



## Legislation Details (With Text)

<b>File #:</b>	20-0006	<b>Version:</b>	1	<b>Name:</b>	ROW - 715 Eaton
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	12/16/2019	<b>In control:</b>	City Council Legislative Session		
<b>On agenda:</b>	1/8/2020	<b>Final action:</b>	1/8/2020		
<b>Title:</b>	Resolution Authorizing Execution of a Right of Way Agreement Granting an Easement Consisting of 1,138+/- Square Feet to Dominion Energy Virginia Over Property Located at 715 Eaton Street in Order to Facilitate the Relocation of Above-Ground Utilities as Part of the Construction of the North King Street/Brights Creek Area Stormwater Basin Retrofit				
<b>Sponsors:</b>					
<b>Indexes:</b>	, Stormwater				
<b>Code sections:</b>	15.2-1800 - Purchase, sale, use, etc., of real property				
<b>Attachments:</b>	1. Draft Right-of-Way Agreement				

Date	Ver.	Action By	Action	Result
1/8/2020	1	City Council Legislative Session	approved	Pass

Resolution Authorizing Execution of a Right of Way Agreement Granting an Easement Consisting of 1,138+/- Square Feet to Dominion Energy Virginia Over Property Located at 715 Eaton Street in Order to Facilitate the Relocation of Above-Ground Utilities as Part of the Construction of the North King Street/Brights Creek Area Stormwater Basin Retrofit

### **PURPOSE/BACKGROUND:**

Stormwater discharges from the City are regulated by state and federal laws. The City is obligated to provide a reduction in the amount of phosphorous, nitrogen and sediment that discharges into our waterways as part of the Chesapeake Bay Total Maximum Daily Load (TMDL). The City has designed and constructed various stormwater management facilities throughout the City to accomplish this reduction. The next project scheduled for construction is the North King Street/Brights Creek Area Stormwater Basin Retrofit. This project requires the relocation of overhead utility lines by moving two lift poles, which Dominion Energy Virginia (Dominion) has agreed to do, at no cost to the City, in exchange for an 1,138+/- square foot easement over property owned by the City and located at 715 Eaton Street.

### **Discussion:**

Approval by City Council to execute a Right of Way Agreement granting an easement to Dominion Energy Virginia would allow the City to proceed with the North King Street/Brights Creek Area Stormwater Basin Retrofit project and assist in meeting the City's requirements under the Chesapeake Bay TMDL

### **Impact:**

See Purpose/Background and Discussion above.

**Recommendation:**

Conduct a public hearing and approve the Resolution.

**WHEREAS**, the City of Hampton ("City") is the owner of a certain parcel of property designated as 715 Eaton Street (LRSN 2003531) (the "Property");

**WHEREAS**, the City is obligated to provide a reduction in the amount of phosphorous, nitrogen and sediment that discharges into our waterways as part of the Chesapeake Bay Total Maximum Daily Load (TMDL);

**WHEREAS**, the City is constructing the North King Street/Brights Creek Area Basin Retrofit as part of projects to achieve this reduction;

**WHEREAS**, the City's project requires relocation of overhead service lines by moving two lift poles, which Dominion Energy Virginia ("Dominion") has agreed to do, at no cost to the City, in exchange for an easement over the area where the replacement equipment will be located;

**WHEREAS**, accordingly, Dominion has requested that the City grant an easement for use of an approximately 1,138+/- square foot are for the relocation of lines over the Property (the "Easement");

**WHEREAS**, the Easement is shown on the plat attached hereto and entitled, "Plat To Accompany Right-of-Way Agreement", plat number 22-19-0088, dated December 17, 2019, a copy of which is attached hereto as **EXHIBIT A**; and

**WHEREAS**, the City finds that dedication of the Easement to facilitate construction of the above-described improvements is in the best interest of the City of Hampton and its citizens.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hampton, Virginia, as follows:

That the City Manager, or her authorized designee, is authorized to execute the Right of Way Agreement and/or other documents and plats in substantially the same form and content as that which is attached as **EXHIBIT A**, subject to approval of the City Attorney; to execute any other related documents; and to perform other such actions as may be necessary or desirable for the purposes identified herein and that may be necessary to effectuate the intent of this resolution.