



## Legislation Text

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File #: 23-0006, Version: 1

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Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Hampton University to Allow an Encroachment Into the City's Right of Way for Installation of New Chilled and Heat Utility Lines Below the Ground's Surface at or Near 148 William R. Harvey Way and 2 Frissell Avenue

**PURPOSE/BACKGROUND:**

Hampton University, a Virginia nonstock corporation, formerly known as Hampton Institute, (the "Licensee") intends to install utility improvements on and to certain property within the City of Hampton located at 148 William R. Harvey Way (LRSN 12001091) and 2 Frissell Avenue (LRSN 12001034) (the "Licensee's Parcels"). The City of Hampton (the "City") is the owner of William R. Harvey Way & Frissell Avenue (collectively the "Right of Way") running adjacent to Licensee's Parcels. As stated in the Licensee's encroachment application, Licensee requests that the City grant them permission to encroach into two 202 +/- square foot areas of the Right of Way designated as "E4" and "E5" and being illustrated on Exhibit "A" attached to the Encroachment Agreement presented to Council for approval herewith, all areas more or less the "Licensed Area". The specific purpose of the encroachment is to install new chilled and heat utility lines at a depth of five feet (5') below the ground's surface (the "Licensed Improvement"). Licensee advises that the width of excavation trenches will be four feet (4') on average although width of excavation may vary.

The application and request were routed to City staff and local utility companies, and none had any objections, but some recommended certain conditions that are included in the attached Encroachment Agreement. Therefore, pursuant to Hampton City Code § 34-86, City staff recommend approval of the Encroachment Agreement.

**Discussion:**

See Purpose/Background above.

**Impact:**

See Purpose/Background above.

**Recommendation:**

Approve the Resolution.

**WHEREAS**, Hampton University, a Virginia nonstock corporation, formerly known as Hampton Institute, (the "Licensee") intends to install utility improvements on and to certain property within the City of Hampton located at 148 William R. Harvey Way (LRSN 12001091) and 2 Frissell Avenue

(LRSN 12001034) (the "Licensee's Parcels");

**WHEREAS**, The City of Hampton (the "City") is the owner of William R. Harvey Way & Frissell Avenue (collectively the "Right of Way") running adjacent to Licensee's Parcels;

**WHEREAS**, as stated in the Licensee's encroachment application, Licensee requests that the City grant them permission to encroach into two 202 +/- square foot areas of the Right of Way designated as "E4" and "E5" and being illustrated on Exhibit "A" attached to the Encroachment Agreement presented to Council for approval herewith, all areas more or less the "Licensed Area";

**WHEREAS**, the specific purpose of the encroachment is to install new chilled and heat utility lines at a depth of five feet (5') below the ground's surface (the "Licensed Improvement"); and

**WHEREAS**, City staff have reviewed the request and recommend granting the Licensee a non-exclusive revocable license, subject to certain terms and conditions 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 Hampton University, formerly known as Hampton Institute, 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.