

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

HELEN MARIE TAYLOR, and
EVAN MORGAN MASSEY, TRUSTEE,
JANET HELTZEL,
GEORGE D. HOSTETLER, and
JOHN-LAWRENCE SMITH,
Plaintiffs,

v.

Case No.

RALPH S. NORTHAM,
in his official capacity as Governor of Virginia,
Serve at the Patrick Henry Building,
1111 East Broad Street, Richmond, Va. 23218
DIRECTOR, VIRGINIA DEPARTMENT OF GENERAL SERVICES,
in his official capacity,
Serve Joe Damico, 1100 Bank Street, Suite 420
Richmond, Va. 23218, and
DIRECTOR, VIRGINIA DIVISION OF ENGINEERING & BUILDING,
in his official capacity,
Serve W. Michael Coppa, 1100 Bank St., Suite 420
Richmond, Va. 23218,
Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, by counsel, state the following as their Complaint for Declaratory and Injunctive Relief against Defendants:

1. This is a proceeding pursuant to the Declaratory Judgment Act, Va. Code §§8.01-184 *et seq.*, and Va. Code § 8.01-620 to obtain injunctive relief and a judicial declaration that the activities of Defendants in attempting to remove, destroy, damage or alter the statue of Robert E. Lee, which has been designated as a National Historic Landmark and which the General Assembly has guaranteed that the Commonwealth will hold “perpetually sacred to the monumental purpose to which they [*i.e.*, the statue, pedestal and ground on which they are

situated] have been devoted,” violate Defendants’ duties under the Constitution of Virginia, applicable laws of the Commonwealth, and the conditions of the gift by which the Commonwealth obtained the statue, the pedestal upon which it rests, and the circle of ground in which the statue and pedestal are situated (the “Lee Monument”).

2. This Court has jurisdiction over the matter in controversy pursuant to Va. Code § 17.1-513.

3. Venue in this Court is proper, pursuant to Va. Code § 8.01-261 because the property involved is located in the City of Richmond, where each Defendant has an official office and regularly conducts official duties, and where each Plaintiff resides.

4. Plaintiff Helen Marie Taylor is the owner of property on Monument Avenue in the City of Richmond within a 14-block National Historic Landmark District, which is known as the Monument Avenue Historic District and includes the Lee Monument.

5. Plaintiff John-Lawrence Smith is the owner of property on Monument Avenue within the Monument Avenue Historic District.

6. Plaintiff Evan Morgan Massey is the trustee of the owner of one of the parcels on Monument Avenue that is within a plat of “The Wm C Allen Addition,” which plat is part of the 1887 deed conveying the Lee Monument to the Commonwealth (the “1887 Deed”), attached hereto as Exhibit B.

7. Plaintiffs Janet Heltzel and George D. Hostetler are owners of property on Allen Avenue that is within a plat of “The Wm C. Allen Addition,” which plat is part of the 1887 Deed.

8. Defendant Ralph Northam is the Governor of Virginia and is charged under the Constitution of Virginia with the duty to assure that the laws of the Commonwealth and the

United States are properly enforced. He has also been charged with the duty, pursuant to Acts of Assembly 1889 chapter 24, to assure that the guarantee of the Commonwealth to hold perpetually sacred for the purpose to which they have been devoted the statue, pedestal and circle of land is honored and secured.

9. The remaining Defendants are appointees of the Governor, acting at his direction, who have derivative responsibilities under the law to assure that the Lee statue is preserved and protected in accordance with the terms and conditions of the gift to the Commonwealth, the provisions of Acts of Assembly 1889 chapter 24, and the laws of the Commonwealth. A copy of that 1889 action of the General Assembly is attached as Exhibit A (the "1889 Joint Resolution"). A copy of the deed conveying the Lee Monument to the Commonwealth is attached hereto as Exhibit B (the "1890 Deed").

10. A portion of Monument Avenue in the City of Richmond in which Plaintiffs own property and in which the Lee Monument is located has been officially designated under the laws of the United States as a National Historic Landmark District. Plaintiffs enjoy certain benefits as a consequence of their ownership of real estate within that district, which will be adversely affected by any actions of Defendants to remove, damage or alter the Lee Monument.

