



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES
DEPARTMENT OF PLANNING AND NATURAL RESOURCES
Cyril E. King Airport, Terminal Building 2nd Floor, St. Thomas, USVI, 00802

Report on Petition to Amend Official Zoning Map No. STZ-7

Application No. ZAT-15-3

Petition of Winsor and Juel Daniel to amend Official Zoning Map No. STZ-7 from R-2 (*Residential- Low Density- One and Two Family*) to B-2 (*Business- Secondary/Neighborhood*) for Parcel No. 5-2 Estate Raphune, No. 5Ba New Quarter, St. Thomas.

PROJECT PROFILE

- Owner/applicant:** Winsor Emerson Daniel and Juel Delores Daniel, Co-Trustees of the Winsor Emerson Daniel Trust and The Juel Delores Daniel Trust as per Warranty Deed dated September 29, 2006.
- Acreage:** The property consists of 0.25 acres as described on Drawing No. F9-3404-T75 dated October 28, 1975.
- Current Use:** The property is developed with a single, two-story commercial building. A church is currently the only tenant on site.
- Proposed Use:** The applicants intend to bring the 20+ years of business use on the property into zoning conformity.
- Surrounding Uses:** The property is surrounded by vacant land to the north, commercial and residential activity to the south, a church to the east, and commercial activity to the west.
- Infrastructure:** Water needs are supplied by a 60,000 gallon cistern, and wastewater handled by a septic tank.
- Public Response:** At DPNR's public hearing held April 23, 2015, former Assistant Commissioner of Planning and Natural Resources, Brian Turnbull, spoke in support of the petition. He stated he was involved with the original rezoning request for Parcel 5-2 which mistakenly rezoned Parcel No. 5-1 Est. Raphune in 1988. The pastor of the church to the east placed on the record that he was concerned with what impact the rezoning could have on services.
- ANALYSIS:** During the Department's public hearing, Mr. Winsor Daniel testified that in 1988, he had petitioned for a rezoning of Parcel No. 5-2 Estate Raphune from R-2 to B-2. ACT 5408, however, rezoned Parcel No. 5-1 Estate Raphune in error, which was and continues to serve as the applicants' residence. In 1989, Parcel No. 5-2 was developed under approving agencies' interpretation

that it was rezoned to B-2. This petition seeks to correct the error made in ACT 5408 and allow the applicants to bring the existing long-term business uses into zoning conformity. The applicants propose no changes to the already developed site.

The lot is surrounded by a mix of R-2 and rezoned B-2 properties. The frontage lots along Weymouth Rhymer Highway have been rezoned over the years to accommodate business uses. After analyzing the applicants' request, the department considered the property's business use over the last 26 years, the applicants' intent to continue such use, and the impact the rezoning would have on neighboring properties. The Department has no objection to the granting of the request.

Recommendation:

The Department of Planning and Natural Resources recommends that Official Zoning Map No. STZ-7 be amended from R-2 (*Residential- Low Density- One and Two Family*) to B-2 (*Business- Secondary/Neighborhood*) for Parcel No. 5-2 Estate Raphune, No. 5Ba New Quarter, St. Thomas.



Dawn L. Henry, Esq.
Commissioner Designee

5/21/15

Date



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES

8100 LINDBERGH BAY, STE. #61
CYRIL E. KING AIRPORT TERMINAL BLDG., SECOND FLOOR
ST. THOMAS, VIRGIN ISLANDS 00802

Office of the Commissioner

Telephone: (340) 774-3320
Fax: (340) 775-5706

March 8, 2015

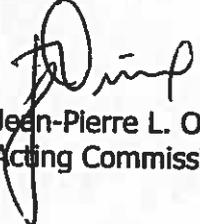
Honorable Neville A. James
President, 31st Legislature of the United States Virgin Islands
Capitol Building
Charlotte Amalie, St. Thomas, USVI 00802

Dear Senate President James:

Mr. Winsor Daniel has met with staff of the Department of Planning and Natural Resources' (DPNR) Division of Comprehensive and Coastal Zone Planning to discuss plans to rezone Parcel No. 5-2 Estate Raphune, No. 5Ba New Quarter, St. Thomas, from R-2 (*Residential- Low Density- One and Two Family*) to B-2 (*Business- Secondary/Neighborhood*). The purpose of this request is to bring the property into zoning conformity.

Having had the pre-application meeting, Mr. Daniel can proceed with the filing of the application for the property's zoning map amendment. DPNR will schedule a public hearing on the proposed rezoning after notification is provided by the Legislature that the application has been duly filed.

Sincerely,


Jean-Pierre L. Oriol
Acting Commissioner

Office Use Only	
Tracking No.	_____
Date Application Received:	_____
Reviewed by:	_____
Date Application Deemed Complete:	_____
Date of Pre-Application Meeting:	_____



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

DEPARTMENT OF PLANNING AND NATURAL RESOURCES
 Division of Comprehensive & Coastal Zone Planning

St. Croix
 PH: 773-1082/ Fax: 713-2418

St. Thomas
 PH: 774-3320/ Fax: 714-9534

Official Zoning Amendment Request Form

Zoning Amendment Request is for: Rezoning Use Variance

1. Applicant's Name MR. & MRS. WINSOR'S JUEL DANIEL
 Mailing Address P.O. Box 9496
 City ST. THOMAS State Virgin Islands Zip 00801
 Telephone 340-775-4979 Fax _____ E-mail JuelDaniel50@gmail.com

Note: Official correspondence will be mailed to the address above

2. Contact Person/Representative WINSOR DANIEL
 Telephone 340-201-7938 Fax _____ E-mail _____
3. Property Address Parcel No. 5-2 ESTATE RAPHUNE, ST. THOMAS
4. Tax Assessor's Parcel I.D. Number 1-05504-0117-00 (P.W.D. File No. F9-3404)
5. Current Zone R-2 Proposed Zone or Use Variance B-2
6. Site Acreage 0.25 AC.

7. Property Owners Name(s) MR. Winsor & Mrs. Juel Daniel

Address P.O. Box 9496

City ST. THOMAS State Virgin Islands Zip 00801

Telephone 340-775-4979 Fax _____ Email JuelDaniel50@gmail.com

8. Detailed Description of what exists on the property. TWO STORY COMMERCIAL Building - HOUSE A Church on the second FLOOR.

9. Does what exists on the property conform to its current zoning district's requirements?
 Yes No

10. Detailed Description of Proposal:
TO CORRECT AN ERROR IN THE PROPERTY'S RECLASSIFICATION FROM R-2 TO B-2.

11. Is the property served by municipal sewer lines? Yes _____ No
If no, please explain plan for sewage disposal.
THE PROPERTY HAS ITS OWN SELF-CONTAINED WASTE TREATMENT FACILITY - LEGALLY PERMITTED

12. Is the property served by municipal water lines? Yes _____ No
If no, please explain plan for water supply.
THE PROPERTY HAS A CISTERN WHICH SERVES AS ITS PRIMARY SOURCE OF POTABLE WATER.

13. Are there any flood ways on the site? Yes _____ No

14. Are there any cultural/historical resources on site? Yes _____ No
If yes, provide letter from Division of Archaeology and Historical Preservation and describe the resources.

(If uncertain, verify with the Division of Archaeology and Historical Preservation at 772-2021 or 776-8605).
Describe how the cultural/historical resource(s) will be incorporated into the development.
N/A

15. Are there any covenants and restrictions of record on the property? Yes _____ No
If yes, provide a copy of the restrictions.
Do they preclude undertaking of the uses that are proposed? Yes _____ No

Required Submittals

Four Copies of this application along with four copies of those items listed in the checklist below:
Two (2) Copies for Submittal to the Division of Comprehensive and Coastal Zone Planning
One (1) Copy for the applicants records
One (1) Copy for submittal to the Legislature

Documents shall be submitted on letter sized paper (8.5" x 11")

Maps, Surveys, Plans and Renderings shall be submitted in a format no larger than 24" x 36".

Documents larger than 8.5" x 11" shall be folded.

