

BILL NO. 35-0112

Thirty-Fifth Legislature of the Virgin Islands

July 18, 2023

An Act approving the conveyance by the Government of the Virgin Islands of the United States to the United States of America, Department of Interior, acting by and through the National Park Service, of Tract No. 02-101 Whistling Island a/k/a Whistling Cay, Cruz Bay Quarter, St. John, Virgin Islands, in exchange for the Department of Interior, National Park Service's conveyance to the Government of the Virgin Islands of the United States of a portion of Tract No. 01-137A Catherineberg (Hammer's Farm) Cruz Bay Quarter, St. John, Virgin Islands, and directing the Government to deposit of the proceeds from the parcel exchange into the St. John Capital Improvements Fund

PROPOSED BY: Senator Novelle E. Francis, Jr., by the Request of the Governor

1 **WHEREAS**, for generations, students on St. John have suffered from the lack of a
2 secondary school on the island and must daily endure a laborious commute involving multiple
3 forms of transportation to achieve a secondary education; and

4 **WHEREAS**, Virgin Islanders have petitioned the federal government since the 1930s to
5 consider the growing needs of the families on the island of St. John; and

6 **WHEREAS**, in 1931, upon visiting St. John for the first time and riding on horseback
7 from Cruz Bay to Coral Bay, Governor Paul M. Pearson petitioned Congress and the
8 Department of Interior for additional funding for schools; and

9 **WHEREAS**, in 1936, Julius Ebenezer Sprauve Sr., who served on the first St.
10 Thomas/St. John Municipal Council and for twenty years thereafter began his lifelong fight for
11 equal education for the children of St. John, and later saw the institution of the first public
12 school on St. John, the Julius E. Sprauve School, named in his honor; and

1 **WHEREAS**, in 2013, then Governor John P. deJongh Jr., alongside Delegate Donna
2 Christensen, received technical assistance from the Department of Interior and developed a
3 conceptual plan for a secondary school to be built in St. John and oversaw the Phase I
4 Archaeological Investigation of the Estate Catherineberg property, after which multiple public
5 scoping meetings about the urgent need for the school were held; and

6 **WHEREAS**, the difficulty for students in St. John to achieve a secondary education
7 continues to affect families negatively and hinders academic performance, increases tardiness
8 and drop-out rates, and impedes exposure to extracurricular activities and parental involvement
9 in school functions; and

10 **WHEREAS**, students have varied needs and achievement goals and must receive
11 services not only in regular education but also in gifted, talented, special education, school-to-
12 work career programs, and technical education, which are not available on the island of St.
13 John; and

14 **WHEREAS**, it is paramount that every Virgin Islands child residing on the island of St.
15 John receives an education equal to all other children; and

16 **WHEREAS**, the effort to effectuate a land exchange to provide for a suitable educational
17 facility for students on the island of St. John began in earnest some 50 years ago and has, at
18 last, become a reality; and

19 **WHEREAS**, the Territorial Government of the Virgin Islands, by virtue of the Revised
20 Organic Act of 1954, owns the parcel of land identified as Tract No. 02-101, consisting of 14
21 acres, more or less, known as the island of Whistling Cay, also known as Whistling Island, as
22 well as the surrounding islets and rocks lying above the Mean High Water Line, lying just West
23 of Mary Point Peninsula, Maho Bay Quarter, St. John, United States Virgin Islands, located
24 within the authorized boundary of U.S. Virgin Islands National Park, identified as OLG
25 Property I.D. 3-01701-0101-00; and

26 **WHEREAS**, the National Park Service owns the parcel of land identified as Tract No.
27 01-137A, also located within the U.S. Virgin Islands National Park, by virtue of a Warranty

1 Deed dated October 3, 1968, and recorded October 9, 1968, and recorded among the Land
2 Records of the U.S. Virgin Islands, Book 9-X, Page 266, Document 3523, Auxiliary 20, Page
3 144, identified as OLG Property I.D. 3-06201-0302-00; and