11. Attempts by Defendants to remove the Lee Monument would damage, destroy or significantly alter the statue in violation of the terms of the deed conveying the statue, the 1889 legislative provision, and the laws of the Commonwealth.

12. Removal of the Lee Monument or any significant alteration of it or any of the other monuments within the Monument Avenue Historic District could result in the loss of National Historic Landmark designation of the district, which will have a substantial adverse impact on Plaintiffs, including the loss of favorable tax treatment and reduction in property

values. Plaintiffs will also suffer injury as a result of the loss of a priceless work of art from their neighborhood and the degradation of the internationally recognized avenue on which they reside.

COUNT ONE

13. The allegations contained in other paragraphs of this are incorporated here by reference.

14. The provisions of the 1889 Joint Resolution authorizing the Governor of Virginia to accept the gift of the Lee Monument on behalf of the Commonwealth is binding on Defendants.

15. Removal of the Lee Monument would contravene the terms of the 1889 Joint Resolution. Governor Northam's order to remove the Lee Monument is, therefore, in violation of the 1889 Joint Resolution.

16. The Governor of Virginia exercises no implied powers, particularly when his actions contravene the policy of the Commonwealth established by the General Assembly. Actions by Defendants that are not in compliance with the provisions of the 1889 Joint Resolution violate Article V, § 1 of the Constitution of Virginia and are *ultra vires* as being beyond lawful executive power.

17. During the last days of May 2020, throughout the month of June 2020, and continuing in July 2020, vandals, rioters and other lawbreakers have repeatedly desecrated, damaged and altered the Lee Monument and other monuments within the Monument Avenue Historic District while Defendants failed to enforce existing Virginia statutes and regulations prohibiting such conduct, including 1VAC30-150. These hostile and unlawful actions, which have occurred in large part because of Defendants' failure to carry out their official responsibilities, are being asserted by Defendants as a reason for removing the Lee Monument.

COUNT TWO

18. The allegations contained in other paragraphs of this Complaint are incorporated here by reference.

19. The 1889 Joint Resolution is a valid and proper exercise of legislative power within the meaning of Article IV, § 1 of the Constitution of Virginia.

20. Governor Northam is bound by the requirements imposed by the 1889 joint resolution, which requirements came into effect when the 1890 Deed was signed by the Governor of Virginia at that time.

21. Governor Northam's defiance of the requirements of the General Assembly imposed by the 1889 Joint Resolution constitutes a violation of a duly adopted legislative action and is, therefore, a violation of Article IV, § 1 of the Constitution of Virginia.

COUNT THREE

22. The allegations contained in other paragraphs of this Complaint are incorporated here by reference.

23. Article I, § 5 and Article III, § 1 of the Constitution of Virginia mandate that the three branches of the government of the Commonwealth remain separate and distinct and that none exercise the powers properly belonging to the others, nor any person exercise the power of more than one of them at the same time.

24. Governor Northam's order to remove the Lee Monument is an exercise of the legislative power and constitutes an encroachment by him on the legislative prerogative, responsibility and power of the General Assembly in violation of Article I, § 5 and Article III, § 1 of the Constitution of Virginia.

COUNT FOUR

25. The allegations contained in other paragraphs of this Complaint are incorporated here by reference.

26. The 1890 Deed contains a provision by which the Commonwealth guaranteed “that she will hold said Statue and pedestal and Circle of ground perpetually sacred to the Monumental purpose to which they have been devoted and that she will faithfully guard it and affectionately protect it. An earlier deed, made on July 15, 1887 (the 1887 Deed), which is attached as Exhibit C, conveyed the 200-foot diameter circular plot of land at the intersection of Monument Avenue and Allen Avenue (the “Lee Circle”) to the Monument Avenue Association, predecessors in title to the Commonwealth. The heirs of William C. Allen, namely Otway S. Allen, Roger Gregory and Bettie F. Allen Gregory, and N.M. Wilson and Martha Allen (the “Allen Heirs” or the “Allen Family”) were the original grantors under the 1887 Deed. The 1887 Deed includes a covenant requiring the grantee “[t]o have and to hold the said property or ‘Circle,’ to the following uses and purposes and none other, to wit, as a site for the Monument to General Robert E. Lee which it is the end and object of the Monument Association to erect.” The 1887 Deed goes on to state that the grantee “executes this conveyance, in testimony of its approval thereof, its recognition of the use and purpose to which the said piece of land is to be held, and its agreement and covenant to carry out the said purpose, and to hold the said property only for the said use.” The 1887 Deed includes a plat showing the circle of land conveyed and the basic plan of development for the surrounding property owned by the Allen Heirs. As successor in interest to the Lee Monument Association, the Commonwealth is bound by the covenants in the 1887 Deed.

