



## Legislation Text

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File #: 24-0136, 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 Joseph Teresi and Evalyn Teresi to Allow an Encroachment into a Portion of a City of Hampton Drainage Easement for the Installation of a Four-Foot Tall Split Rail Fence.

**PURPOSE/BACKGROUND:**

Joseph Teresi and Evalyn Teresi (“Licensees”) own the property located at 300 Chantilly Court (LRSN 8003740) (“Licensees’ Parcel”). Licensees’ Parcel is burdened with a ten (10) foot wide existing drainage easement, for the benefit of the City of Hampton (“City”), being located on the eastern portion of Licensees’ Parcel adjacent to Licensees’ property line as illustrated on that certain Exhibit “A” attached to the Encroachment Agreement presented to Council for approval (the “Easement”). Licensees requested that the City grant them permission to encroach into a 10 +/- square foot (1’ wide x 10’ +/-) area of the Easement as illustrated on the aforesaid Exhibit “A” (the “Licensed Area”). The purpose of the encroachment is to install a new four (4) foot tall split rail fence (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, Joseph Teresi and Evalyn Teresi, (the “Licensees”) are the owners of the property located at 300 Chantilly Court, Virginia 23669 (LRSN 8003740) (“Licensees’ Parcel”);

WHEREAS, Licensees’ Parcel is burdened with a ten (10) foot wide existing drainage easement, for the benefit of the City of Hampton (the “City”), being located on the eastern portion of Licensees’ Parcel adjacent to Licensees’ property line as illustrated on that certain Exhibit “A” of the proposed Encroachment Agreement attached hereto and made a part hereof (the “Easement”);

WHEREAS, the Licensees requested that the City grant them permission to encroach into a

10 +/- square foot (1' wide x 10' +/-) 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 four (4) foot tall split rail fence (the "Licensed Improvement"); and

WHEREAS, City staff has reviewed the request and recommends granting the Licensees 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 Licensees 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.