- Letter of Application-** Address letter to the Senate President; Indicate name of property owner(s) and authorized agent(s) with mailing addresses and contact numbers, legal physical address and acreage of parcel(s) to be rezoned, current and requested zone, and specific intent for zoning map amendment.
- Official Recorded and Numbered PWD/OLG Map** (*Must be obtained from and certified by the Office of the Lieutenant Governor, Cadastral Division, St. Croix 773-6449; St. Thomas 774-9906*)
- Adjacent Property Owners Certification-** List of complete names, mailing addresses and plot numbers of all adjacent property owners extending a minimum radius of one hundred and fifty (150) feet from the boundary line of the subject property. (*Obtained from the Office of the Lieutenant Governor, Tax Assessor Division, St. Croix 773-6459 or 772-3115; St. Thomas 776-8505; St. John 776-6737*).
- Recorded Deed** (*Include copy of covenants and restrictions referenced in deed; obtained from the Office of the Lieutenant Governor, Recorder of Deeds, St. Croix 773-6449; St. Thomas 774-9906*)
- Tax Clearance Letter** (*Obtained from the Office of the Lieutenant Governor, Tax Assessor Division, St. Croix 773-6459 or 772-3115; St. Thomas 776-8505; St. John 776-6737*)
- Zoning Map** (*obtained from the Office of the Lieutenant Governor, Cadastral Division*)
- Flood Map** (*obtained from the Office of the Lieutenant Governor, Cadastral Division*)
- Soil Type Map** (*obtained from the Office of the Lieutenant Governor, Cadastral Division*)
- Contract of Sale and/or Lease Agreement** (*if applicable*)
- Power of Attorney** (*Notarized Power of Attorney required if applicant/representative is not the property owner(s) of record or if property is owned by more than one person.*)
- Articles of Incorporation** (*required if the property is owned by a Corporation*)
- Photographs** (*Depicting intervals along the perimeter of the property, its existing on-site conditions, and surrounding neighborhood*)

Conceptual Site Plan- At a minimum scale of 1 inch = 40 feet and includes the following:

- N/A Conceptual layout of the property.
- N/A Existing/proposed building locations and footprint.
- N/A Location of uses and open spaces.
- N/A Location of watercourses (*guts*) and existing/type of vegetation on the site.
- N/A Location of existing/proposed street and driveways, accesses, and circulation patterns.
- N/A Current use and zoning of the site and adjacent property.
- N/A Landscape design and screening/buffering plan.
- N/A Proposed lot size/density and setback.
- N/A Proposed development timing.

Note: You will be notified by the Planning Office if the following items are required.

- Letter from the Division of Archaeology and Historic Preservation (*if applicable; Contact Nos. St. Croix 772-2021; St. Thomas 776-8605*)
- Letter from the Division of Fish and Wildlife (*if applicable; Contact Nos. St. Croix 773-1082; St. Thomas 775-6762*)

PLEASE NOTE: Submittal of the requested information is a prerequisite for a pre-application meeting and **does not** constitute the submittal of an application to the Legislature for a Zoning Map Amendment or Use Variance. **A determination that an application is complete IN NO WAY implies that additional information may not be required.**

I/We attest that the information submitted on this form is a true and accurate representation of my/our development plan(s) for the property.

Print WINSOR DANIEL

Sign Winsor Daniel

Date 12-20-14

Print JUEL DANIEL

Sign Juel Daniel

Date 12/20/14

**WINSOR & JUEL DANIEL
P.O. BOX 9496
ST. THOMAS, U.S. VIRGIN ISLANDS
00801**

jueldaniel50@gmail.com

March 2, 2015

The Hon. Neville James, President
Thirty-First Legislature of Virgin Islands
Capital Building
St. Thomas, U.S. Virgin Islands, 00802

RE: Request Rezoning of Parcel No. 5-2 Estate Raphune (0.25 US acre) From R-2 Residential Low Density To B-2 Business- Secondary/Neighborhood. Owned by Juel & Winsor Daniel of 5-1 Estate Raphune.

Dear Senator James:

In 1988, the Thirteenth Legislature of the Virgin Islands rezoned Parcel No. 5-1 Estate Raphune from R-2 Residential Low Density One and Two Family to B-2 Secondary Business in Bill No. 17-0457 .

During the pre-legislative sessions which enacted Act No. 5408 we, filed and appeared before the Department of Planning and Natural Resources' Division of Comprehensive & Costal Zone Planning and presented and completed all requirements in accordance with the Virgin Islands Zoning Statute in an application to rezone Parcel No. 5-2 Estate Raphune.

The application we filed cited our request to rezone Parcel No. 5-2 Estate Raphune, which immediately adjoins Parcel No. 5-1 Estate Raphune where we built our primary residence where we continue to live for more than thirty years.

Subsequent to receiving the rezoning, we constructed a two story commercial building on Parcel No. 5-2 Estate Raphune and have leased it for the past twenty years to several businesses and a church.

Recently, due to financial constraints we were forced to put Parcel No. 5-2 Estate Raphune up for sale. During the buyers due diligence research, it was re-discovered that the Act No. 5408 which was intended to rezone Parcel No. 5-2 Estate Raphune from R-2 Residential Low Density to B-2 Business, rezoned 5-1 Estate Raphune instead.

The Hon. Neville James, President

March 2, 2015

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Clearly, this was an error, which we had noted several years ago and had requested through our legal counsel that an attempt be made to have it corrected. Given that we had been granted building permits and business licenses to construct and operate our commercial building for these many years on Parcel 5-2 Estate Raphune, we certainly realized that the Department of Planning and Natural Resources acknowledged that Parcel No. 5-2 was rezoned to be developed as commercial property.

Mr. Brian Turnbull, who at the time of the rezoning process was the Assistant Commissioner of Planning and Natural Resources has been assisting us in trying to rectify this matter, both his research and that of ours now reveal that action by you as President of the now Thirtieth Legislature is the only recourse we have to correct the record.

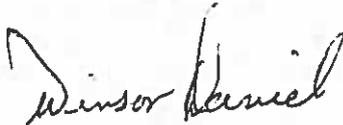
Mr. Turnbull has also met and discussed this matter with both Mr. Stuart Smith, the Director of the Division of Comprehensive and Coastal Zone Planning as well as your executive director, Mr. Iver A. Strdiron, who at the time was the President of the Seventeenth Legislative body in session.

Both Mr. Stridiron and Mr. Smith that their respective records on this matter has been lost or non-existant due either to age or storm damages. We were hoping to get this corrected in the Thirtieth Legislator but was unable to.

We have submitted all the necessary documentation again for the rezoning of 5-2 Estate Raphune from R-2 Residential to B-2 Business so we can continue to do business.

Thank you in advance for scheduling consideration in this matter.

Sincerely,



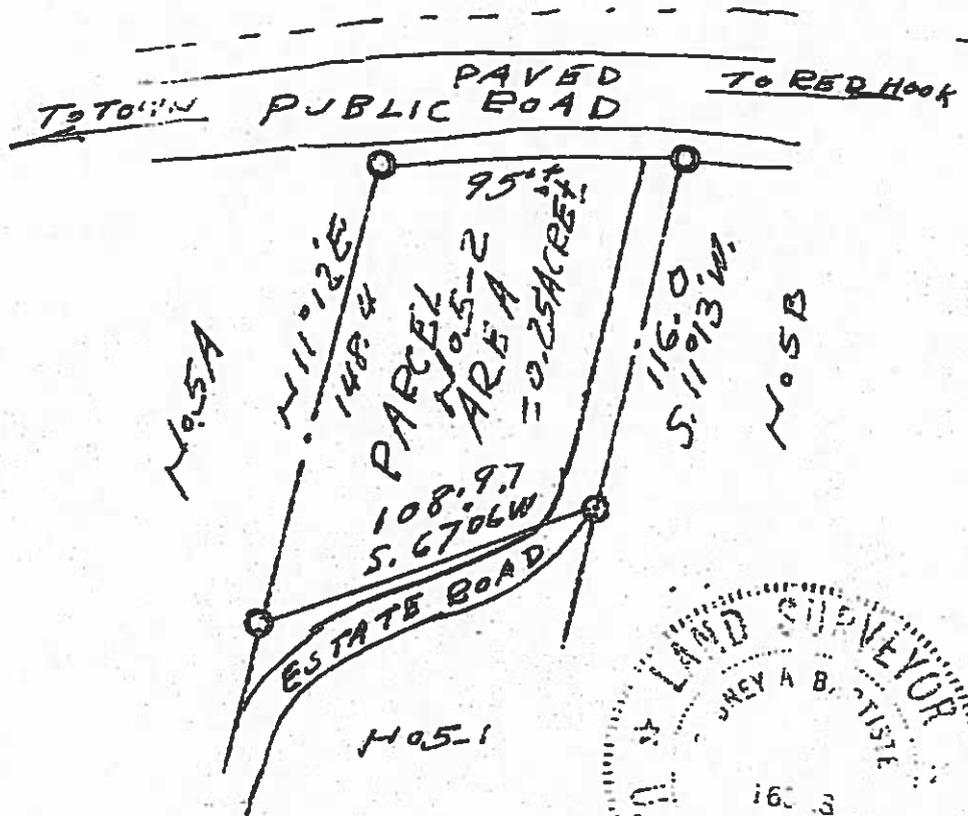
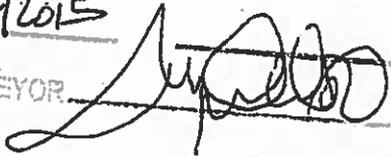
Mr. Winsor Daniel,
(340) 771-7688
(340) 201-7938
(340) 774-4979

CERTIFIED A TRUE COPY

GOVERNMENT OF THE VIRGIN ISLANDS U.S.A.
Office of the Public Surveyor
ST. THOMAS

DATE 2/19/2015

PUBLIC SURVEYOR



SYDNEY A. BAPTISTE
LAND SURVEYOR

ST. THOMAS
VIRGIN ISLANDS

SURVEYED: S.B.
DRAWN:
TRACED:
DATE OCT. 28-75
SCALE 1" = 60'

PARCEL No. 5-2
ESTATE RAPHUNE

P.W. FILE
No. F9-2001

No. 5BA NEW OTB
ST. THOMAS VI.