4 **WHEREAS**, the Government of the Virgin Islands desires to acquire a portion of the
5 National Park Service Property, consisting of 11.3 acres, more or less, to construct a public
6 school, described as follows:

7 *A portion of parcel number 6 of Estate Cathrineberg, also known as Herman's Farm,*
8 *also known as Hammer's Farm number 19, Cruz Bay Quarter, Island of St. John, United States*
9 *Virgin Islands, described as follows:*

10 *BEGINNING at a Concrete Boundary Post numbered 1647 at the intersection of the East*
11 *line of Estate Adrian, the West line of Estate Cathrineberg, and the North line of a paved road*
12 *known as Centerline Road (VI 10);*

13 *thence along the West line of Estate Cathrineberg, N 05°47'00" E for a distance of 498.22 feet*
14 *to a ½" rebar;*

15 *thence leaving said West line, N 60°19'14" E for a distance of 579.04 feet to a ¾" iron*
16 *pipe;*

17 *thence S 24°30'5" E for a distance of 127.02 feet to a ¾" iron pipe;*

18 *thence S 24°30'5" E for a distance of 303.26 feet to a ¾" iron pipe;*

19 *thence S 3°59'19" E for a distance of 324.00 feet to a ¾" iron pipe;*

20 *thence S 3°59'19" E for a distance of 1.48 feet to the North line of an unpaved road known*
21 *as John Head Road (VI 206);*

22 *thence along the North and West line of said John Head road for the following eight*
23 *courses;*

24 *S 69°17'22" W for a distance of 6.68 feet;*

25 *thence along a curve to the left with an arc distance of 23.78 feet, a chord bearing of S*
26 *62°28'37" W, a chord distance of 23.72 feet, and a radius of 100.00 feet;*

27 *thence S 55°39'51" W for a distance of 30.80 feet;*

1 *thence along a curve to the left with an arc distance of 26.81 feet, a chord bearing of S*
2 *48°0'26" W, a chord distance of 26.73 feet, and a radius of 100.00 feet;*

3 *thence S 40°21'0" W for a distance of 24.84 feet;*

4 *thence along a curve to the left with an arc distance of 41.50 feet, a chord bearing of S*
5 *28°27'38" W, a chord distance of 41.20 feet, and a radius of 100.00 feet;*

6 *thence S 16°34'17" W for a distance of 114.47 feet;*

7 *thence along a curve to the right with an arc distance of 31.30 feet, a chord bearing of S*
8 *61°24'23" W, a chord distance of 28.20 feet, and a radius of 20.00 feet, to the North line paved*
9 *road known as Centerline Road (VI 10);*

10 *thence along the North line of said Centerline road for the following three courses;*

11 *N 73°45'30" W for a distance of 478.40 feet;*

12 *thence along a curve to the left with an arc distance of 26.07 feet, a chord bearing of N*
13 *76°14'53" W, a chord distance of 26.06 feet, and a radius of 300.00 feet;*

14 *thence N 78°44'16" W for a distance of 106.13 feet; returning to the POINT OF*
15 *BEGINNING; and*

16 **WHEREAS**, the National Park Service is willing to convey to the Government of the
17 Virgin Islands the title to the identified portion of the National Park Service Property in
18 exchange for the Government of the Virgin Islands' conveyance to the National Park Service
19 of the Government of the Virgin Islands Property; and

20 **WHEREAS**, the National Park Service administers the United States Virgin Islands
21 National Park as a unit of the National Park System; and

22 **WHEREAS**, the Government of the Virgin Islands and the National Park Service believe
23 that the public interest will benefit through the accomplishment of an exchange of interests in
24 lands as herein described; and

25 **WHEREAS**, the Government of the Virgin Islands and the National Park Service wish
26 to provide a process through which an exchange can be consummated and to set out the
27 respective rights and responsibilities of the Parties in this transaction; and

1 **WHEREAS**, the Government of the Virgin Islands and the National Park Service entered
2 into a Preliminary Agreement on October 22, 2020, for the exchange of interests in land
3 described herein under authority provided by the Act of July 15, 1968 (54 U.S.C. §102901) and
4 Title 31 V.I. Code Section 231a for the mutual benefit of the Government of the Virgin Islands
5 and the National Park Service; and

