



Legislation Text

File #: 21-0215, Version: 1

Ordinance Vacating Any and All City of Hampton Interest In An Alley Containing 1,746+/- Square Feet Located Between Two Parcels: Parcel A - Owned by Thomas E. Gray Addressed as 205 Atlantic Avenue (LRSN 12006130), and Parcel B - Owned by Samantha R. Taylor Addressed as 211 Atlantic Avenue (LRSN 13006583)

PURPOSE/BACKGROUND:

Thomas E. Gray (“Gray”) owns property located at 205 Atlantic Avenue (LRSN 12006130) (the “Property”), and the City of Hampton (the “City”) owns an unimproved alley comprising of 1,746+/- square feet (the “Vacation Area” and the “Alley”) adjacent to the Property. Gray submitted an application and paid all required fees to the City requesting the vacation of the Vacation Area because (1) the Alley is unimproved and contains no City utilities therein, and because (2) Gray needs a portion of the Alley to meet needed area requirements to build a garage. The City’s staff circulated the application for review to various City departments and local utilities and none had any objections to the vacation of the Vacation Area. Accordingly, the City and Gray have negotiated an agreement (the “Vacation Agreement”), attached hereto as Exhibit A, setting forth the terms upon which the City and Gray agree to vacate the Vacation Area pursuant to Section 2.05 of the Hampton City Charter. The Alley is located between two (2) parcels of property being currently the Property owned by Gray, and a parcel owned by Samantha R. Taylor (“Taylor”) located at 211 Atlantic Avenue (LRSN 13006583) (the “Adjacent Property”), as further shown on Exhibit A attached hereto, with Gray’s Property designated as “Parcel A” and Taylor’s Adjacent Property designated as “Parcel B” thereon. Taylor has agreed to join in the signing of the Vacation Agreement to indicate her acceptance of same as the only adjacent property owner. Upon approval, the Vacation Area will be merged into the parcels of Gray and Taylor as shown on the Exhibit A.

Such a vacation agreement is authorized by Section 2.05 of the Hampton City Charter and must be approved by the City Council.

Recommendation:

Adopt the ordinance.

WHEREAS, Thomas E. Gray (“Gray”) owns property located at 205 Atlantic Avenue (LRSN 12006130) (the “Property”), and the City of Hampton (the “City”) owns an unimproved alley comprising of 1,746+/- square feet (the “Vacation Area” and the “Alley”) adjacent to the Property;

WHEREAS, Gray requests the vacation of the Vacation Area because (1) the Alley is unimproved and contains no City utilities therein, and because (2) Gray needs a portion of the Alley to meet needed area requirements to build a garage;

WHEREAS, accordingly, the City and Gray have negotiated an agreement (the “Vacation

Agreement”), attached hereto as Exhibit A, setting forth the terms upon which the City and Gray agree to vacate the Vacation Area pursuant to Section 2.05 of the Hampton City Charter;

WHEREAS, the Alley is further located between two (2) parcels of property being currently the Property owned by Gray, and a parcel owned by Samantha R. Taylor (“Taylor”) located at 211 Atlantic Avenue (LRSN 13006583) (the “Adjacent Property”), as further shown on Exhibit A attached hereto, with Gray’s Property designated as “Parcel A” and Taylor’s Adjacent Property designated as “Parcel B” thereon;

WHEREAS, Taylor has agreed to join in the signing of the Vacation Agreement to indicate her acceptance of same as an adjacent property owner;

WHEREAS, upon approval, the Vacation Area will be merged into the parcels of Gray and Taylor as shown on the Exhibit A;

WHEREAS, City staff has no objection to the vacation of the Vacation Area and further recommends that any purchase price of the Vacation Area be waived as the improvements proposed by Gray will generate additional tax revenue for the City and the Vacation Area is a liability to the City in the event of injury or damage;

WHEREAS, Section 2.05 of the City Charter for the City of Hampton permit vacation of public rights-of-way by ordinance of the City Council without a public hearing; and

WHEREAS, the City Council finds that vacation of the portion of the Alley as shown on Exhibit A is in the best interest of the City and its citizens.

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

1. That the vacation of the Alley as depicted on Exhibit A is hereby approved; and
2. That the City Manager or her authorized designee is hereby authorized to record this ordinance in accordance with Section 2.05 of the City Charter for the City of Hampton and to perform other such acts as may be necessary and appropriate in accordance with the intent of this ordinance, including but not limited to the execution of any Vacation Agreements, subject to approval by the City Attorney.