GOVERNMENT OF
THE UNITED STATES VIRGIN ISLANDS

**OFFICE OF THE LIEUTENANT GOVERNOR
DIVISION OF REAL PROPERTY TAX**

1105 King Street • Christiansted, Virgin Islands 00820 • 340.773.6449 • Fax 340.773.0330
18 Kongens Gade • Charlotte Amalie, Virgin Islands 00802 • 340.774.2991 • Fax 340.774.6953

REAL PROPERTY TAX CLEARANCE LETTER

TO: Recorder Of Deeds
FROM: Office of the Tax Collector

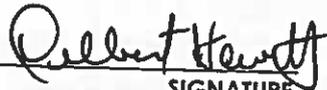
In accordance with Title 28, Section 121, as amended, this shall certify that
there are no outstanding Real Property Tax obligations for the following:

PARCEL NUMBER	1-05504-0117-00
LEGAL DESCRIPTION	RAPHUNE 5-2 5BA NEW QUARTER
OWNER'S NAME	DANIEL , WINSOR E. & JUEL D. (CO-TRUSTEES)

Taxes have been researched up to and including 2013.

CERTIFIED TRUE AND CORRECT BY

DELBERT HEWITT
DEPUTY CHIEF OF STAFF


SIGNATURE

2/25/2015

DATE

TERRITORY OF THE VIRGIN ISLANDS)
) SS.:
DIVISION OF ST. THOMAS & ST. JOHN)

On this, the 17th day of September, 1980, before me, the undersigned officer, personally came and appeared ALFRED DALEY, to me known, or proven to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

Jean B. Goodrich
Notary Public

NOTED IN THE PUBLIC SURVEYOR'S RECORD
FOR COUNTRY PROPERTY, BOOK FOR
ESTATE RAPHUNE, NO. 5Ba NEW
QUARTER, ST. THOMAS, VIRGIN
ISLANDS.

OFFICE OF PUBLIC SURVEYOR
ST. THOMAS, V.I. Sept 17, 80
J. Louis M. Harrigan
Louis M. Harrigan
PUBLIC SURVEYOR
P.I.C.R. # 835650
J

ATTEST:

IT IS HEREBY CERTIFIED THAT THE ABOVE MENTIONED PROPERTY / S WHICH, ACCORDING TO Warranty Deed dated Sept. 11, 80 BELONGS TO WINSOR and JUEL DANIEL. HAS NOT, ACCORDING TO THE RECORDS OF THIS OFFICE, UNDERGONE ANY CHANGES AS TO BOUNDARIES AND AREA.

OFFICE OF THE PUBLIC SURVEYOR,
ST. THOMAS, V.I. Sept 17, 1980.
J. Louis M. Harrigan
Louis M. Harrigan
PUBLIC SURVEYOR

RECORDED AND INDEXED IN THE RECORDER'S OFFICE FOR THE DISTRICT OF ST. THOMAS AND ST. JOHN, VIRGIN ISLANDS OF THE U.S.A. OK 21-2 PAGE 132 SUB NO. 3547 AND ENTERED IN THE REAL (PERSONAL) PROPERTY REGISTER FOR QUARTER NO. _____ (AUXILIARY)

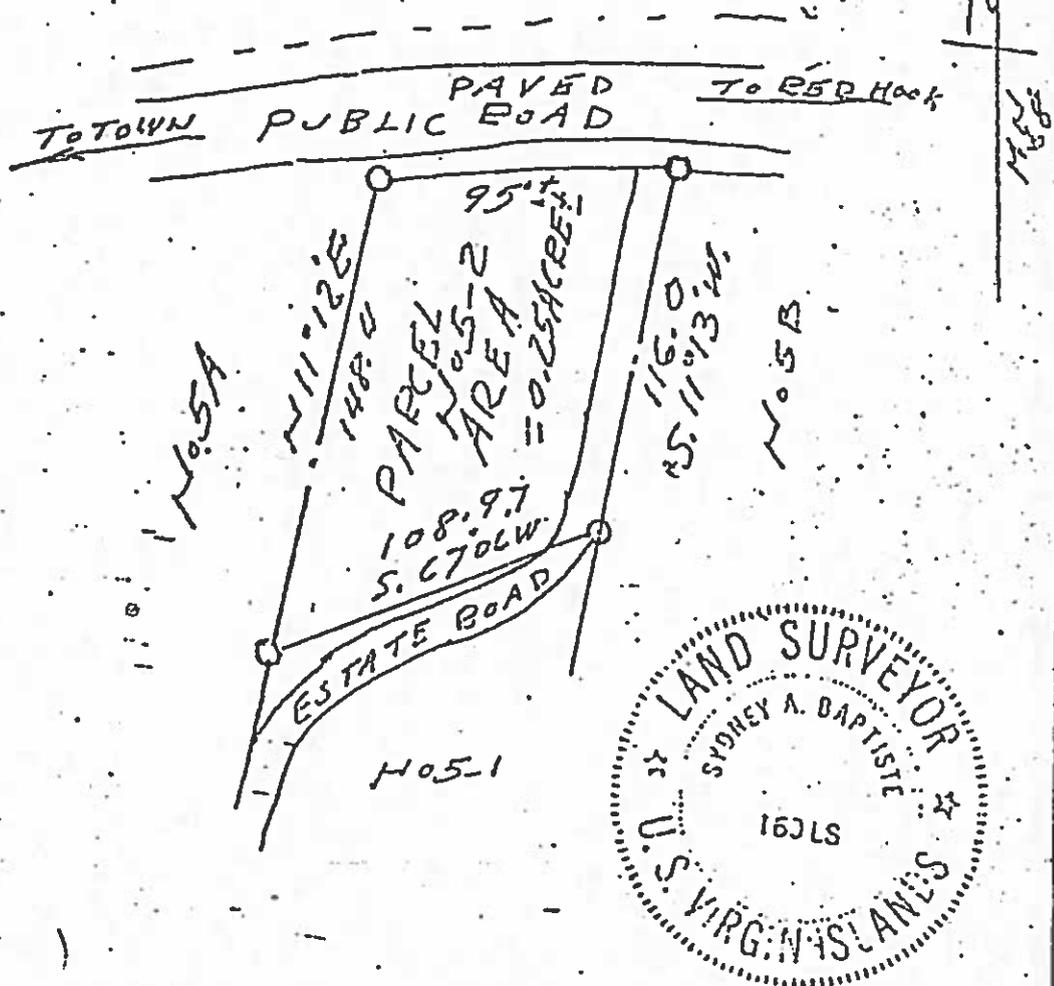
33 PAGE 119

September 24, 1980
Elise Viallet
DISTRICT RECORDER OF DEEDS

RECEIVED FOR RECORDING AT THE RECORDER'S OFFICE ON THE 24th DAY OF Sept 1980 AT 10:51

O'CLOCK PM

Elise Viallet
DISTRICT RECORDER OF DEEDS



SYDNEY A. BAPTISTE LAND SURVEYOR		ST. THOMAS VIRGIN ISLANDS
SURVEYED: S.B.	DRAWN:	PARCEL No. 5-2 ESTATE RAPHUNE
TRACED:	DATE OCT. 28 1975	
SCALE 1" = 60'		
FILE	No. F9-3404-725	No. 5BA NEW QTR. ST. THOMAS VI.

BOUNDARY DESCRIPTION OF
PARCEL NO. 5-1 ESTATE RAPHUNE NO. 5BA NEW QUARTER
ST. THOMAS, VIRGIN ISLANDS

Dated: October 28, 1975

Ref: P.W. File No. F9-3403-T75

Beginning at a bound post which marks the Northeast corner of said Parcel No. 5-1 Estate Raphune the line runs;

South 11 degrees 13 minutes West along Parcel No. 5B Estate Raphune a distance of 155.15 feet to a bound post thence turning and running;

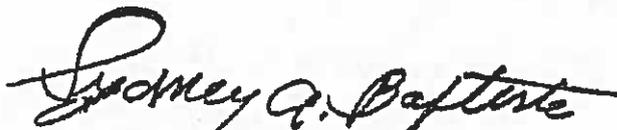
North 78 degrees 31 minutes West along Parcel No. 5 Estate Raphune a distance of 89.6 feet to a bound post thence turning and running;

North 11 degrees 12 minutes East along Parcel No. 5A Estate Raphune a distance of 90.87 feet to a bound post thence turning and running;

North 67 degrees 06 minutes East along Parcel No. 5-2 Estate Raphune a distance of 108.95 feet to the point of beginning.

The Area is 0.25 Acres more or less.

All distances are in U.S. Feet and all bearings are magnetic.



