



Legislation Text

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Resolution Approving A Vacation Agreement Between Phenix Industrial, LLC, NP Hampton Commerce Center, LLC, and the City of Hampton, Virginia Pertaining to Vacation of a 71,960± Square Foot Portion of a Public Right of Way Known As Pine Avenue Adjacent to 700 Shell Road

Background Statement

The Economic Development Authority of the City of Hampton, Virginia and NP Hampton Commerce Center, LLC ("NP Hampton") have negotiated a development agreement pertaining to 700 and 750 Shell Road in Hampton. Additional information about the proposed project is contained within agenda item number 22-0290, which is a rezoning application. This item pertains to a 71,960± square foot portion of a public right-of-way designated as Pine Avenue, which is situated between the project site and Aberdeen Road (the "Pine Avenue Vacation Area"). The Pine Avenue Vacation area is necessary for the development of the proposed project. The attached agreement would vacate the Pine Avenue Vacation Area and convey title to NP Hampton in accordance with Section 2.05 of the Hampton City Charter, after all of the applicable conditions are met.

Recommendation:

Adopt the resolution.

WHEREAS, NP Hampton Commerce Center, LLC ("NP Hampton") is the contract purchaser of and may become the owner of certain parcels of property located in the City of Hampton known as 750 Shell Road (LRSN 13004501) and 700 Shell Road (LRSN 1004270);

WHEREAS, The Economic Development Authority of the City of Hampton, Virginia is the current owner of 750 Shell Road (LRSN 13004501) (the "EDA Property");

WHEREAS, Phenix Industrial, LLC ("Phenix") is the current owner of 700 Shell Road (LRSN 1004270) ("the Phenix Property");

WHEREAS, A 1.65+/- acre, 71,960+/- square foot portion of a 60' public right-of-way known as Pine Avenue is located between the Phenix Property and Aberdeen Road City-owned right-of-way, as depicted on the attached plat entitled, "Plat Showing a Portion of Aberdeen Road/Pine Avenue To be Vacated," prepared by Randal J. Edwards, L.S., City Surveyor, last revised and dated September 30, 2022 (the "Pine Avenue Vacation Area") which is attached hereto as **EXHIBIT A**;

WHEREAS, NP Hampton and the EDA are parties to a development agreement which, in part, contemplates partial closure and re-use of the Pine Avenue Vacation Area (the "Development Agreement");

WHEREAS, Transfer of the Pine Avenue Vacation Area to NP Hampton is necessary to facilitate the Development Agreement, and accordingly, the Parties desire to enter into this

Agreement setting forth the terms upon which the Parties agree to vacate the Pine Avenue Vacation Area pursuant to Section 2.05 of the Hampton City Charter; and

WHEREAS, The City, acting by and through its City Council, is of the opinion that the Pine Avenue Vacation Area is not now and will not be needed for public right-of-way, and all property interests affected by this 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 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 Agreement, including those not specifically recited.
2. This resolution will take effect immediately upon adoption.