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February 2, 2018

Mayor Levar Stoney, Council President Chris A. Hilbert and
Members of the City Council of Richmond
Richmond City Hall
57 E Broad St,
Richmond, VA 23219

Dear Mayor Levar Stoney, Council President Chris A. Hilbert and
Members of the City Council of Richmond:

On behalf of the Sierra Club and its Falls of the James Group, I am writing to inform you of the Club's concerns related to pending City Council action that would lease Larus Park property to Chesterfield County for construction of a water tank and pumping station to facilitate expanded water service to the county.

First, and foremost, the contemplated action represents a breach of public trust and of specific, repeated commitments made to the citizens of Richmond that Lewis G. Larus Park would be protected from development.

On May 22, 2000, the City Council adopted Resolution No. 2000-R77-83 which directed the City Attorney to prepare an ordinance that would protect Lewis G. Larus Park as well as Bandy Field Park, Crooked Branch Ravine Park and the James River Park by means of conservation easements. The conservation easements had been sought specifically because Richmond citizens did not trust that the city would honor its obligation to protect our city park lands.

Then on February 12, 2001, the City Council passed Ordinance No. 2001-25-39 which provides:
"Section 1. That Section 8-2 of the Code of the City of Richmond, 1993, be amended and reordained as follows:

(c) Notwithstanding any other provision of the law to the contrary, Bandy Field Park, Lewis G. Larus Park, Crooked Branch Ravine Park and City-owned real estate that has been designated as a part of 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."

Furthermore, City Code Sec. 8-57. provides:

Notwithstanding any other provision of law to the contrary, no City-owned real estate that has been designated as a City park shall be declared surplus property of the City under any circumstances. The Chief Administrative Officer shall take all appropriate measures to ensure that no City-owned real estate designated as a City park is declared surplus property of the City under any circumstances.

We note that the February 2001 Ordinance No. 2001-25-39 was enacted in lieu of the conservation easements requested in the May 2000 resolution to give citizens statutory assurances these parks would be protected. However, subsequent development threats to Bandy Field and James River Park, promoted citizen pressure that finally secured formal conservation easements on both of these park properties. Clearly, Richmond citizens have had good reason not to trust that city officials will protect their public parks from development.

We would also like to add that the contract with Chesterfield County for water sales included with proposed Ordinance 2017-209 would extend to the county an exemption from the Gross Receipts and Income Tax payment in lieu of taxes (PILOT); levies that city residents are charged. The City Charter Section 13.06 (c) authorizes the City utilities to charge the PILOT, but there is nothing in the charter that would authorize the city to exempt certain classes of customers, such as the county, from paying these PILOT charges that are levied on Richmond customers.

Sierra Club is extremely disappointed that the City is contemplating this action which betrays a commitment to protect Larus Park made to Richmond citizens 18 years ago. As City Council could take action on this matter as early as February 5th, Sierra Club urges the city to promptly review the concerns raised in this letter and to reconsider its plans to approve this transaction with Chesterfield County involving Lewis G. Larus Park.

Instead of proceeding with the lease of Larus Park to Chesterfield County, we ask that City Council adopt Resolution No. 2017-R097 that would finally grant the conservation easement on Larus Park promised in May of 2000.

Yours truly,

**E. Wayne Powell
Attorney at Law**

cc Allen L. Jackson, City Attorney