Sydney A. Baptiste
Land Surveyor

WARRANTY DEED

Grantors, **WINSOR DANIEL, a/k/a WINSOR EMERSON DANIEL and JUEL DANIEL, a/k/a JUEL DELORES DANIEL**, husband and wife, whose address is P.O. Box 9496, St. Thomas, VI 00801, hereby Warrant, Transfer, Grant, Convey and Deed to **WINSOR EMERSON DANIEL and JUEL DELORES DANIEL, CO-TRUSTEES OF THE WINSOR EMERSON DANIEL TRUST and THE JUEL DELORES DANIEL TRUST** dated Sept. 29, 2006, whose address is P.O. Box 9496, St. Thomas, VI 00801, the following described real property located on the Island of St. Thomas, U.S. Virgin Islands, subject to the encumbrances owed thereon, to-wit:

Parcel No. 5-2 Estate Raphune, No. 5Ba New Quarter, St. Thomas, U.S. Virgin Islands, consisting of 0.25 U.S. acre, more or less, as more particularly described on Drawing No. F9-3404-T75 dated October 28, 1975.

SUBJECT TO an easement of right-of-way of approximately 12 feet wide, as shown on Drawing No. F9-3403-T75 and designated Estate Road.

TO HAVE AND TO HOLD the said described real property unto GRANTEES, their heirs and assigns in fee simple forever.

GRANTORS hereby covenant and warrant that they are lawfully seized of the Real Property and have good right to convey the Real Property; that the Real Property is free from encumbrances, except as shown of record; that Grantees shall quietly enjoy the Real Property; and that Grantors will warrant and defend title to the Real Property against the lawful claims of any and all persons whomsoever.

THE SURVIVING TRUSTEE AND SUCCESSOR TRUSTEES HAVE FULL RIGHTS TO SELL, CONVEY, TRANSFER OR ENCUMBER THE PROPERTY HEREIN SET FORTH.

WITNESS the hands of said Grantors _____, 200__.

WINSOR DANIEL
a/k/a WINSOR EMERSON DANIEL

JUEL DANIEL
a/k/a JUEL DELORES DANIEL

WITNESS # 1:

MARION A. FRANCIS
(SIGNATURE):

MARION A. FRANCIS
(PRINT):

address: 1351 THOMAS ST. ST. THOMAS, VI

ST. THOMAS, VI 00000

WITNESS # 2:

[Signature]
(SIGNATURE):

ELUS CHRISTIAN
(PRINT):

address: P.O. Box 7190

ST-Thomas, VI 00001

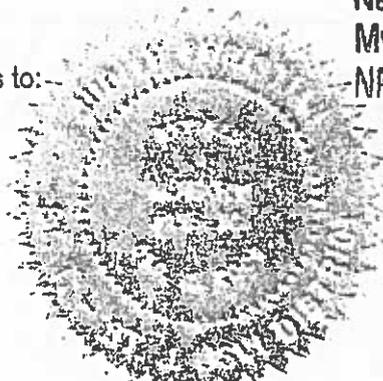
U.S. VIRGIN ISLANDS)
ISLAND OF ST. THOMAS)

On Sept 21, 2000 personally appeared before me **WINSOR EMERSON DANIEL** and **JUEL DELORES DANIEL**, the signers of the Warranty Deed, who duly acknowledged to me that they executed the same.

NOTARY: [Signature]

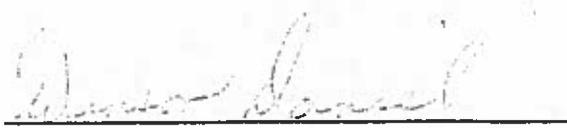
When recorded return to:
GRANTEE
Send subsequent tax bills to:
GRANTEE

Name: Judith Christian
My Commission Expires: Dec. 15, 2006
NP Commission #: NP-021-03



CERTIFICATE OF VALUE

THIS IS TO CERTIFY that the transfer here is exempt pursuant to Title 33, Section 128(8) of the Virgin Island Code. The assessed value pursuant to the Government of the Virgin Island's tax assessment is \$_____.



WINSOR EMERSON DANIEL, Owner

CERTIFICATE OF PUBLIC SURVEYOR

THIS IS TO CERTIFY that according to the records in the Office of the Public Surveyor for St. Thomas - St. John, U.S. Virgin Islands, the property described in the foregoing instrument has not undergone any change as to boundary or area.

OFFICE OF THE PUBLIC SURVEYOR
St. Thomas - St. John, U.S. Virgin Islands

DATE: _____

FEE: _____

Drafted By:
Linda M. Baxter
Attorney at Law
5041 Cotton Valley
Christiansted, VI 00820
(340) 773-9168 Telephone
Fax: (340) 773-5941
lawvi@attglobal.net

AFFIDAVIT FOR EXEMPTION FROM STAMP TAXES ACCORDING TO TITLE 33 SECTION 128 OF THE V.I. CODE

Pursuant to Title 33, Section 128(8) of Virgin Islands Code, I (We) _____ Grantor(s), being duly sworn, depose and say as follows :

That the relationship between Grantor(s) and Grantee(s) with regard to this deed is as follows:(check one)

- Grantor(s) is (are) the owner of said property and is (are) the Settlor(s) of a Living Revocable Trust and therefore exempt from transfer tax pursuant to Title 33, Section 128(8) of the Virgin Islands Code.
- That the Grantor(s) and Grantee(s) are family in the following manner: SELF and therefore exempt from transfer tax pursuant to Title 33, Section 128(8) of the Virgin Islands Code.
- That the deed is prepared solely in order to provide or release security for a debt or obligation.
- That this deed confirms or corrects a deed previously recorded.
- That this deed is involved in the sale of property for delinquent taxes.
- That this deed is involved in the partition of real property.
- That this deed involves deeds given pursuant to mergers, dissolution or consolidations of corporations or transfers by or to subsidiary corporations and a parent corporation for no consideration other than cancellation, surrender or exchange of the parent's or the subsidiary's stocks.
- That this deed is to a nonprofit organization when the property transferred qualifies for tax exemption under the provisions of sub-chapter IV of chapter 81 of this title.

Daniel
OWNER

[Signature]
OWNER

Miriam A. Francis
WITNESS:(print)

[Signature] *ELUS OCHARDIA*
WITNESS:(print)

UNITED STATES VIRGIN ISLANDS)
ISLAND OF ST. THOMAS)

On *Sept 29th*, 200*6*, personally appeared before me *Johnson & Lee J. Concl*, the signer of the within instrument, who duly acknowledged to me that he executed the same.

[Signature]
Notary Public

Name: Judith Christian
My Commission Expires: Dec. 15, 2006
NP Commission #: NP-021-03

Prepared By:
LINDA M. BAXTER
Attorney at Law
5041 Cotton Valley Shores
Christiansted, U.S.V.I. 00820
Telephone (340) 773-9168
Fax: (340) 773-5941
e-mail:lawvi@attglobal.net



DWG. # 3554

SURVEYOR'S REPORT

DATE 10/28/98

THIS IS TO CERTIFY TO, _____

that on OCTOBER 21, 1998, I made an accurate survey of the premises standing in the name of _____ situated at RAPHUNE, ST. THOMAS, US Virgin Islands. Estate Island

briefly described as: PARCEL NO. 5-2 as shown on the accompanying survey entitled: TITLE SURVEY OF PARCEL 5-2, ESTATE RAPHUNE, NO. 5BA NEW QUARTER, ST. THOMAS, US VIRGIN ISLANDS

I made a careful inspection of said premises and of the buildings located thereon at the time of making such survey, and updated on _____, 19____.

I further certify as to the existence or non-existence of the following at the time of my last inspection:

1. Rights of way, old highways, or abandoned roads, lanes or driveways, drains, sewer, water, gas or oil pipe lines across said premises: DRIVEWAY TO PARCEL 5-1
CROSSES PARCEL 5-2. (COMMON OWNERSHIP)

2. Springs, streams, rivers, ponds, or lakes located, bordering on or running through said premises: NONE

3. Cemeteries or family burying grounds located on said premises. (Show location on plat): NONE

4. Telephone, telegraph or electric power poles, wires or lines overhanging or crossing said premises and serving other property or properties: YES

5. Joint driveways or walkways; party walls or rights of support; porches, steps or roofs used in common or joint garages: YES, DRIVEWAY

6. Encroachments, or overhanging projections. (If buildings, projections or cornices thereof, or signs affixed thereto, fences or other indications of occupancy encroach upon or overhang adjoining properties, or the like encroach upon or overhang surveyed premises, specify such: DIRT AND CONCRETE DRIVEWAY ENCROACHES ONTO PARCEL 5-B.
CONCRETE PAVING ENCROACHES ONTO PARCEL 5-A, SEE MAP

7. Building or possession lines. (In case of city or town property specify definitely as to whether or not walls are independent walls or party walls and as to all easements of support or "beam rights." In case of country property report specifically how boundary lines are evidenced, that is, whether by fences or otherwise): PROPERTY MONUMENTS

8. Is the property improved? YES
a) Building is: Masonry (X); Frame (); Other () _____
Specify

b) Building is: One Story (); Two Story (X); Split level (); Other _____
Specify

9. Indications of buildings construction, alterations or repairs within recent months: NONE

a) If new improvements under construction, how far have they progressed? NA

10. Changes in street lines either completed or officially proposed: NONE

a) Are there indications of recent street or sidewalk construction or repairs? NO

DWG. NO. 3554

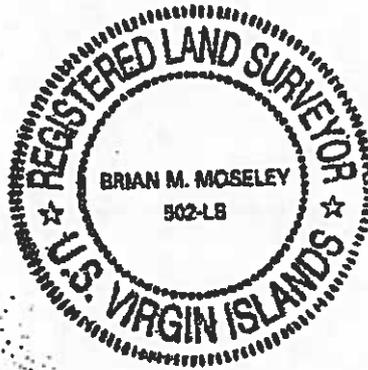
SURVEYOR'S CERTIFICATE

For Parcel(s) 5-2
Estate RAPHUNE
Quarter NO. 5BA NEW QUARTER
Island ST. THOMAS

I hereby certify to _____
that I have conducted this survey on OCTOBER 21, 19 98
in accordance with the minimum standard detail requirements or land
title surveys jointly established and adopted by A.L.T.A. and
A.C.M.S. in 1962, and I further certify that the boundaries of the
surveyed parcel(s) of land and all improvements, encroachments and
easements (where apparent), if any, are as shown on this survey
map; said survey was made by a physical inspection of the premises.

