

INTRODUCED: February 8, 2021

Expedited Consideration

A RESOLUTION No. 2021-R014

To consent to Virginia Commonwealth University’s plan for the removal and relocation of the Howitzer Monument from the property being the triangular parcel bounded by Grove Avenue, North Harrison Street, and Park Avenue in the city of Richmond, and known as “Howitzer Park.”

\_\_\_\_\_  
Patron – Mr. Jones  
\_\_\_\_\_

Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: FEB 8 2021 AT 6 P.M.

WHEREAS, by Ordinance No. 88-155-144, adopted June 13, 1988, the City of Richmond authorized the conveyance by deed of gift to the Commonwealth of Virginia, on behalf of Virginia Commonwealth University, of the City-owned property being the triangular parcel bounded by Grove Avenue, North Harrison Street, and Park Avenue in the city of Richmond, and known as “Howitzer Park” (hereinafter referred to as “Howitzer Park”); and

WHEREAS, upon information and belief of the Council, Howitzer Park derived its name from the Howitzer Monument, which consisted of a statue and pedestal, erected in 1892 in honor of the Richmond Howitzers, an artillery unit mustered into the service of the Confederate States of America and serving for the duration of the American Civil War; and

AYES: 7 NOES: \_\_\_\_\_ ABSTAIN: 2

ADOPTED: FEB 8 2021 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

WHEREAS, the conveyance of Howitzer Park to the Commonwealth of Virginia, on behalf of Virginia Commonwealth University, authorized by Ordinance No. 88-155-144, adopted June 13, 1988, was conditioned, in part, on the requirement that if either the City of Richmond or Virginia Commonwealth University desired to remove and relocate the Howitzer Monument, such relocation could be undertaken only by mutual consent of the parties and at the expense of the requesting party; and

WHEREAS, the statue of the Howitzer Monument was toppled from its pedestal as a result of vandalism in 2020; and

WHEREAS, upon information and belief of the Council, Virginia Commonwealth University has requested the City's consent to Virginia Commonwealth University's plan for the removal and relocation of the Howitzer Monument; and

WHEREAS, upon information and belief of the Council, Virginia Commonwealth University has satisfied all of its obligations regarding Howitzer Park and removal of the Howitzer Monument further satisfies Virginia Commonwealth University's obligations with respect to Howitzer Park and the Howitzer Monument; and

WHEREAS, upon information and belief of the Council, in removing the Howitzer Monument, Virginia Commonwealth University will continue to maintain Howitzer Park as a park; and

WHEREAS, upon information and belief of the Council, Virginia Commonwealth University will continue to be responsible for the maintenance, repair, and upkeep of the Howitzer Monument; and

WHEREAS, the Council consents to Virginia Commonwealth University's transfer of ownership of the Howitzer Monument to another party after its removal from Howitzer Park; and

WHEREAS, the Council believes that it is in the best interests of the citizens of the City of Richmond that the Council consent to Virginia Commonwealth University's plan for the removal and relocation of the Howitzer Monument;

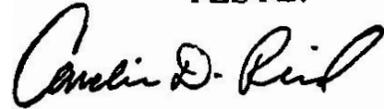
NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the Council hereby consents to Virginia Commonwealth University's plan for the removal and relocation of the Howitzer Monument.

**A TRUE COPY:**

**TESTE:**

A handwritten signature in black ink, appearing to read "Amelia D. Reed". The signature is written in a cursive style with a large initial 'A'.

**City Clerk**



# Richmond City Council

The Voice of the People

Richmond, Virginia

## Office of the Council Chief of Staff

### Ordinance/Resolution Request

**TO** Haskell Brown, Interim City Attorney

**THROUGH** Joyce Davis, Interim Council Chief of Staff

**FROM** Steven Taylor, Council Policy Analyst

**COPY** Michael Jones, 9th District Council Member  
Summer Morris, 9th District Liaison  
Tabrica Rentz, Interim Deputy City Attorney

**DATE** January 27, 2021

**PAGE/s** 1 of 2

**TITLE** Consent to Remove Richmond Howitzer Monument at Monroe Park Campus of Virginia Commonwealth University.

This is a request for the drafting of an **Ordinance**  **Resolution**

REQUESTING COUNCILMEMBER/PATRON

Jones

SUGGESTED STANDING COMMITTEE

Land Use

#### ORDINANCE/RESOLUTION SUMMARY

Patron requests that legislation be drafted for Council's consideration granting the City's consent to remove the monument to the Richmond Howitzers to Virginia Commonwealth University (VCU).