6 **WHEREAS**, the Government of the Virgin Islands and National Park Service
7 collaborated on Phase I and Phase II Archaeology investigations of the Catherineberg parcel;
8 conducted a Cultural Landscape Inventory; performed valuations of the parcels to be
9 exchanged, which were validated by the DOI Appraisal and Valuation Services Office;
10 performed and released to the public a Finding of No Significant Impact (Fonsi) in December
11 2022; and

12 **WHEREAS**, the federally-approved appraised value of the Government of the Virgin
13 Islands property was found to be \$210,000.00 greater than the federally-approved appraised
14 value of the National Park Service property and pursuant to Section 7 of the Preliminary
15 Agreement, the Government of the Virgin Islands is entitled to an equalizing payment in the
16 amount of the difference; and

17 **WHEREAS**, the Government of the Virgin Islands and National Park Service solicited
18 public comment on multiple occasions and conducted civic engagement in April and May 2022;
19 initiated an Environmental Assessment in August 2022; published a Notice of Realty Action
20 (NORA) throughout December 2022 to solicit public comments; published a second NORA to
21 extend the public comment period through March 15, 2023; performed in-person outreach and
22 reviewed over 400 comments; and

23 **WHEREAS**, pursuant to title 31 Virgin Islands Code, section 231a(f), the exchange of
24 government real estate is subject to the approval of the Legislature and the Governor; and

25 **WHEREAS**, upon approval of this exchange by the Legislature, the Government of the
26 Virgin Islands and the National Park Service will survey the properties for the purpose of
27 recording the deeds; Now, Therefore,

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Notwithstanding 31 V.I.C. § 205(f), the Legislature of the Virgin Islands
3 approves, pursuant to 31 V.I.C. § 231a(f), the exchange of land by the Government of the Virgin
4 Islands, acting through the Commissioner of the Department of Property and Procurement, and
5 the United States of America, Department of Interior, acting by and through the National Park
6 Service for the demise of Tract No. 02-101 Whistling Island a/k/a Whistling Cay, Cruz Bay
7 Quarter, St. John, VI, identified as OLG Property I.D. 3-01701-0101-00 from the Government
8 of the Virgin Islands to the United States of America, Department of Interior in exchange for
9 the Department of Interior, National Park Service's conveyance to the Government of the
10 Virgin Islands of the United States of a portion of Tract No. 01-137A Catherineberg (Hammer's
11 Farm) Cruz Bay Quarter, St. John, Virgin Islands, consisting of 11.3 acres of land more or less
12 as identified by OLG Property I.D. 3-06201-0302-00, to the Government of the Virgin Islands.

13 **SECTION 2.** The Government shall deposit the proceeds received as an equalizing
14 payment of \$210,000.00 from the National Park Service upon the closing of the transfer
15 authorized in section 1 of this act into the St. John Capital Improvements Fund established
16 under 33 V.I.C. §3057.

17 **BILL SUMMARY**

18 This bill in section 1 approves the conveyance by the Government of the Virgin Islands
19 of the United States to the United States of America, Department of Interior, acting by and
20 through the National Parks Service, of Tract No. 02-101 Whistling Island a/k/a Whistling Cay,
21 Cruz Bay Quarter, St. John, Virgin Islands, consisting of 14 U.S. Acres of land more or less as
22 identified by OLG Property I.D. 3-01701-0101-00, in exchange for the Department of Interior,
23 National Park Service's conveyance to the Government of the Virgin Islands of the United
24 States of a portion of Tract No. 01-137A Catherineberg (Hammer's Farm) Cruz Bay Quarter,
25 St. John, Virgin Islands, consisting of 11.3 Acres of land more or less as identified by OLG
26 Property I.D.3-06201-0302-00, to construct a public school. Section 2 directs the Government
27 to deposit the proceeds of the parcel exchange into the St. John Capital Improvements Fund.

28 **BR23-0590/June 21, 2023**

29 **G35-009**