



Legislation Text

File #: 18-0364, **Version:** 1

Resolution Approving A Vacation Agreement Between Gregory E. Gore, Frances E. Gore, and the City of Hampton, Virginia Pertaining to Vacation of a 11,144± Square Foot Portion of a Public Right of Way Known As Hampton Drive Adjacent to the Former George Wythe Elementary School

PURPOSE/BACKGROUND:

The City of Hampton, Hampton Redevelopment and Housing Authority, and Wythe Elementary School, LLC (the "Developer") have negotiated a certain Wythe Elementary School Development Agreement, through which the Developer plans to redevelop the former Wythe Elementary School building located at 200 Claremont Avenue into 40 +/- apartments. An 11,144+/- square foot portion of a public right-of-way designated as Hampton Drive is situated between the Wythe Elementary School property and a private property known as 144 Claremont Avenue (the "Hampton Drive Vacation Area"). This portion of Hampton Drive is needed to facilitate the redevelopment of the school building. The City and the owners 144 Claremont Avenue, Gregory E. and Frances E Gore, have negotiated a Vacation Agreement (attached) through which the Gores have agreed to release and transfer by quitclaim any and all interest they would otherwise have under law in and to the Hampton Drive Vacation Area unto the City and the City has agreed to dedicate to the Gores, at no cost, an ingress/egress easement across a portion of the Hampton Drive Vacation Area to facilitate passenger vehicle travel from Claremont Avenue to the existing driveway on the Gores' property.

Such a vacation agreement is authorized by Section 2.05 of the Hampton City Charter and must be approved by the City Council.

This is one of 5 items being brought forward together for action by City Council, including:

1. Hampton Drive Vacation (Item # 18-0364)
2. Alley Vacation (Item # 18-0363)
3. Rezoning # 18-00004 (Item # 18-0352)
4. Rezoning #18-00007 (Item # 18-0353)
5. Wythe Elementary School Development Agreement (Item # 18-0362)

Recommendation:

Adopt the resolution.

WHEREAS, by deed dated June 10, 2016 and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia as Instrument Number 160007445, the City of Hampton (the "City") acquired certain parcels of property collectively designated as 200 Claremont Avenue (LRSN

1005036) in Hampton, Virginia (the “Wythe School Property”), which contain the historic George Wythe Elementary School building;

WHEREAS, by deed dated November 1, 1985 and recorded in the Clerk’s Office of the Circuit Court of the City of Hampton, Virginia at Deed Book 743 at Page 199, Gregory E. Gore and Frances E. Gore acquired certain parcels of property collectively designated as 144 Claremont Avenue (LRSN 1005011) in Hampton, Virginia (the “Gores’ Property”);

WHEREAS, the City, Hampton Redevelopment and Housing Authority, and Wythe Elementary School, LLC (the “Developer”) have negotiated a development agreement which, if approved, would include the transfer of the Wythe School Property to the Developer for rehabilitation of the former school building into 41+/- residential units with associated parking and green areas in accordance with the Standards for Rehabilitation published by the Secretary of the U.S. Department of the Interior (the “Development Agreement”);

WHEREAS, an 11,144+/- square foot portion of a 60’ public right-of-way known as Hampton Drive is located between the Wythe School Property and the Gores’ Property, and such area is needed to facilitate the Development Agreement;

WHEREAS, accordingly, the City and the Gores have negotiated an agreement (the “Vacation Agreement”), attached hereto as **Exhibit A**, setting forth the terms upon which the City and the Gores agree to vacate a portion of Hampton Drive pursuant to Section 2.05 of the Hampton City Charter;

WHEREAS, the area to be vacated is further described on a plat attached to the Vacation Agreement entitled, “Right of Way Vacation Plat, Portion Hampton Drive, Between Block D & F Darnaby Place, Deed Book 32, Page 10-14, City of Hampton, Virginia” prepared by Michael Surveying & Mapping, P.C. and dated 9/20/18 (the “Hampton Drive Vacation Area”);

WHEREAS, in accordance with the Vacation Agreement, the Gores have agreed to release and transfer by quitclaim any and all interest they would otherwise have under law in and to the Hampton Drive Vacation Area unto the City;

WHEREAS, as is further described in the Vacation Agreement, the City has agreed to dedicate to the Gores, at no cost, an ingress/egress easement across a portion of the Hampton Drive Vacation Area to facilitate passenger vehicle travel from Claremont Avenue to the existing driveway on the Gores’ property; and

WHEREAS, the City, acting by and through its City Council, is of the opinion that the Hampton Drive Vacation Area is not now and will not be needed for public right-of-way, and all property interests affected by the Vacation 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 Vacation Agreement in substantially the same form and content as that which is attached as Exhibit A, to execute any other related documents, and to perform other such acts as may be necessary and appropriate pursuant to the Vacation Agreement, including those not specifically recited.
2. This resolution will take effect immediately upon adoption.