

INTRODUCED: October 15, 2024

AN ORDINANCE No. 2024-283

To establish the City-owned real estate known as 1305 North 5th Street as a cemetery in accordance with City Code § 7-21.

Patrons – Mayor Stoney, Ms. Robertson, Vice President Lambert and Ms. Newbille

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 12 2024 AT 6 P.M.

WHEREAS, the City-owned real estate known as 1305 North 5th Street and identified as Tax Parcel No. N000-0233/006 in the 2024 records of the City Assessor (the “Site”) served as a portion of a significant burial ground for the City’s African-American population from 1816 to 1879; and

WHEREAS, the City, having recently reacquired the Site, and in recognition of the many interred at the Site and the profound historic and cultural importance of the Site, desires to formally establish the Site as a cemetery to assure its perpetual protection from disturbance and to memorialize it as a solemn and sacred landmark in the City of Richmond and for all residents and visitors of the city of Richmond;

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 12 2024 REJECTED: _____ STRICKEN: _____

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the City-owned real estate known as 1305 North 5th Street and identified as Tax Parcel No. N000-0233/006 in the 2024 records of the City Assessor be and is hereby established as a cemetery in accordance with section 7-21 of the Code of the City of Richmond (2020), as amended, subject to the requirements of general law. For purposes of this ordinance, the term “cemetery” has the meaning ascribed to that term in section 7-1 of the Code of the City of Richmond (2020), as amended.

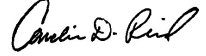
§ 2. That the cemetery established by section 1 of this ordinance shall not be subject to the requirements of section 7-3(a) of the Code of the City of Richmond (2020), as amended.

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

APPROVED AS TO FORM:

CITY ATTORNEY’S OFFICE

A TRUE COPY:
TESTE:



City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2024-1299

File ID: Admin-2024-1299

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 10/08/2024

Subject:

Final Action:

Title: An ordinance to declare a public necessity for and formally redesignate 1305 North 5th Street's (the Shockoe Hill African Burying Ground; Parcel ID: N0000233006) property class as a cemetery to preserve and maintain such parcel as a historic African American cemetery and public greenspace.

Internal Notes:

Code Sections:

Agenda Date: 10/15/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2024-1299 1305 N. 5th_Cemetery Ordinance_AATF, Admin-2024-1299 Property Search - Property Detail 1305 N 5th St, Admin-2024-1299 Site map, Admin-2024-1299 Land Survey results_81-SHABG-GPR-Report-240428

Enactment Number:

Contact:

Introduction Date:

Drafter: Cordell Hayes

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	10/11/2024	Alecia Blackwell - FYI	Notified - FYI	
1	2	10/11/2024	Sharon Ebert	Approve	10/15/2024
1	3	10/11/2024	James Ratliff - FYI	Notified - FYI	
1	4	10/11/2024	Traci DeShazor	Approve	10/15/2024
1	5	10/11/2024	Caitlin Sedano - FYI	Notified - FYI	
1	6	10/11/2024	Lincoln Saunders	Approve	10/15/2024
1	7	10/11/2024	Cordell Hayes - FYI	Notified - FYI	
1	8	10/11/2024	Mayor Stoney	Approve	10/15/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
---------------	--------------	-------	---------	----------	-----------	-----------------	---------

Text of Legislative File Admin-2024-1299

Title

An ordinance to declare a public necessity for and formally redesignate 1305 North 5th Street’s (the Shockoe Hill African Burying Ground; Parcel ID: N0000233006) property class as a cemetery to preserve and maintain such parcel as a historic African American cemetery and public greenspace.

Body

O & R Request

DATE: October 10, 2024 **EDITION:** 3

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Traci Deshazor, DCAO - Human Services

THROUGH: Sharon L. Ebert, DCAO - Planning & Economic Development Portfolio

FROM: Maggie Anderson, Chief of Staff to Mayor Levar M. Stoney

RE: Formally redesignating 1305 North 5th Street’s (the Shockoe Hill African Burying Ground) property class as a cemetery to protect and memorialize the remains of the free and enslaved African Americans interred on the burying ground from 1816 to 1879.

PURPOSE: An ordinance to declare a public necessity for and formally redesignate 1305 North 5th Street’s (the Shockoe Hill African Burying Ground; Parcel ID: N0000233006) property class as a cemetery to preserve and maintain such parcel as a historic African American cemetery and public greenspace.

Per City Code Sec. 7-21, “the public and private cemeteries or other places of burial of deceased persons operated and maintained as such within the City as of May 23, 1955, may be used, operated and maintained for such purpose, but no new cemetery or other place of burial of deceased persons shall be established, operated or maintained within the City without the consent of the City Council.”

The City ceased operating 1305 North 5th Street as a cemetery prior to May 23, 1955. Therefore, the City Council adoption of an ordinance is required to formally update this property class classification to a cemetery.

BACKGROUND: Before 1816, free Black Richmonders petitioned for a new cemetery due to frequent flooding, disturbed burials, and other dishonors related to the “Burial Ground for Negroes” (which later became formally known as The First Municipal African Cemetery) in Richmond, VA, which was established in 1799 in Shockoe Bottom. This petition resulted in the creation of the Shockoe Hill African Burying Ground. From 1816 to 1879, approximately a mile north of the First Municipal African Cemetery, the City operated the segregated cemetery for free and enslaved African Americans located at 1305 North 5th Street.

The cemetery expanded significantly over time to include an estimated 22,000 interments, making it among the largest cemeteries for enslaved and free African Americans in the United States during this time. The city closed the cemetery in 1879, and in years since, the burying ground has been altered, bifurcated, and disturbed by highway infrastructure, public right-of-way creation, and commercial development.

Per research conducted by the Department of Planning, Development and Review and the City Attorney’s Office, a timeline of actions was revealed, further detailing the desecration of the area. In 1883, the City extended North 5th Street through the burying ground, resurfacing the bones of individuals in the process and even using them as fill material to grade the street. In the 1880s, the City sold off portions of this burying ground to the adjacent Hebrew Cemetery. In 1890, developers constructed a viaduct across the 5th Street Valley, again exposing and destroying burials. In the 1930s, the City replaced the viaduct with a reinforced concrete bridge, sending new footings through the burial grounds. In the 1950s, the City converted one corner of the burying ground into a dog pound. In 1960 the City sold the burying ground to Sun Oil Company for \$25,250. The actions taken after the closure of the cemetery reveal a disregard for this resting place and the systematic erasure of a community.

In 2021, the City acquired 1305 North 5th Street through a tax-delinquent judicial sale to halt further desecration of the land. In 2022, Martin Archeology Consulting (MAC) was contracted by the Department of Planning, Development and Review to survey the City-owned portion of the burying ground. This survey showed detectable human burials associated with the site. In 2023, MAC was contracted by Baskervill, on behalf of the City, to conduct a complete ground-penetrating radar survey of the area to determine the presence of additional burials. Throughout the various forms of construction that negatively impacted the burying ground, approximately 134 burials have remained intact.

MAC has provided recommendations for preserving the Shockoe Hill African Burying Ground with minimal disturbance, including limiting visiting parking in demarcated asphalt areas where there are no burials, fencing the grass and dirt portions of the hill, and reutilizing the building on the site as a monument to provide context for the past environmental injustices that transpired on the land.

Additionally, through the Shockoe Project, efforts are underway to memorialize the First Municipal African Cemetery (formerly known as the Burial Ground for Negroes), Lumpkin’s Slave Jail Pavilion, the Trail of the Enslaved, Winfree Cottage, the Reconciliation Statue Plaza, as well as the Shockoe Hill African Burying Ground. In totality, these sites provide connection with telling Richmond’s complicated history and honoring those lost and dispersed through the domestic slave trade industry. In 2023, the City acquired additional properties located at 1220 and 1241 North 7th Streets (located in the East

Cannon Branch/Shockoe Creek area) to serve as a connector between the Shockoe Hill Burying Ground District and the future site of the National Slavery Museum.

Approval is recommended for this ordinance as it will add another layer of protection for this sacred ground, memorializing the remains of the intact graves and honoring the graves of those disturbed or lost by years of infrastructure and commercial development.

COMMUNITY ENGAGEMENT: For the past several years, Ryan K. Smith PhD, Steve Thompson PhD, L. Daniel Mouer PhD, Lenora McQueen, (a descendant of Kitty Cary who was interred in the burying ground), the Sacred Ground Historical Reclamation Project, RVA Archeology, Preservation Virginia, the National Trust for Historic Preservation, The Cultural Landscape Foundation, and others have worked diligently to restore the site to both historical recognition and collective memory.

