



Legislation Text

File #: 23-0110, Version: 1

Resolution Approving a Vacation Agreement Between Hampton Yacht Club, Incorporated and the City of Hampton, Virginia Pertaining to Vacation of a 6,840± Square Foot Portion of a Public Right of Way Known As Victoria Boulevard

Background Statement:

The Hampton Yacht Club is the owner of certain parcels of property located in the City of Hampton known as 4701, 4706, 4709, and 4710 Victoria Blvd. (LRSNs 2003824, 2003821, 13004507 and 13004508 respectively) (the "Hampton Yacht Club Properties"). The City is the owner of a portion of Victoria Boulevard right-of-way abutting the Hampton Yacht Club Properties containing approximately 6,840+/- square feet and 0.157+/- acres, which is depicted on the exhibits associated with the proposed vacation agreement, which is attached as Exhibit A. Hampton Yacht Club has requested vacation of the Victoria Blvd. Vacation Area in order to make improvements to the vacation area and to incorporate it into the larger Hampton Yacht Club use.

The right-of-way vacation also contemplates relocation of a cannon, known as the Braddock Cannon, which is currently located within the City right-of-way to the south of a parcel addressed as 4701 Victoria Blvd. (LRSN 2003824) and to the north of a parcel addressed as 4706 Victoria Blvd. (LRSN 2003821). The cannon commemorates the date upon which French and Indian War general Edward Braddock disembarked into Hampton. The Hampton Yacht Club has proposed to relocate the cannon approximately 50' from its current location to an area at the Northeast corner of the intersection of Victoria Blvd. and Bridge Street, on property currently owned by the Hampton Yacht Club, which is addressed as 4701 Victoria Blvd. This land area will be dedicated to and owned by the City of Hampton and the cannon is proposed to remain in City ownership. While not legally applicable to the cannon at issue, the City has elected to follow the statutory requirements of Virginia Code Sec. 15.2-1812 as it relates to relocation of the cannon (see Agenda Item # 23-0111 for additional information).

The proposed vacation agreement includes several key terms, which require the Hampton Yacht Club to:

1. Dedicate to the City, in fee simple and permanently, the area where the cannon is proposed to be relocated;
2. Relocate the cannon at their sole cost;
3. Preserve public access to all sides of the cannon, including by installation of hardscaping, such as pavers, around the base of the cannon in the dedication area, with design of all hardscaping and landscaping to be approved by the City prior to installation; and
4. Dedicate all easements shown on the proposed vacation plat, to the City at no cost to the City, as well as all additional easements that any utility company may deem necessary.

This item is also being brought forward in conjunction with Agenda Items 23-0019 and 23-0020, which include a rezoning and use permit application involving the proposed vacation area.

Recommendation:

If Council desires to relocate the cannon in the manner proposed by the Hampton Yacht Club and vacate the right-of-way area described, staff recommends approval of the attached resolution and cannon resolution contained in Agenda Item # 23-0112 simultaneously.

WHEREAS, The Hampton Yacht Club is the owner of certain parcels of property located in the City of Hampton known as 4701, 4706, 4709, and 4710 Victoria Blvd. (LRSNs 2003824, 2003821, 13004507 and 13004508 respectively) (the “Hampton Yacht Club Properties”);

WHEREAS, The City of Hampton (“City”) is the owner of a portion of Victoria Boulevard right-of-way abutting the Hampton Yacht Club Properties containing approximately 6,840+/- square feet and 0.157+/- acres, which is depicted on the attached Exhibit A (the “Victoria Blvd Vacation Area”);

WHEREAS, the Hampton Yacht Club has requested vacation of the Victoria Blvd. Vacation Area in order to make improvements to the vacation area and to incorporate it into the larger Hampton Yacht Club use;

WHEREAS, the City and Hampton Yacht Club desire to enter into the attached vacation agreement setting forth the terms upon which the City and the Hampton Yacht Club agree to vacate the Victoria Blvd. Vacation Area pursuant to Section 2.05 of the Hampton City Charter (the “Vacation Agreement”);

WHEREAS, the Vacation Agreement includes terms governing the relocation of a cannon, known as the Braddock Cannon, which is currently located within the City right-of-way to the south of a parcel addressed as 4701 Victoria Blvd. (LRSN 2003824) and to the north of a parcel addressed as 4706 Victoria Blvd. (LRSN 2003821). The cannon commemorates the date upon which French and Indian War general Edward Braddock disembarked into Hampton;

WHEREAS, the Vacation Agreement requires the Hampton Yacht Club to, among other things: (1) dedicate to the City, in fee simple and permanently, the area where the cannon is proposed to be relocated at 4701 Victoria Blvd.; (2) relocate the cannon at their sole cost; (3) preserve public access to all sides of the cannon, including by installation of hardscaping, such as pavers, around the base of the cannon in the dedication area, with design of all hardscaping and landscaping to be approved by the City prior to installation; and (4) dedicate all easements shown on the proposed vacation plat, to the City at no cost to the City, as well as all additional easements that any utility company may deem necessary;

WHEREAS, the Vacation Agreement also provides that no buildings or structures, with the exception of a fence not to exceed 6’ in height and two pillars including identification signage, shall be constructed within the Victoria Blvd. Vacation Area to ensure preservation of views to the waterfront from pedestrian ground level; and

WHEREAS, The City, acting by and through its City Council, is of the opinion that the Victoria Blvd. Vacation Area is not now and will not be needed for public right-of-way, and all property interests affected by the Vacation Agreement are consistent with the best interests of the citizens of the City of Hampton.

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

1. The City Manager is authorized and directed to execute, on behalf of the City, the Vacation Agreement in substantially the same form and content as that which is attached to this resolution, to execute any other related documents, and to perform other such acts as may be necessary and appropriate pursuant to the Vacation

Agreement, including those not specifically recited.

2. This resolution will take effect immediately upon adoption.