27. In the 1890 Deed, the Commonwealth guaranteed “that she will hold said Statue and pedestal and Circle of ground perpetually sacred to the Monumental purpose to which they

have been devoted and that she will faithfully guard it and affectionately protect it.” As a party and grantee, the Commonwealth is bound by the covenants in the 1890 Deed.

28. Plaintiff Evan Morgan Massey is the trustee of the entity that owns the land on Monument Avenue within the area which is shown on the plat that is part of the 1887 Deed and within the “Wm C ALLEN ADDITION” on the plat dated December 18, 1888 (the “Allen Addition”), which is part of the 1890 Deed. He is a successor to the Allen Heirs, who owned the Allen Addition at the time the 1887 and 1890 Deeds were made. The lot on which Mr. Massey resides and for which he serves as trustee is shown on the property records of the City of Richmond as being in the Wm. C. Allen Addition subdivision.

29. Plaintiffs Janet Heltzel and George D. Hostetler, as owners of property within the Allen Addition, are successors to the Allen Heirs and have the right to enforce the covenants in the 1887 and 1890 Deeds.

30. The Allen Addition, as shown on the 1890 Deed plat, is a detailed plan of development centered on Lee Circle, which is consistent with the description of the development plan contained in the 1887 Deed. It was the intent of the parties to both the 1890 Deed and the 1887 Deed that the covenants in such deeds would specifically benefit the land within the Allen Addition.

COUNT FIVE

23. The allegations contained in other paragraphs of this Complaint are incorporated here by reference.

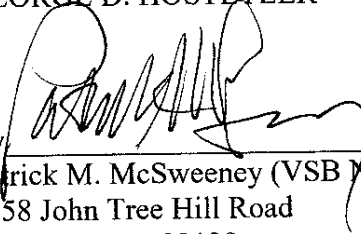
24. Section 2.2-2402(B) of the Code of Virginia prohibits the removal of existing structures identified in that subsection that are owned by the Commonwealth, including the Lee monument.

25. Defendants' stated intention to remove the Lee monument would violate § 2.2-2402(B) of the Code of Virginia if removal is attempted.

26. Governor Northam's order in violation of § 2.2-2402 of the Code of Virginia constitutes arrogation of power by him in violation of Article I, § 5, Article III, § 1, Article IV, § 1, and Article V, § 1.

WHEREFORE, Plaintiffs pray for an order and judgment declaring that the actions of Defendants to remove the monument to Robert E. Lee from the ground within the National Historic Landmark District and the Allen Addition violate Article I, § 5, Article III, § 1, Article IV, § 1 and Article V, § 1 of the Constitution of Virginia, the Joint Resolution adopted by the General Assembly on December 19, 1889, other provisions of the laws of the Commonwealth, and the provisions of the deed conveying the statue, pedestal and ground on which they rest to the Commonwealth; for preliminary and permanent injunctive relief prohibiting Defendants from carrying out the activities associated with the removal of the Lee statue and those activities inconsistent with the referenced covenants that run with the land; awarding Plaintiffs their costs incurred and expended in these proceedings; and for such other relief as the Court deems proper in the circumstances.