The City and VCU are parties to a 1989 Agreement and Deed of Gift from the City to VCU which grants the VCU the Richmond Howitzers Monument and the parcel it is located on near the intersection of Park Avenue, Grove Avenue, and Harrison Street at VCU's Monroe Park Campus (Deed dated June 26, 1989, Ord No. 88-155-144).

The Agreement requires maintenance of the parcel and the Howitzers' Monument. The Agreement also requires the City's consent to removal of the Monument.



11784

BOOK 0207 PAGE 1151

THIS AGREEMENT AND DEED OF GIFT, made this 26<sup>TH</sup> day of JUNE, 1989, between the CITY OF RICHMOND, VIRGINIA, a Virginia municipal corporation, acting by and through its City Manager (the Grantor), and THE COMMONWEALTH OF VIRGINIA, acting by and through Virginia Commonwealth University, by its President (the Grantee).

RECITAL

This conveyance is exempt from recordation taxes pursuant to Section 58.1-811(A)(3) of the Code of Virginia (1950), as amended.

**W I T N E S S E T H:**

WHEREAS, the City of Richmond wishes to convey by gift to the Commonwealth of Virginia certain real property identified herein, for the use and benefit of Virginia Commonwealth University; and

WHEREAS, the City Council of the City of Richmond, by duly enacted ordinance (Ordinance No. 88-155-144, adopted June 13, 1988), has authorized the conveyance of such property upon specified terms and conditions; and

WHEREAS, by execution of this Agreement and Deed, Virginia Commonwealth University represents that the conveyance of the property upon the terms and conditions specified is acceptable to the Governor of Virginia; and

WHEREAS, this conveyance by gift is undertaken in accordance with and pursuant to the authority granted under Section 15.1-22 of the Code of Virginia (1950), as amended;

BOOK 0207 PAGE 1152

NOW, THEREFORE, for and in consideration of the mutual benefits to the parties hereto, it is agreed as follows:

1. The City of Richmond hereby grants and conveys unto the Commonwealth of Virginia, for the benefit and use of Virginia Commonwealth University, the following described property:

ALL that certain piece or parcel of land containing 6,280 square feet, more or less, shown shaded on Department of Public Works Drawing No. N-21856, dated May 6, 1988, and entitled: "Proposed Conveyance of City Owned Surplus Property at the Intersection of Grove Avenue, Harrison Street and Park Avenue", such property being the triangular parcel of land more commonly known as "Howitzer Park", and being more particularly described as follows:

BEGINNING at a point, said point being the intersection of the northerly right of way line of Grove Avenue and the southerly right of way line of Park Avenue; thence in a westerly direction along the northerly right of way line of Grove Avenue a distance of one hundred seventy-seven and eighty-four hundredths feet (177.84') to a point and intersecting with the easterly right of way line of Harrison Street; thence in a northeasterly direction along the easterly right of way line of Harrison Street a distance of seventy-nine and fourteen hundredths feet (79.14') to a point and intersecting with the southerly right of way line of Park Avenue; thence in an easterly direction along the southerly right of way line of Park Avenue a distance of one hundred fifty-eight and seventy hundredths feet (158.70') to the point of BEGINNING.