In 2021, it was included on Preservation Virginia's list of the most endangered historic places. That same year, the City acquired 1.2 acres of the original 1816 burial ground. On March 17, 2022, the Shockoe Hill Burying Ground Historic District, which encompasses the Shockoe Hill African Burying Ground, was added to the Virginia Landmarks Register. A historic highway marker for the Shockoe Hill African Burying Ground was unveiled on June 12, 2022, at 1305 N 5th St. Finally, on June 16, 2022, the National Park Service listed the Shockoe Hill Burying Ground Historic District in the National Register of Historic Places.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Equity Agenda - Telling the Real History of Richmond

FISCAL IMPACT: There is no fiscal impact with the adoption of this ordinance. Maintenance for this property has been accounted for in annual budgets since the parcel was formally acquired in 2021.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: October 15, 2024

CITY COUNCIL PUBLIC HEARING DATE: November 12, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission

AFFECTED AGENCIES: The Department of Planning, Development and Review; Parks, Recreation and Community Facilities; the Economic Development Department, City Assessor's Office

RELATIONSHIP TO EXISTING ORD. OR RES.: Ord. No. 2020-240

ATTACHMENTS: Property detail information, site map, land survey results

STAFF: Cordell Hayes, Jr, Legislative Manager, Office of the Mayor

Property: 1305 N 5th St **Parcel ID:** N0000233006

Parcel

Street Address: 1305 N 5th St Richmond, VA 23219-
Owner: CITY OF RICHMOND VIRGINIA C/O ECONOMIC & COMMUNITY DEV
Mailing Address: 900 E BROAD ST #400, RICHMOND, VA 23219
Subdivision Name : NONE
Parent Parcel ID:
Assessment Area: 430 - North Side
Property Class: 409 - B Commercial Shell
Zoning District: M-2 - Heavy Industrial
Exemption Code: 100 - General Government(Inside of Corp. Limits)

Current Assessment

Effective Date: 01/01/2024
Land Value: \$234,000
Improvement Value: \$25,000
Total Value: \$259,000
Area Tax: \$0
Special Assessment District: None

Land Description

Parcel Square Feet: 52707.6
Acreage: 1.21
Property Description 1: 0161.69X0179.67 IRG0001.213 AC
State Plane Coords(?): X= 11793523.500025 Y= 3726243.198616
Latitude: 37.55195248 , **Longitude:** -77.42855192

Description

Land Type: Commercial S4
Topology:
Front Size: 161
Rear Size: 179
Parcel Square Feet: 52707.6
Acreage: 1.21
Property Description 1: 0161.69X0179.67 IRG0001.213 AC
Subdivision Name : NONE
State Plane Coords(?): X= 11793523.500025 Y= 3726243.198616
Latitude: 37.55195248 , **Longitude:** -77.42855192

Other

Street improvement:
Sidewalk:

Assessments

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2025	\$128,000	\$36,000	\$164,000	Reassessment
2024	\$234,000	\$25,000	\$259,000	Reassessment
2023	\$234,000	\$62,000	\$296,000	Reassessment
2022	\$169,000	\$46,000	\$215,000	Reassessment
2021	\$103,000	\$42,000	\$145,000	Reassessment
2020	\$103,000	\$42,000	\$145,000	Reassessment
2019	\$103,000	\$42,000	\$145,000	Reassessment
2018	\$103,000	\$42,000	\$145,000	Reassessment
2017	\$103,000	\$42,000	\$145,000	Reassessment
2016	\$103,000	\$42,000	\$145,000	Reassessment
2015	\$106,000	\$38,000	\$144,000	Reassessment
2014	\$106,000	\$38,000	\$144,000	Reassessment
2013	\$106,000	\$38,000	\$144,000	Reassessment
2012	\$106,000	\$38,000	\$144,000	Reassessment
2011	\$106,000	\$38,000	\$144,000	CarryOver
2010	\$106,000	\$38,000	\$144,000	Reassessment
2009	\$119,000	\$38,600	\$157,600	Reassessment
2008	\$106,000	\$68,000	\$174,000	Reassessment
2007	\$90,800	\$78,100	\$168,900	Reassessment
2006	\$82,500	\$25,500	\$108,000	Reassessment
2005	\$46,200	\$38,900	\$85,100	Reassessment
2004	\$42,000	\$35,400	\$77,400	Reassessment
2003	\$36,500	\$32,200	\$68,700	Reassessment
2002	\$33,200	\$29,300	\$62,500	Reassessment

Transfers

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description
04/16/2021	\$159,500	TALLY WALTER L & LEONTYNE B	ID2021-10901	2 - INVALID SALE-Foreclosure, Forced Sale, etc.
03/04/1994	\$0	Not Available	00387-1852	
10/08/1981	\$60,000	Not Available	000787-01605	
01/10/1974	\$0	Not Available	000688-A00334	

Planning

Master Plan Future Land Use: OS
Zoning District: M-2 - Heavy Industrial
Planning District: North
Traffic Zone: 1032
City Neighborhood Code: GLPN
City Neighborhood Name: Gilpin
Civic Code:
Civic Association Name:
Subdivision Name: NONE
City Old and Historic District:
National historic District: Shockoe Hill Burying Ground
Neighborhoods in Bloom:
Redevelopment Conservation Area:

Economic Development

Care Area: -
Enterprise Zone:

Environment

100 YEAR Flood Plain Flag: Contact the Water Resources Division at 646-7586.
500 YEAR Flood Plain Flag: N
Resource Protection Flag: Contact the Water Resources Division at 646-7586.
Wetland Flag: N

Census

Census Year	Block	Block Group	Tract
2000	1000	0301001	030100
1990	101	0301001	030100

Schools

Elementary School: Carver
Middle School: Hill
High School: Jefferson

Public Safety

Police Precinct: 4
Police Sector: 411
Fire District: 5
Dispatch Zone: 096A

Public Works Schedules

Street Sweep: TBD
Leaf Collection: TBD
Refuse Collection: Wednesday
Bulk Collection: TBD

Government Districts

Council District: 6
Council District for 2025 (Current Election): 6
Voter Precinct: 603
State House District: 79
State Senate District: 14
Congressional District: 4

Extension 1 Details

Extension Name: C01 - Veh Rpr/Svc, w/o Pumps
Year Built: 1960
Stories: 1
Units: 0
Number Of Rooms: 0
Number Of Bed Rooms: 0
Number Of Full Baths: 0
Number Of Half Baths: 0
Condition:
Foundation Type:
1st Predominant Exterior:
2nd Predominant Exterior: N/A
Roof Style: 0
Roof Material:
Interior Wall:
Floor Finish:
Heating Type: 0 sf
Central Air: N
Basement Garage Car #: 0
Fireplace: N
Building Description (Out Building and Yard Items) :

Extension 1 Dimensions

Finished Living Area: 1269 Sqft
Attic: 0 Sqft
Finished Attic: 0 Sqft
Basement: 0 Sqft
Finished Basement: 0 Sqft
Attached Garage: 0 Sqft
Detached Garage: 0 Sqft
Attached Carport: 0 Sqft
Enclosed Porch: 0 Sqft
Open Porch: 0 Sqft
Deck: 0 Sqft

Property Images

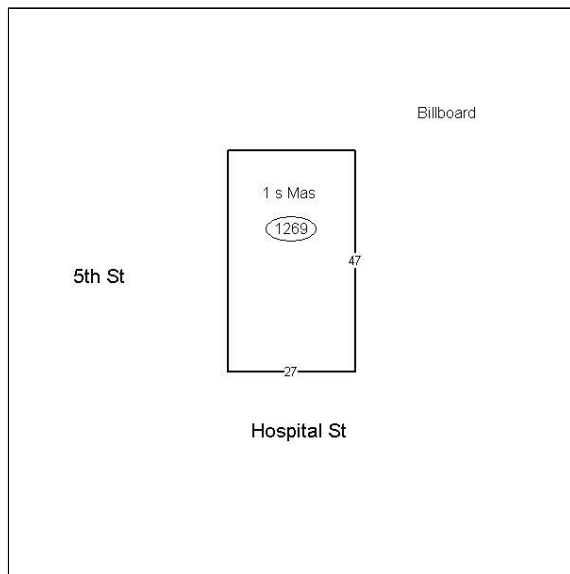
Name:N0000233006 Desc:C02



[Click here for Larger Image](#)

Sketch Images

Name:N0000233006 Desc:C01



SURVEY RESULTS FOR THE 250 MHZ GPR

A total of 165 transects of data were collected with a 50 cm interval for the project area (Figure 4). This data was then processed to remove the initial return of the signal created by the airgap between the antenna and the ground. Then each line was analyzed for disturbances and reflections that fall within the parameters for human burials (Figure 5).