HELEN MARIE TAYLOR
EVAN MORGAN MASSEY
JANET HELTZEL
GEORGE D. HOSTETLER

By 
Patrick M. McSweeney (VSB No. 5669)
3358 John Tree Hill Road
Powhatan, Va. 23139
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4445 Corporation Lane
Virginia Beach, Virginia 23462
PH (757) 926-0078
FAX (757) 935-5533
fred@bushtaylor.com
Of Counsel

VERIFICATION

Helen Marie Taylor

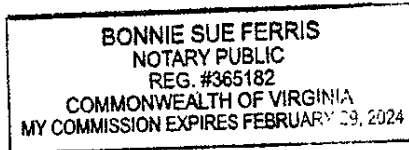
Helen Marie Taylor

COMMONWEALTH OF VIRGINIA
CITY OF RICHMOND, to wit:

This day personally appeared before me Helen Marie Taylor and who, under penalty of perjury, made oath that the allegations set forth in the foregoing complaint are, according to the best of her knowledge, information and belief, true and correct.

Subscribed and sworn to before me this 20th day of July, 2020.

Bonnie Sue Ferris
Notary Public



Registration number, 365182

My commission expires Feb. 29, 2024.

EXHIBIT A

CHAP. 24.—JOINT RESOLUTION authorizing the governor, on behalf of the state, to accept the gift of the Lee monument.

Approved December 19, 1859.

Resolved by the senate (the house of delegates concurring), Whereas it has been brought to the notice of the general assembly that the Lee monument association proposes, as the most graceful and appropriate disposition of the equestrian statue of General Robert E. Lee, about being completed in the city of Paris, and of the monu-

ment of which it is to form a part, to present the same to the Commonwealth; and whereas this patriotic purpose is highly appreciated and approved by the general assembly.

1. Be it therefore resolved by the general assembly of Virginia, That the governor be, and he is hereby authorized and requested, in the name and in behalf of the Commonwealth, to accept, at the hands of the Lee monument association, the gift of the monument or equestrian statue of General Robert E. Lee, including the pedestal and circle of ground upon which said statue is to be erected, and to execute any appropriate conveyance of the same, in token of such acceptance, and of the guarantee of the state that it will hold said statue and pedestal and ground perpetually sacred to the monumental purpose to which they have been devoted.

EXHIBIT B

367 Lee Monument Assn To } Deed State of Virginia

Whereas the Lee Monument Association has finished the work for which it was organized and whereas it is deemed by all the parties to this instrument to be the most graceful and appropriate supplement to that work the Equestrian Statue of General Robert E Lee about being completed for said association in the City of Paris and the monument of which it is to form a part should be presented to the Commonwealth and whereas the General Assembly of Virginia highly appreciating and approving this patriotic purpose has by special statute approved the 19th day of December 1889 accepted the gift and authorized and requested the Governor in the name and on behalf of the Commonwealth to execute any appropriate conveyance of the same in token of such acceptance and of the guarantee of the State herein [belong?] set out

Now therefore this deed made this the 17th day of March 1890 between the Lee Monument Association party of the first part and Otway S. Allen and Mary McDonald Allen his wife, Roger Gregory and Bettie F. Gregory his wife who was Bettie F. Allen and N.M. Wilson and Martha A. Wilson his wife who was Martha Allen, parties of the second part and the State of Virginia a party of the third part

Witness[to?] That the parties of the first part in consideration of the promises by and with the approval and consent of the parties of the second part who were the original grantors of the Monument Site, signify by their Execution of this Instrument, do grant[,] transfer and convey unto the party of the third part with Special Warranty the following property to wit: That piece or parcel of land lying and being in the County of Henrico just beyond the present western confines of the City of Richmond contained within a circle whose radius is (100) One Hundred feet whose centre is the middle point of the intersection of Monument Avenue and Allen Avenue and whose location and description are more fully and clearly shown upon a plat of The Wm C Allen Addition recorded on the 27th day of April 1889 in plat Book No. 6, page 63 in the Clerks Office of the County Court of Henrico County to which plat reference is hereby [special?]

made the property herein above conveyed, which is the Monument Site being indicated on said plat by the figure and the word "Circle."

Also the pedestal erected and about being completed upon said site and the Equestrian Statue of General Robert E Lee being executed by M. Mercie in the City of Paris and now completed which statue is to be placed upon said pedestal the whole constituting the Monument to General Robert E. Lee, for the erection of which the said Lee Monument Association was organized.

