



Legislation Details (With Text)

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Title: Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Andrew L. Smallwood, Jr. to Allow an Encroachment into Two Areas of a City of Hampton Sanitary Sewer Easement for the Installation of a Six-Foot Privacy Fence

Sponsors:

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Code sections:

Attachments: 1. Encroachment Agreement, 2. Presentation

Date	Ver.	Action By	Action	Result
2/14/2024	1	City Council Legislative Session		

Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Andrew L. Smallwood, Jr. to Allow an Encroachment into Two Areas of a City of Hampton Sanitary Sewer Easement for the Installation of a Six-Foot Privacy Fence

PURPOSE/BACKGROUND:

Andrew L. Smallwood, Jr. (“Licensee”) owns the property located at 105 Southerland Drive (LRSN 12000609) (“Licensee’s Parcel”). Licensee’s Parcel is burdened with a twenty (20) foot wide existing sanitary sewer easement, for the benefit of the City of Hampton (“City”), being located on the western portion of Licensee’s Parcel adjacent to Licensee’s property line as illustrated on that certain Exhibit “A” attached to the Encroachment Agreement presented to Council for approval (the “Easement”). Licensee requested that the City grant him permission to encroach into two (2) areas more particularly described as follows:

1. Area #1: 16 +/- square foot (16’ x 1’ wide) total encroachment area to install a six foot (6’) tall privacy fence being a six foot (6’) long panel of fence with a ten foot (10’) wide gate as illustrated on Exhibit “A” attached to the Encroachment Agreement presented to Council for approval; and
2. Area #2: 16 +/- square foot (16’ x 1’ wide) total encroachment area to install a six foot (6’) tall privacy fence being an eleven (11’) foot long panel of fence with a five foot (5’) wide gate as illustrated on said Exhibit “A”.

Both areas being collectively the “Licensed Area”. The total of thirty-two (32) feet, more or less, of fence and gates to be located within the Licensed Area shall be referred to as (the “Licensed Improvement”).

The request was routed to City staff and local utility companies, and none had any objections, but some recommend certain conditions that are included in the attached Encroachment Agreement. Therefore, pursuant to Hampton City Code § 34-86, City staff recommends approval of the Encroachment Agreement.

Discussion:

See Purpose/Background above.

Impact:

See Purpose/Background above.

Recommendation:

Approve the Resolution

WHEREAS, Andrew L. Smallwood, Jr. (the "Licensee") is the owner of the property located at 105 Southerland Drive, Hampton, Virginia 23669 (LRSN 12000609) ("Licensee's Parcel");

WHEREAS, Licensee's Parcel is burdened with a twenty (20) foot wide existing sanitary sewer easement, for the benefit of the City of Hampton (the "City"), being located on the western portion of Licensee's Parcel adjacent to Licensee's property line as illustrated on that certain Exhibit "A" of the proposed Encroachment Agreement attached hereto and made a part hereof (the "Easement");

WHEREAS, the Licensee requested that the City grant him permission to encroach into two (2) areas of the Easement more particularly described as follows:

1. Area #1: 16 +/- square foot (16' x 1' wide) total encroachment area to install a six foot (6') tall privacy fence being a six foot (6') long panel of fence with a ten foot (10') wide gate as illustrated on Exhibit "A" attached to the Encroachment Agreement presented to Council for approval; and
2. Area #2: 16 +/- square foot (16' x 1' wide) total encroachment area to install a six foot (6') tall privacy fence being an eleven (11') foot long panel of fence with a five foot (5') wide gate as illustrated on said Exhibit "A".

Both areas being collectively the "Licensed Area". The total of thirty-two (32) feet, more or less, of fence and gates to be located within the Licensed Area shall be referred to as (the "Licensed Improvement") as requested on Licensee's encroachment application and as further illustrated on Exhibit "A" attached to the Encroachment Agreement presented to Council for approval; and

WHEREAS, City staff has reviewed the request and recommends granting the Licensee a non-exclusive revocable license, subject to the certain terms and conditions of and the execution of the Encroachment Agreement attached hereto.

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

1. That the Encroachment Agreement between the City of Hampton and the Licensee is hereby approved; and
2. That the City Manager, or her authorized designee, is hereby authorized to execute the Encroachment Agreement, in substantially the same form as set forth in this Resolution, and to take any and all actions necessary to carry out the purposes of this Resolution, subject to approval by the City Attorney.