10/20/98
DATE

Brian M. Moseley
Brian Moseley & Associates, Inc.
Brian M. Moseley, RLS #502





OFFICE OF THE LT. GOV.
CASH OTHER
CHECK OR M/O

GOVERNMENT OF

THE VIRGIN ISLANDS OF THE UNITED STATES

PA FEB 10 2015

ID

OFFICE OF THE TAX ASSESSOR

Charlotte Amalie, St. Thomas, U.S.V.I. 00802

COLLECTOR NO. _____
COLLECTOR'S INITIALS _____
THE LIEUTENANT GOVERNOR

KONGENS GADE NO. 18
CHARLOTTE AMALIE
ST. THOMAS, VIRGIN ISLANDS CO
(800) 774-2991

**ADJACENT OWNERSHIP CERTIFICATION
(CZM)**

Property Ownership within 150' Radius of Parcel

This letter is to certify that the following list of owners and addresses are consistent with the record of the Tax Assessor's Office of Charlotte Amalie, St. Thomas, U.S. Virgin Islands.

The stated ownership are those adjacent to Parcel No. (Pin) 5-2
Estate Haphune
Island of St. Thomas, U.S. Virgin Islands.

DEPARTMENT USE ONLY:

AUTHORIZED SIGNATURE: _____

Public Surveyor (Not Valid without Signature)

ALTERNATE SIGNATURE: _____

TAX ASSESSOR

DATE: 2-10-15

FEE: \$30.00

DELIVERED TO CASHIER NO. _____

RECEIVED BY: _____
Signature of Cashier / Assistant Cashier

DATE: _____

Revised 6/20/00

PH 2821584

**ADJACENT OWNERSHIP CERTIFICATION
(CZM)**

Property Ownership within 150' Radius of

PARCEL NO/LOT NO.: 5-2

ESTATE: RAPHUNE

ISLANDS: ST. THOMAS

OWNER'S NAME AND MAILING ADDRESS

PARCEL NO:

**LEWIS, LENNARD
PO Box 303642
St Thomas, VI 00803**

**5 ESTATE RAPHUNE
5BA NEW QTR**

**DANIEL, WINSOR E. & JUEL D. (CO-TRUSTEES)
PO Box 9496
St Thomas, VI 00801**

**RAPHUNE 5-1
5BA NEW QTR**

**ST THOMAS LIQUOR CO LTD
712 Franklin St
State College, PA-16803**

**6A RAPHUNE
NEW QTR**

**CONFRENCE CORP. SEVENTH DAY ADVENTIST P.O BOX 886 ST.
THOMAS, U.S.V.I**

**5B & 5C RAPHUNE
NEW QTR.**

M.A.S.A : 1250 SOUTHLAKE BLVD. SOUTHLAKE, TEXAS 76092

**5A-1 RAPHUNE NEW
QTR.**

**MARKET SQUARE EAST, INC.
PO Box 7020
St Thomas, VI 00801**

**PARCEL C
EST.RAPHUNE
5B NEW QTR.**

**WINSOR & JUEL DANIEL
P.O. BOX 9496
ST. THOMAS, U.S. VIRGIN ISLANDS
00801**

jueldaniel50@gmail.com

. November 24, 2014

The Hon. Shawn M. Malone, President
Thirtieth Legislature of Virgin Islands
Capital Building
St. Thomas, U.S. Virgin Islands, 00802

**RE: Request Correction of Parcel Citation In Act 5408 Which Inadvertently
Rezoned Parcel No. 5- 1 Instead Of Parcel No. 5-2 From R-2 Residential
Low Density To B-2 Business- Secondary/Neighborhood**

Dear Senator Malone:

In 1988, the Thirteenth Legislature of the Virgin Islands rezoned Parcel No. 5-1 Estate Raphune from R-2 Residential Low Density One and Two Family to B-2 Secondary Business in Bill No. 17-0457 .

During the pre-legislative sessions which enacted Act No. 5408 we, filed and appeared before the Department of Planning and Natural Resources' Division of Comprehensive & Costal Zone Planning and presented and completed all requirements in accordance with the Virgin Islands Zoning Statute in an application to rezone Parcel No. 5-1 Estate Raphune.

The application we filed cited our request to rezone Parcel No. 5-2 Estate Raphune, which immediately adjoins Parcel No. 5-1 Estate Raphune where we built our primary residence where we continue to live for more than thirty years.

Subsequent to receiving the rezoning, we constructed a two story commercial building on Parcel No. 5-2 Estate Raphune and have leased it for the past twenty years to several businesses and a church.

Recently, due to financial constraints we were forced to put Parcel No. 5-2 Estate Raphune up for sale. During the buyers due diligence research, it was re-discovered that the Act No. 5408 which was intended to rezone Parcel No. 5-2 Estate Raphune, inadvertently rezoned Parcel No. 5-1.

The Hon. Shawn M. Malone, President

November 24, 2014

Page 2

Clearly, this was an error, which we had noted several years ago and had requested through our legal counsel that an attempt be made to have it corrected. Given that we had been granted building permits and business licenses to construct and operate our commercial building for these many years on Parcel 5-2 Estate Raphune, we certainly realized that the Department of Planning and Natural Resources acknowledged that Parcel No. 5-2 was rezoned to be developed as commercial property.

Mr. Brian Turnbull, who at the time of the rezoning process was the Assistant Commissioner of Planning and Natural Resources has been assisting us in trying to rectify this matter, both his research and that of ours now reveal that action by you as President of the now Thirtieth Legislature is the only recourse we have to correct the record.

Mr. Turnbull has also met and discussed this matter with both Mr. Stuart Smith, the current Director of the Division of Comprehensive and Coastal Zone Planning as well as your executive director, Mr. Iver A. Stridiron, who at the time was the President of the Seventeenth Legislative body in session.

Both Mr. Stridiron and Mr. Smith that their respective records on this matter has been lost or non-existent due either to age or storm damages. Both agrees that upon your directive an appropriate and substitute corrective Bill can be presented, acted upon to correct the record and cure our problem.

Should you or your staff require any additional information or documentation or have any questions relative to the above subject, please do not hesitate to contact me directly at (340) 201 7938, (340) 775 4979 , or you may also contact Mr. Stuart Smith at the Department of Planning and Natural Resources, and your executive direct, Mr. Iver A. Stridiron with whom we have explored and thoroughly discussed this matter.

My wife Juel and I would be most appreciative of anything you can do on our behalf to once and for all correct this oversight.

Thank you in advance for scheduling consideration in this matter.

Sincerely,


Mr. & Mrs. Winsor Daniel,

PC: Honorable Iver A. Stridiron, executive Director, VIL
Honorable Jean Pierre, Acting Commissioner, DPNR
Mr. Stuart Smith, Director, CZP/DPNR
Mr. Brian Turnbull, Independent Advisor

GOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED STATES

— 0 —
OFFICE OF THE GOVERNOR

VIRGIN ISLANDS PLANNING OFFICE

P. O. Box 2606
Charlotte Amalie, St. Thomas, V.I. 00801

NOTICE OF PUBLIC HEARING

REF: APPLICATION NO. 19-88-ZA
Winsor Daniel - Request for
rezoning of Parcel No. 5-1 Estate
Raphune, No. 5BA New Quarter From
R-2 to B-2 Zone

Mr. & Mrs. Winsor Daniel
P.O. Box 9496
St. Thomas, Virgin Islands 00801

Dear Mr. & Mrs. Winsor Daniel

In accordance with the provisions of Act No. 3284 passed by the Ninth Legislature of the Virgin Islands and approved by the Governor on August 8, 1972, you are hereby notified that a Public Hearing has been scheduled by the Planning Office to discuss the above reference application.

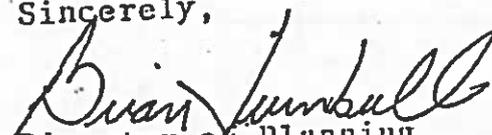
Date of Hearing: Thursday June 29, 1988 ?