The State of Virginia, party of the third part acting by and through the Governor of the Commonwealth and pursuant to the terms and provisions of the Special Statute herein before mentioned executes this instrument in token of her acceptance of the gift and of her guarantee that she will hold said Statue and pedestal and Circle of ground perpetually sacred to the Monumental purpose to which they have been devoted and that she will faithfully guard it and affectionately protect it.

Witness the following Signatures and Seals P.W. McKinney, President L.M. Assn {Seal} N.M. Wilson {Seal} Martha Allen Wilson {Seal} Roger Gregory {Seal} Bettie F. Gregory {Seal} Otway S. Allen {Seal} Mary McDonald Allen {Seal} P.W. McKinney, Governor {Seal}

Virginia, City of Richmond} To wit: I C. Lee Moore, a Notary Public in the State and for the City aforesaid to certify that P.W. McKinney, President of the Lee Monument Association, whose name as president is signed to the above writing bearing date the 17th day of March 1890 personally appeared before me in my city aforesaid and acknowledged the same to be the act and deed of the said Association and that he executed the same and affixed thereto the common seal of said Association testimony whereof by virtue of his authority

as president and also by the Special Authorization and direction of the Board of Managers of the said Association. Given under my hand this 17th day of March 1890. C. Lee Moore, Notary Public

Virginia, King William County} To wit: I O.M. Winston, a Justice of the peace for the County of King William in the State of Virginia, do certify that Roger Gregory and Bettie F. Gregory his wife whose names are signed to the writing hereto annexed bearing date on the 17th day of March 1890 appeared before me at their residence Elsing Green in the said County of King William and, acknowledged the same to be their act and deed. Given under my hand this 19th day of March A.D. 1890 O.M. Winston, J.P>

City of Richmond, State of Virginia} To wit: I M.L. Spotswood a Notary Public for the City aforesaid in the said State do hereby certify that Otway S. Allen and Mary McDonald Allen his wife whose names are signed to the writing hereto annexed bearing date March 17th 1890 have acknowledged the same before me in my City aforesaid. Given under my hand this 21st day of March 1890 M.L. Spotswood, N.P.

State of Virginia, City of Richmond} To wit: I W.S. [Dash...?], a Notary Public for the City aforesaid in the state of Virginia do certify that N.M. Wilson and Martha Allen Wilson his wife whose names are signed to the [within?] writing dated 17th day of March 1890 have acknowledged the same before me in my City aforesaid. Given under my hand this 20th day of March 1890 W.S. [Dash...?]

370 State of Virginia, City of Richmond} To wit: I C. Lee Moore a Notary Public in the State and for the City aforesaid do certify that P.W. McKinney Governor of Virginia whose name as Governor is signed to the above writing bearing date the 17th day of March 1890 personally appeared before me in my City aforesaid and acknowledged the same to be the act and deed of the Governor of Virginia. Given under my hand this 27th day of March 1890. C. Lee Moore, Notary Public.

For
As
To
State of
Virginia

I have read the Law Ordinance
had finished the work for which
granted, and whereas it is deemed to
be a suitable instrument to be the
an appropriate supplement to the
Equestrian Statue of General Robt
having completed for said Associa
of Paris. and the monument of which
a part should be presented to
and whereas the General Assembly
highly appreciating and approving
purpose had by special statute
19th day of December 1889, a corp
authorized and requested the Gov
and on behalf of the Commonwealth
appropriate conveyance of the sa
of such acceptance and of the qua
State herein below set out.

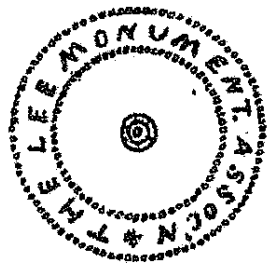
Now therefore this deed
the 19th day of March 1890. before
Prominent Association parties
and Otway S. Allen and Mary Ann
his wife, Roger Gregory and Pi
his wife who was Petie T. G.
Wilson and Martha A. Wilson he
was Martha Allen parties of th
and the State of Virginia parties.

