



Legislature of the Virgin Islands

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POST AUDIT DIVISION

April 8, 2026

MEMORANDUM

TO: Honorable Novelle E. Francis, Jr.
Chairman, Committee on Budget, Appropriations and Finance
36th Legislature of the Virgin Islands

FROM: Post Audit Division

SUBJECT: Bill No. 36-0257 – An act transferring the eastern position of Parcel No. 2C Estate Ross, 8 New Quarter, St. Thomas, from the Virgin Islands Department of Education for use by the Charlotte Amalie High School

BACKGROUND

Stipulated Judgment

STATEMENT OF AGREED FACTS

1. Parcel 2C Estate Ross was derived from a subdivision of Parcel 2 Estate Ross which was acquired by the Virgin Islands Urban Renewal Board through a condemnation proceeding and entry of Order Vesting Title dated May 10, 1971.
2. At the time of this condemnation, the Virgin Islands Urban Renewal Board was the Government Agency in charge of all property, equipment, contracts, records, obligations and all unexpended balances of funds for urban renewal planning and projects in the Virgin Islands, previously owned, administered and controlled by the Virgin Islands Housing and Urban Renewal Authority.
3. On June 29, 1982, an Agreement to Purchase Certain Lots within the Taarneberg-Ross Urban Renewal Project (including Parcel 2 Estate Ross) was executed and recorded on June 29, 1982.
4. On July 30, 1982, a Warranty Deed dated July 23, 1982, was recorded, which conveyed title to various lots in Estates Madamberg, Ross and Taarneberg, including Parcel 2 Estate Ross. The Deed of transfer specifically reference Public Works Map No. B9-492-T78. The B9 Map appears to be dated September 15, 1978, and precedes the date of the Deed.
5. The B9 Map clearly establishes that Lot or Parcel 2 Estate Ross is separate and distinct from Lots 2A, 2B, and 2C Estate Ross. This is corroborated by Department of Public Works Map No. D3-335-T77 which is a separate Map for Parcel 2C Estate Ross, dated July 12, 1977.
6. Lot 2A Estate Ross was also conveyed by the Virgin Islands Urban Renewal Board utilizing the same B9 map to Dulcina Hedrington, Karen Fleming, Clinton Hedrington,

Roland Hedrington, Ruth Dunlop, and Elvera Hughes by Warranty Deed dated August 2, 1981.

7. Utilizing the acreages set forth for Lots 2, 2A, and 2C, it is clear that the total acreage of these parcels is approximately the same as conveyed in the Order Vesting Title to the Virgin Islands Urban Renewal Board.
8. Through the provisions of the Virgin Islands Code Annotated, Title 29, Section 81, all of the “powers, duties and functions of the Virgin Islands Urban Renewal Board existing prior to June 24, 1987” were transferred to the Virgin Islands Housing Finance Authority. The transfer of functions included ownership and administration of all property owned by the Virgin Islands Urban Renewal Board.
9. As the 1982 Deed from the Virgin Islands Urban Renewal Board to the Virgin Islands Housing Authority only conveyed “Parcel 2 Estate Ross” and since Parcel 2 was previously subdivided in Lots 2, 2A, 2B and 2C; and Parcel 2A was conveyed out by the Virgin Islands Urban Renewal Board; Lot or Parcel 2C remained the property of the Virgin Islands Urban Renewal Board and was not previously conveyed out; hence, it was part of the property transferred to the Virgin Island Housing Finance Authority by Title 29, Section 81.
10. By **Act No. 6503** the Legislature of the Virgin Islands attempted to transfer Parcel No. 2C Estate Ross from the Virgin Islands Housing Authority to the Department of Housing, Parks, and Recreation.

FINDING OF LAW

11. By Order Vesting Title dated May 10, 1971, the Virgin Islands Urban Renewal Board acquired title to Parcel 2 Estate Ross, No. 8 New Quarter, St. Thomas, Virgin Islands; which parcel was subsequently subdivided in Parcel 2, 2A, 2B and 2C Estate Ross.
12. By Agreement to Purchase, dated June 29, 1982, and Warranty Deed dated July 23, 1982, and being recorded on June 29, 1982, at Book 23-R, Page 461, Doc. No. 2145 at the Office of the Recorder of Deeds, St. Thomas-St. John Division, Parcel 2 was conveyed to Virgin Islands Housing Authority.
13. By operation of the Virgin Islands Code Annotated, Title 29, Section 81, all of the powers, duties and functions of the Virgin Islands Urban Renewal Board and the ownership and administration of all property owned by the Board were transferred to the Virgin Island Housing Finance Authority.
14. This transfer of powers, duties, functions, and ownership operated to transfer ownership and title to Parcel 2C Estate Ross to the Virgin Islands Housing Finance Authority.
15. The enactment of Act No. 6503, which sought to transfer ownership of Parcel 2C Estate Ross to the Department of Housing, Parks and Recreation from the Virgin Islands Housing Authority, is hereby declared null and void *ab inito* and of no effect as to the ownership of Parcel 2C by the Department of Housing, Parks and Recreation.