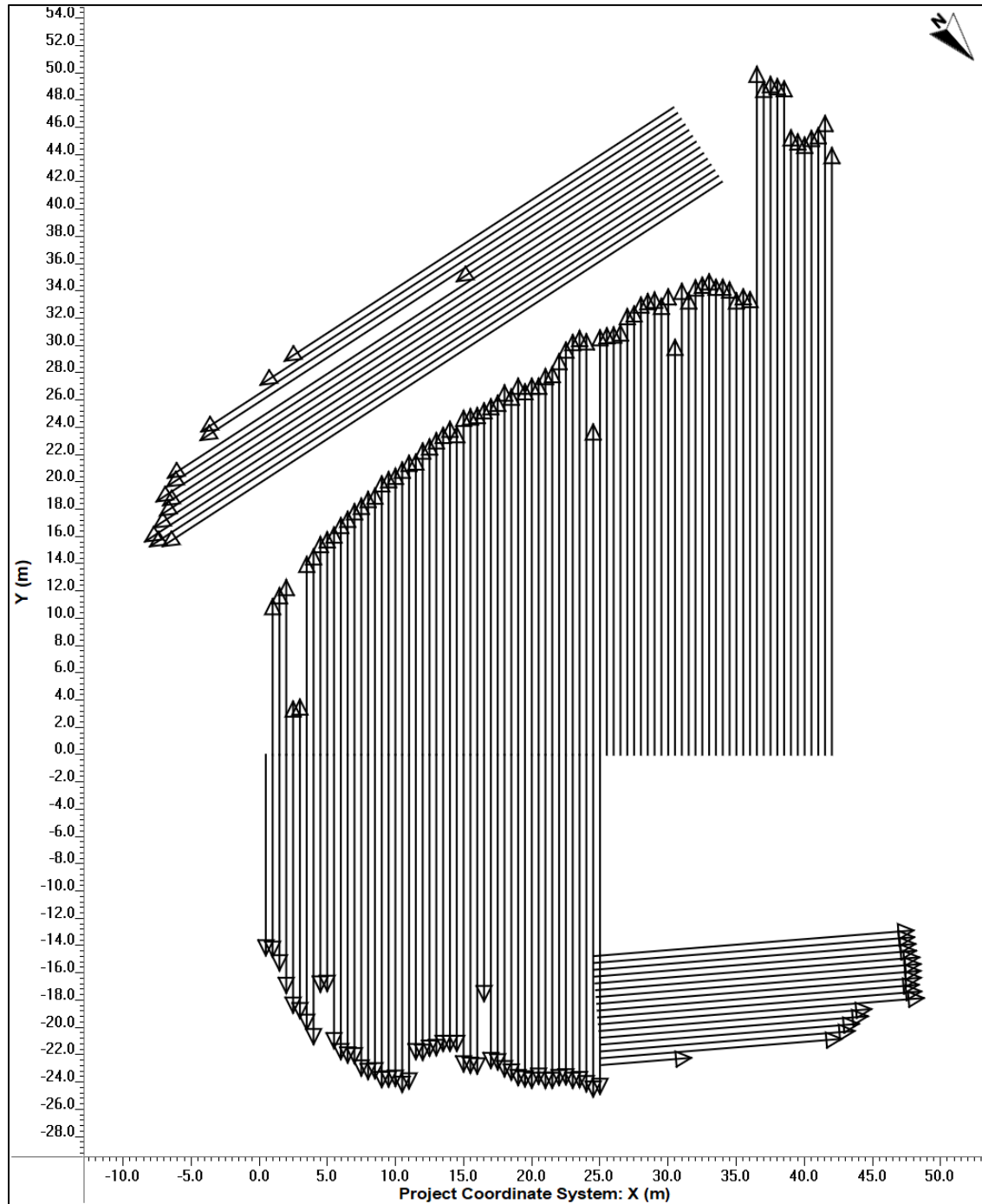


Figure 4. All data transects collected for the 250 MHz GPR antenna.

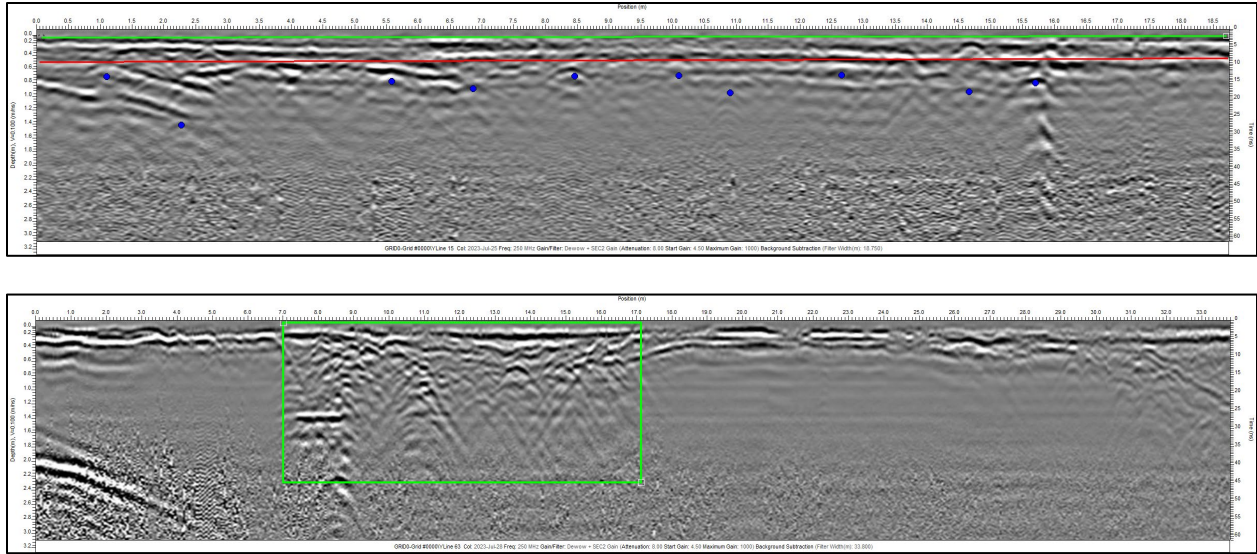


Figure 5. In these two transects the top one shows the original surface layer with a cap along with potential burials, and the bottom shows a large disturbance that is 10m in size.

The individual lines were then processed using SliceView (Figure 6). Although, it had already been seen in the individual lines that there was interference from the billboard (Figure 7). This caused the “shadow” of the billboard to appear in the data (Figure 8).

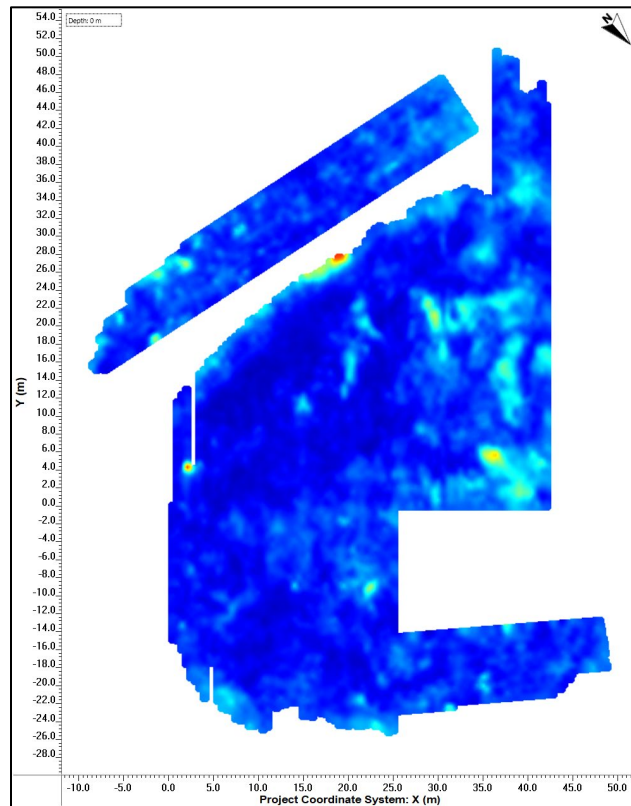


Figure 6. Processed SliceView of the 250 MHz data at surface level.

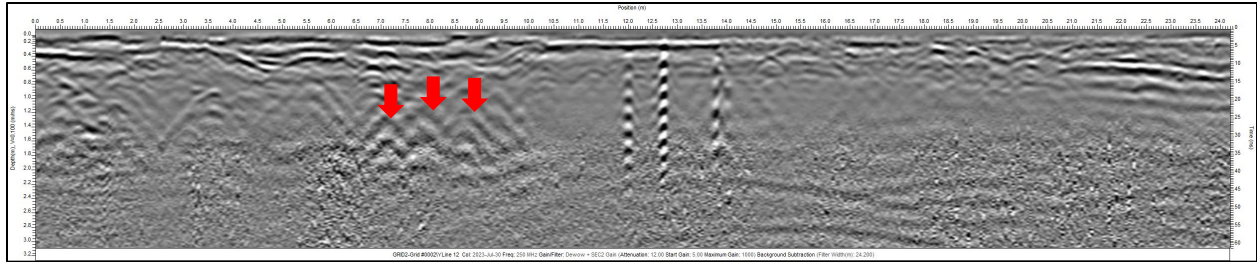


Figure 7. These large reflections, indicated by the red arrows, are caused from the interference by the billboard.