Witnesseth That
the first part, in consideration
by and with the approval and consent
of the second part, who were of
granted of the Monument in
by their execution of this Instrument

makes the property hereon above
 which is the Monument Site
 on said plot by the figure of the
 Alt. the pedestal erect-
 ing completed upon said site of
 Statue of General Robert E. Lee
 by Dr. Mercier in the City of Wash-
 ington, which statue is to be per-
 manently the whole constituting
 to General Robert E. Lee, for the
 which the said Lee Monument Association
 organized

The State of Virginia, for
 part, acting by and through the
 the Commonwealth and pursuant to
 provisions of the Special Statute her-
 tioned, executed this instrument in
 acceptance of the gift, and that she
 she will hold said Statue and the
 ground perpetually sacred to the
 purposes to which they have been
 she will faithfully guard it and
 protect it.

Witness the following Signatures:



J. W. Kinney
 L. M. ...
 W. M. ...
 ...
 ...
 ...
 ...

at President of the State by the Special
direction of the Board of
and Association
Given under my hand this 17th
1890.

C. Lee Over
Notary

Virginia

King William County } To-wit:

J. O. Onkins

the peace for the County of King
the State of Virginia, do certify
Gregory and Peter T. Gregory his
are signed to the writing hereto
date on the 17th day of March, 1890
met at their residence Elting
County of King William, and
same to be their act and deed
Given under my hand this 19th
A. D. 1890.

C. O. Onkins

City of Richmond } To-wit:

State of Virginia } J. O. L. Spalding

J. O. L. Spalding

Public for the City aforesaid, do
do hereby certify that Oliver S.
On^o Donald Allen his wife who
signed to the writing hereto, on
date March 17th 1890, have
same before me - in my City afo
Given under my hand this 21st

On S. Spalding

State of Virginia
 City of Richmond, J. C. Lee
 and the State of for the City of Richmond do certify
 sp. W. P. Kinney Governor of Virginia who
 as Governor is signed to the above with
 my date the 17th day of March 1890 after
 appeared before me in my City of Richmond
 acknowledged the same to be the act
 the Governor of Virginia.
 Given under my hand this 17th day of C

J. C. Lee
 Notary Public

This deed was presented to the Clerk of
 Henrico County Court on the 28th day of
 and with the certified copies admitted
 at 10 o'clock A.M.

Teste Samuel P. Hassen
 C. H. C.

11 May 1890
 all
 to cert.
 this deed
 1890 Apr 30
 City of Richmond
 Hill

This deed made this 22nd day of
 and the year One thousand Eight Hundred
 Ninety between Maggie A. Garrett
 Denig and Garrett of the said Denig K. Garret
 ties of the first part of Reuben T. Hill
 the second part. Witnesseth That in
 about of the sum of Four Hundred (\$400) do
 the said parties of the first part do give
 the said Reuben T. Hill with General W.
 all these two certain pieces or parcels of
 all the improvement thereon lying in
 the County of Henrico, about Three miles
 the City of Richmond bounded & describes
 land: viz

A PLAT of that part of the real estate of the late Wm C. Allen, to be called THE W. C. ALLEN ADDITION lying West of Lombardy Street, partly in the City of Richmond and partly in the County of Henrico, between Broad Street extended and Park Avenue formerly South Park Road, extending Westward to a straight line between two stone monuments marked W. 1 and 2 on the South side of Broad Street extended, the other on the North side of Park Avenue or South Park Road.

The subdivision appearing in the PLAT is made with the free consent and in accordance with the desire of the undersigned owners, and proprietors of the land embraced therein pursuant to Sections 1 & 2 Chapter 476. Session Acts of the Assembly of 1887-8.

