



Legislation Details (With Text)

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Title: Resolution Approving the Relocation of the Braddock Cannon, Currently Located within Victoria Boulevard, to a Portion of 4701 Victoria Boulevard, Which will be Dedicated to the City

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A - Vacation Agreement

Date	Ver.	Action By	Action	Result
4/12/2023	1	City Council Legislative Session	approved	Pass

Resolution Approving the Relocation of the Braddock Cannon, Currently Located within Victoria Boulevard, to a Portion of 4701 Victoria Boulevard, Which will be Dedicated to the City

PURPOSE/BACKGROUND:

The Hampton Yacht Club has requested vacation of a portion of the Victoria Blvd. right-of-way in order to make improvements to their entrance and parking area while preserving views to the waterfront (See Agenda Item # 23-0110 for additional vacation details).

This related item concerns a cannon, which is currently located within the area proposed to be vacated by the Hampton Yacht Club. The cannon was erected by the National Society of the Colonial Dames of America on May 9, 1916. It is located in the Victoria Blvd. right-of-way adjacent to the Hampton Yacht Club to the south of a parcel addressed as 4701 Victoria Blvd. (LRSN 2003824) and to the north of a parcel addressed as 4706 Victoria Blvd. (LRSN 2003821). The cannon commemorates the date upon which French and Indian War general Edward Braddock disembarked in Hampton. The Hampton Yacht Club has proposed relocating the cannon approximately 50' from its current location to an area at the northeast corner of the intersection of Victoria Blvd. and Bridge Street, on property currently owned by the Hampton Yacht Club, which is addressed as 4701 Victoria Blvd. This 345+/- square foot/ 0.008+/- acre portion of 4701 Victoria Blvd. is proposed to be dedicated to and owned by the City of Hampton in fee simple. The cannon itself is also proposed to remain in City ownership.

The proposed vacation agreement contained in Agenda Item # 23-0113, if approved, would require the Hampton Yacht Club to, among other things: relocate the cannon at their sole cost and preserve public access to all sides of the cannon, including by installation of hardscaping, such as pavers, around the base of the cannon in the dedication area, with design of all hardscaping and landscaping to be approved by the City prior to installation.

Pursuant to Sec. 15.2-1812 of the Code of Virginia, the City Council conducted an advertised public hearing on March 8, 2023 for the purpose of obtaining public comment on the proposed relocation.

While the Virginia Code only required one advertisement for 30 days, that public hearing was advertised three times.

At the March 8, 2023 meeting, after the close of the public hearing, the City Council voted to pursue relocation of the cannon. In accordance with the Code of Virginia, the City Council then published a notice in the newspaper inviting qualified entities to submit letters of intent to acquire the cannon for a 30-day period. Qualified entities include any “museum, historical society, government, or military battlefield.” The 30-day period closes on April 9, 2023. As of the date of this City Council agenda publication, no letters of intent have been submitted and only one inquiry has been received. The City Council will be updated at the close of the offer period as to whether any letters of intent were received.

This item will appear on City Council’s April 12, 2023 agenda. The City Council retains the “sole authority to determine the final disposition” of the cannon. If the City Council desires to approve the Hampton Yacht Club’s proposal, then staff recommends doing so in accordance with the attached resolution and the vacation agreement terms contained in Agenda Item # 23-0110. City Council is under no obligation to approve either item.

This item is also being brought forward in conjunction with Agenda Items 23-0019 and 23-0020, which include a rezoning and use permit application involving the proposed vacation area.

Recommendation:

If Council desires to relocate the cannon in the manner proposed by the Hampton Yacht Club, staff recommends approval of the attached resolution and the vacation agreement contained in Agenda Item # 23-0110 simultaneously.

WHEREAS, The Hampton Yacht Club is the owner of certain parcels of property located in the City of Hampton known as 4701, 4706, 4709, and 4710 Victoria Blvd. (LRSNs 2003824, 2003821, 13004507 and 13004508 respectively) (the “Hampton Yacht Club Properties”);

WHEREAS, The City of Hampton (“City”) is the owner of a portion of Victoria Boulevard right-of-way abutting the Hampton Yacht Club Properties containing approximately 6,840+/- square feet and 0.157+/- acres, which is depicted on the attached Exhibit A (the “Victoria Blvd Vacation Area”);

WHEREAS, the Hampton Yacht Club has requested vacation of the Victoria Blvd. Vacation Area in order to make improvements to the vacation area and to incorporate it into the larger Hampton Yacht Club use;

WHEREAS, as part of the vacation application, the Hampton Yacht Club has proposed relocating a cannon, known as the Braddock Cannon, which is currently located within the subject right-of-way, to an area at the northeast corner of the intersection of Victoria Blvd. and Bridge Street;

WHEREAS, the City and Hampton Yacht Club have negotiated a vacation agreement setting forth the proposed terms under which the cannon will be relocated, if approved by the City Council (the “Vacation Agreement”);

WHEREAS, the Vacation Agreement requires the Hampton Yacht Club to, among other things: (1) dedicate to the City, in fee simple and permanently, the area where the cannon is proposed to be relocated at 4701 Victoria Blvd.; (2) relocate the cannon at their sole cost; and (3) preserve public access to all sides of the cannon, including by installation of hardscaping, such as pavers, around the base of the cannon in the dedication area, with design of all hardscaping and landscaping to be approved by the City prior to installation;

WHEREAS, Pursuant to Sec. 15.2-1812 of the Code of Virginia, the City Council conducted an advertised public hearing on March 8, 2023 for the purpose of obtaining public comment on the

proposed cannon relocation;

WHEREAS, after the close of the public hearing on March 8, 2023, the City Council voted to pursue relocation of the cannon, and, in accordance with the Code of Virginia, the City Council then published a notice in the newspaper inviting qualified entities to submit letters of intent to acquire the cannon for a 30-day period;

WHEREAS, said 30-day period closed on April 9, 2023;

WHEREAS, pursuant to the Code of Virginia, the City Council retains the “sole authority to determine the final disposition” of the cannon; and

WHEREAS, the City Council is of the opinion that relocation of the cannon in accordance with the terms of the Vacation Agreement is consistent with the best interests of the citizens of the City of Hampton.

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

1. The City Manager is authorized and directed to execute, on behalf of the City, the Vacation Agreement in substantially the same form and content as that which is before the City Council, to execute any other related documents, and to perform other such acts as may be necessary and appropriate pursuant to the Vacation Agreement, including those not specifically recited, to implement the cannon relocation as proposed by the Hampton Yacht Club.
2. This resolution will take effect immediately upon adoption.