


of the City Attorney

By: 
DEPT. Public Works

NORFOLK, VIRGINIA

C-3 ORDINANCE NO. 49,641

AN ORDINANCE GRANTING MICHAEL PADDEN AND MEGAN PADDEN PERMISSION TO ENCROACH INTO THE RIGHT OF WAY ADJACENT TO 6300 RICHMOND CRESCENT WITH AN EXISTING WOODEN DOCK AND APPROVING THE TERMS AND CONDITIONS OF THE ENCROACHMENT AGREEMENT.

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

Section 1:- That the terms and conditions of the Encroachment Agreement between the City of Norfolk and Michael Padden and Megan Padden (the "Paddens"), a copy of which is attached hereto as Exhibit A, are hereby approved, and in accordance therewith, permission is hereby granted to the Paddens to encroach into the right of way adjacent to 6300 Richmond Crescent with an existing wooden dock, and for no other purpose.

Section 2:- That the City Manager and other proper officers of the City are hereby authorized to execute the License Agreement and do all things necessary for its implementation.

Section 3:- That the City Manager is further authorized to correct, amend or revise the Encroachment Agreement as he may deem advisable consistent with the intent of the Council as expressed therein.

MARINE RESOURCES COMMISSION PERMIT

The Commonwealth of Virginia, Marine Resources Commission, hereinafter referred to as the Commission, on this 30th September 2024 hereby grants unto:

Michael V. Padden
6300 Richmond Crescent
Norfolk, VA 23508

Megan P. Padden
6300 Richmond Crescent
Norfolk, VA 23508

hereinafter referred to as the Permittee, permission to:

Encroach in, on, or over State-owned subaqueous bottoms pursuant to Chapter 12, Subtitle III, of Title 28.2 of the Code of Virginia.

Use or develop tidal wetlands pursuant to Chapter 13, Subtitle III, of Title 28.2 of the Code of Virginia.

Permittee is hereby authorized to retain and repair an existing, private, 46-foot-long non-riparian pier adjacent to property located at 6300 Richmond Crescent situated along the Lafayette River in Norfolk. All activities authorized herein shall be accomplished in accordance with the plans and drawings dated received January 18, 2024, which are attached and made a part of this permit.

This permit is granted subject to the following conditions:

- (1) The work authorized by this permit is to be completed by September 30th, 2025. The Permittee shall notify the Commission when the project completion date may be extended by the Commission in its discretion. Any such application for extension of time shall be in writing prior to the expiration of the permit and shall specify the reason for such extension and the expected date of completion of construction. All other conditions remain in effect until revoked by the General Assembly.
- (2) This permit grants no authority to the Permittee to encroach upon the property rights, including riparian rights, of others.
- (3) The duly authorized agents of the Commission shall have the right to enter upon the premises at reasonable times, for the purpose of inspecting and enforcing compliance with the terms of this permit.
- (4) The Permittee shall comply with the water quality standards as established by the Department of Environmental Quality, Water Division, and all other ordinances, rules and regulations affecting the conduct of the project. The granting of this permit shall not relieve the Permittee of the responsibility to obtain all other permits or authority for the project.
- (5) This permit shall not be transferred without written consent of the Commissioner.
- (6) This permit shall not affect or interfere with the right vested to the people of Virginia concerning fishing, fowling and the catching of and possession of other shellfish in and from the bottoms of acres and waters not included within the terms of this permit.
- (7) The Permittee shall, to the greatest extent practicable, minimize the adverse effects of the project upon adjacent properties and wetlands and upon the waters of the Commonwealth.
- (8) This permit may be revoked at any time by the Commission upon the failure of the Permittee to comply with any of the terms and conditions herein set forth by the General Assembly of Virginia.
- (9) There is expressly excluded from the permit any portion of the waters within the boundaries of the Baylor Survey.
- (10) This permit is subject to any lease of oyster planting ground in effect on the date of this permit. Nothing in this permit shall be construed as to encroach on any lease without the consent of the leaseholder. The Permittee shall be liable for any damages to such lease.
- (11) The issuance of this permit does not confer upon the Permittee any interest or title to the beds of the waters.
- (12) All structures authorized by this permit, which are not maintained in good repair, shall be completely removed from State-owned bottom with notification by the Commission.
- (13) The Permittee agrees to comply with all of the terms and conditions as set forth in this permit and that the project will be accomplished within the limits outlined in the plans attached hereto. Any encroachment beyond the limits of this permit shall constitute a Class 1 misdemeanor.
- (14) This permit authorizes no claim to archaeological artifacts that may be encountered during the course of construction. If, however, artifacts are encountered, the Permittee agrees to notify the Commission, who will, in turn notify the Department of Historic Resources. The Permittee further agrees to cooperate with the agencies of the Commonwealth in the recovery of archaeological remains if deemed necessary.
- (15) The Permittee agrees to indemnify and save harmless the Commonwealth of Virginia from any liability arising from the establishment, operation and maintenance of the project.



Permit# 2024-0134

Commonwealth of Virginia Marine Resources Commission Authorization

A Permit has been issued to:

Michael V. Padden
6300 Richmond Crescent
Norfolk, VA 23508

Permittee is hereby authorized to retain and repair an existing, private, 46-foot-long non-riparian pier adjacent to property serving 6300 Richmond Crescent situated along the Lafayette River in Norfolk. All activities authorized herein shall be accomplished in conformance with the plans and drawings dated received January 18, 2024, which are attached and made a part of this permit.

Issuance Date: 09/30/2024

Expiration Date: 09/30/2029


Randy Owen
Chief, Habitat Management Division

This Notice Must be Conspicuously Displayed