



Legislation Text

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File #: 23-0285, Version: 1

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Ordinance Vacating the City of Hampton's Interest In a Portion of a Certain Public Right-of-Way Containing 16,032+/- Square Feet Known as Water Street and Approving a Vacation Agreement Between the City of Hampton and The Most Reverend Barry C. Knestout, Bishop of the Catholic Diocese of Richmond

**PURPOSE/BACKGROUND:**

The Most Reverend Barry C. Knestout, Bishop of the Catholic Diocese of Richmond ("the Diocese") owns certain property located at 15 S. Willard Avenue (LRSN 12001139) (the "Property"), and the City of Hampton (the "City") owns a certain public right-of-way known as Water Street which is comprised of 16,032+/- square feet (the "Vacation Area" and the "Right-of-Way") adjacent to the Property. The Diocese submitted an application and paid all required fees to the City requesting the vacation of the Vacation Area because (1) the Right-of-Way is completely surrounded by the Diocese's Property and no other landowner will be affected by the vacation; and (2) the Diocese operates a school on their Property and the Right-of-Way serves as a drop-off and pick-up area for their school students, whereby student safety would be promoted if the public were restricted from entering and using the Right-of -Way. 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 the Diocese have negotiated an agreement (the "Vacation Agreement"), attached hereto as Exhibit A, showing the Vacation Area on the Vacation Plat attached thereto and setting forth the terms upon which the City and the Diocese agree to vacate the Vacation Area pursuant to Section 2.05 of the Hampton City Charter. Per Exhibit A, the Vacation Area will merge into and become a part of the Diocese's Property.

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**, the Most Reverend Barry C. Knestout, Bishop of the Catholic Diocese of Richmond ("the Diocese") owns certain property located at 15 S. Willard Avenue (LRSN 12001139) (the "Property");

**WHEREAS**, the City of Hampton (the "City") owns a certain public right-of-way known as Water Street which is comprised of 16,032+/- square feet (the "Vacation Area" and the "Right-of-Way") adjacent to the Property;

**WHEREAS**, the Diocese submitted an application and paid all required fees to the City requesting the vacation of the Vacation Area because (1) the Right-of-Way is completely surrounded by the Diocese's Property and no other landowner will be affected by the vacation; and (2) the Diocese operates a school on their Property and the Right-of-Way serves as a drop-off and pick-up

area for their school students, whereby student safety would be promoted if the public were restricted from entering and using the Right-of-Way;

**WHEREAS**, the City and the Diocese have negotiated an agreement (the "Vacation Agreement"), attached hereto as Exhibit A, setting forth the terms upon which the City and the Diocese agree to vacate the Vacation Area pursuant to Section 2.05 of the Hampton City Charter;

**WHEREAS**, the Vacation Agreement requires the Diocese to dedicate all easements shown on the proposed Vacation Plat (see Exhibit A) to the City at no cost to the City, as well as all additional easements that the City, the affected utility companies, and others may require or deem necessary;

**WHEREAS**, upon approval, the Vacation Area will be merged into the Property owned by the Diocese as shown in Exhibit A;

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

**WHEREAS**, the City, by its City Council, is of the opinion that the portion of the Right-of-Way as shown on Exhibit A is not now needed nor will it be needed in the future for a public right-of-way, and that approval of the Vacation Agreement and vacation of the Right-of-Way are in the best interests 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 portion of the Right-of-Way per the terms of the Vacation Agreement and 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 the Vacation Agreement in substantially the same form and content as that which is attached to this ordinance, subject to approval by the City Attorney.