



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2021-066: To declare surplus and direct the conveyance of a portion of City-owned real estate on Brown's Island, located at the south end of the South 5th Street footbridge and consisting of 2,036.32± square feet, for nominal consideration to the Commonwealth of Virginia for the purpose of facilitating the installation and maintenance of the Emancipation Proclamation and Freedom Monument by the Commonwealth of Virginia, and to repeal certain sections of Ord. No. 2019-277, adopted Nov. 12, 2019

Ord. No. 2021-067: To grant to the Commonwealth of Virginia a non-exclusive, permanent easement over and across an approximately 22,449.31-square-foot portion of City-owned real estate located on Brown's Island for the purposes of installing, accessing, and maintaining the Virginia Emancipation Proclamation and Freedom Monument, and to repeal certain sections of Ord. No. 2019-279, adopted Nov. 12, 2019.

To: City Planning Commission
From: Land Use Administration
Date: March 15, 2021

PETITIONER

Kevin J. Vonck, Acting Director – Planning and Development Review

PURPOSE

To declare surplus a 2036.32 square foot portion of City-owned property known as Brown's Island (City Tax Parcel No. W0000072001), as shown on the plans prepared by Austin Brockenbrough dated January 6, 2021, attached hereto (the "Conveyance Property"), and to authorize the CAO to execute documents necessary to convey to the Commonwealth of Virginia for nominal consideration, for the purpose of facilitating the Commonwealth utilizing the Conveyance Property to install and maintain the Virginia Emancipation Proclamation and Freedom Monument (the "Freedom Monument"), and to repeal Ord. No. 2019-277.

To grant the Commonwealth of Virginia a non-exclusive, permanent deed of easement over and across the portion of City-owned property described as shown on the plans identified as "Variable Width Construction and Access Easement Area: 22,449.31 sq. ft. or 0.515 Acre" on Sheet 2 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, attached hereto, for the purposes of installing, accessing, and maintaining the Virginia Emancipation Proclamation and Freedom Monument (the "Freedom Monument") to be constructed on certain property to be conveyed to the Commonwealth of Virginia, and to authorize the CAO to execute the documents necessary to consummate the transaction; and to repeal Ord. No. 2019-279.

SUMMARY & RECOMMENDATION

The Virginia Emancipation Proclamation and Freedom Monument will be funded through an appropriation made by the General Assembly in 2012, and private donations. The Commonwealth wants to retain ownership of the monument. The City cannot grant an easement in excess of 40 years, so the Commonwealth has requested a transfer of the approximately 2036.32 square foot parcel to the Commonwealth in order to facilitate the construction of the monument on Brown's Island. The Ordinance will authorize the CAO to execute documents necessary to convey the property to the Commonwealth.

The Virginia Emancipation Proclamation and Freedom Monument will be sited on Brown's Island on land to be deeded from the City to the Commonwealth in order to install the Monument at that site. The Commonwealth will need to access the site to construct the improvements and to provide maintenance to the site and requests a non-exclusive permanent deed of easement over and across the portion of City-owned property in order to access the site for maintenance purposes.

On November 12, 2019, City Council adopted the Conveyance and Easements for the Virginia Emancipation Proclamation and Freedom Monument through the adoption of Ord. No. 2019-277 and Ord. No. 2019-279, respectively. However, as the design of the Virginia Emancipation Proclamation and Freedom Monument progressed, it became clear that the locations selected and shown in the two ordinances would not accommodate the number of pedestrians and service vehicles that are present on Brown's Island on a regular bases. Ord. No. 2021-066 will replace Ord. No. 2019-277 and Ord. No. 2021-067 will replace Ord. No. 2019-279.

Based on the number of pedestrians and service vehicles present on Brown's Island at the location shown for the Virginia Emancipation Proclamation and Freedom Monument in Ord. No. 2019-277, a more appropriate location for the Freedom Monument has been selected near the Fifth Street footbridge. The two ordinances (Ord. No. 2021-066 and Ord. No. 2021-067) will replace the previous ordinances (Ord. No. 2019-277 and Ord. No. 2019-279) and authorize moving the location of the Freedom Monument and necessary access easement from the previously approved location to the newly identified location.

Staff recommends approval of the ordinances.

FINDINGS OF FACT

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 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 processes necessary to place the Freedom Monument on Brown's Island. In order to make it possible for the 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.
[Not for consideration by Planning Commission]

Site Description

A 2,036.32 square foot portion of Browns Island

Proposed Use of the Property

The Virginia Emancipation Proclamation and Freedom Monument

Master Plan & Zoning

Richmond 300 recommends a land use category of Public Open Space for this property. The primary use is open space. Cultural, institutional and governmental uses are often secondary uses. This property is currently zoned DCC Downtown Civic and Cultural.

Surrounding Area

Properties to the north are located within the B-4 Central Business District and M-1 Light Industrial District. Properties to the east are located within the M-1 Light Industrial District. The James River is located to the west and south.

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