WHEREFORE the parties hereby stipulate and agree to entry of Judgment, finding and determining that Title to Parcel No. 2C Estate Ross, No. 8 New Quarter, St. Thomas, Virgin Islands, is hereby determined to be in the name of the Virgin Islands Housing Finance Authority.

ACT NO. 6503 SECTION 6 (ENACTED FEBRUARY 21, 2002) STATES:

“**SECTION 6.** There is hereby transferred from the Virgin Islands Housing Authority to the Department of Housing Parks and Recreation, Parcel No. 2C Estate Ross, No. 8 New Quarter, St.

Thomas Virgin Islands, consisting of 3.098 U.S. acres as shown on Public Works Drawing No. D3-335-T-77, for the purpose of constructing sixteen (16) detached single-family homes for sale to low and moderate-income applicants.”

Deed of Conveyance

The indenture was made on April 25, 2006, between the Virgin Islands Housing Finance Authority, as the “Grantor” and the Government of the Virgin Islands, Department of Housing, Parks, and Recreation as the “Grantee”. In consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, the Grantor hereby grants and conveys to the Grantee its successors and assigns, the following real property lying and situate in St. Thomas, to wit; Parcel 2C Estate Ross, No. 8 New Quarter, St. Thomas, U.S. Virgin Islands as more particularly shown and described on OLG Drawing No. D3-335-T77 dated July 12, 1977.

Together with any improvements thereon and the rights, privileges, and appurtenances belonging thereto, including, but not limited to, an easement for access over the streets and roads abutting the Property. Subject, however, to the Virgin Islands Zoning regulations and to the covenants, restrictions, easements and agreements or record. Subject further to the following conditions:

1. That the property shall be used **solely for the construction of affordable housing**;
2. That such construction shall commence and be completed within two years of the date of the conveyance of the property; and
3. In the event the Grantee fails to fully comply with conditions (1) and (2), the property shall revert to the Grantor.

SUMMARY

The Virgin Islands Housing Finance Authority was established to address the shortage of safe, sanitary, and affordable housing for low- to moderate-income residents. It operates as an independent instrumentality of the Government of the Virgin Islands, promoting homeownership, managing rental and emergency housing programs, and supporting community development through federal grants, tax credits, and financing mechanisms.

Bill No. 36-0257 proposes that the land in question be designated for the exclusive use of Charlotte Amalie High School for public education purposes, including the reconstruction, operation, and expansion of the campus and related facilities. The bill also notes that a portion of the school already exists on Parcel No. 2C Estate Ross, and that the Department of Education would assume full control and responsibility for the property.

While the bill does not initially specify the exact acreage to be transferred, Section 3 directs the Department of Property and Procurement, in collaboration with the Department of Public Works and the Department of Education, to commission a legal survey within 90 days to determine the property’s boundaries and acreage. However, cadastral maps from the Office of the Lieutenant Governor already identify the parcel as approximately 3.098 acres. The bill does not clarify whether the survey is intended to confirm this acreage or to determine the additional land needed for campus expansion.

Honorable Novelle E. Francis, Jr.

Bill No. 36-0257 – Transfer of Parcel No. 2C Estate Ross, 8 New Quarter from VIHFA to DOE

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The Post Audit Division cannot recommend approval of Bill No. 36-0257 at this time due to several unresolved issues. According to the stipulated judgment and deed of conveyance, Parcel No. 2C Estate Ross, No. 8 New Quarter, is owned by VIHFA. However, the Department of Property and Procurement's official property listing identifies the same parcel as belonging to the Government of the Virgin Islands, Department of Housing, Parks and Recreation, creating a discrepancy in ownership records.

Additionally, although Section 3 requires a legal survey, the bill does not provide an appropriation to cover the cost of the survey or the preparation and recording of a deed transferring the property to the Department of Education. These omissions, along with the unresolved ownership inconsistency, present material concerns that should be addressed before the measure is advanced.

A handwritten signature in blue ink, appearing to read 'Theodora Philip, DBA'.

Theodora Philip, DBA
Post Auditor

APPENDIX I

Excerpt from the Department of Property & Procurement’s website See <https://dpp.vi.gov/wp-content/uploads/2016/03/Copy-of-Government-Properties-Territorial.pdf>.

PARCEL NUMBER	LEGAL DESCRIPTION	OWNER NAME & ADDRESS	TAX CREDITS	TOTAL	ACRES
1-05402-1999-00	2C ROSS ESTATE #8 NEW QUARTER	GOVT OF THE VI, DEPT. OF HOUSING, PARKS & REC 1 Subbase St Thomas, VI 00802	V.I. Government	1,476.75	

Copy of cadastral map.

