C: Dir., Department of Public Works

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

January 26, 2016

From: David L. Ricks, Director of Public Works

Subject: Encroach into the right of way at 9721 Dolphin Run with PVC irrigation piping.

Reviewed: Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 1/6

Approved: Marcus D. Jones, City Manager

Item Number **R-6**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Barry J. Knapp
9721 Dolphin Run
Norfolk, Virginia

III. **Description:**
This agenda item is an ordinance permitting Barry J. Knapp and Lori A. Givonetti to encroach into the right-of-way at 9721 Dolphin Run with PVC irrigation piping.

IV. **Analysis:**
This encroachment in this location will allow Barry J. Knapp and Lori A. Givonetti to install underground PVC piping to facilitate drainage away from their home at 9721 Dolphin Run.

V. **Financial Impact:**
Liability insurance has been provided naming the City of Norfolk ("city") as additional insured in the amount of $250,000; therefore, there should be no financial risk to the city. The city did not charge a fee for this encroachment.

VI. **Environmental:**
N/A

VII. **Community Outreach/Notification:**
Public notification for this agenda item was conducted through the city's agenda notification process.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VIII. Board/Commission Action:

The Department of Public Works and the City Attorney's Office have reviewed this request for encroachment and offer no objections. Review and approval by the Architectural Review Board and the City Planning Commission is not required.

IX. Coordination/Outreach:

This letter and ordinance have been coordinated with Department of Public Works, the Department of Planning and Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A

1/6/2016 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING BARRY J. KNAPP AND LORI A. GIVONETTI TO ENCROACH INTO THE RIGHT-OF-WAY AT 9721 DOLPHIN RUN WITH PVC IRRIGATION PIPING.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Barry J. Knapp and Lori A. Givonetti ("Knapp/Givonetti") to encroach into the right-of-way at 9721 Dolphin Run with PVC irrigation piping, as shown on Exhibit A attached hereto. Such permission being further subject to the following conditions:

(1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Knapp/Givonetti, or their successors and assigns, shall immediately remove the encroaching structures.

(2) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.

(3) That Knapp/Givonetti, or their successors and assigns, at their own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least $250,000.00 each occurrence and $500,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Knapp/Givonetti, and their successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation, maintenance, or existence of said

encroaching structures, with evidence of such insurance being provided to the City.

(4) That the City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at the property address of 9721 Dolphin Run.

Section 2:- That the failure of Knapp/Givonetti, or their successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by Knapp/Givonetti, and its successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

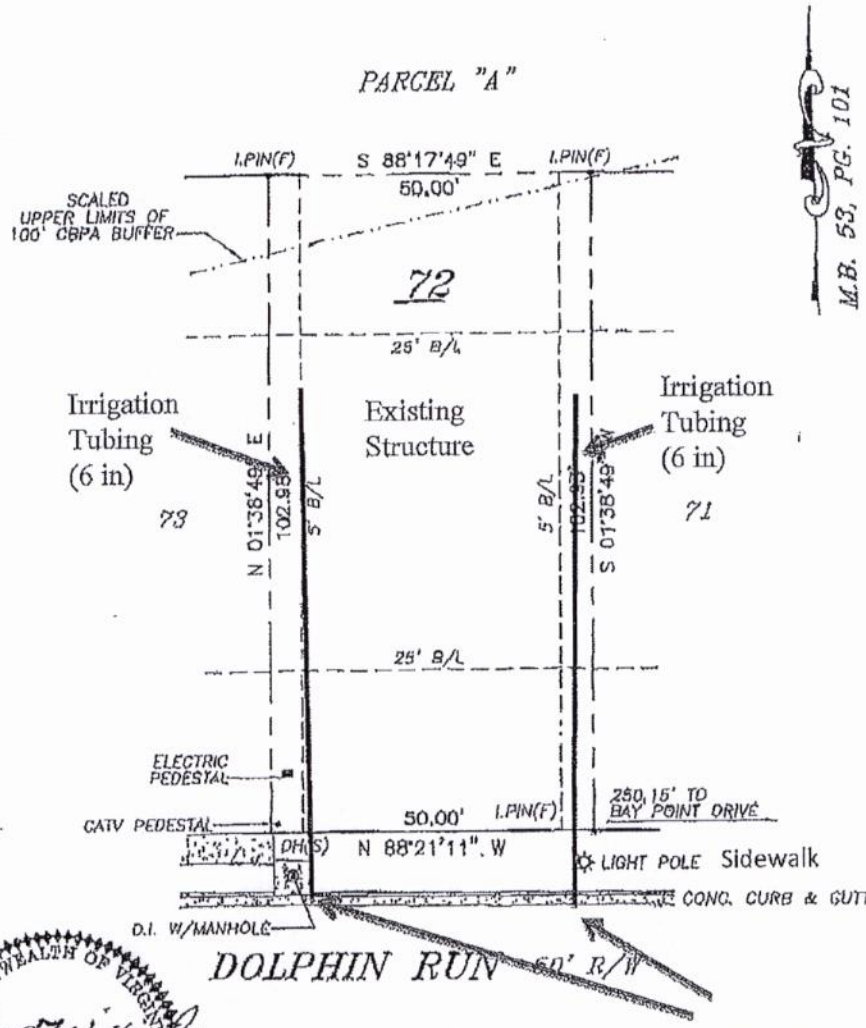
THIS SURVEY IS BASED ON A PLAT RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF NORFOLK, VIRGINIA, IN MAP BOOK 53, AT PAGES 99, 100, 101, 102 AND 103.

THIS IS TO DECLARE THAT WE, ON SEPTEMBER 9, 2005, SURVEYED THE PROPERTY SHOWN HEREON, AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SURVEY APPEARS TO LIE WITHIN FLOOD ZONE "C" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY- NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY NUMBER 510104-0001 F, DATED APRIL 17, 1984.

THIS SURVEY PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND CONSEQUENTLY MAY NOT DEPICT ALL TITLE MATTERS AFFECTING THE PROPERTY SHOWN HEREON.

THE EXISTENCE OF HAZARDOUS WASTE, VEGETATED WETLANDS, OR TIDAL WETLANDS, WAS NEITHER INVESTIGATED, NOR CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.



COMMONWEALTH OF VIRGINIA
ROBERT T. WILLIAMS, JR.
No. 002551
9-9-05
LAND SURVEYOR

PHYSICAL SURVEY
OF
LOT 72
SUBDIVISION PLAT OF
BAY POINT
PHASE TWO
NORFOLK, VIRGINIA
FOR
BARRY J. KNAPP, II AND LORI A. GIVONETTI

Openings in curb for PVC piping

Causeway Consultants, P.C.
Land Surveyors
1005 S. BATTLEFIELD BLVD.
SUITE B
CHESAPEAKE, VA. 23322
PHONE: 757-482-0474

Graphic Scale 1" = 20'
0' 20' 40' 80'

CAUSEWAY CONSULTANTS, P.C. 2005

RTW