

NEWS RELEASE
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Sierra Club opposes leasing of Larus Park
*Proposed leasing of park to Chesterfield County
called breach of public trust*

"It's pretty clear that city officials cannot be trusted to protect our city parks," said city resident Scott Burger, a volunteer with the Sierra Club's Richmond-based Falls of the James Group. "Larus Park is just the latest example of a city park being offered up for some other purpose."

In May of 2000, under pressure from city residents the City Council adopted Resolution No. 2000-R77-83 which directed the City Attorney to prepare an ordinance that would protect Bandy Field Park, Lewis G. Larus Park, Crooked Branch Ravine Park and the James River Park "by means of conservation easements".¹ This resolution was prompted by citizens concerned that the city was entertaining various plans for housing projects, a private school and athletic fields for the University of Richmond at Bandy Field Park.²

One year later, on February 22, 2001, instead of a conservation easement, then Mayor Tim Kaine proposed an ordinance, No. 2001-25-39, which provided that "Notwithstanding any other provision of the law to the contrary, Bandy Field Park, Lewis G. Larus Park, Crooked Branch Ravine Park and ... the James River Park System shall not be leased for any purpose that would result in or involve any development of any part of these public park lands."³

With continuing development pressure on city parks including the city's waiver of height restrictions for Dominion Energy's Tredegar Street corporate headquarters adjoining James River Park, citizens finally secured conservation easements on James River Park System in 2009 and on Bandy Field Park in 2014.⁴

Conservation easements are viewed as providing a greater level of protection since an easement is incorporated into the property's deed, and interest in the easement can be conveyed to other parties besides the city who can sue to insure the conservation easement is not violated.

¹ See Jan 5, 2001 City memo from City Manager Jamison to City Council at <https://richmondva.legistar.com/LegislationDetail.aspx?ID=2152736&GUID=D3CB2480-3776-4F9F-8FCD-498D66320303&Options=ID|Text|&Search=2001-25-39>

² Friends of Bandy Field Park website, <http://www.bandyfield.org/history.html>

³ See City Council Ordinance No. 2001-25-39 at <https://richmondva.legistar.com/LegislationDetail.aspx?ID=2152736&GUID=D3CB2480-3776-4F9F-8FCD-498D66320303&Options=ID|Text|&Search=2001-25-39>

⁴ City Attorney Legal Opinion on Laris Park transaction, page 2;
<http://www.scarichmond.com/Laruspark/Larus%20Park,%20Release%20of%20Legal%20Opinion.pdf>

An easement was never secured on Larus Park despite the May 2000 promise by City Council. Now, the current council has struck a deal with Chesterfield County to lease 1.5 acres of the park for a water tank and pumping station to expand water distribution to the county.

"The sight of the water tank and rumble of the heavy duty water pumping station will further erode the solitude of the park already bisected by the Chippenham Parkway," said Joe Brancoli, Chair of the Falls of the James Group .

Despite the language of the February 22, 2001 Resolution that was represented to citizens as protecting these parks, City Attorney Allen L. Jackson recently advised City Council that "should it choose to do so, the City Council may freely "undo" the restrictions imposed on Larus Park by section 8-2 either by repealing it or by adopting an ordinance authorizing a lease to the County "notwithstanding the provisions of" that section." ⁵

"We view this deal as a breach of the public trust and as a lack of respect for our city parks that are apparently viewed as vacant land available any time the city has some other use in mind," observed Scott Burger, also a volunteer with the local Sierra Club.

Sierra Club outlined its objections to the deal to lease a portion of Larus Park to Chesterfield County in a letter from local attorney E. Wayne Powell sent to Richmond Mayor Stoney and the City Council. The Falls of the James Group urges Richmond citizens to attend the City Council meeting on Monday, Feb 5th to express their opposition the Larus Park lease and their support for an alternative Resolution No. 2017-R097 that would finally establish a conservation easement on the park.

⁵ City Attorney Legal Opinion on Larus Park, page 2;
<http://www.scarichmond.com/Laruspark/Larus%20Park,%20Release%20of%20Legal%20Opinion.pdf>