



Legislation Details (With Text)

**File #:** 22-0191      **Version:** 1      **Name:** Hella Encroachment Agreement  
**Type:** Resolution      **Status:** Passed  
**File created:** 5/26/2022      **In control:** City Council Legislative Session  
**On agenda:** 6/8/2022      **Final action:** 6/8/2022  
**Title:** Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Joseph Hella and Gabrielle L. Hella to Allow an Encroachment into City Property for Construction/Installation of a Fence at 327 Lakeland Drive

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Encroachment Agreement, 2. Presentation

Date	Ver.	Action By	Action	Result
6/8/2022	1	City Council Legislative Session	approved	Pass

Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Joseph Hella and Gabrielle L. Hella to Allow an Encroachment into City Property for Construction/Installation of a Fence at 327 Lakeland Drive

**PURPOSE/BACKGROUND:**

Joseph Hella and Gabrielle L. Hella (the "Licensees"), own property located at 327 Lakeland Drive (LRSN 12000188) (the "Licensees' Parcel"). The City of Hampton has a 5-foot wide drainage easement along the southern property line of the Licensees' Parcel (the "City Easement"). Licensees request permission to encroach into two 6 (six) +/- square foot fence encroachment areas (Area #1 and Area #2) of the City Easement, all areas more or less the "Licensed Area", to install a fifty-four inch (54") tall aluminum fence (the "Licensed Improvement"), as requested on their encroachment application and as further illustrated on Exhibit "A" attached to the Encroachment Agreement presented to Council for approval.

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 recommend approval of the Encroachment Agreement.

**Discussion:**

See Purpose/Background above.

**Impact:**

See Purpose/Background above.

**Recommendation:**

Approve the Resolution.

**WHEREAS**, Joseph Hella and Gabrielle L. Hella (the "Licensees") own property in Hampton, Virginia, referred to as 327 Lakeland Drive, Hampton, Virginia 23669, LRSN 12000188 (the "Licensees' Parcel");

**WHEREAS**, the Licensees' Parcel is burdened with a five (5) foot existing drainage easement along the southern property line ("City Easement"), for the benefit of the City of Hampton (the "City");

**WHEREAS**, Licensees requested that the City grant Licensees permission to encroach into two 6 (six) +/- square foot fence encroachment areas (Area #1 and Area #2) of the City Easement, all areas more or less the "Licensed Area", to install a fifty-four inch (54") tall aluminum fence (the "Licensed Improvement"), as illustrated on Exhibit "A" attached to the Encroachment Agreement and presented herewith to Council for approval; and

**WHEREAS**, City staff have reviewed the request and recommend granting the Licensees a non-exclusive revocable license, subject to certain terms and conditions 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 Joseph Hella and Gabrielle L. Hella 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.