



Legislation Text

File #: 17-0280, **Version:** 1

Resolution Authorizing the Grant of an Encroachment, Pursuant to § 34-86 of the Hampton City Code, to Lawrence and Earlene Wilson, Comprising 339 to 678 Cubic Feet, More or Less, for the Placement of Stone in the Public Rights-of-Way of S. Curry Street and Segar Street, Adjacent to 404 S. Curry Street (LRSN 12001256)

PURPOSE/BACKGROUND:

Lawrence and Earlene Wilson ("Licensee"), owners of the property located at 404 S. Curry Street (LRSN 12001256), request permission to encroach into a variable width, variable depth area of the public rights-of-way known as S. Curry Street and Segar Street. Earlier this year, Licensee placed stone within the grass strip between the sidewalk and the back of curb at S. Curry Street (0.7" x 26' = 18 s.f.+; variable width x 76' = 51 s.f.+) and the sidewalk and the back of curb at Segar Street (0.7" x 22' = 16 s.f.+; 0.7" x 40' = 28 s.f.+), totaling 113 s.f.+, all areas 3"-6" deep ("Licensed Area"). Licensee now wishes to formalize its encroachment into the Licensed Area, comprising a combined area totaling 339 to 678 cubic feet, more or less (the "Licensed Improvements"), 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, along with the standard conditions, staff recommends approval subject to the following additional conditions: (1) the Licensed Improvements must not exceed the existing size; (2) Licensee is responsible for the removal and replacement of the Licensed Improvements if any utilities in the Licensed Area require maintenance; and (3) the City is not responsible for the repair or replacement of any damage to the Licensed Improvements.

In accordance with Hampton City Code § 34-86, staff recommends approval under the conditions outlined in the accompanying Encroachment Agreement and Certificate of Insurance. No performance bond is required at this time.

Discussion:

N/A

Impact:

N/A

Recommendation:

Approve Resolution

WHEREAS, Lawrence and Earlene Wilson ("Licensee"), owners of the property located at 404 S. Curry Street (LRSN 12001256), request permission to encroach into a variable width, variable depth

area of the public rights-of-way known as S. Curry Street and Segar Street;

WHEREAS, earlier this year, Licensee placed stone within the grass strip between the sidewalk and the back of curb at S. Curry Street (0.7' x 26' = 18 s.f.+; variable width x 76' = 51 s.f.+) and the sidewalk and the back of curb at Segar Street (0.7' x 22' = 16 s.f.+; 0.7' x 40' = 28 s.f.+), totaling 113 s.f.+, all areas 3"-6" deep ("Licensed Area");

WHEREAS, Licensee now wishes to formalize its encroachment into the Licensed Area, comprising a combined total area of 339 to 678 cubic feet, more or less (the "Licensed Improvements"), as illustrated on Exhibit "A" attached to the Encroachment Agreement;

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

WHEREAS, along with the standard conditions, staff recommends approval subject to the following additional conditions: (1) the Licensed Improvements must not exceed the existing size; (2) Licensee is responsible for the removal and replacement of the Licensed Improvements if any utilities in the Licensed Area require maintenance; and (3) the City is not responsible for the repair or replacement of any damage to the Licensed Improvements; and

WHEREAS, pursuant to Hampton City Code § 34-86, the City agrees to grant Lawrence and Earlene Wilson 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 among the City of Hampton and Lawrence and Earlene Wilson 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.