



## Legislation Details (With Text)

<b>File #:</b>	24-0082	<b>Version:</b>	1	<b>Name:</b>	106 Valirey Fence Encroachment
<b>Type:</b>	Consent Item	<b>Status:</b>	Passed		
<b>File created:</b>	2/15/2024	<b>In control:</b>	City Council Legislative Session		
<b>On agenda:</b>	2/28/2024	<b>Final action:</b>	2/28/2024		
<b>Title:</b>	Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Christina A. Thomas to Allow an Encroachment into a Portion of a City of Hampton Drainage Easement for the Installation of a Six-Foot Wood Fence.				

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
2/28/2024	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 Christina A. Thomas to Allow an Encroachment into a Portion of a City of Hampton Drainage Easement for the Installation of a Six-Foot Wood Fence.

**PURPOSE/BACKGROUND:**

Christina A. Thomas ("Licensee") owns the property located at 106 Valirey Drive (LRSN 8004191) ("Licensee's Parcel"). Licensee's Parcel is burdened with a five foot (5') wide existing drainage easement, for the benefit of the City of Hampton ("City"), being located on the south-southwesterly 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 her permission to encroach into a 60 +/- square foot (1' wide x 60') area of the Easement as illustrated on the aforesaid Exhibit "A" (the "Licensed Area"). The purpose of the encroachment is to install a new six foot (6') foot tall wood fence and a ten foot (10') wide gate at the rear to allow access to the Easement (collectively 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, Christina A. Thomas (the "Licensee") is the owner of the property located at 106 Valirey Drive, Hampton, Virginia 23669 (LRSN 8004191) ("Licensee's Parcel");

WHEREAS, Licensee's Parcel is burdened with a five foot wide (5') wide existing drainage easement, for the benefit of the City of Hampton (the "City"), being located on the south-southwesterly 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 her permission to encroach into a 60 +/- square foot (1' wide x 60') area of the Easement as illustrated on the aforesaid Exhibit "A" (the "Licensed Area");

WHEREAS, the purpose of the encroachment is to install a new six foot (6') tall wood fence and a ten foot (10') wide gate at the rear to allow access to the Easement (collectively the "Licensed Improvement"); 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.