



Legislation Text

File #: 16-0334, Version: 1

Resolution to approve the granting of licenses to the following properties: LRSNs: 13001532, 13001533, 13001534, 13001535, 13001536, 13001537, 13001538, 13001539, 13001540, 13001541, 13001542, 2002950, 2002892 and 2002894 to allow said properties to use certain designated parking spaces on the bottom floor of the Settlers Landing Road Parking Garage

PURPOSE/BACKGROUND/DISCUSSION:

When the Settlers Landing Road Parking Garage (“SLR Parking Garage”) was built, certain properties within and adjacent to the SLR Parking Garage were assigned certain parking spaces, for a fee, on the bottom floor of the SLR Parking Garage pursuant to an agreement with the Parking Authority of the City of Hampton.

The City Council later determined that all public parking facilities would be open to the public free of charge with the exception of the contractual agreement with the owners of the Harbour Center Building parking garage, and the agreement to allow the certain properties to use the assigned parking spaces in the SLR Parking garage was suspended.

The owners of the properties to which the parking spaces were assigned desire to continue the use of the parking spaces in the SLR Parking Garage and the City Council desires to continue the arrangement.

City staff has reviewed the request and has proposed the assignment of the parking spaces on the bottom floor of the SLR Parking Garage as set forth on Exhibit A attached to the Resolution via a revocable license.

Impact:

Positive effect on businesses within and adjacent to the Parking Garage.

Recommendation:

Conduct Public Hearing. Approve Resolution.

WHEREAS, when the Settlers Landing Road Parking Garage (“SLR Parking Garage”) was built, certain properties within and adjacent to the SLR Parking Garage were assigned certain parking spaces, for a fee, on the bottom floor of the SLR Parking Garage pursuant to an agreement with the Parking Authority of the City of Hampton;

WHEREAS, when the City Council determined that all public parking facilities would be open to the public free of charge with the exception of the contractual agreement with the owners of the Harbour Center Building parking garage, the agreement to allow the certain properties to use the assigned parking spaces in the SLR Parking garage was suspended;

WHEREAS, the owners of the properties to which the parking spaces were assigned desire to continue the use of the parking spaces in the SLR Parking Garage and the City Council desires to continue the arrangement; and

WHEREAS, City staff has reviewed the request and has proposed the assignment of the parking spaces on the bottom floor of the SLR Parking Garage as set forth on Exhibit A attached to this Resolution via a revocable license.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hampton, Virginia, as follows:

1. That it approves the granting of a revocable license to the following properties, LRSNs: 13001532, 13001533, 13001534, 13001535, 13001536, 13001537, 13001538, 13001539, 13001540, 13001541, 13001542, 2002950, 2002892 and 2002894 ("Licensee(s)"), to allow said properties to use certain designated parking spaces on the bottom floor of the Settlers Landing Road Parking Garage all as set forth in Exhibit A attached hereto;
2. That the revocable license is granted at no cost to the Licensee(s).
3. That the revocable license granted to the Licensee(s) will be for a term of five (5) years commencing September 28, 2016 and ending September 27, 2021 with the understanding that the City (i) will neither be responsible nor liable for any claims of injury to persons or property resulting or arising from the use of the designated parking spaces, (ii) will not waive its defense of sovereign immunity or any other defenses available to municipal corporations of the Commonwealth of Virginia with respect to any such claims asserted against the City, and (iii) the Licensee(s) will indemnify and

hold harmless the City and its employees, agents, officers and representatives against any such claims unless the injury was caused by the direct negligence of the City; and

4. That on or before expiration of the term of the licenses granted by this Resolution, unless revoked prior to expiration, the Licensee or Licensees may request the grant of another license which may be processed by the City Manager or her designee in accordance with Virginia Code §§15.2-1800 and 15.2-2100.