



Legislation Text

File #: 24-0137, Version: 1

Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Sascha Winter to Allow an Encroachment into a Portion of a City of Hampton Drainage and Utility Easement for the Installation of a Wood Privacy Fence.

PURPOSE/BACKGROUND:

Sascha Winter (“Licensee”) owns the property located at 8308 Orcutt Ave (LRSN 3002519) (“Licensee’s Parcel”). Licensee’s Parcel is burdened with ten foot (10’) wide existing drainage and utility easements, for the benefit of the City of Hampton (“City”), being located on the northeastern, eastern, southeastern and southern portions of Licensee’s Parcel 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 an 80 +/- square foot (1’ wide x 80’ +/-) area of the Easement as illustrated on the aforesaid Exhibit “A” (the “Licensed Area”). The purpose of the encroachment is to install a new wood privacy fence at a height to be approved by the City (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, Sascha Winter (the “Licensee”) is the owner of the property located at 8308 Orcutt Ave, Hampton, Virginia 23605 (LRSN 3002519) (“Licensee’s Parcel”);

WHEREAS, Licensee’s Parcel is burdened with ten foot (10’) wide existing drainage and utility easements, for the benefit of the City of Hampton (the “City”), being located on the northeastern, eastern, southeastern and southern portions of Licensee’s Parcel 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 an 80

+/- square foot (1' wide x 80' +/-) 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 wood privacy fence at a height to be approved by the City (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.