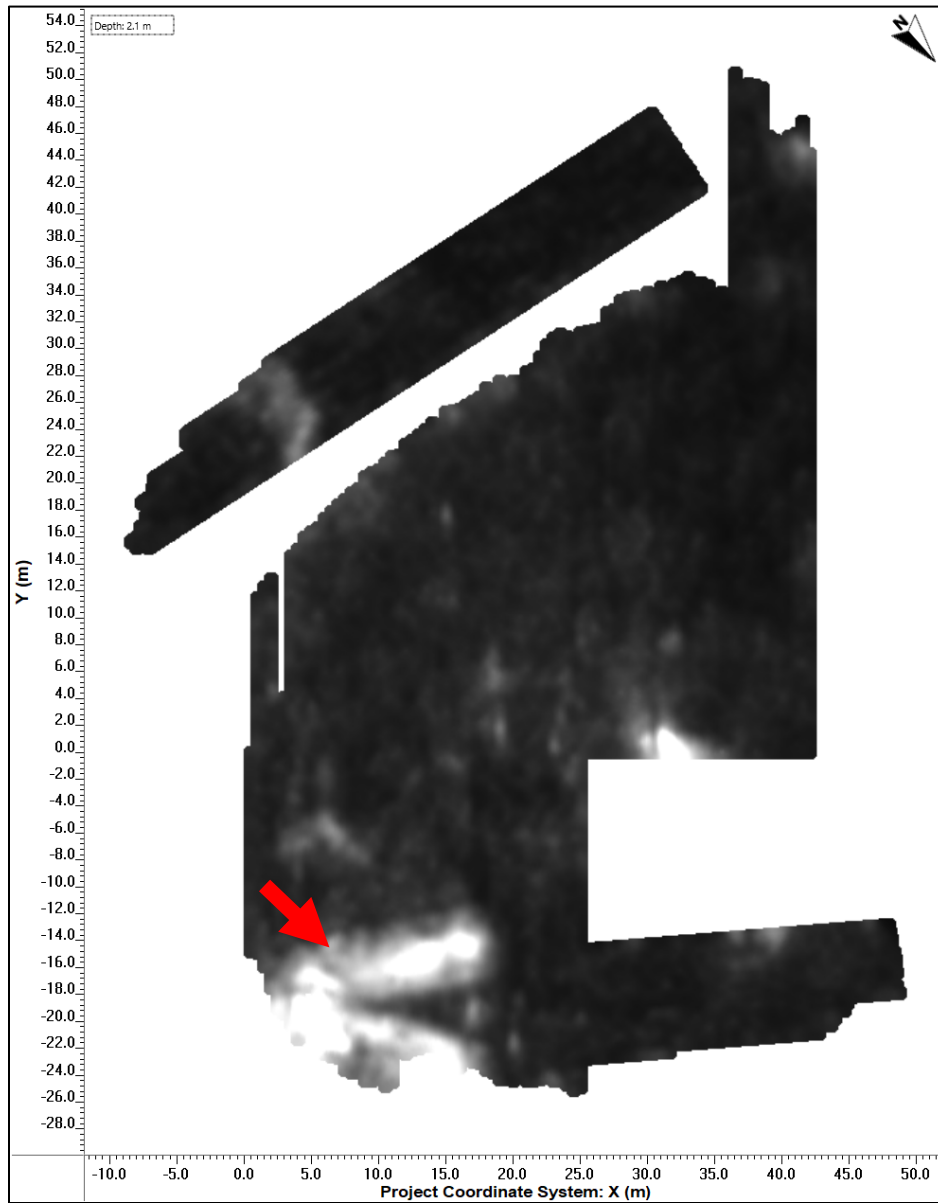


Figure 8. The billboard shadow can clearly be seen within the SliceView data as highlighted by the red arrow.

From the analysis the identified reflections, points, and slices were then exported GIS software (Figure 9). Then the points were grouped to determine the potential areas of burials (Figure 10).

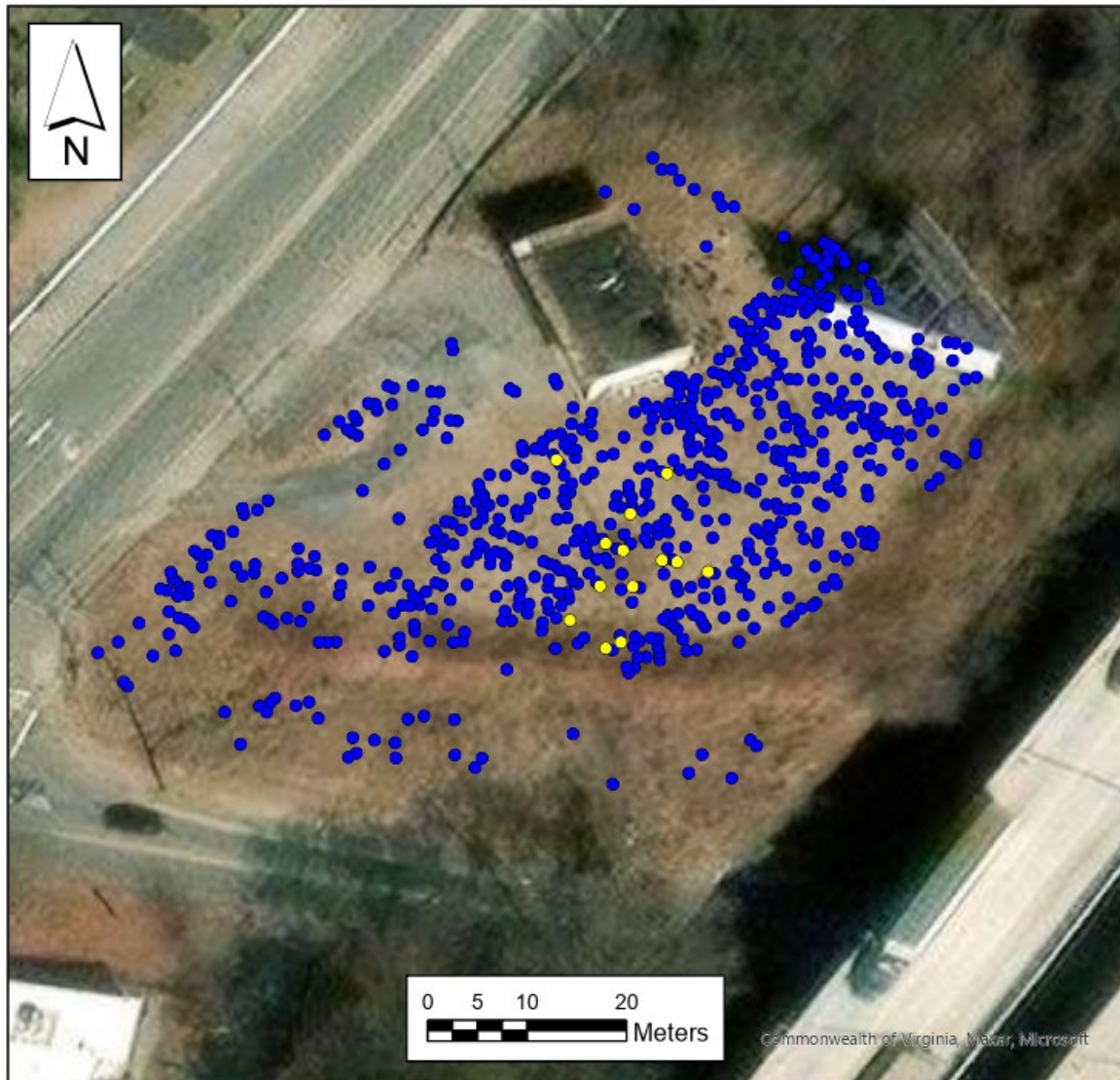


Figure 9. Reflection points (blue is traditional reflections and yellow are metallic reflections) exported from the line analysis.

