



## Legislation Text

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**File #:** 16-0344, **Version:** 1

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Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the City Code, to The Most Reverend Francis X. DiLorenzo, Bishop of the Catholic Diocese of Richmond, Virginia, Successor in Office to the Most Reverend Walter F. Sullivan, for the Benefit of Our Lady of Vietnam Catholic Church of an Area Comprising 4,755 Square Feet, More or Less, Over a Portion of a City Property Adjacent to 1307 LaSalle Avenue

### **PURPOSE/BACKGROUND:**

The Most Reverend Francis X. DiLorenzo, Bishop of the Catholic Diocese of Richmond, Virginia, Successor in Office to the Most Reverend Walter F. Sullivan, for the Benefit of Our Lady of Vietnam Catholic Church (the "Church") owns property located at 1307 LaSalle Avenue (LRSN 2000246) (the "Church Parcel"). The City owns the right of way adjacent to the Church Parcel known as LaSalle Avenue (the "City ROW"). The Church requests after-the-fact permission to maintain encroachments of a fence, sign, landscaping, and 13 parking spaces (the "Licensed Improvements") in an approximate 4,755 square foot area of City ROW, more or less, as illustrated on Exhibit "A" attached to the accompanying Encroachment Agreement ("Licensed Area"). Primarily, the Licensed Improvements were in place when the Church Parcel was acquired in 1994 with the exception of extension of the fence and replacement of the sign, which occurred in the same location. The Church only recently became aware it was encroaching into the City ROW and now wishes to legitimize this use.

This request was routed to local utility companies and staff. Staff recommends approval pursuant to § 34-86 of the City Code with the following conditions:

1. The Church must repair any damage to rights of way, sidewalks and brick, landscaping, or other public property and improvements inside or outside the Licensed Area, caused by or resulting from or arising out of any act on its part, its subcontractors, agents, or employees under or in connection with this encroachment, or maintenance or repair of the Licensed Improvements in the Licensed Area;
2. All work must occur within the unpaved portion of the City ROW;
3. A 10-foot easement will be retained over the storm drain;
4. If the Licensed Improvements must be removed to repair the underlying stormwater infrastructure or the HRSD force main, the City will not replace these encroachments;
5. If the Licensed Improvements require repair or reconstruction, they must be replaced in the current footprints only; no expansions are permitted;
6. The Licensed Improvements or any other permanent structure does not restrict the City's ability to inspect and maintain the City ROW or the infrastructure in the Licensed Area; and

7.Except as otherwise provided herein, to keep the Licensed Area in a neat and clean manner, free of noxious fumes and any additional obstructions so as not to cause disruption or hazard to pedestrian or vehicular traffic on the City ROW.

The Church is contemplating selling the Church Parcel to an American Legion Lodge. Related to this application is Use Permit No. 16-00004 for the operation of an American Legion Lodge, which requires a minimum number of parking spaces. If this encroachment is approved, the 13 parking spaces may be used to meet the parking requirement under the use permit.

**Discussion:**

N/A

**Impact:**

N/A

**Recommendation:**

Approve Resolution

**WHEREAS**, The Most Reverend Francis X. DiLorenzo, Bishop of the Catholic Diocese of Richmond, Virginia, Successor in Office to the Most Reverend Walter F. Sullivan, for the Benefit of Our Lady of Vietnam Catholic Church (the “Church”) owns property located at 1307 LaSalle Avenue (LRSN 2000246) (the “Church Parcel”);

**WHEREAS**, the City owns the right of way adjacent to the Church Parcel known as LaSalle Avenue (the “City ROW”);

**WHEREAS**, the Church requests after-the-fact permission to maintain encroachments of a fence, sign, landscaping, and 13 parking spaces (the “Licensed Improvements”) in an approximate 4,755 square foot area of City ROW, more or less, as illustrated on Exhibit “A” attached to the accompanying Encroachment Agreement (“Licensed Area”);

**WHEREAS**, primarily, the Licensed Improvements were in place when the Church Parcel was acquired in 1994 with the exception of extension of the fence and replacement of the sign, which occurred in the same location;

**WHEREAS**, the Church only recently became aware it was encroaching into the City ROW and now wishes to legitimize this use;

**WHEREAS**, this request was routed to local utility companies and staff. Staff recommends approval pursuant to § 34-86 of the City Code with the following conditions:

1. The Church must repair any damage to rights of way, sidewalks and brick, landscaping, or other public property and improvements inside or outside the Licensed Area, caused by or resulting from or arising out of any act on its part, its subcontractors, agents, or employees under or in connection with

this encroachment, or maintenance or repair of the Licensed Improvements in the Licensed Area;

2. All work must occur within the unpaved portion of the City ROW;

3. A 10-foot easement will be retained over the storm drain;

4. If the Licensed Improvements must be removed to repair the underlying stormwater infrastructure or the HRSD force main, the City will not replace these encroachments;

5. If the Licensed Improvements require repair or reconstruction, they must be replaced in the current footprints only; no expansions are permitted;

6. The Licensed Improvements or any other permanent structure does not restrict the City's ability to inspect and maintain the City ROW or the infrastructure in the Licensed Area; and

7. Except as otherwise provided herein, to keep the Licensed Area in a neat and clean manner, free of noxious fumes and any additional obstructions so as not to cause disruption or hazard to pedestrian or vehicular traffic on the City ROW.

**WHEREAS**, The Church is contemplating selling the Church Parcel to an American Legion Lodge;

**WHEREAS**, related to this encroachment application is Use Permit No. 16-00004 for the operation of an American Legion Lodge, which requires a minimum number of parking spaces;

**WHEREAS**, if this encroachment is approved, the 13 parking spaces may be used to meet the parking requirement under the use permit; and

**WHEREAS**, pursuant to § 34-86 of the City Code, the City agrees to grant the Church a revocable license for the proposed encroachment under certain 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 The Most Reverend Francis X. DiLorenzo, Bishop of the Catholic Diocese of Richmond, Virginia, Successor in Office to the Most Reverend Walter F. Sullivan, for the Benefit of Our Lady of Vietnam Catholic Church 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.