



Legislation Text

File #: 22-0039, Version: 1

Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Hampton King Street, LLC to Allow an Encroachment into City Right of Way for Construction/Installation of Water Appurtenances at 3 Wine Street

PURPOSE/BACKGROUND:

Hampton King Street, LLC (the "Licensee") owns property located at 3 Wine Street (LRSN 2002883) (the "Licensee's Parcel"). Licensee plans to construct apartments at this site. The property is being utilized to its maximum potential per the approved site plan, and there is no other satisfactory location for needed water appurtenances, including fire safety connections, but to place such appurtenances within the City of Hampton's (the "City") right-of-way adjacent to Licensee's Parcel. Therefore, the Licensee requests permission to encroach into an 825+/- square foot area of the City's right-of way as requested in Licensee's encroachment application, and as further illustrated on Exhibit "A" 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, Hampton King Street, LLC (the "Licensee") owns property in Hampton, Virginia, referred to as 3 Wine Street, LRSN 2002883 (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 requires needed water appurtenances, including fire safety connections, to support the Licensee's Parcel;

WHEREAS, Licensee has requested permission to encroach into approximately 825 +/- square foot area of the City's right-of-way adjacent to Licensee's Parcel (the "Licensed Area") for the

construction, operation and maintenance of the said water appurtenances, as illustrated on Exhibit "A" attached to the Encroachment Agreement and presented herewith to Council for approval;

WHEREAS, the Licensed Area provides the least intrusive and most appropriate location for the needed water appurtenances; 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 Hampton King Street, LLC 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.