



News Release

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Fredericksburg City Council asks the Fredericksburg Circuit Court to dismiss the Slave Auction Block lawsuit

(Fredericksburg, VA) December 30, 2019 - Fredericksburg City Attorney Kathleen Dooley filed the City Council's response to the petition filed by E.D. Cole Building, L.L.C. and Local Holdings, L.L.C., in the Fredericksburg Circuit Court. The petition alleged that only the Architectural Review Board could order the relocation of the slave auction block, and that the City Council had no legal authority to approve a certificate of appropriateness under the City's zoning ordinance.

The City Council filed an "Answer" generally denying erroneous allegations in the Petition, and a "Motion for Summary Judgment," which asks the Circuit Court to decide the matter on the basis of the public record and controlling law. The Motion for Summary Judgment argues that ARB decisions may be appealed to City Council, and "final decisions" of the City Council may be appealed to Circuit Court. Petitioners relied on one subsection of City Code (§72-23.1(D)(3)), but they either overlooked or ignored a following subsection (§72-23.1(F)(1)), which grants City Council authority to hear and decide appeals of ARB decisions.

The relocation plan approved by City Council calls for Public Works crews to undertake the removal of the block from the public right of way under the supervision of professional archaeologists. After removal and cleaning, the auction block will go on display at the Fredericksburg Area Museum, which re-opens to the public on March 1, 2020. City Council has directed the City Attorney to bring the lawsuit to a successful conclusion as soon as reasonably possible. No hearing date is scheduled at this time.

The full Answer is available [here](#).

The full Motion for Summary Judgment is available [here](#).

For more information on the three-year history of Council's decision to relocate the block please visit www.fredericksburgva.gov.

Please feel free to contact the City Manager's office at 540-372-1010 with questions or concerns.

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