

INTRODUCED: October 14, 2019

AN ORDINANCE No. 2019-278

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 Ord. No. 2018-056, adopted Mar. 26, 2018.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 12 2019 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 That Ordinance No. 2018-056, adopted March 26, 2018, is hereby repealed.

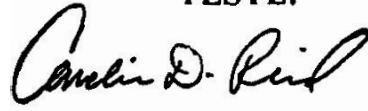
AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 12 2019 REJECTED: _____ STRICKEN: _____

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

A TRUE COPY:

TESTE:

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

City Clerk



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

4-9182
O & R REQUEST
SEP 18 2019
Office of the Chief Administrative Officer

O&R REQUEST

DATE: September 18, 2019

EDITION: 1

TO: The Honorable Members of City Council

RECEIVED

THROUGH: The Honorable Levar M. Stoney, Mayor

Handwritten signature and date 9/26/19

OCT 08 2019

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer
Scienc... Glenn, Chief Administrative Officer

OFFICE OF THE CITY ATTORNEY

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

Handwritten signature

FROM: Mark A. Olinger, Director for Planning & Development Review

Handwritten signature

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; and to repeal Ord. No. 2018-056.

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 March 26, 2018, City Council adopted Ord. No. 2018-056 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, necessitating 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. 2018-056 would not accommodate the number of pedestrians and service vehicles that are present on Brown's Island on a regular basis. As a result, the Commonwealth, City, Venture Richmond, and the design team agreed that adjusting the location of the 40' diameter circle approximately 71' southeast of that identified in Ord. No. 2018-056 would work. This Ordinance, once adopted, would replace Ord. No. 2018-056.

RECOMMENDATION: The 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: October 14, 2019

CITY COUNCIL PUBLIC HEARING DATE: November 12, 2019

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing, & Transportation, October 22, 2019

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None.

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Fourth Amendment to Controlled Public Access Lease Agreement.

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 _____, 20___, 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 40' diameter parcel with an area of 1,256.64 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 April 9, 2019, 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: Selena Cuffee-Glenn
Title: Chief Administrative Officer

VENTURE RICHMOND, INC., a Virginia corporation

By: _____
Name: _____
Title: _____

APPROVED AS TO FORM:

By: Bonnie M. Ashley
City Attorney
Deputy City Attorney

Schedule A