Bates & Dalton
Engineers

Dec 18 1888



John H. Lee

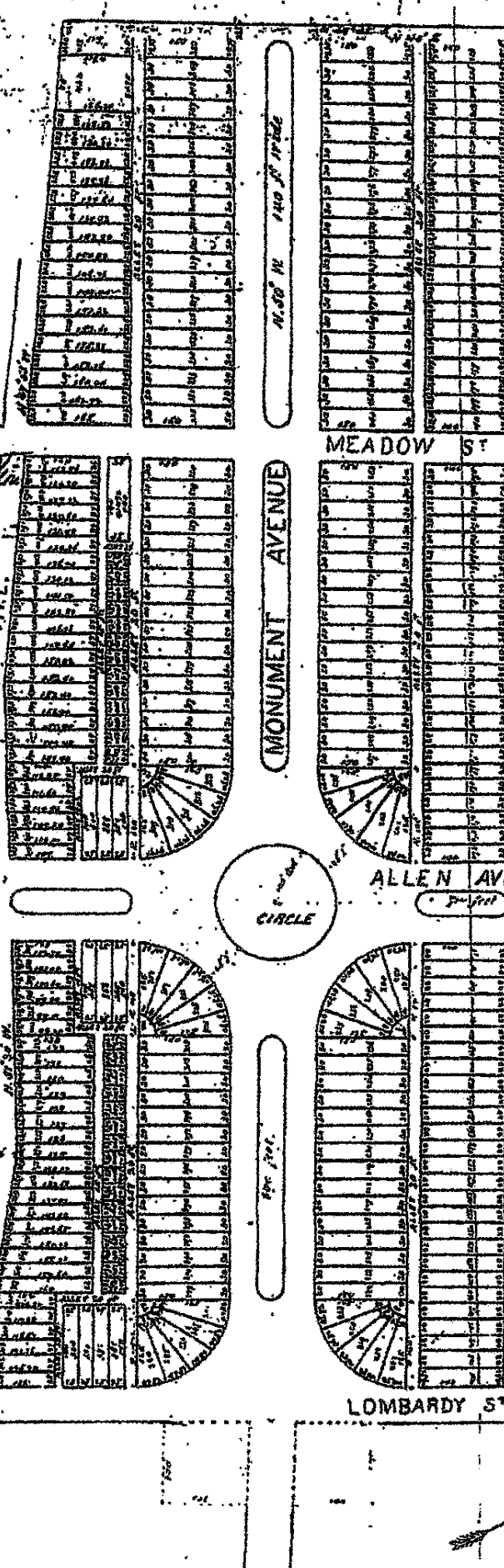
President Lee Monument Association

Thomas A. Allen
Martha E. Donaldson

Roger Gregory
Betty F. Gregory

W. M. Wilson

Wm. Allen Wilson



State of Virginia
City of Richmond

I, C. Lee Moon a Notary Public for the City of Richmond in the State of Virginia do hereby certify that the following Association whose name is signed to the above plat bearing date on the 18th day of December 1888, personally appeared before me in my City aforesaid, and declared that same to be the act and plott of the association, so far as their rights and interests are concerned therein and affixed thereto the common seal of said association in testimony thereof by virtue of his authority as President and clerk by the special authorization and direction of the Board of Managers of the said association given under my hand this 22nd day of April 1889

EXHIBIT C

just beyond the present western confines of the City of Richmond, contained within a circle whose radius is 100 (one hundred) feet, and whose centre is situated on the prolongation of the centre or middle line of Franklin Street west of Lombardy Street, and distant 890 (eight hundred and ninety) feet from the eastern line of Lombardy street. Said property is indicated on the plot hereinafter mentioned, by the figure and the word "Circle." To have and to hold the said property or "Circle", to the following uses and purposes and none other, to wit, as a site for the Monument to General Robert E. Lee which it is the end and object of the Monument Association to erect.-

And said Association also executes this conveyance, in testimony of its approval thereof, its recognition of the use and purpose to which the said piece of land is to be held, and its agreement and covenant to carry out the said purpose, and to hold the said property only for the said use.

And this deed further Witnesseth, that the parties of the first part, as an integral part of the general design and transaction, and as indissolubly connected with the conveyance above made of the Monument site, do hereby dedicate and set apart, to the public, the following pieces and parcels of real estate, to be used as avenues of the length, width, description and designation hereinafter set forth, leading to and intersecting at said Monument site or "Circle", and an open area or "Place", about said circle, of the boundaries, description and designation hereinafter set forth, - viz;

- 1st. "Monument Avenue", being that portion of land, lying west of Lombardy street, with a centre or middle line coinciding with the prolongation of the centre line of Franklin street, and of a width of 140 (one hundred and forty) feet-- being a width of 70 (seventy) feet on each side of the above

mentioned centre line, and extending westward from the western line of Lombardy street to the western terminus of the Allen Estate.

