



City of Hampton, Virginia

Ordinance - Non-Coded

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 15-0298

Enactment Number: 1203

Ordinance Approving the Vacation of 40' Environmental Easements and 10' Drainage Easements to the Following Property Owners: (i) John L. Henderson and Kelley L. Henderson at 14 Hawkins Court (LRSN 5001217), Comprising 2,800 s.f. and 700 s.f., Respectively; (ii) Julio E. Santiago Alers and Myrna Santiago, Also Known as Myrna Santiago Alers at 18 Hawkins Court (LRSN 5001215) Comprising 2,800 s.f. and 700 s.f., Respectively; and (iii) Don R. Edwards and Jennifer L. Edwards at 26 Hawkins Court (LRSN 5001211) Comprising 3,560 and 865 s.f., Respectively, All Measurements More or Less

WHEREAS, the recorded Samantha Lakes subdivision plat depicts a 10' drainage easement and an abutting 40' environmental easement (the "Easements") at the rear of Lot Nos. 013 through 020 on Hawkins Court (the "Burdened Lots");

WHEREAS, definitive evidence as to why the environmental easement was required and by whom is unclear despite diligent efforts to locate this information;

WHEREAS, it is speculated that the environmental easement was a condition of subdivision plat approval at the beginning of the environmental conservation era, or perhaps wetlands existed in the area that may explain the prohibition against "construction of out buildings and/or the addition of fill material within the environmental easement" pursuant to the recorded Declaration of Restrictions of Samantha Lakes;

WHEREAS, drainage problems existed on the Burdened Lots, which currently drain to a grass swale;

WHEREAS, construction plans for the subdivision indicate a concrete swale exists in this area, which could not be located either because it was never installed or has been buried;

WHEREAS, in April of 2011, the City agreed to vacate the environmental easement and re-grade the Burdened Lots at no cost to the owners of the Burdened Lots;

WHEREAS, drainage pipes and an earth swale were installed, such that the Burdened Lots now drain to the rear yards;

WHEREAS, to honor the City's earlier agreement, staff requested written acquiescence from each of the eight sets of property owners prior to presenting these vacation requests to Council;

WHEREAS, the following property owners have requested vacations as indicated:

Owners	Address (LRSN)	40' Environmental Easement	10' Drainage Easement
John L. & Kelley L. Henderson	14 Hawkins Court (5001217)	2,800 s.f.	700 s.f.
Julio E. Santiago Alers and Myrna Santiago, also known as Myrna Santiago Alers	18 Hawkins Court (5001215)	2,800 s.f.	700 s.f.
Don R. and Jennifer L. Edwards	26 Hawkins Court (5001211)	3,560 s.f.	865 s.f.

WHEREAS, local public utility companies and city staff have reviewed this request, none of which have any objection;

WHEREAS, the Vacation Area will not be needed for any public purpose;
and

WHEREAS, pursuant to Chapter 34, Article V of the Code for the City of Hampton, City Council agrees to vacate the 40' environmental easements and 10' drainage easements as set forth in this Ordinance without cost to the property owners.

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 40' environmental easements and 10' drainage easements to the following property owners: (i) John L. Henderson and Kelley L. Henderson at 14 Hawkins Court (LRSN 5001217), comprising 2,800 s.f. and 700 s.f., Respectively; (ii) Julio E. Santiago Alers and Myrna Santiago, also known as Myrna Santiago Alers at 18 Hawkins Court (LRSN 5001215) comprising 2,800 s.f. and 700 s.f., respectively; and (iii) Don R. Edwards and Jennifer L. Edwards at 26 Hawkins

Court (LRSN 5001211) comprising 3,560 and 865 s.f., respectively, more or less, 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 40' environmental easements and 10' drainage easements 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