Time: 7:00 P.M.

Place: Legislature Chambers
Legislature Building
St. Thomas, Virgin Islands

As an owner of adjoining property, you are urged to attend the Public Hearing and to offer your comments on the proposal.

Sincerely,


Director of Planning
or Authorized Representative



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

DEPARTMENT OF PLANNING AND NATURAL RESOURCES
Division of Comprehensive & Coastal Zone Planning
St. Thomas

Comprehensive and Coastal Zone Planning Fees

Checks and money orders should be made out to: Department of Planning and Natural Resources

DATE: 3/10/15 CHECK NO. _____

Name of Applicant: Winsor Daniel

ZONING FEES:	SUBDIVISION FEES:
--------------	-------------------

\$2 Per page	Application Fee: <u>\$255</u>	Application Fee: \$10
Total number of pages: _____	Additional Acreage Fee: _____	Additional Acreage Fee: _____
Total Amount Due: \$ _____	Total Amount Due: \$ <u>255</u>	Total Amount Due: \$ _____

Staff Signature: *Ricky*

2K2G00P050B3T0L0H0012,00V10H7E4-0060F
MISCELLANEOUS PAYMENT RECPT#: 2951697
Gov't of the U.S. Virgin Islan
2314 Kronprindsens Gade
Charlotte Amalie VI 00802

J. P. ...
2851697
03/11/15

DATE: 03/11/15 TIME: 08:50
CLERK: lricharl DEPT: DOPLAN STT
CUSTOMER#: 0

COMMENT:

CHG: 49REZ1 REZONING ST. TH 255.00

AMOUNT PAID: 255.00

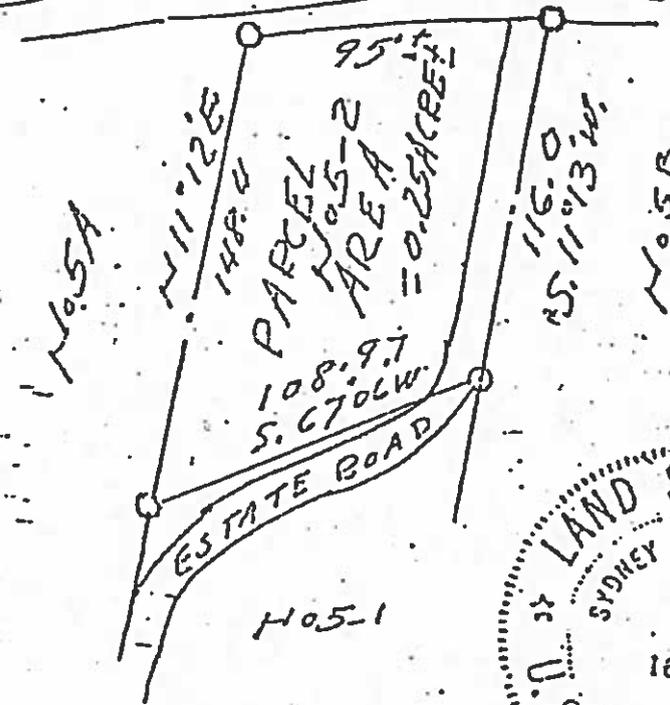
PAID BY: WINSOR DANIEL
PAYMENT METH: CASH

REFERENCE: ZONING

AMT TENDERED: 255.00
AMT APPLIED: 255.00
CHANGE: .00

7 1/2

TO TOWN PAVED PUBLIC ROAD TO RSR Hook



No. 5A

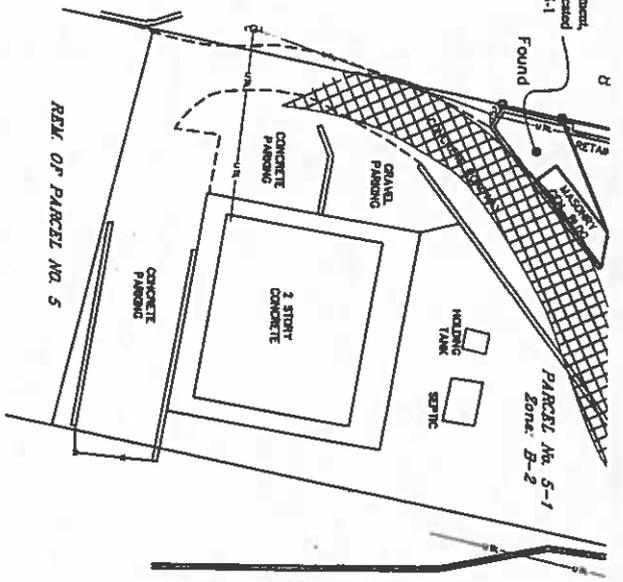
No. 5B

No. 5-1



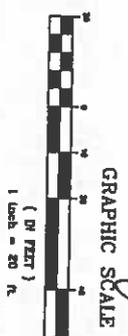
SYDNEY A. BAPTISTE LAND SURVEYOR		ST. THOMAS VIRGIN ISLANDS
SURVEYED: S.B.	DRAWN:	PARCEL No. 5-2
TRACED:	DATE OCT. 28-75	ESTATE RAPHUNE
SCALE 1" = 60'		No. 5BA NEW OTB ST. THOMAS VI.
P.W. FILE		

Wall, concrete pavement,
masonry building located
upon Parcel No. 5-1
738 S.F.
Found



I hereby certify to RE-SURVEY in accordance with the minimum standards set forth in the Virginia Surveying Act of 1962, and I further certify that the boundaries of the surveyed parcel of land and all encroachments, if any, are as shown on this survey map.

10-09-2014
DATE
BRIAN MOSELEY & ASSOCIATES, INC.
Brian C. Moseley
BRIAN C. MOSELEY, P.E.S.



UPDATED SURVEY 10/08/14
UPDATED SURVEY 08/28/03
ORIGINAL SURVEY 10/31/88



NOTE
AREA OF PARCEL IS INCLUSIVE
OF ESTATE ROAD R.O.W.
CONSISTENT WITH THE MAP OF
RECORD (79-3401-775)

- LEGEND**
- ▲ UNMARKED POINT
 - REBAR BOUNDPOST
 - IRON PIPE BOUNDPOST
 - UTILITY POLE & LINES
 - FENCE
 - MANHOLE COVER