2nd. "Allen Avenue", being that portion of land lying between Broad street and Park avenue, of a width of 140 (one hundred and forty) feet, being a width of 70 (seventy) feet on each side of a centre or middle line passing through the centre of the "Circle" above conveyed, at right angles to the centre line of Monument avenue.

3rd. "Lee Place" being that portion of land at the intersection of Allen and Monument avenues, bounded on the inside by the circumference of the "Circle" above conveyed, and on the outside by four quadrant arcs whose radii are each 160 (one hundred and sixty) feet, and whose centres are situated on the four corners of a square, the sides of which are 460 (four hundred and sixty) feet in length, and respectively parallel to Allen and Monument Avenues, and the centre of which coincides with the centre of the "Circle" above conveyed, - said arcs terminating where each is tangent to the limiting sides of the two avenues.

No portion of either of the quadrants bounded by said arcs is to be considered as part of "Lee Place", nor as embraced within any of the clauses or provisions of this deed; - nor is the area contained within the "Circle" above conveyed, to be considered a part of either "Allen" or "Monument Avenues" or of "Lee Place"; - but "Lee Place" is to be considered and used as a continuation and connection between the two parts into which strictly speaking, it divides each of said avenues, which may be regarded as broken where the quadrant arcs aforesaid are tangent to its sides.

It was originally agreed upon as a feature of the plan of the surroundings, and as an inducement to the selection of the

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location for the Monument, and it is therefore hereby expressly provided, so far as the same may be legally and permanently fixed by this deed - that no tree or other object of sufficient size to interfere with the view of the Monument, shall ever be planted or located, or allowed to be, upon or above the centre line of either of the Avenues aforesaid, or within 35 (thirty five) feet thereof, except by the consent of the Lee Monument Association - the object being to provide and secure an unobstructed view and vista along the centre or middle portions of both said avenues.

Reference is hereby made to the plot above referred to, and to be recorded herewith as a part hereof, for a simpler and less technical identification and description of the property hereby intended to be conveyed and dedicated.

Witness the following signatures and seals.

John H. Lee
Pres't

Oliver S. Allen Seal

Roger Gregory Seal

Bettie F. Gregory Seal

N. M. Wilson Seal

Martha Allen Wilson Seal
Attest
William W. [unclear]
Not Sec

State of Virginia
City of Richmond to wit.

I, J. S. Apperson a Notary Public for the City of Richmond in the State of Virginia, do certify that Oliver S. Allen, Roger Gregory and N. M. Wilson whose names are signed to the writing hereto annexed, bearing date on the fifteenth day of July 1887 have acknowledged the same before me in my City aforesaid. And I do further certify that Bettie F. Gregory the wife of Roger Gregory and Martha Allen Wilson the wife of N. M. Wilson whose names are also signed to said writing personally appeared before me

TKK

in the City aforesaid, and being examined by me privately
and apart from their husbands, and having the writing
aforesaid fully explained to each of them, she, the said
Bettie F. Gregory and she, the said Martha Ellen Wilson
each acknowledged the said writing to be her act, and
each declared that she had willingly executed the same,
and does not wish to retract it. Given under my hand
this 15th July 1887 J. P. Apperson Not.

State of Virginia:

City of Richmond, to-wit:

I, L. Lee Moore, a Notary Public for
the City of Richmond, in the State of Virginia,
do certify that Fitzhugh Lee, President of
The Lee Monument Association whose name is
signed to the above instrument bearing
date the 15th day of July 1887, person-
ally appeared before me in my City
aforesaid, and acknowledged the
same to be the act and deed of
the said Association; and that he
executed the same, and affixed
thereto the common seal of said
Association in the testimony thereof
by virtue of his authority as Notary
and also by the special authorization
and direction of the Board of Managers
of the said Association. Given under my
hand this
16th day of July 1887.

L. Lee Moore
Notary Public.

