

ORD - 3454A

1 AN ORDINANCE AUTHORIZING THE
2 EXECUTION OF USE AGREEMENTS
3 BETWEEN THE CITY AND INDIVIDUAL
4 PROPERTY OWNERS PERMITTING USE OF
5 THE CITY-OWNED THALIA TRANSFER
6 FACILITY FOR PRIVATE DREDGING
7 PROJECTS

8
9 WHEREAS, numerous waterfront property owners in the City of Virginia
10 Beach ("Owners") have expressed interest in hiring private contractors to dredge the
11 waterway adjacent to their properties for the purpose of improving navigation and
12 ecological conditions within such waterway (the "Waterway");

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14 WHEREAS, Owners and their proposed contractors do not possess
15 adequate options to transfer the dredged material from the Waterway onto trucks in
16 order to accomplish proper disposal;

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18 WHEREAS, the City owns a dredged material transfer facility known as
19 Thalia Transfer Facility, located at the southern terminus of the Western Branch
20 Lynnhaven River Channel near Virginia Beach Boulevard;

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22 WHEREAS, Owners have requested permission to use Thalia Transfer
23 Facility to aid in the dredged material disposal process; and

24
25 WHEREAS, in the opinion of the Council of the City of Virginia Beach,
26 allowing Owners to use the Thalia Transfer Facility for transfer of the dredged materials
27 will be beneficial for the preservation of the safety, health, peace, good order, comfort,
28 convenience, and welfare of the people of the City of Virginia Beach.

29
30 NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY
31 OF VIRGINIA BEACH, VIRGINIA:

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33 That the City Council authorizes the City Manager or his designee to
34 execute a Facility Use Agreement for use of the Thalia Transfer Facility, between the
35 City and any such property owner holding a valid permit to conduct dredging of the
36 Waterway, in accordance with the Summary of Terms attached hereto as Exhibit A and
37 made a part hereof, and such other terms, conditions or modifications as may be
38 acceptable to the City Manager and in a form deemed satisfactory by the City Attorney.

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Adopted by the Council of the City of Virginia Beach, Virginia, on this
21st day of June, 2016.

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June 10, 2016

APPROVED AS TO CONTENT:

Phillip A. Dawson
Public Works

APPROVED AS TO LEGAL
SUFFICIENCY:

Kelera M. Bryan
City Attorney