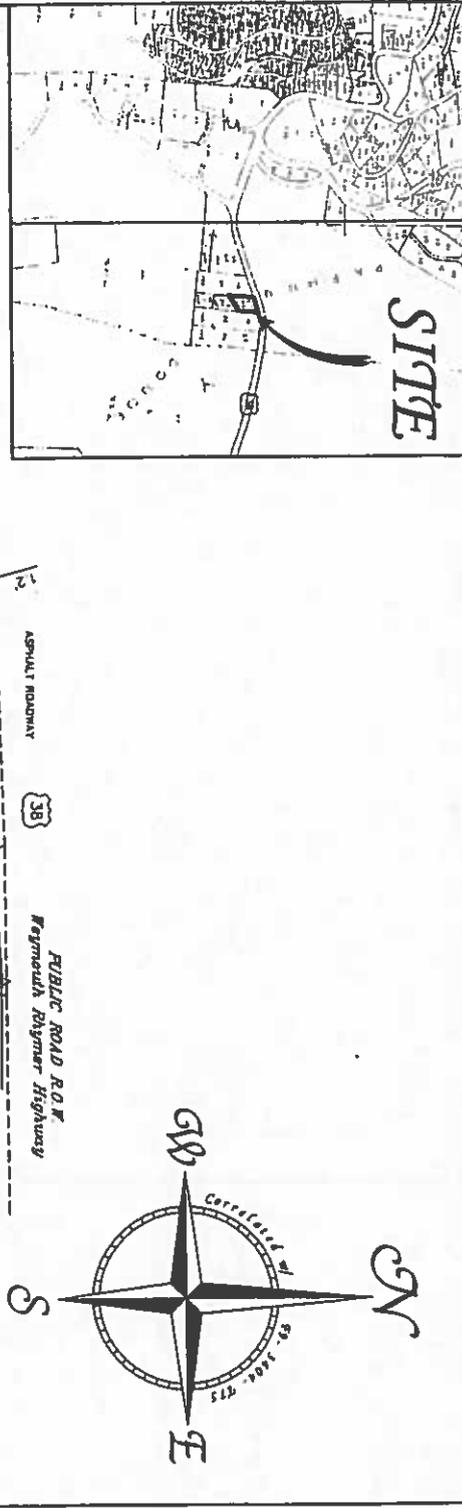
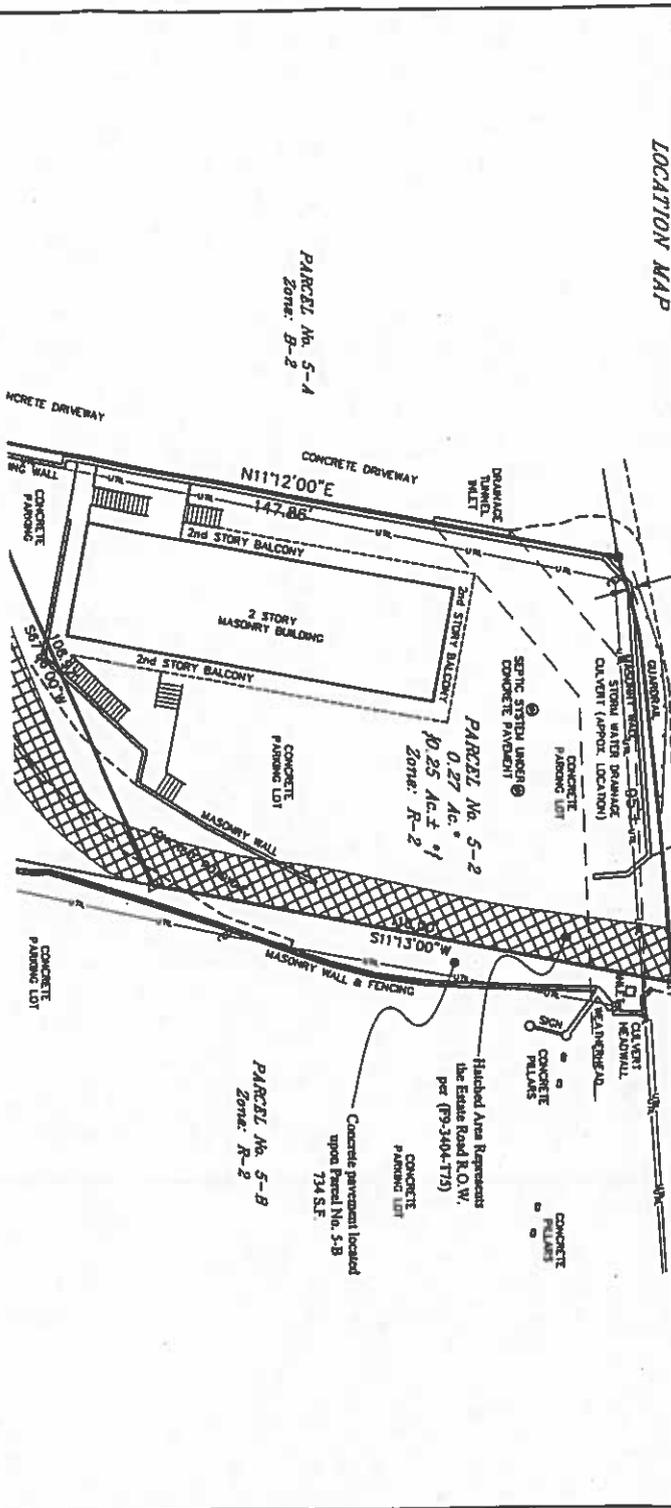
REFERENCE
79-3401-775

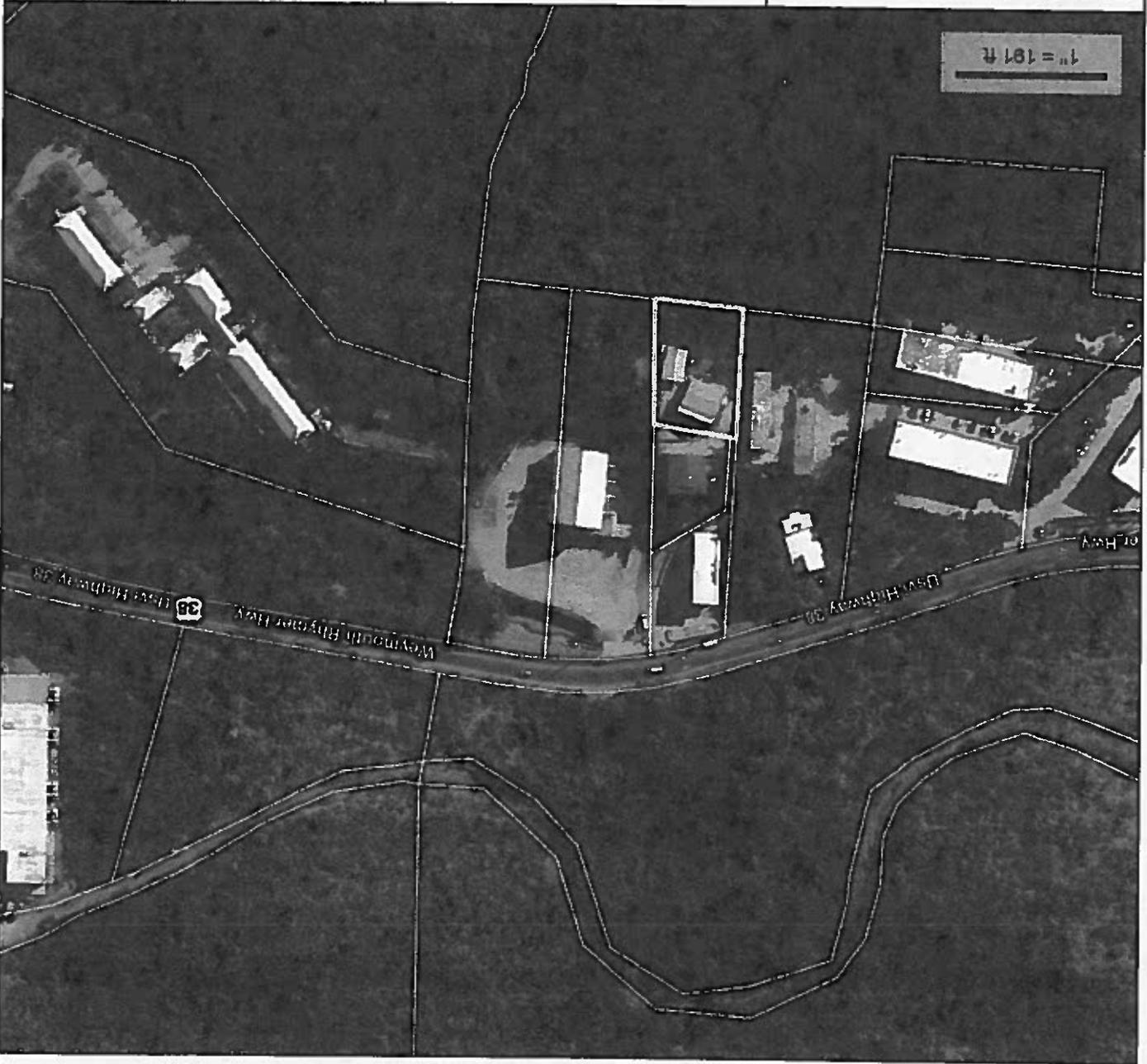
ZONE
R-2

BMI & SA
Brian Moseley
Associates, Inc.
Land Surveyors & Consultants
4003 RAPHAHNE HILL ROAD
ST. THOMAS, VA 22082
PHONE (840) 774-3110
FAX (840) 774-0070

Land Title Survey of
Parcel No. 5-2
Estate Raphane
No. 5BA New Quarter
St. Thomas, U.S. Virgin Islands

SERVER: M.E.L.	DRAWN: D.J.S.	DATE:	DWG. NO.:
CALC: W.L.E.	SCALE: 1" = 20'	10-09-2014	3554-1





Property Information
 Property ID 1-05504-0103-00
 Location 5 ESTATE RAPHUNE 58A NEW
 Owner LEWIS, LENNARD



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**
 The Town makes no claims and no warranties,
 expressed or implied, concerning the validity or
 accuracy of the GIS data presented on this map.





Property Information

Property ID 1-05504-0118-00
 Location RAPHUNE 5-1 SBA NEW OTR
 Owner DANIEL, WNSOR E. & JUEL



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT
 The Town makes no claims and no warranties,
 expressed or implied, concerning the validity or
 accuracy of the GIS data presented on this map.