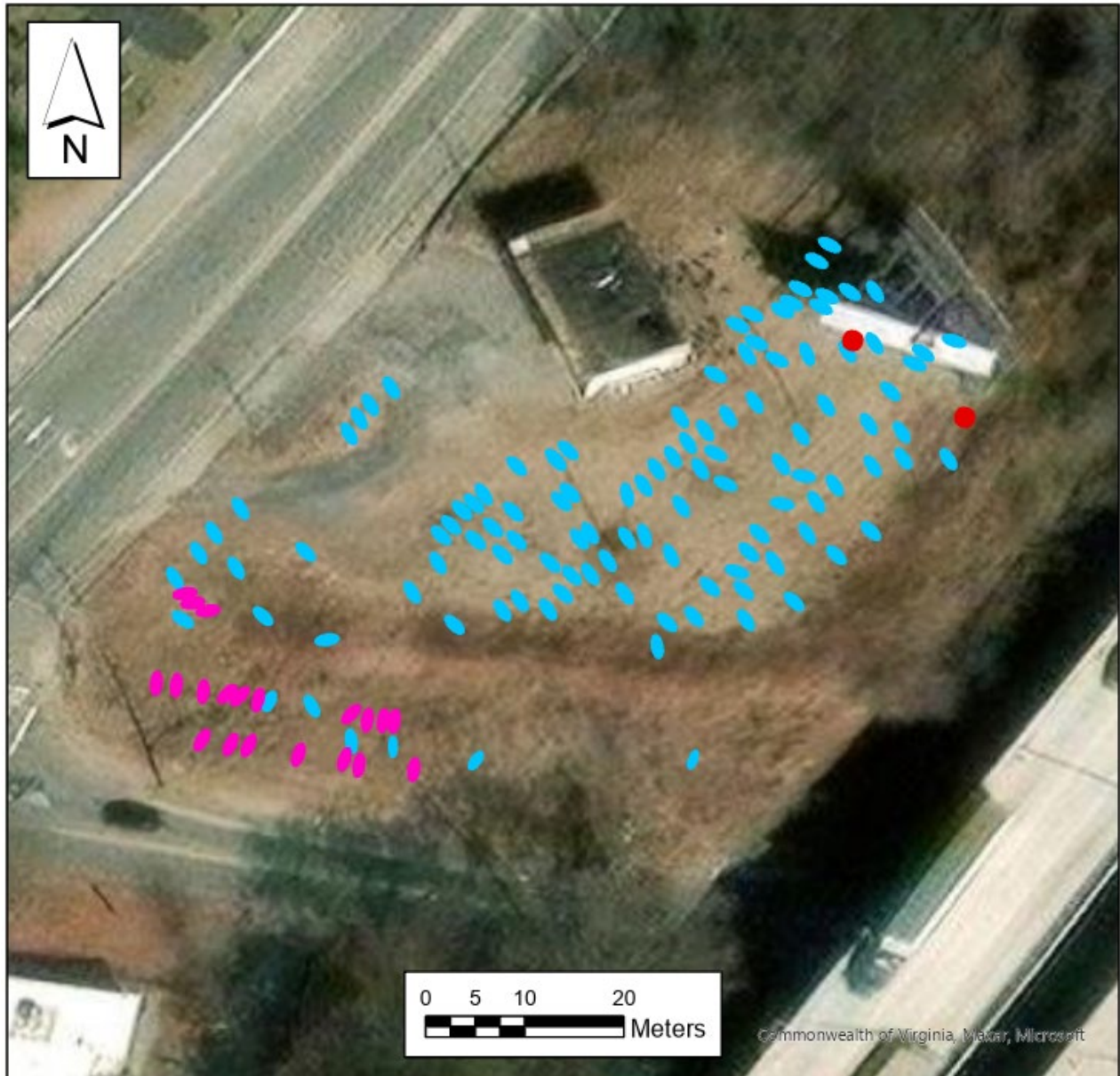


Figure 10. The analysis revealed potential burials throughout the survey area in blue, in addition to the ones identified in the survey from 2022.

Additionally, by adjusting the gain for the SliceView there are two areas where disturbance was seen in the individual lines that make up larger distinct areas. The first area is approximately 10 m by 5 m in size and is first visible at about a depth of 0.30 m and then can no longer be visualized at a depth of 0.70 m (Figure 11).

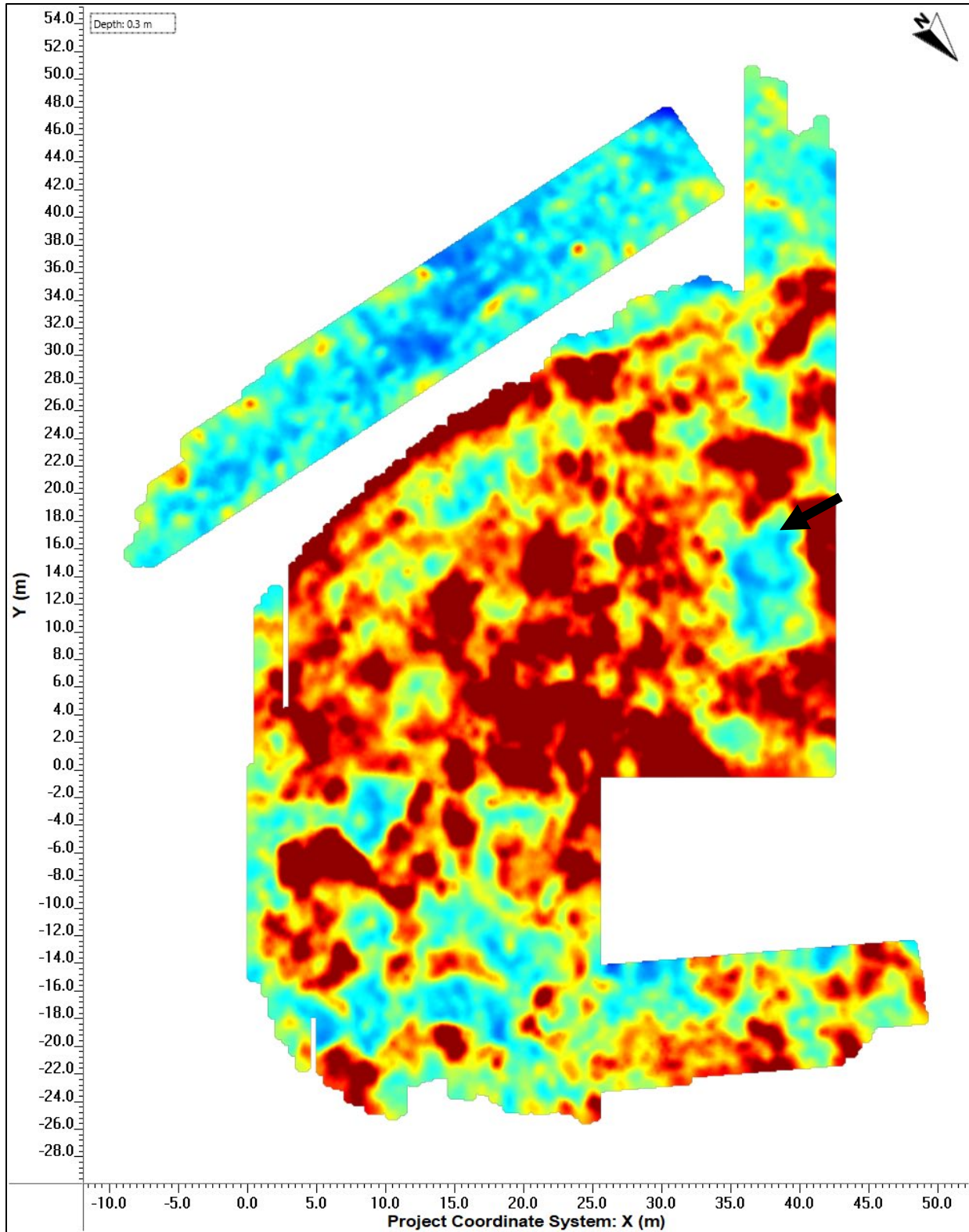


Figure 11. The SliceView at a depth of 0.30 m with the disturbance highlighted with the black arrow.

When looking at the area it looks as if the area has been penetrated through the asphalt and is within the area of the gas pumps, but does not appear to contain a storage tank (Figure 12).

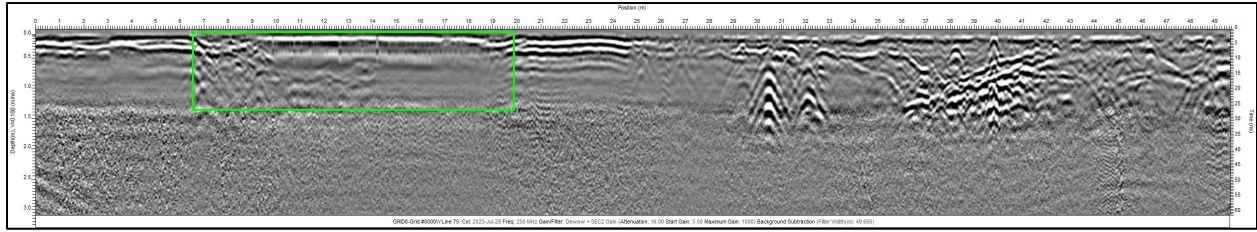


Figure 12. A transect through the feature that appears at the 0.30 m depth. The feature area is highlighted with the green box.

The second feature of disturbance when examining the area in the transect data, has a lot more disturbance within the feature itself (Figure 13). It appears almost as if it may have had different layers of backfill. With this feature the disturbance extends to a depth of at least 1.5 m.

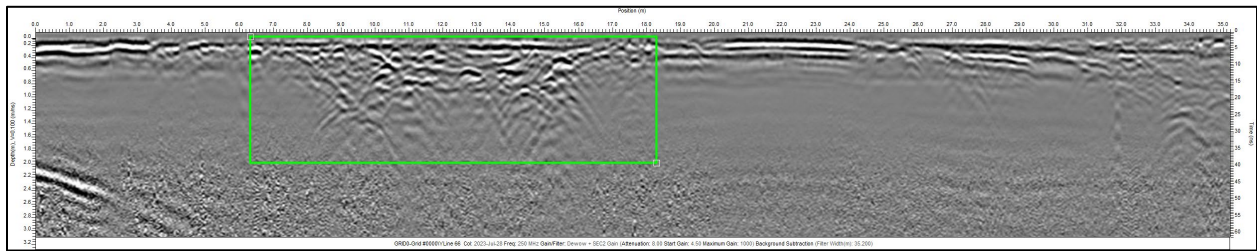


Figure 13. A transect through the second feature of disturbance. The feature area is highlighted with the green box.

The second feature is larger in size, in that it is approximately 11 by 7 m in size (Figure 14).

