

ACT NO. 85 1 2

BILL NO. 34-0078

THIRTY-FOURTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2021

An Act to transfer certain real property from the Government of the Virgin Islands to the Virgin Islands Port Authority; to require the Virgin Islands Port Authority to pay certain sums to the Education Maintenance Fund; to require Virgin Islands Port Authority to cause a warehouse to be constructed on the former Cancryn Junior High School campus; to require the Virgin Islands Port Authority to provide to the Legislature an architectural rendering of the facility to be constructed at the former Cancryn Junior High School campus; and to provide for other related purposes

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WHEREAS, the real property identified as Crown Bay Fill Parcel No.1 South Side Quarter St. Thomas, Parcel No. 1-05303-0716-00, consisting of 13.74, acres are legally owned by the Government of the Virgin Islands;

WHEREAS, Crown Bay Fill Parcel No. 1, South Side Quarter is zoned Public in the St. Thomas District Zoning map;

WHEREAS, the parcel of land on which the former Addelita Cancryn Junior High School (“former Cancryn Campus”) is filled land, reclaimed by the Government of the Virgin Islands with authority from the United States Department of Interior in the early 1960’s to accommodate the construction of a school;

WHEREAS, the Department of Property and Procurement controls the 13.74 acres of the property on which sits the former Cancryn Campus;

WHEREAS, the Addelita Cancryn Junior High School, built on the filled land, was severely damaged by Hurricanes Irma and Maria in September 2017;

WHEREAS, the Addelita Cancryn Junior High School was subsequently deemed “condemned” and decommissioned as an operable school in the St. Thomas district; and

WHEREAS, the former Cancryn Campus has been abandoned since September 2017;

WHEREAS, the reversionary clause in the 1965 deed was never triggered and became inoperative by virtue of the 1974 Amended Territorial Submerged Lands Act (48 U.S.C. §1705(a)), and the Virgin Islands used the parcel for public education from the 1965 conveyance until 2017;

WHEREAS, the former Cancryn Campus has been partially used as a storage and staging site for electrical contractors;

WHEREAS, the real property sits adjacent to the Crown Bay Fill public wharf which is the main marine cargo shipping port in St. Thomas;

WHEREAS, the best use of the property is to support and expand shipping and storage activities;

WHEREAS, the Virgin Islands Port Authority has jurisdiction and responsibility to own, manage and control the ports and the public marine facilities of the Virgin Islands;

WHEREAS, it is the intent of this Legislature that the Virgin Islands Port Authority should be given control and use of the former Cancryn Campus to be used to expand and support shipping and storage capabilities at the Crown Bay Fill;

WHEREAS, the Virgin Islands Port Authority shall ensure the facility is used to promote and increase commerce and prosperity for the Virgin Islands;

WHEREAS, the Cancryn Campus is zoned Public, and it is not prudent to reconstruct the school on the property;

WHEREAS, since the former Cancryn Campus will no longer to be used for a school, it should be transferred to the Virgin Islands Port Authority; and

WHEREAS, the Virgin Islands Port Authority shall provide a stream of income to the Department of Education to support the operation and maintenance of school campuses from revenues collected from the use of said property; Now, Therefore,

Be it enacted by the Legislature of the United States Virgin Islands:

SECTION 1. Notwithstanding any other law to the contrary, the Government of the Virgin Islands shall transfer the real property located at Crown Bay Fill No. 1 South Side Quarter St. Thomas, Virgin Islands, "the former Cancryn Campus", to the Virgin Islands Port Authority for purpose of operating marine cargo, storage and transshipment operations.

SECTION 2. In exchange for the use and possession of the real property described in section 1, the Virgin Islands Port Authority shall pay to the Government of the Virgin Islands 50% of the income derived from the commercial use of the former Cancryn Campus, and such payments must continue in perpetuity unless otherwise provided by law.

(a) The Port Authority shall begin Payments in the 37th month after receiving the property from the Government of the Virgin Islands. The payments must be deposited into the Education Maintenance Fund, established in 33 V.I.C. § 3092a.

(b) Fifteen years after receiving the property, the Virgin Islands Port Authority and the Virgin Islands Department of Property and Procurement shall renegotiate the percentage of income from the commercial use of the former Cancryn Campus to be remitted to the Education Maintenance Fund; however, the amount remitted must never be less than 50 % of income generated by use of the property.

SECTION 3. (a) The Virgin Islands Port Authority shall cause to be constructed on the former Cancryn Campus a warehouse that:

(1) is capable of both dry storage and cold storage for the school lunch program, and any other warehousing and storage needs of the Department of Education with the exception of maintenance and construction tools and supplies;

(2) consists of no less than 35,000 square feet; and

(3) includes a reasonable parking area for use by the Department of Education.

(b) The construction must be completed no later than 36 months after the effective date of this act.

(c) No later than 120 days after enactment of this act, the Executive Director of the Virgin Islands Port Authority and the Commissioners of Education and Property and Procurement shall meet and establish the location of the warehouse site and enter into a memorandum of understanding subject to the approval of the Governor.

(d) No later than 90 days after enactment of this act or prior to the commencement of any construction pursuant to this act, whichever occurs first, the Virgin Islands Port Authority shall provide to the Legislature an architectural rendering of the facility to be constructed at the former Cancryn Campus which must include greenspace and aesthetically pleasing aspects adjacent to the main road on Veterans Drive.

(e) The provisions of this section are binding upon any lessee or licensee of the premises and must be incorporated into any lease or license to use the premises.

Thus passed by the Legislature of the Virgin Islands on November 18, 2021.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 23rd Day of November, A.D., 2021.




Donna A. Frett-Gregory
President


Genevieve R. Whitaker
Secretary



Bill No. 34-0078 is hereby approved.

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, This 6th day of December, 2021 A.D.


Albert Bryan Jr.
Governor