



## Legislation Details (With Text)

|                      |                                                                                                                                                                                                                                                                                                                       |                      |                                  |              |                        |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------|--------------|------------------------|
| <b>File #:</b>       | 24-0060                                                                                                                                                                                                                                                                                                               | <b>Version:</b>      | 1                                | <b>Name:</b> | 4 Muir Ct Encroachment |
| <b>Type:</b>         | Consent Item                                                                                                                                                                                                                                                                                                          | <b>Status:</b>       | Passed                           |              |                        |
| <b>File created:</b> | 2/1/2024                                                                                                                                                                                                                                                                                                              | <b>In control:</b>   | City Council Legislative Session |              |                        |
| <b>On agenda:</b>    | 2/14/2024                                                                                                                                                                                                                                                                                                             | <b>Final action:</b> | 2/14/2024                        |              |                        |
| <b>Title:</b>        | Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton, Kyle Ellis and Sasha R. Congiu, also known as Sasha C. Ellis, to Allow an Encroachment into a Portion of a City of Hampton Drainage Easement for the Installation of a Six-Foot White Vinyl Fence. |                      |                                  |              |                        |

### Sponsors:

### Indexes:

### 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, Kyle Ellis and Sasha R. Congiu, also known as Sasha C. Ellis, to Allow an Encroachment into a Portion of a City of Hampton Drainage Easement for the Installation of a Six-Foot White Vinyl Fence.

### PURPOSE/BACKGROUND:

Kyle Ellis and Sasha R. Congiu, also known as Sasha C. Ellis, ("Licensees") own the property located at 4 Muir Ct (LRSN 13000074) ("Licensees' Parcel"). Licensees' Parcel is burdened with a five (5) foot wide existing drainage easement, for the benefit of the City of Hampton ("City"), being located on the south-southeasterly portion of Licensees' Parcel adjacent to Licensees' property line as illustrated on that certain Exhibit "A" attached to the Encroachment Agreement presented to Council for approval (the "Easement"). Licensees requested that the City grant them permission to encroach into a 128 +/- square foot 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 (6) foot white vinyl fence with a five (5) foot walk gate (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, Kyle Ellis and Sasha R. Congiu, also known as Sasha C. Ellis, (the "Licensees") are the owners of the property located at 4 Muir Ct, Hampton, Virginia 23666 (LRSN 13000074) ("Licensees' Parcel");

WHEREAS, Licensees' Parcel is burdened with a five (5) foot wide existing drainage easement, for the benefit of the City of Hampton (the "City"), being located on the south-southeasterly portion of Licensees' Parcel adjacent to Licensees' 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 Licensees requested that the City grant them permission to encroach into a 128 +/- square foot 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 (6) foot white vinyl fence (the "Licensed Improvement"); and

WHEREAS, City staff has reviewed the request and recommends granting the Licensees 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 Licensees 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.