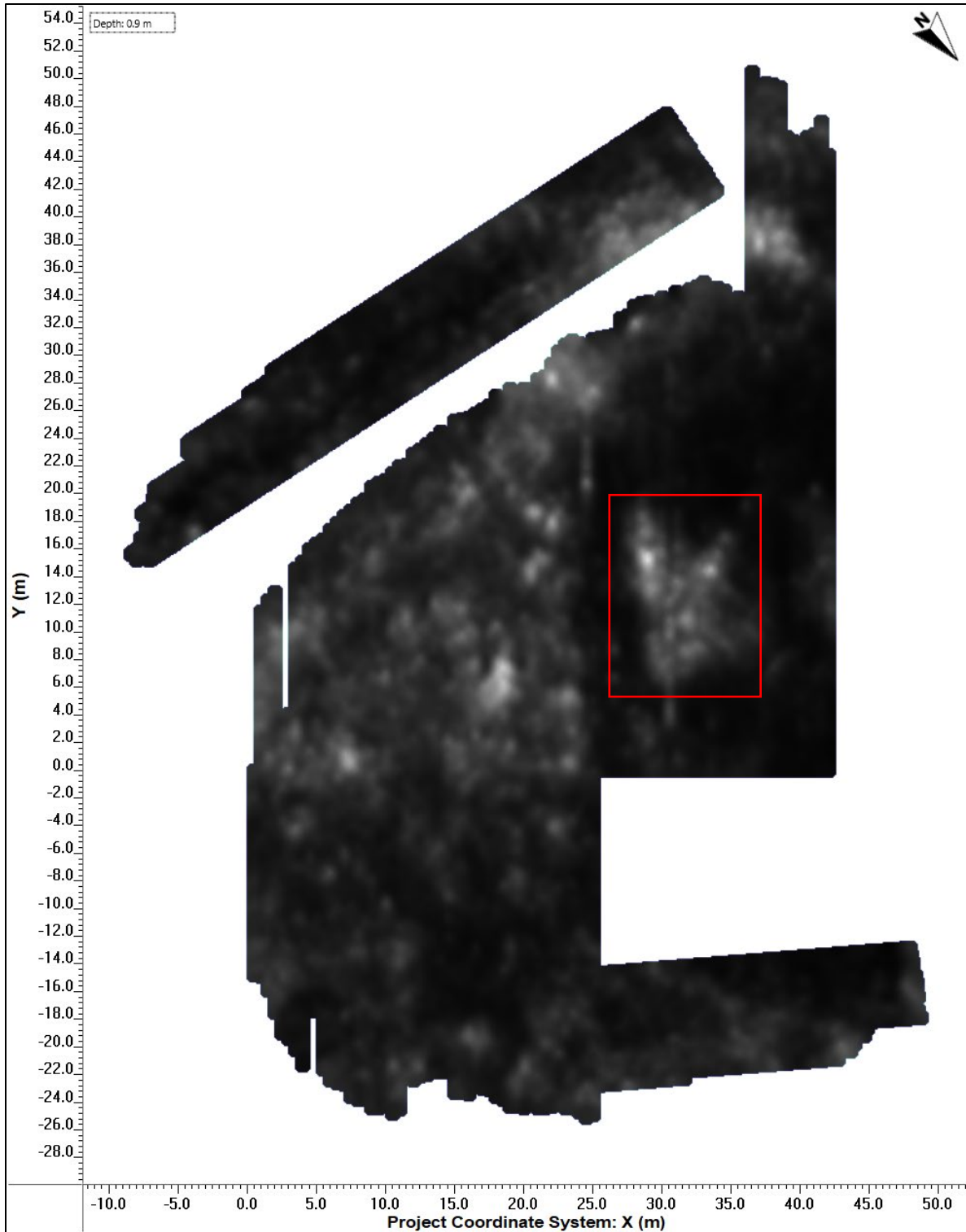


Figure 14. SliceView at 0.90 m of depth with the second feature highlighted by the red square.

SURVEY RESULTS FOR THE 100 MHZ GPR

A total of 118 transects of data were collected with the 100 MHz antenna (Figure 15). The transects were spaced 1.0 m apart due to the width of the antenna being 1.0 m. This data collection was focused on the hill to try to determine the geological construction of the area but was determined to be valuable in visualizing some of the same data visualized by the 250 MHz antenna.

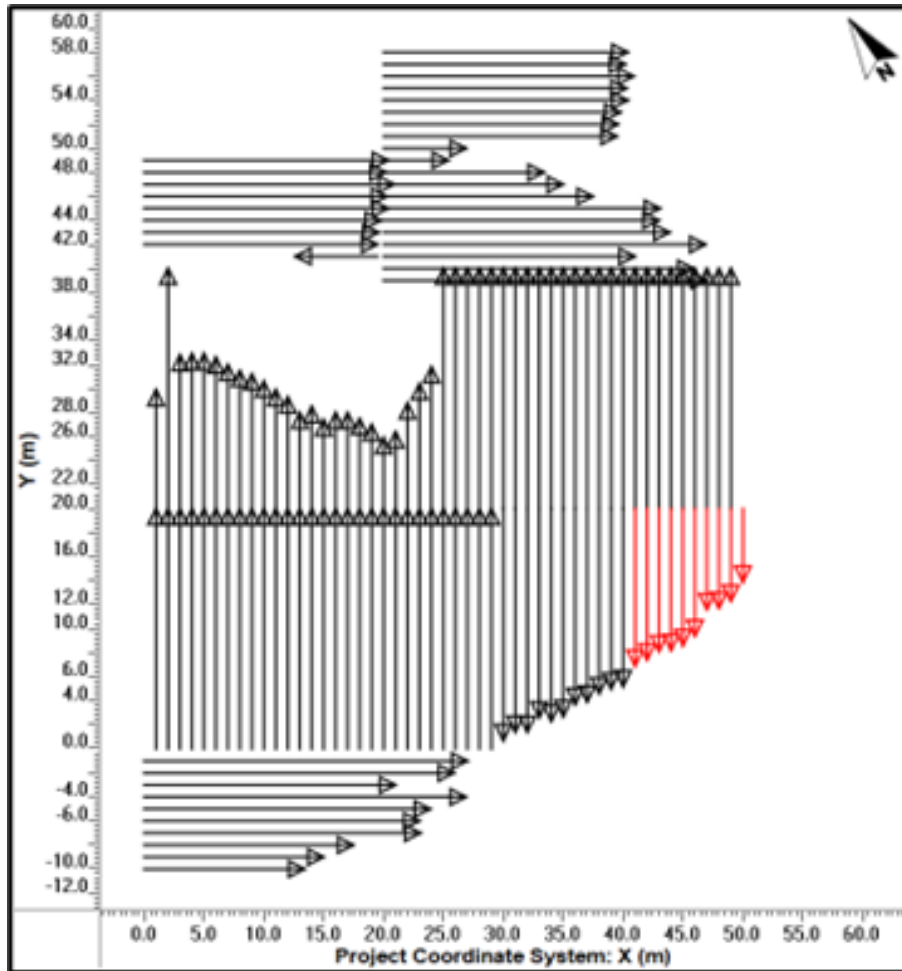


Figure 15. Transects of the 100 MHz data collection.

When processing the data in SliceView we can clearly see the area where the storage tank was identified in 2022 (Figure 16). The disturbance for this area is 4 by 9 meters, which this would provide for a tank with a capacity greater than 3000 gallons. This tank should be tested for leakage since other Sun Oil Company tanks from that era have been found to be leaking (Usher 2018). Testing and remediation for this tank may qualify under the United States Environmental Protection Agency Underground Storage Tanks (UST) (<https://www.epa.gov/ust>).