2. Virginia Commonwealth University shall preserve and maintain the donated real estate in keeping with its intended use as a park. ✓

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3. Virginia Commonwealth University shall obtain the approval of the City, through its appropriate review procedures, before undertaking any improvement of the donated real estate. ✓

4. Virginia Commonwealth University shall provide for the maintenance, repair, and general upkeep of the monument known as "The Howitzer Statue", located on the donated real estate. ✓

5. If either the City or Virginia Commonwealth University desires to remove and relocate the Howitzer Statue, such relocation may be undertaken only with mutual consent of the parties and at the expense of the requesting party. ✓

6. In the event that Virginia Commonwealth University fails to put the donated real estate to its intended use as a park, or otherwise fails to satisfy its obligations with regard to the real estate and the monument located thereon, title to the property with all improvements thereon shall immediately vest in the City of Richmond; and the Commonwealth of Virginia, by its duly authorized officer, shall make, execute and deliver a general warranty deed conveying the unencumbered and marketable title of said property to the City of Richmond or to its designee. ✓

IN WITNESS WHEREOF, the parties have caused this Agreement and Deed to be executed by their duly authorized representatives.

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CITY OF RICHMOND

By: Robert C. Bobb  
Robert C. Bobb  
City Manager

Approved as to form:

Michael J. Farahan  
Assistant City Attorney

COMMONWEALTH OF VIRGINIA

By: Edmund F. Ackell  
Edmund F. Ackell, President  
Virginia Commonwealth University

Approved as to form:

[Signature]  
General Counsel

STATE OF VIRGINIA            )  
  ) to wit:  
CITY OF RICHMOND            )

I, the undersigned, a Notary Public in and for the City aforesaid, in the State of Virginia, do hereby certify that Robert C. Bobb, City Manager, whose name is signed to the foregoing writing bearing date the 26<sup>TH</sup> day of JUNE, 19 89, has acknowledged the same before me in my City and State aforesaid.

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Given under my hand this 28<sup>th</sup> day of June,  
1989.

Nancy Wainwright  
Notary Public

My Commission expires: September 1, 1992.

STATE OF VIRGINIA            )  
  ) to wit:  
CITY OF RICHMOND            )

I, the undersigned, a Notary Public in and for the City  
aforesaid, in the State of Virginia, do hereby certify that  
Edmund J. Ackell, President, Virginia Commonwealth  
University, whose name is signed to the foregoing writing  
bearing date the 26<sup>th</sup> day of JUNE, 19 89, has  
acknowledged the same before me in my City and State aforesaid.

Given under my hand this 26<sup>th</sup> day of June,  
1989.

Cheryl B. Farmer  
Notary Public  
Commissioned As  
Cheryl Ann Bagby

My Commission expires: 11-30-90

The Grantee's address is:  
Office of the General Counsel, VCU  
1010 East Marshall Street  
Richmond, Virginia 23219

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**VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF RICHMOND.**

This deed was presented, and, with the Certificate annexed, admitted to record on

JUL. 11 1989 at 1:10 o'clock P.M.

Clerk's Fee	_____
Transfer Fee	<u>NO</u>
State Tax	_____
City Tax	_____
Grantor's Tax	<u>Charge</u>
Total	_____

CS 139047

File: City of Richmond

Teste:

Luca P. Purdy Clerk

City of Richmond  
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219  
804 • 780-4347

June 7, 1988

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of June 6, 1988, the City Planning Commission voted (5-0-1  
abstention) to recommend APPROVAL of:

Ordinance No. 88-155

To declare as surplus and authorize the conveyance of certain  
City-owned real estate by deed of gift to the Commonwealth of  
Virginia, such real estate being the triangular parcel of  
land bounded by Grove Avenue, Harrison Street, and Park  
Avenue \*\*\* upon certain terms and conditions, and subject to  
written advice from the Governor of Virginia that such gift  
is acceptable.

The subject ordinance declares surplus and authorizes conveyance of the  
City-owned triangular parcel known as Howitzer Park bounded by Harrison  
Street and Park and Grove Avenues. The park would be conveyed as a gift to  
the Commonwealth of Virginia on behalf of Virginia Commonwealth  
University. The park lies to the east of Harrison Street within the V.C.U.  
campus. It contains approximately 6300 square feet of land and is the site  
of the Howitzer Statue. V.C.U. has requested the conveyance in order to  
officially incorporate the park into its campus as part of its  
environmental improvement plan. V.C.U. would be responsible for  
maintenance of the park, as well as upkeep of the statue. The Commission  
urged that V.C.U. work with the City's Statuary Committee regarding  
maintenance and upkeep of the statue. The park would continue to be  
accessible to the general public. The ordinance requires that the land  
continue to be used as a park, and that the monument be relocated or  
removed only with the mutual consent of the City and V.C.U. It also  
provides that any improvements to the park be approved by the City. The  
ordinance contains a condition that the land shall revert to the City if  
any of its provisions are not satisfied.

