



## Legislation Text

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File #: 22-0081, 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 Transportation District Commission of Hampton Roads to Allow an Encroachment into City Property for Construction/Installation of Stormwater Improvements, Curbing, and Landscaping at 507 N. King Street and 88 W. Pembroke Avenue

### **PURPOSE/BACKGROUND:**

Transportation District of Hampton Roads, also known as Hampton Roads Transit (HRT) (the "Licensee"), owns property located at 2 West Pembroke Avenue (LRSN 2003539) (the "Licensee's Parcel"). Licensee plans to make improvements on Licensee's Parcel. Licensee desires to extend improvements onto adjacent City owned property located at 507 N. King Street (LRSN 2003538) (the "City Parcel #1") and at 88 W. Pembroke Avenue (LRSN 2003540) (the "City Parcel #2") (collectively, the "City Property"). There are existing stormwater infrastructure and landscaping improvements on the City Property. The Licensee will install City approved stormwater improvements; install City approved wheel stops and curbing; and add City approved landscaping to a portion of the City Property within the Licensed Area. Therefore, the Licensee requests permission to encroach into a 5,235 +/- square feet area on City Parcel #1 and a 520 +/- square feet area on City Parcel #2 as requested in Licensee's encroachment application, and as further illustrated in the hatched areas on "Sheet 2 of 2" on Exhibit "A" (2 Sheets) attached to the Encroachment Agreement presented to Council for approval.

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 recommend approval of the Encroachment Agreement.

### **Discussion:**

See Purpose/Background above.

### **Impact:**

See Purpose/Background above.

### **Recommendation:**

Approve the Resolution.

**WHEREAS**, Transportation District Commission of Hampton Roads also known as Hampton Roads Transit (the "Licensee") owns property in Hampton, Virginia, referred to as 2 W. Pembroke Avenue, LRSN 2003539 (the "Licensee's Parcel");

**WHEREAS**, the Licensee has a site plan approved by the City of Hampton (the "City") to

develop the Licensee's Parcel;

**WHEREAS**, the proposed development includes stormwater improvements; wheel stops and curbing; and landscaping to support improvements to the Licensee's Parcel that extend onto City's property;

**WHEREAS**, the City is owner of the property located at 507 N. King Street, Hampton Virginia 23669 (LRSN: 2003538) (the "City Parcel #1") and property located at 88 W. Pembroke Avenue (LRSN: 2003540) (the "City Parcel #2") (collectively, the "City Property") running along the northern and western property lines, respectively, of Licensee's Parcel;

**WHEREAS**, Licensee requested that the City grant Licensee permission to encroach into a 5,235 +/- square foot area of the City Parcel #1, and to encroach into a 520 +/- square foot area of the City Parcel #2, all areas more or less the "Licensed Area," whereby the purpose of the encroachment is to install City approved stormwater improvements; install City approved wheel stops and curbing; and add City approved landscaping to a portion of the City Property in the Licensed Area (the "Licensed Improvement"), as illustrated in the hatched areas on "Sheet 2 of 2" on Exhibit "A" (2 Sheets) attached to the Encroachment Agreement and presented herewith to Council for approval; 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 Transportation District Commission of Hampton Roads also known as Hampton Roads Transit 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.