C: Dir., Public Works

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

March 18, 2014

From: John M. Keifer, Director of Public Works

Subject: Encroach into Pelham Avenue right-of-way at 7437 Dehlman Avenue with a living shoreline protection system as approved by the Norfolk Wetlands Board.

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

Ward/Superward: 1/6

Approved: Marcus D. Jones, City Manager

Item Number: **R-9**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Kelly Jones
7437 Dehlman Road
Norfolk, Virginia 23505-3015

III. **Description**

This agenda item is an encroachment permitting Kelly Jones to encroach into Pelham Avenue right-of-way at 7437 Dehlman Avenue with a living shoreline protection system as approved by the Norfolk Wetlands Board.

IV. **Analysis**

An encroachment is an object or structure that infringes into the City of Norfolk's right-of-way or property. Norfolk City Code, Section 42-10, requires that all encroachments into the right-of-way be approved by City Council. The encroachment in this location will allow Kelly Jones to install a living shoreline protection system at his home at 7437 Dehlman Avenue.

V. **Financial Impact**

Liability insurance has been provided naming the City of Norfolk as additional insured in the amount of $800,000; therefore, there should be no financial risk to the City. The City of Norfolk did not charge a fee for this encroachment.

VI. Environmental

The living shoreline protection system has been approved by the Norfolk Wetlands Board.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

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 Norfolk Design Review Committee and the City Planning Commission is not required.

IX. Coordination/Outreach

This letter has been coordinated with Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (2 sheets)

mr2/20/14

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING KELLY JONES TO ENCROACH INTO PELHAM AVENUE RIGHT-OF-WAY AT 7437 DEHLMAN AVENUE WITH A LIVING SHORELINE EROSION PROTECTION SYSTEM AS APPROVED BY THE NORFOLK WETLANDS BOARD.

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

Section 1:- That permission is hereby granted to Kelly Jones (hereinafter known as "Owner") to encroach into Pelham Avenue right-of-way at 7437 Dehlman Avenue with a living shoreline erosion protection system as approved by the Norfolk Wetlands Board, 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 Owner, or his 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 Owner, or his successors and assigns, at his own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring him and naming the City of Norfolk as an additional insured in the minimum amount of $800,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Owner, and his 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; that evidence of such insurance shall be filed with the Director of Risk Management of the City of Norfolk.

(4) That the City of Norfolk 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 of Pelham Avenue.

Section 2:- That the failure of Owner, or his successors and assigns, to fully comply with all contingencies set forth herein shall operate 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 Owner, and his successors and assigns, of all conditions to which the permission herein granted is subject.

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

PLATE 421

LAFAYETTE RIVER

EBB
FLOOD

MLW

S 59°30' W (PLAT) 93.96' (CALC)

MHW AT BULKHEAD
U.O.N.

EX. BULKHEAD

APPROX 24 SF RIP RAP FOR SCOUR PROTECTION

LOCATION OF 45 LF 12"ø COIR LOG

PRIOR UPPER LIMITS OF WETLANDS

NEW UPPER LIMITS OF WETLANDS

S 47°11'57" E (CALC) 127'±

2 STORY BRICK
#7437

CONC. DRIVE

N 47°11'57" W (CALC) 100'±

30'

MLW

MLW

MAX. LIMITS OF ENCROACHMENT

NEW MHW AT THIS LOCATION

APO 1
N/F HARA FREI
7433 DEHLMAN AVENUE
GPIN: 1429 69 0567

N 42°48'03" E (CALC) 90'

DEHLMAN AVENUE
(50' R.O.W.)

PELHAM AVENUE
(60' R.O.W.)

