



Legislation Details (With Text)

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On agenda: 12/13/2017 **Final action:** 12/13/2017
Title: Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to Benjamin's Landing Homeowners' Association, Inc., Comprising 125 Square Feet, More or Less, to Replace Its Neighborhood Sign on Aspenwood Drive

Sponsors:

Indexes:

Code sections: 34-86 - Application; processing fee; procedures; council review

Attachments: 1. Encroachment Agreement

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------------------|----------|--------|
| 12/13/2017 | 1 | City Council Legislative Session | approved | Pass |

Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to Benjamin's Landing Homeowners' Association, Inc., Comprising 125 Square Feet, More or Less, to Replace Its Neighborhood Sign on Aspenwood Drive

PURPOSE/BACKGROUND:

The City owns the right-of-way known as Aspenwood Drive (the "Property"). Benjamin's Landing Homeowners' Association, Inc. ("Licensee") is responsible for (i) managing operational standards and civic and social activities and (ii) maintaining common areas in the Benjamin's Landing subdivision. Without permission Licensee had a neighborhood sign installed on the Property that was damaged and now desires to replace this sign as well as legalize its encroachment. Licensee requests permission to encroach into an area of the Property comprising 125 square feet (25' x 5'), more or less, for installation and maintenance of the sign as illustrated on Exhibit "A" attached to the Encroachment Agreement.

The request was routed to staff and local utility companies. None have any objection. However, in addition to the standard conditions, staff recommends approval subject to the condition that the sign shall not exceed the dimensions of 170" wide x 48" high x 24" deep.

Therefore, pursuant to § 34-86 of the City Code, staff recommends approval under the conditions outlined in the accompanying Encroachment Agreement.

Discussion:

N/A

Impact:

N/A

Recommendation:

Approve Resolution

WHEREAS, the City owns the right-of-way known as Aspenwood Drive (the “Property”);

WHEREAS, Benjamin’s Landing Homeowners’ Association, Inc. (“Licensee”) is responsible for (i) managing operational standards and civic and social activities and (ii) maintaining common areas in the Benjamin’s Landing subdivision;

WHEREAS, without permission, Licensee installed a neighborhood sign on the Property that recently was damaged, and Licensee now desires to replace this sign as well as legalize its encroachment;

WHEREAS, Licensee requests permission to encroach into an area of the Property comprising 125 square feet (25’ x 5’), more or less, for installation and maintenance of the sign as illustrated on Exhibit “A” attached to the Encroachment Agreement;

WHEREAS, the request was routed to staff and local utility companies and none have any objection;

WHEREAS, staff recommends approval subject to the condition that the sign shall not exceed the dimensions of 170” wide x 48” high x 24” deep; and

WHEREAS, pursuant to § 34-86 of the City Code, the City agrees to grant Benjamin’s Landing Homeowners’ Association, Inc. a revocable license for the proposed encroachment under the terms and conditions as specified in the attached Encroachment Agreement.

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 Benjamin’s Landing Homeowners’ Association, Inc. is hereby approved; and
2. That the City Manager, or her authorized designee, and Clerk of Council are hereby authorized to execute and attest the Encroachment Agreement as set forth in this Resolution.