



City of Hampton, Virginia

Resolution

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

File Number: 06-0515

Enactment Number: -

Resolution Authorizing the City Manager To Negotiate the Terms of a Cooperation Agreement Among the City of Hampton, the City of Hampton Federal Area Development Authority and OPC Hampton, LLC, to Seek an Alternative Site for Chamberlin Hotel Parking at Fort Monroe

RESOLUTION

WHEREAS, by Coded Ordinance No. 1399 adopted May 11, 2005 the Council of the City of Hampton, Virginia (the "Council") created FADA pursuant to the enabling authority set forth in Virginia Code §15.2-6300 *et seq.* (Authorities for Development of Former Federal Areas Act);

WHEREAS, the Council created FADA in order, *inter alia*, to enable more efficient cooperation with the federal government in the event of a closure or realignment of any of the City's federal installations pursuant to the federal Defense Base Closure and Realignment Act of 1990 (the "BRAC Statute");

WHEREAS, the Department of Defense has officially recognized FADA as the Local Redevelopment Authority ("LRA") for the development and implementation of a redevelopment plan ("REUSE PLAN") for the federal installation known as Fort Monroe in Hampton, Virginia which has been placed on the list of installations to be closed pursuant to the BRAC Statute;

WHEREAS, a significant portion of the acreage of Fort Monroe is subject to a reversionary interest in favor of the Commonwealth of Virginia;

WHEREAS, OPC Hampton, LLC has entered into a lease with the Department of the Army for use of 4.97 acres of land in Fort Monroe at the site of the former Chamberlin Hotel, which is located on accreted lands and may be subject to the reversionary interest of the Commonwealth of Virginia, for the use and operation of a senior independent living facility with an assisted living component and an adjacent parking facility (the "Lease");

WHEREAS, FADA as the LRA and the City as the zoning authority over Fort Monroe agree that the construction of a waterfront parking facility adjacent to the Chamberlin Hotel would not be in keeping with the vision for the ultimate reuse of Fort Monroe under the BRAC Statute and accordingly, object to the construction of such a facility at such location by OPC Hampton, LLC;

WHEREAS, FADA and the City recognize that the use of the Chamberlin Hotel site for the purposes stated in the Lease requires adequate parking, and OPC Hampton, LLC is willing to explore alternative sites for the required parking, subject to the BRAC Statute, the Reuse Plan and any reversionary interest of the Commonwealth;

WHEREAS, the execution of a Cooperation Agreement among the City, FADA , and OPC Hampton, LLC is necessary to memorialize the intent of the parties to work cooperatively to seek an alternative site for parking to serve the proposed uses of the Chamberlin Hotel as limited by the BRAC Statute, the Reuse Plan and any reversionary interest of the Commonwealth; and

WHEREAS, FADA on August 14, 2006, adopted a Resolution authorizing its staff to negotiate the terms of a Cooperation Agreement with the City and OPC Hampton, LLC to seek an alternative parking site for the Chamberlin Hotel, subject to Hampton City Council's approval.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hampton that

1. The City Manager negotiate the terms of a Cooperation Agreement among the City, FADA and OPC Hampton, LLC to seek an alternative site for the Chamberlin Hotel parking, as limited by the BRAC Statute, the Reuse Plan for Fort Monroe and any reversionary interest of the Commonwealth; and
2. The execution of said Cooperation Agreement shall be approved by formal action of FADA and City Council.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on September 13, 2006.

Signed by _____ **Date** _____
Ross A. Kearney, II, Mayor

Attested by _____ **Date** _____
Katherine K. Glass
Clerk of the Council