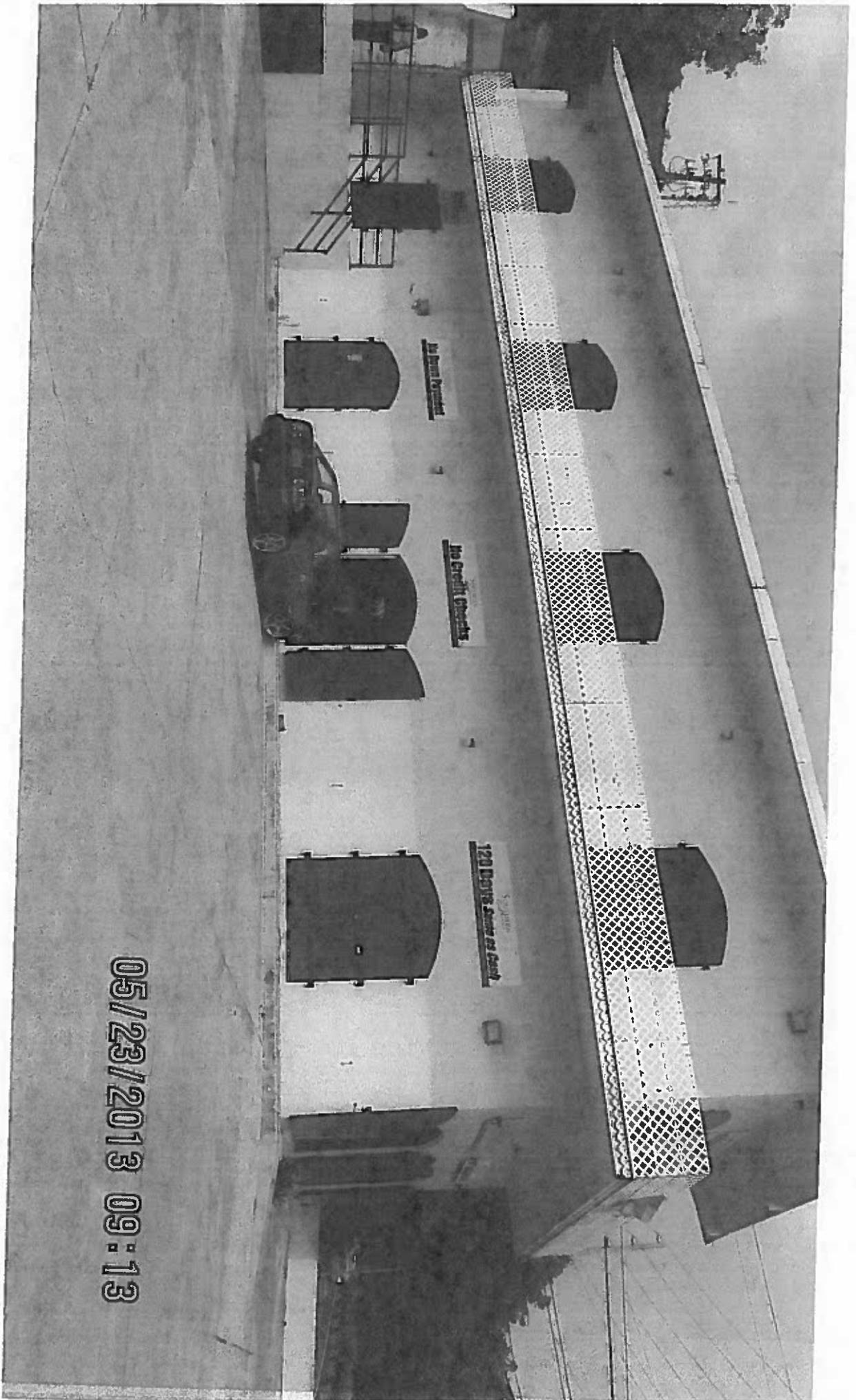
1" = 383 ft

Property Information
 Property ID 1-05504-017-00
 Location RAPHUNE 5-2 SBA NEW QTR
 Owner DANIEL, WNSOR E & JUEL

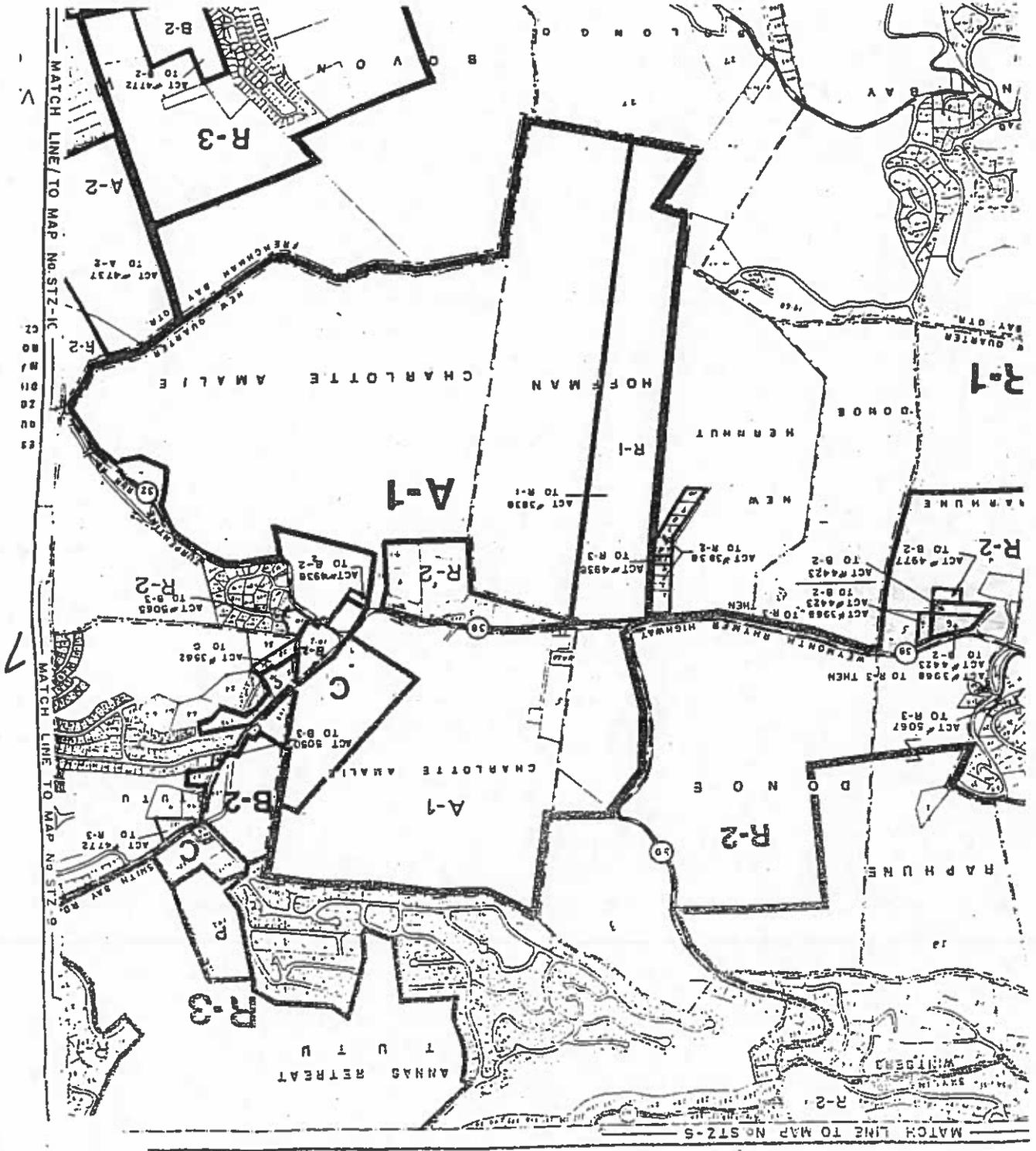


**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**
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 expressed or implied, concerning the validity or
 accuracy of the GIS data presented on this map.





05/23/2013 09:13



MATCH LINE TO MAP No. STZ-1C

MATCH LINE TO MAP No. STZ-9

MATCH LINE TO MAP No. STZ-5

83
84
85
86
87
88
89
90
91
92
93

7

R-3

A-2

ACT #4737 TO A-2

R-2

CHARLOTTE AMALIE

HOFFMAN

A-1

R-1

ACT #3828 TO R-1

R-2

ACT #5065 TO R-2

ACT #3982 TO C

ACT #5090 TO B-3

CHARLOTTE AMALIE

A-1

ACT #4732 TO R-3

C

B-2

C

B-3

ANNAS RETREAT

R-2

WYOMING RIVER HIGHWAY

ACT #3988 TO R-3 THEN

ACT #4423 TO R-2

ACT #5067 TO R-3

DONES

HAPHUNE

R-2

ACT #4977 TO B-2

ACT #4423 TO B-2

ACT #4423 TO R-3 THEN

ACT #3988 TO R-3 THEN

ACT #5067 TO R-3

R-1

HERRMUT

NEW

ACT #4938 TO R-3

ACT #3938 TO R-2

ACT #4423 TO B-2

HAPHUNE

R-2

ACT #4977 TO B-2

ACT #4423 TO B-2

ACT #4423 TO R-3 THEN

ACT #3988 TO R-3 THEN

ACT #5067 TO R-3

QUARTER BAY GFM

N BAY

LONDON

B O V O N

NEW QUARTER BAY

QUARTER BAY GFM

QUARTER BAY GFM

N BAY

LONDON

HERRMUT

NEW

HAPHUNE

R-2

ACT #4977 TO B-2

ACT #4423 TO B-2

ACT #4423 TO R-3 THEN

ACT #3988 TO R-3 THEN

ACT #5067 TO R-3

DONES

HAPHUNE

R-2

ACT #4977 TO B-2

ACT #4423 TO B-2

ACT #4423 TO R-3 THEN

ACT #3988 TO R-3 THEN

ACT #5067 TO R-3

WYOMING RIVER HIGHWAY

R-2

ACT #4977 TO B-2

ACT #4423 TO B-2

ACT #4423 TO R-3 THEN

ACT #3988 TO R-3 THEN

ACT #5067 TO R-3

