To the Honorable Council
City of Norfolk, Virginia

From: Richard Broad, Director
Department of Public Works

Reviewed: Winter C. Benda, Chief Deputy City Manager

Approved: Douglas L. Smith, City Manager

Subject: Encroach into the right-of-way at 519 Front Street with a sign.
Ward/Superward: 2/6
Item Number: R-04

August 28, 2018

I. Recommendation: Adopt Ordinance

II. Applicant: 519 Front Street Property, LLC
515 Wilder Street
Virginia Beach, Virginia 23451

III. Description:
This agenda item is an ordinance permitting 519 Front Street Property, LLC to encroach into the right-of-way at 519 Front Street with a sign.

IV. Analysis
An encroachment is an object or structure that infringes into the City of Norfolk’s (the “City’s”) rights-of-way or property. Norfolk City Code, § 42-10, requires all encroachments into the rights-of-way to be approved by City Council. The encroachment in this location will allow 519 Front Street Property, LLC to encroach into the right-of-way at 519 Front Street with a sign for business location identification.

V. Financial Impact
Liability insurance has been provided naming the City as additional insured in the amount of $1,000,000; therefore, there should be no financial risk to the City. The City did not charge a fee for this encroachment.

VI. Environmental
There is no negative environmental impact associated with this action.
VII. **Community Outreach/Notification**
Public notification for this agenda item was conducted through the City’s agenda notification process.

VIII. **Board/Commission Action**
The Department of Public Works, the Department of Planning & Community Development, and the City Attorney’s Office has 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 & Community Development, and the City Attorney’s Office.

Supporting Material from the Department of Public Works:
- Ordinance
- Exhibit A
AN ORDINANCE PERMITTING 519 FRONT STREET PROPERTY, LLC TO ENCROACH INTO THE RIGHT-OF-WAY AT 519 FRONT STREET WITH A SIGN.

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

Section 1:- That permission is hereby granted to 519 Front Street Property, LLC ("519") to encroach into the right-of-way at 519 Front Street with a sign as shown on Exhibit A attached hereto, such permission being 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, 519, or its successors and assigns, shall immediately remove the encroaching structure.

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

(3) That 519, or its successors and assigns, at its 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 $1,000,000.00 each occurrence and $2,000,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City and/or 519, and its 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 structure, with
evidence of such insurance being provided to the City.

(4) That the City shall not be responsible for any damage to the encroaching structure, 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 519 Front Street.

Section 2:- That the failure of 519, or its 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 structure shall be deemed an acceptance by 519, 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.
EXHIBIT A TO ORDINANCE

PROPOSED LIGHT FIXTURE

HATCHED AREA INDICATES AREA OF BUILDING ENCROACHMENT

PROPOSED 5' X 20' CONCRETE PAD

PROPOSED LIGHT FIXTURE (4 OF 4)

EXHIBIT A TO ORDINANCE

PROPOSED BACKYARD ENCROACHMENT FIXTURE (TOP OF 3)

PROPOSED OUTDOOR LIGHT FIXTURE • 4'-8" FIXTURE • 3'-8" FIXTURE

1 INCH = 30 FT

EXHIBIT 'A'
FOR
519 FRONT STREET
ENCROACHMENT APPLICATION
JANUARY 5, 2016

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PROJ. NO.: 14054
DATE: 1/5/16
SCALE: 1"=30'