



Legislation Text

File #: 24-0018, **Version:** 1

Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Kevin Niblock 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:

Kevin Niblock ("Licensee") owns the property located at 1345 Coral Place (LRSN 12000140) ("Licensee's Parcel"). Licensee's 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 north/northeast 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 him permission to encroach into a 13 +/- 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 wood fence (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, Kevin Niblock (the "Licensee") is the owner of the property located at 1345 Coral Place, Hampton, Virginia 23669 (LRSN 12000140) ("Licensee's Parcel");

WHEREAS, Licensee's 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 north/northeast 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 him permission to encroach into a 13 +/- 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 wood fence (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.