



## Legislation Text

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**File #:** 20-0154, **Version:** 1

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Ordinance Vacating Any and All City of Hampton Interest In a Portion of A Certain Alley of Varying Width Containing 3,112+/- Square Feet Bounded By Three Parcels Now Owned by the Hampton Redevelopment and Housing Authority Collectively Addressed as 32 E. Queens Way (LRSN 2002883), 34 E. Queens Way (LRSN 2002882) and 27 S. King Street (LRSN 2002982)

### **PURPOSE/BACKGROUND:**

The City owns an alley, which it acquired title to by deed dated July 27, 1955 and which was recorded in the Circuit Court for the City of Hampton at Deed Book 239 Page 20 (the "Deed"). The alley runs from E. Queens Way to S. Kings Way in an irregular and varying shape across several properties (the "Alley"). The Alley is bounded by parcels of property currently owned by the Hampton Redevelopment and Housing Authority addressed as 32 E. Queens Way (LRSN 2002883), 34 E. Queens Way (LRSN 2002882) and 27 S. King Street (LRSN 2002982) (the "HRHA Properties") as well as a parcel of property currently owned by Crestar Bank addressed as 2 E. Queens Way (LRSN 2002884) (collectively the "Adjacent Properties"), as further shown on Exhibit A attached hereto.

The City of Hampton, Hampton Redevelopment and Housing Authority, and Economic Development Authority of the City of Hampton are parties to a certain development agreement, through which WVS Hampton, LLC (the "Developer") plans to construct multi-family residential dwelling units and commercial space upon the HRHA Properties. Although the Alley has not been used for the purposes set forth in the Deed, there is no evidence that the Alley was ever formally vacated by the City. In order to facilitate a transfer in fee simple of the HRHA Properties to the Developer, the City desires to vacate any and all City interest in the portion of the Alley shown on Exhibit A. This action will leave the remaining portion of the Alley that crosses Crestar Bank's property in place, which could be vacated upon their request and City Council approval, if necessary, at a later date.

### **Recommendation:**

Conduct public hearing and approve the ordinance.

**WHEREAS**, by deed dated July 27, 1955 and recorded in the Circuit Court for the City of Hampton at Deed Book 239 Page 20 (the "Deed"), the City obtained fee simple title to property, depicted as an alley on the plat attached thereto, running from E. Queens Way to S. Kings Way in an irregular and varying shape across several properties (the "Alley");

**WHEREAS**, the Alley is bounded by parcels of property currently owned by the Hampton Redevelopment and Housing Authority addressed as 32 E. Queens Way (LRSN 2002883), 34 E. Queens Way (LRSN 2002882) and 27 S. King Street (LRSN 2002982) (the "HRHA Properties") as well as a parcel of property currently owned by Crestar Bank addressed as 2 E. Queens Way (LRSN 2002884) (collectively the "Adjacent Properties"), as further shown on Exhibit A attached hereto;

**WHEREAS**, the City of Hampton, Hampton Redevelopment and Housing Authority, and Economic Development Authority of the City of Hampton are parties to a certain development

agreement, through which WVS Hampton, LLC (the "Developer") plans to construct multi-family residential dwelling units and commercial space upon the HRHA Properties;

**WHEREAS**, in order to facilitate a transfer in fee simple of the HRHA Properties to the Developer, the City desires to vacate any and all City interest in the portion of the Alley shown on Exhibit A;

**WHEREAS**, the Alley is no longer used for the purposes described in the Deed by which the City acquired it, including fire and police protection and sanitary services to the Adjacent Properties;

**WHEREAS**, Chapter 34 of the City Code and Section 15.2-2006 of the Code of Virginia permit vacation of public rights-of-way by ordinance of the City Council after a public hearing; and

**WHEREAS**, the City Council finds that vacation of the portion of the Alley as shown on Exhibit A is in the best interest of the City and its citizens.

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

1. That the vacation of the portion of the Alley as depicted in substantially the same form as shown on Exhibit A is hereby approved; and
2. That the City Manager or her authorized designee is hereby authorized to record this ordinance in accordance with Chapter 34 of the City Code and Section 15.2-2006 in the Circuit Court for the City of Hampton, Virginia and to perform other such acts as may be necessary and appropriate in accordance with the intent of this ordinance.