Very truly yours,

  
Jon P. Weersing  
Secretary

JPW:lk

cc: Director - Department of General Services  
City Real Estate Agent  
Director - Department of Public Works  
Mr. Patrick B. Kelly - Applicant

AN ORDINANCE No. 88-155-144

ADOPTED JUN 13 1988

To declare as surplus and authorize the conveyance of certain City-owned real estate by deed of gift to the Commonwealth of Virginia, such real estate being the triangular parcel of land bounded by Grove Avenue, Harrison Street, and Park Avenue, and commonly known as "Howitzer Park," containing 6,280 square feet, more or less, as shown shaded on Department of Public Works Drawing No. N-21856, dated May 6, 1988, upon certain terms and conditions, and subject to written advice from the Governor of Virginia that such gift is acceptable.

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Patron - City Manager

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Approved as to form and legality  
by City Attorney

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THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That certain real estate owned by the City of Richmond, being the triangular parcel of land bounded by Grove Avenue, Harrison Street, and Park Avenue and commonly known as "Howitzer Park," containing 6,280 square feet, more or less, as shown shaded on Department of Public Works Drawing No. N-21856, dated May 6, 1988, entitled: "Proposed Conveyance of City Owned Surplus Property at the Intersection of Grove Avenue, Harrison Street and Park Avenue", is hereby declared surplus and is authorized to be conveyed by deed of gift to the Commonwealth of Virginia,

on behalf of Virginia Commonwealth University, pursuant to Section 15.1-22 of the Code of Virginia, and in accordance with Section 12-206, et seq. of the Code of the City of Richmond, 1985. The conveyance shall be made subject to, and the deed of gift shall incorporate, conditions substantially in the form listed hereafter:

A. Virginia Commonwealth University shall preserve and maintain the donated real estate in keeping with its intended use as a park.

B. Virginia Commonwealth University shall obtain the approval of the City, through its appropriate review procedures, before undertaking any improvement of the donated real estate.

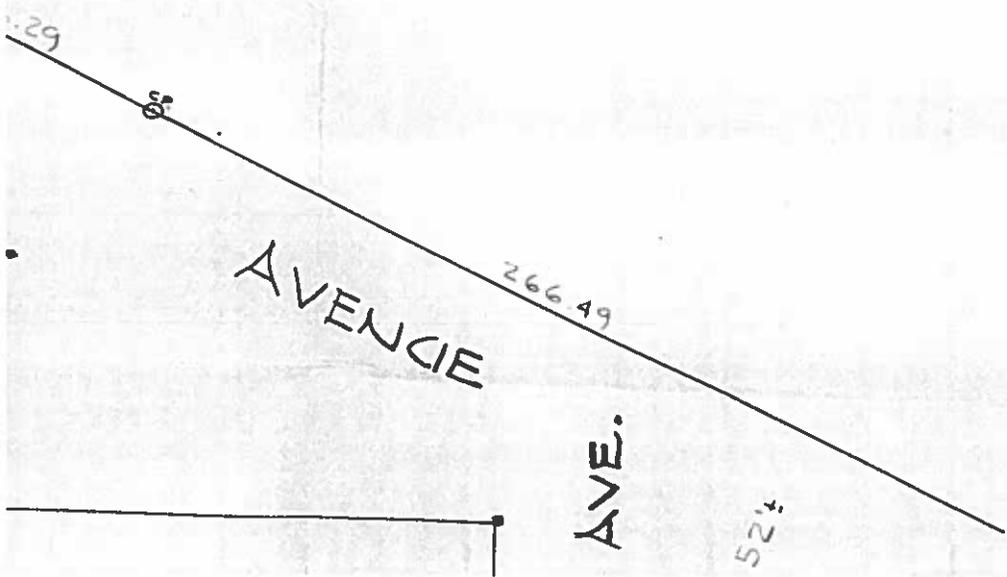
C. Virginia Commonwealth University shall provide for the maintenance, repair, and general upkeep of the monument known as "The Howitzer Statue", located on the donated real estate.