COMMONWEALTH OF VIRGINIA
RICHARD T. BARTLETT
Lic. No. 18335
JANUARY 15, 2014
PROFESSIONAL ENGINEER

ENCROACHMENT PLAN

0 30' 60'
1" = 30'

ENGINEERING SERVICES PROVIDED BY:
PROFESSIONAL CONSTRUCTION CONSULTANTS, LLC.
PHONE: (757) 773-8084 EMAIL: RICK@PCC-LLC.COM

APO'S:
1. H. FREI
2. CITY OF NORFOLK

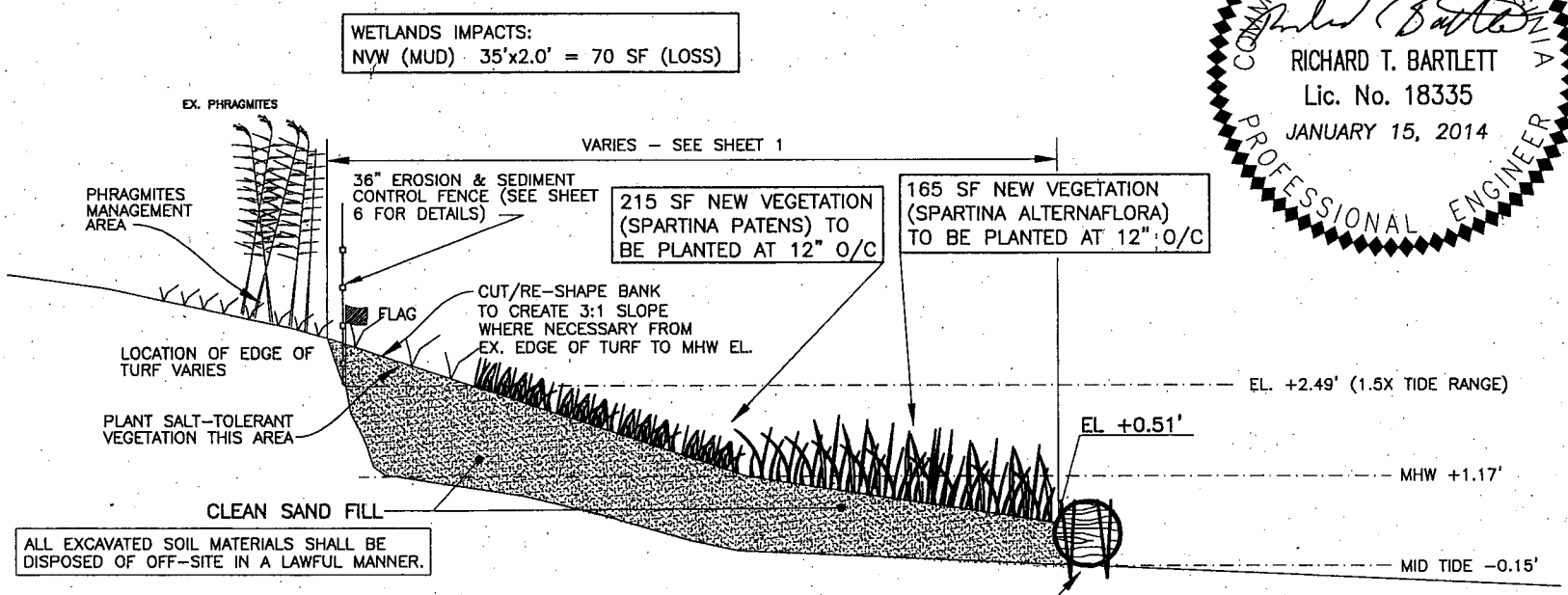
PROJECT LOCATION: LAFAYETTE RIVER
FOR: KELLY C. JONES
7437 DEHLMAN AVENUE
NORFOLK, VA 23505

PROPOSED ENCROACHMENT FOR A LIVING SHORELINE
PURPOSE: EROSION CONTROL
DATUM: MLW -1.47' NAVD '88
DATE 1/15/2014 SHEET 1 OF 2

EXHIBIT
A.

PROPOSED LIVING SHORELINE CROSS SECTION

SCALE: 3/8" =1.0'



NOTES:

1. WETLANDS PLANTS SHALL BE FERTILIZED WITH 1 OZ 18-6-12 SLOW RELEASE FERTILIZER OR EQUIVALENT. FERTILIZER SHALL BE PLACED IN PLANTING HOLE BEFORE PLANT IS INSTALLED.
2. GOOSE FENCING SHALL BE INSTALLED OVER WETLANDS PLANTINGS AND SHALL BE MAINTAINED FOR A MINIMUM OF TWO FULL GROWING SEASONS.

3/8" = 1'

COMMONWEALTH OF VIRGINIA
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