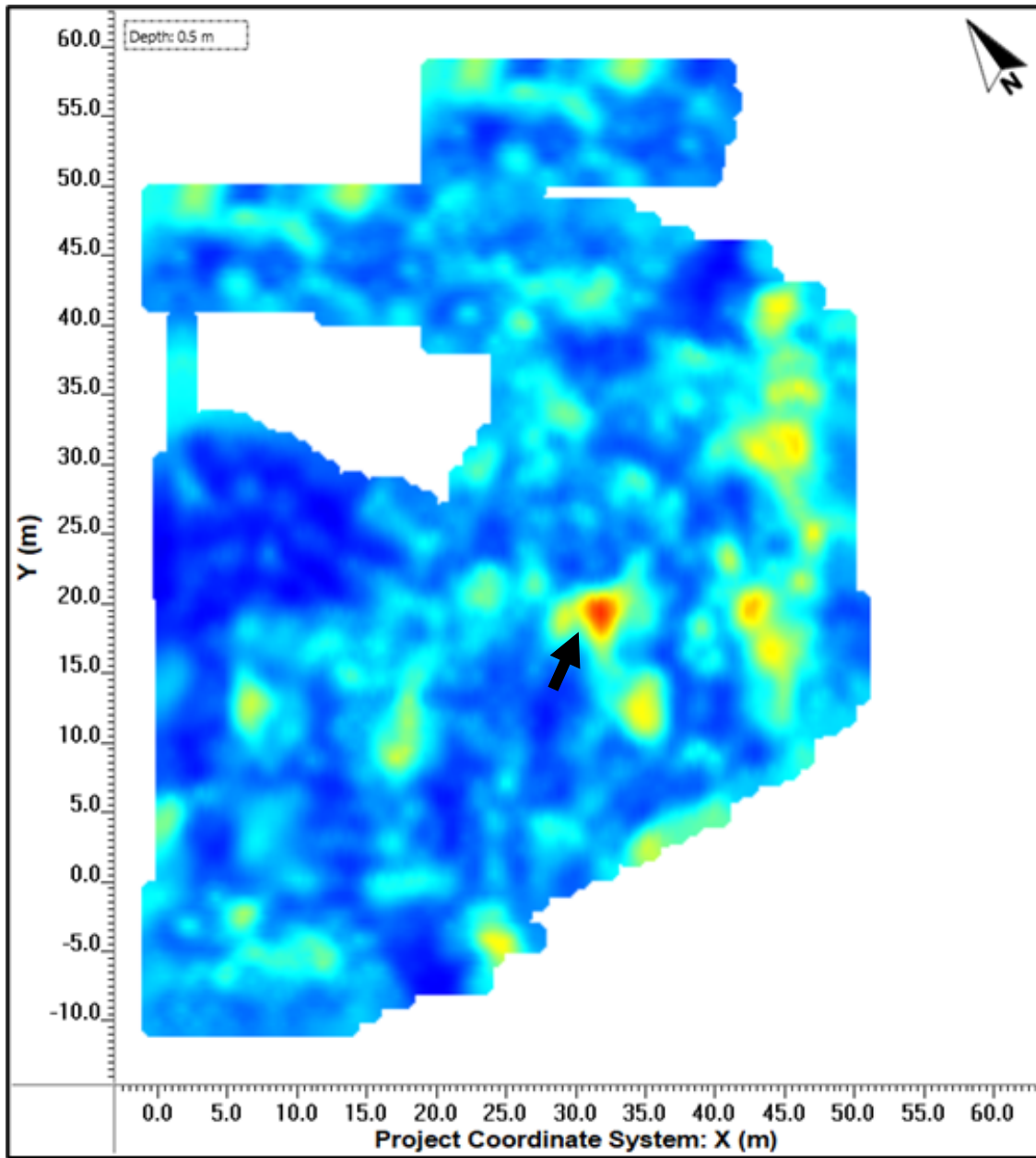


Figure 16. The SliceView Map shows the storage tank highlighted by the black arrow.

There are two areas immediately in front of the garage that begin to be visualized at approximately 2.5 m of depth, they grow in size, and intensity with depth (Figure 17). It is my opinion that this is possibly geological in origin.

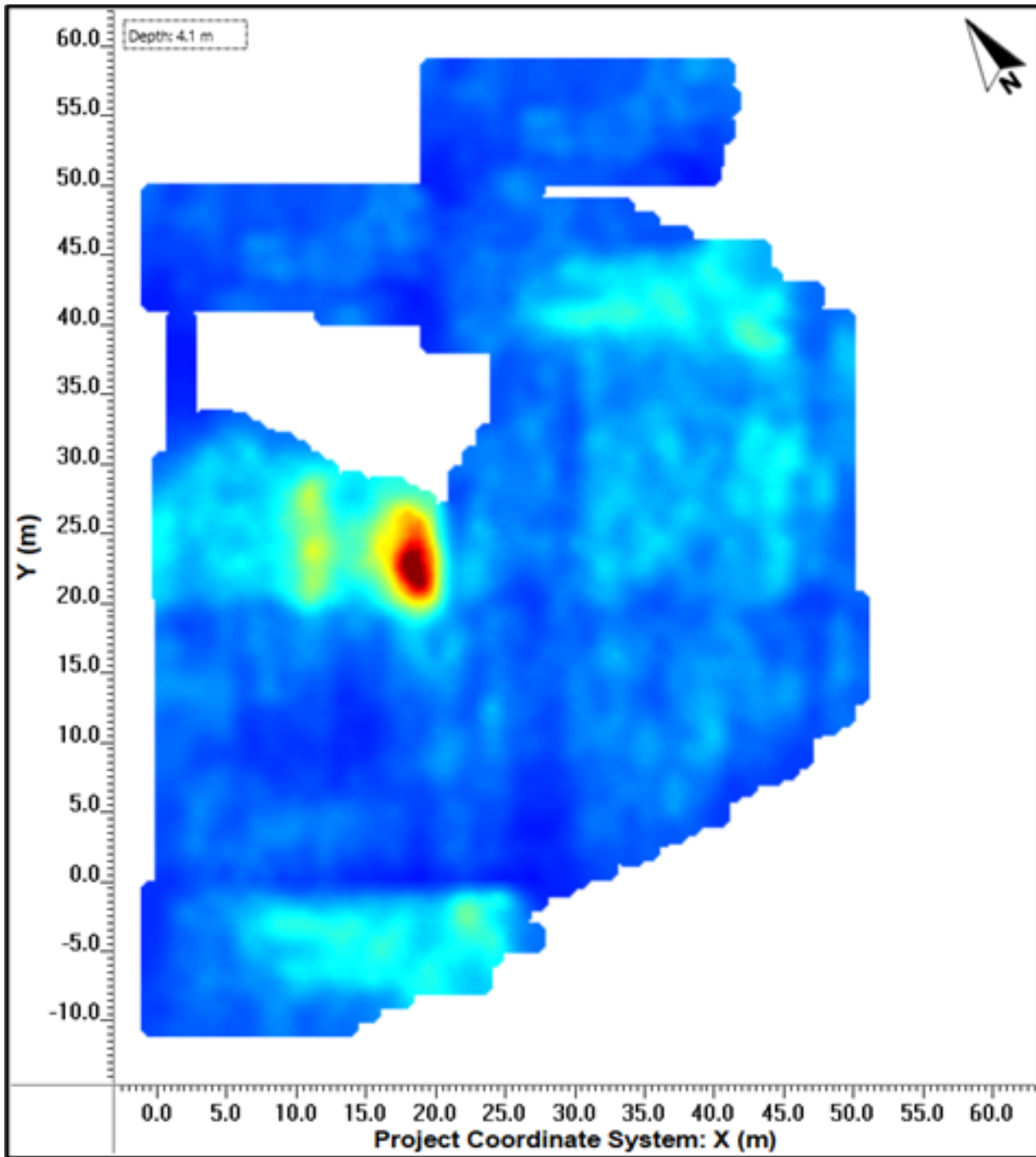


Figure 17. The SliceView at a depth of 4.1 m of depth with the two large targets in front of the garage.

This data was also processed as individual grids producing amplitude maps for the area. In doing so, a storage tank is clearly visible and what appears to be a row of burials (Figures 18 and 19).

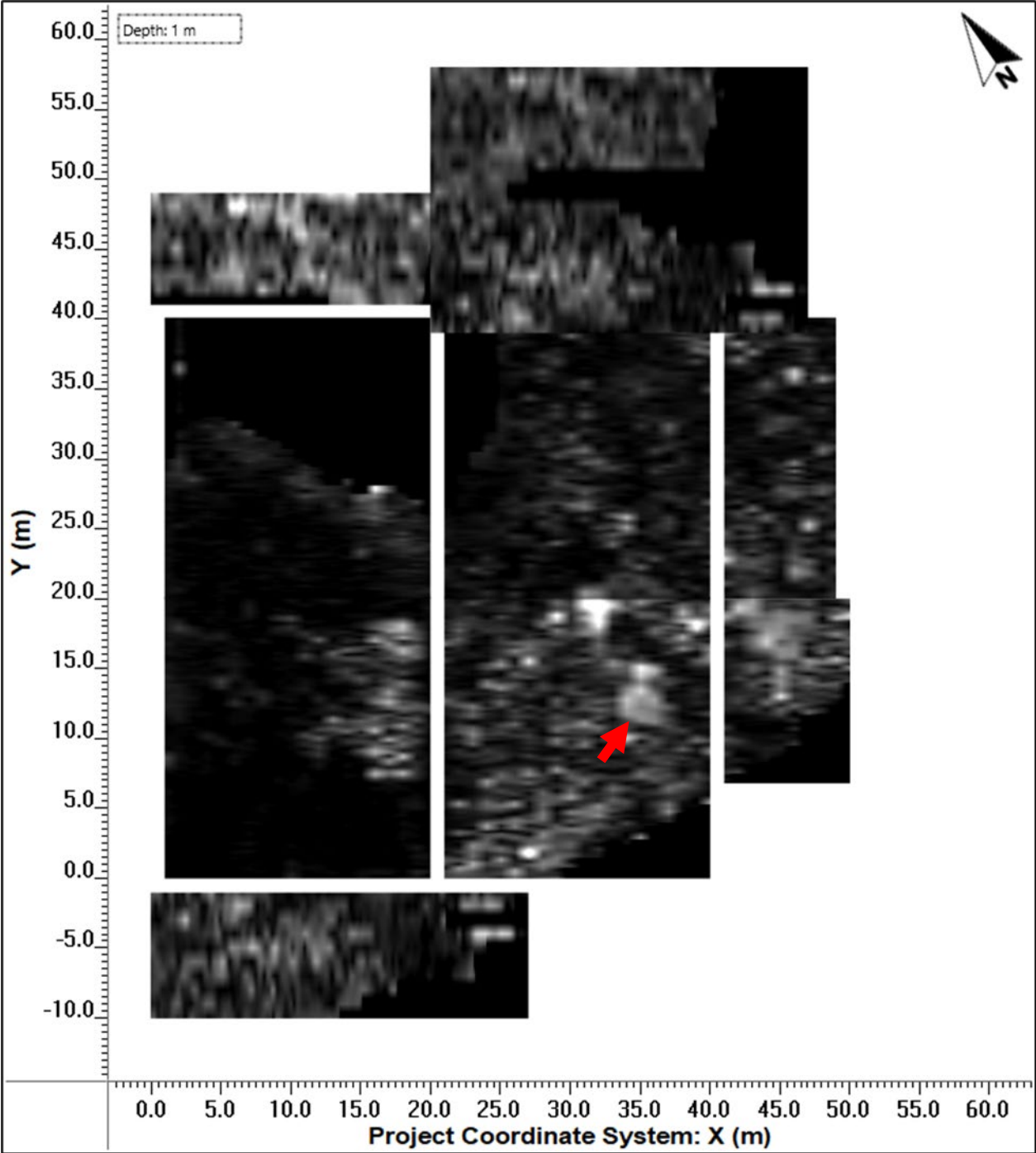


Figure 18. At a depth of 1.0 m the storage tank is visible (highlighted by the red arrow).

