used to purchase the property, which has an assessed value of \$145,000. The ultimate purchase price is subject to results of the tax sale auction. The property is currently tax delinquent in the amount of \$35,865.93 (which is anticipated to increase to approximately \$37,115.93 by such time that the property transfers ownership) and, therefore, if the City purchases at tax sale auction then the purchase price up to \$35,865.93 (or \$37,115.93 if the tax delinquent amount has increased by the time of transfer) will be returned to the City to cover such delinquent taxes owed.

FISCAL IMPLICATIONS: The City's acquisition would change the parcel from taxable to tax exempt, resulting in a decrease in real estate taxes levied of approximately \$1,740 based on the current assessed value of \$145,000. However, the property is tax delinquent and, therefore, the City has not been receiving revenues for such levied taxes.

BUDGET AMENDMENT NECESSARY: An ordinance authorizing the use of CIP funds to purchase this property was introduced to Council on Sept. 28, 2020 (Ord. No. 2020-213).

REVENUE TO CITY: The property is tax delinquent in the amount of \$35,865.93 (which is anticipated to increase to approximately \$37,115.93 by such time that the property transfers ownership). If the City purchases at tax sale auction then the purchase price up to \$35,865.93 (or \$37,115.93 if the tax delinquent amount has increased by the time of transfer) will be returned to the City to cover such delinquent taxes owed.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 9, 2020

CITY COUNCIL PUBLIC HEARING DATE: December 14, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: N/A

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission

AFFECTED AGENCIES: Budget and Strategic Planning, Finance, Economic Development, Parks and Recreation, Public Works, Public Utilities, City Attorney's Office

RELATIONSHIP TO EXISTING ORD. OR RES.:

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS:

STAFF: Kimberly Chen, Senior Manager