D. If either the City or Virginia Commonwealth University desires to remove and relocate the Howitzer Statue, such relocation may be undertaken only with mutual consent of the parties and at the expense of the requesting party.

F. In the event that Virginia Commonwealth University fails to put the donated real estate to its intended use as a park, or otherwise fails to satisfy its obligations with regard to the real estate and the monument

located thereon, title to the property with all improvements thereon shall immediately vest in the City of Richmond; and the Commonwealth of Virginia, by its duly authorized officer, shall make, execute and deliver a general warranty deed conveying the unencumbered and marketable title of said property to the City of Richmond or to its designee.

§ 2. This ordinance shall be in force and effect upon adoption, and the conveyance authorized herein shall be made upon receipt of written advice from the Governor that the gift of real estate, upon the specified terms and conditions, is acceptable.



PARK

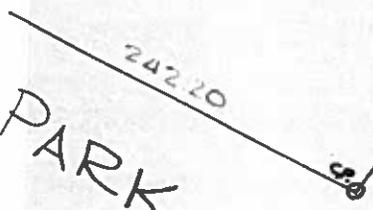
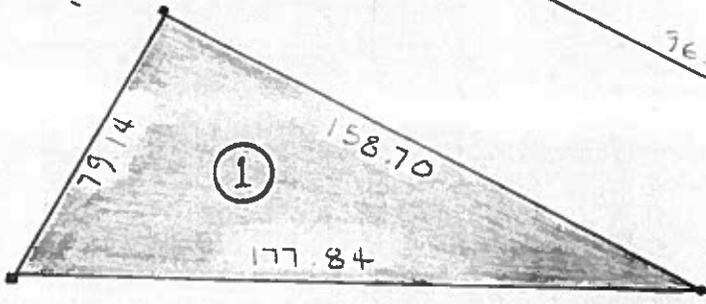
STREET

AVENUE

AVENUE

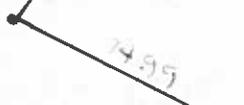
HARRISON

R = 72.79  
Δ = 66° 00' 30"  
CH = 79.30



51' ±

50' ±



8'

76.29

8'

55' ±

52' ±

79.14

①

158.70

177.84

100.00

66' ±

66' ±

98

310.52

PARK

242.20

100.00

50'

5

52'

R = 72.79  
 $\Delta = 66^{\circ}00'30''$   
CH = 79.30

258.00

GROVE

60'

307.98

HARRISON<sup>50'</sup>

DEPARTMENT OF PUBLIC WORKS  
RICHMOND, VIRGINIA

Director of Public Works  
 Bureau of Engineering  
 DIVISION OF SEWERS  
 DIVISION OF STREETS  
 Administrator  
 5-11-88

DESIGNED BY M.H.F.  
 DRAWN BY M.H.F.  
 CHECKED BY M.T.E.