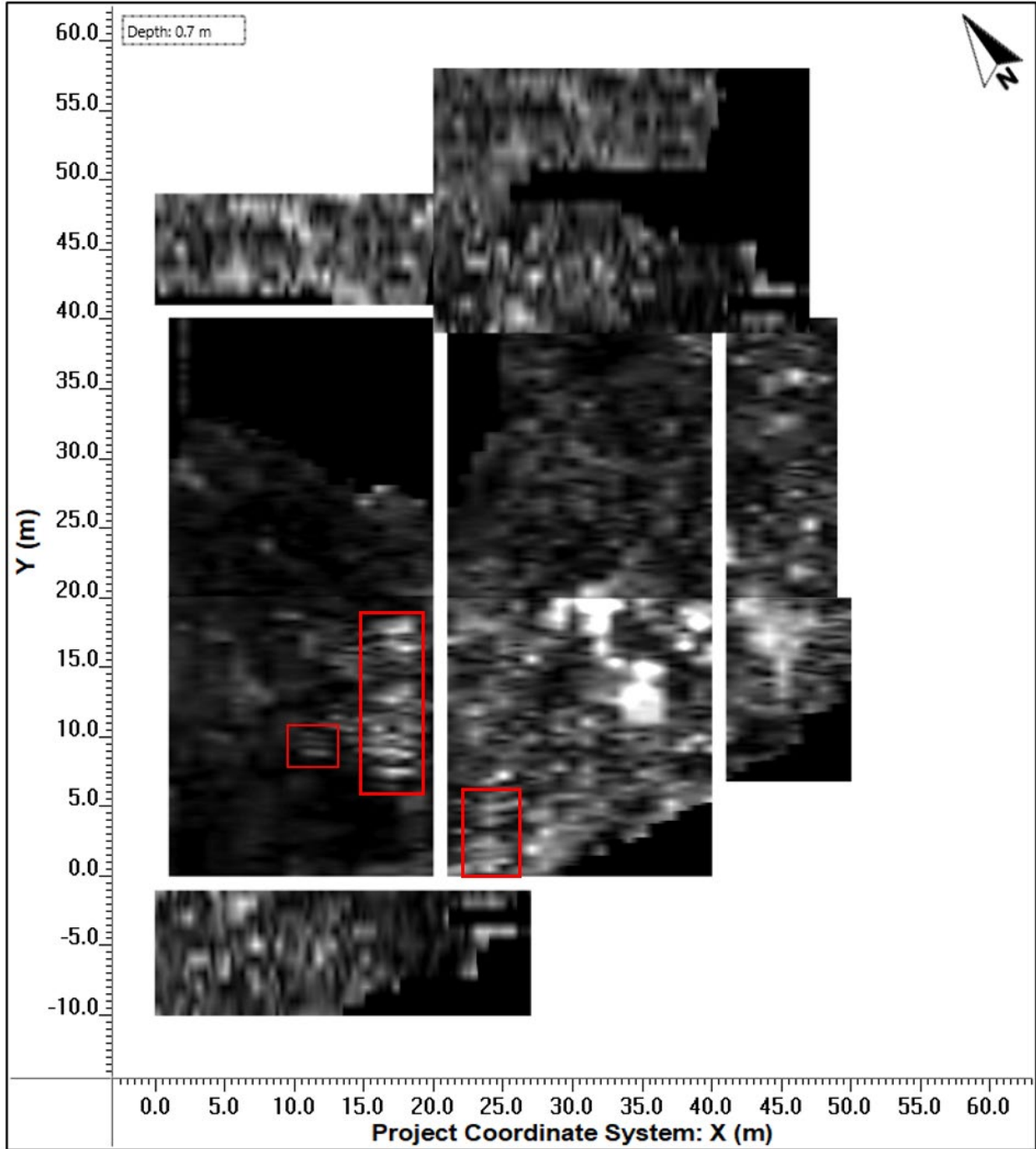
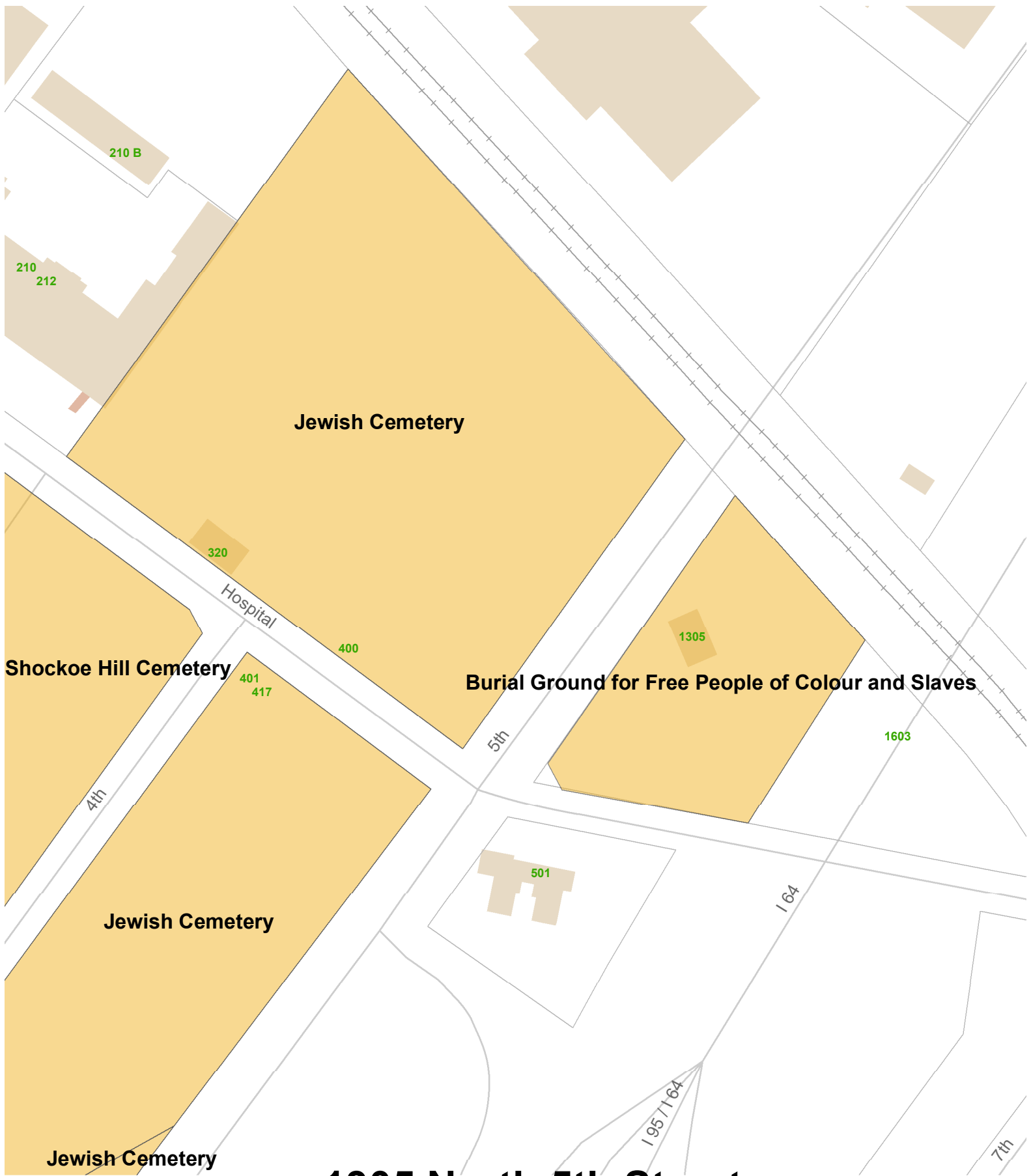


Figure 19. Potential row of burials as detected by the 100 MHz antenna.

Normally, 100 MHz antenna are not utilized to conduct surveys of cemeteries as they penetrate too deep and lose too much resolution to clearly observe potential burials. Which, is why I am hesitant to say the above are in fact burials.



1305 North 5th Street

is a portion of the original 2 acre
Burial Ground for Free People of Colour and Slaves