



Legislation Text

File #: 23-0205, Version: 1

Resolution Authorizing the Execution of a License Agreement Between the City of Hampton and the Virginia Polytechnic Institute and State University to Use a portion of Bluebird Gap Farm Located at 60 Pine Chapel Road

PURPOSE/BACKGROUND:

The City is the owner of Bluebird Gap Farm located at 60 Pine Chapel Road (LRSN 2000012) (the “Farm”). The City staffs and operates the Farm as a community resource to offer exciting, family-oriented adventure and educational experiences rarely seen in an urban environment. Additionally, the Virginia Polytechnic Institute and State University (the “University”) operates the Extension Master Gardener Program (the “MG Program”) to train local volunteers to encourage and promote environmentally sound horticulture practices through sustainable landscape management education and training. Further, the Hampton Master Gardeners serve as the local MG Program in the City of Hampton.

Since approximately 1995, the Hampton Master Gardeners have utilized a portion of the Farm for the purposes of gardening, horticulture, maintenance, training, educational programming, and other activities conducted in accordance with the University’s MG Program. Although this relationship has existed for decades, it has not been documented. The University and the City desire to enter into a formal agreement to document each entity’s roles and responsibilities with respect to the MG Program’s operation at the Farm.

Under the License Agreement, the University is granted a non-exclusive license to use approximately 2.5 acres at the Farm for the purposes of gardening, horticulture, maintenance, training, educational programming, and other activities related to the MG Program. The term of the License Agreement is for five (5) years and, in addition to standard terms regarding termination for default, violations of law, or in the interest of public health, safety, and welfare; either Party may terminate the License Agreement with ninety (90) days’ notice to the other Party. Due to the long-term nature of the existing relationship and the community benefit provided by the MG Program at the Farm, no license fee is being required. Similar to other License and Use Agreements, there are terms and conditions related to access, maintenance, alterations, and insurance.

This item is exempt from the public hearing requirement under Virginia Code § 15.2-1800(B) since the License Agreement is between the City and another public body of the Commonwealth.

Discussion:

See Purpose/Background above.

Impact:

No fiscal impact.

Recommendation:

Approve the Resolution.

WHEREAS, the City of Hampton (the “City”) is the owner of Bluebird Gap Farm located at 60 Pine Chapel Road (LRSN 2000012) (the “Farm”);

WHEREAS, the City staffs and operates the Farm as a community resource to offer exciting, family-oriented adventure and educational experiences rarely seen in an urban environment, and to improve the quality of life for its residents;

WHEREAS, the Virginia Polytechnic Institute and State University (the “University”) operates the Extension Master Gardener Program (the “MG Program”) to train local volunteers to encourage and promote environmentally sound horticulture practices through sustainable landscape management education and training;

WHEREAS, the Hampton Master Gardeners serve as the local MG Program in the City of Hampton;

WHEREAS, since approximately 1995, the Hampton Master Gardeners have utilized a portion of the Farm for the purposes of gardening, horticulture, maintenance, training, educational programming, and other activities conducted in accordance with the University’s MG Program;

WHEREAS, the City and the University desire to enter into a License Agreement to document each entity’s roles and responsibilities with respect to the MG Program’s operation at the Farm;

WHEREAS, the License Agreement shall commence upon the execution of the License Agreement by both parties and continue for a five (5) year term;

WHEREAS, the City Council has determined that the License Agreement is in the best interest of the City and its citizens, and that the terms and conditions of the License Agreement are fair, reasonable, and acceptable.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hampton, Virginia, that it approves the License Agreement with the Virginia Polytechnic Institute and State University for the use of a portion of Bluebird Gap Farm located at 60 Pine Chapel Road (LRSN 2000012); and accordingly, the City Manager, or her authorized designee, is hereby authorized to execute and deliver to the University, the License Agreement, and any related documents, in substantially the same form as attached hereto, upon approval by the City Attorney.