FIELD NOTES

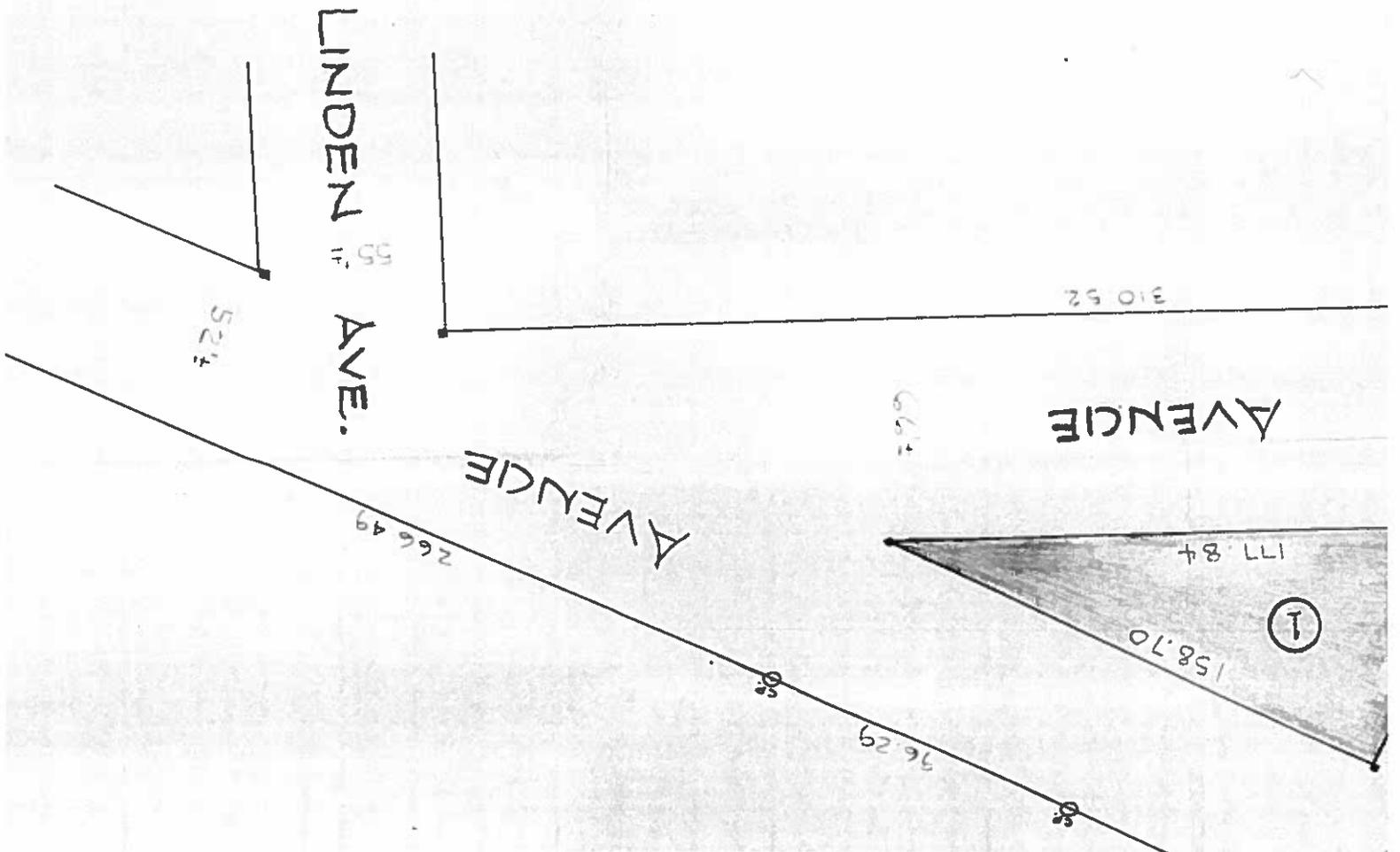
SCALE 1" = 50'

DATE 5-6-88

PROPOSED CONVEYANCE OF SURPLUS PROPERTY AT THE OF GROVE AVENUE, HARRIS AND PARK AVENUE.  
 AUTHORITY: DIRECTOR-Verbal request by James

RICHMOND  
 N & PARKS-PARK

NOTES  
 1) AREA TO BE CONVEYED 6280± SQ. FT.



DEPARTMENT OF RICHMOND, VA	REVISIONS	B.L. 4 N.E.
Design Surveys Administrator Division OF STREETS DIVISION OF SEWERS Chief, Bureau of Engineering <i>Robert Z. [Signature]</i>	3. Lot dimensions in parentheses are from deeds. 4. Property owners correct as of 5-11, 1988.	Notes: 1. All shown represent the difference of ground at property line and the side. 2. Cuts, steps, or coping walls adjacent to line, affected by the grading of the line, not be replaced or repaired at the expense of the owner unless otherwise shown on the plan.

① CITY OF RICHMOND RECREATION & PARKS

