



# City of Hampton, Virginia

## Ordinance - Non-Coded

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 15-0296

Enactment Number: 1201

### **Ordinance Approving the Vacation of a 15' Alley Intersecting 512 North First Street Comprising 779 Square Feet (0.01789 Acre), More or Less, to Michael L. Smith and Lisa L. Smith**

**WHEREAS**, Michael L. Smith and Lisa L. Smith (the "Smiths") own property located at 512 North First Street, LRSN 12007117 (the "Property"), and the City owns a 15' alley that intersects the Property, comprising 779 square feet (0.01789 acre), more or less (the "Vacation Area");

**WHEREAS**, the Smiths request the vacation of the Vacation Area because (i) they own both sides of the Vacation Area, and no other property owners will be affected by the area vacated; (ii) historically, various portions of the alley have been vacated to owners whose parcels are bisected by portions of the same alley, resulting in no through access; and (iii) a 10' sanitary sewer easement, comprising 520 square feet (0.0119 acre) will be reserved in the area depicted with hatch marks on Exhibit "A" attached to the Vacation Agreement, including the perpetual right, and privilege, for construction, installation, repair, maintenance, use of, and access to underground wastewater and/or water reuse force mains and/or gravity mains, together with above and/or below ground equipment, accessories, and appurtenances thereto, sewer facilities, systems, and equipment in, under, upon, over, along, and across the Smiths' land, including the right of ingress and egress to the same;

**WHEREAS**, upon approval, the Vacation Area will be merged with new Lot 38-A; and a variable width private ingress/egress easement on the western lot will be conveyed to benefit the eastern lot of the Property, both as depicted on Exhibit "A" to the Vacation Agreement;

**WHEREAS**, local public utility companies and city staff have reviewed this request, none of which have any objection to the request.

**WHEREAS**, the Smiths request that the purchase price of the Vacation Area be waived pursuant to Section 34-120(a) of the City code because:

- (1) From the 1970s forward, portions of this alley have been vacated when vacations were free.
- (2) The Vacation Area is a paper alley; no one has knowledge of it ever being used as such.

- (3) The cost of this request to the Smiths will amount to approximately \$3,000, when adding attorney's fees and advertising and surveyor's costs.
- (4) The Vacation Area is a liability to the City in the event of injury or damage.

**WHEREAS**, staff estimates the purchase price of the Vacation Area to be \$500.00 and recommends approval for the purchase price; and

**WHEREAS**, pursuant to Chapter 34, Article V of the Code for the City of Hampton, City Council agrees to vacate the 15' alley intersecting 512 North First Street comprising 779 square feet (0.01789 acre), more or less, to Michael L. Smith and Lisa L. Smith for the purchase price of \$500.00 is in the best interest of the city.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Hampton, Virginia, as follows:

1. That the vacation of a portion of the 15' alley intersecting 512 North First Street comprising 779 square feet (0.01789 Acre), more or less, to Michael L. Smith and Lisa L. Smith, is approved;
2. That the City Manager, or her authorized designee, and Clerk of Council are authorized to execute and attest the vacation of the 15' alley intersecting 512 North First Street as set forth in this Ordinance; and
3. That a certified copy of this vacation ordinance shall be recorded in the Office of the Clerk of the Circuit Court for the City of Hampton, Virginia in the manner as deeds are recorded and indexed in the name of the City of Hampton.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on October 14, 2015.

**Signed by** \_\_\_\_\_ **Date** \_\_\_\_\_  
George E. Wallace, Mayor

**Attested by** \_\_\_\_\_ **Date** \_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of the Council