



Legislation Details (With Text)

**File #:** 24-0245      **Version:** 1      **Name:** 1006 Settlers Landing Rd Encroachment  
**Type:** Resolution      **Status:** Passed  
**File created:** 4/25/2024      **In control:** City Council Legislative Session  
**On agenda:** 5/8/2024      **Final action:** 5/8/2024  
**Title:** Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Lumos Networks Inc. d/b/a Segra to Allow an Encroachment into the City’s Right of Way for Installation of Fiber Optic Cable, Conduit, and a Handhole Within and Across the City’s Right of Way Known as William R. Harvey Way

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Encroachment Agreement, 2. Presentation

Date	Ver.	Action By	Action	Result
5/8/2024	1	City Council Legislative Session	approved	Pass

Resolution to Approve an Encroachment Agreement Pursuant to Hampton City Code § 34-86 Between the City of Hampton and Lumos Networks Inc. d/b/a Segra to Allow an Encroachment into the City’s Right of Way for Installation of Fiber Optic Cable, Conduit, and a Handhole Within and Across the City’s Right of Way Known as William R. Harvey Way

**PURPOSE/BACKGROUND:**

Lumos Networks Inc. d/b/a Segra (the “Licensee” and “Grantee”), is a fiber optic communications network service provider intending to install certain infrastructure in the City of Hampton (the “City”) to provide services to its customers and certain properties adjacent to, near, or within the area of certain property owned by Hampton University, a Virginia nonstock corporation, formerly known as Hampton Institute, located at 1006 Settlers Landing Road, Hampton, Virginia (LRSN: 12001035) (“the Serviced Parcel”). The City is the owner of William R. Harvey Way (the “Right of Way”). Licensee requested that the City grant Licensee permission to encroach into two (2) areas more particularly described as follows:

1. Area #1: 10 +/- square foot area (2.5’ x 4’ area) of the Right of Way for a handhole to be installed as illustrated on Exhibit “A” attached to the Encroachment Agreement presented to Council for approval; and
2. Area #2: 69 +/- square foot area (1’ x 69’ area’) to install a buried fiber optic cable and conduit in the Right of Way as illustrated as a dashed line on said Exhibit “A”. Areas #1 and #2 being collectively the “Licensed Area”. The fiber optic cable, conduit, and handhole as described above are the improvements being proposed to be located within the Licensed Area (the “Licensed Improvement”) as requested on Licensee’s encroachment application and as further illustrated on Exhibit “A” attached to the Encroachment Agreement presented to Council for approval.

The request was routed to City staff and local utility companies, and none had any objections, but some recommend certain conditions that are included in the attached Encroachment Agreement. Therefore, pursuant to Hampton City Code § 34-86, City staff recommend approval of the

Encroachment Agreement.

**Discussion:**

See Purpose/Background above.

**Impact:**

See Purpose/Background above.

**Recommendation:**

Approve the Resolution.

WHEREAS, Lumos Networks Inc. d/b/a Segra (the “Licensee” and “Grantee”), is a fiber optic communications network service provider intending to install certain infrastructure in the City of Hampton (the “City”) to provide services to its customers and certain properties adjacent to, near, or within the area of certain property owned by Hampton University, a Virginia nonstock corporation, formerly known as Hampton Institute, located at 1006 Settlers Landing Road, Hampton, Virginia (LRSN: 12001035) (the “Serviced Parcel”);

WHEREAS, The City is the owner of William R. Harvey Way (the “Right of Way”);

WHEREAS, Licensee requested that the City grant Licensee permission to encroach into two (2) areas of the Right of Way more particularly described as follows:

1. Area #1: 10 +/- square foot area (2.5' x 4' area) of the Right of Way for a handhole to be installed as illustrated on Exhibit “A” attached to the Encroachment Agreement presented to Council for approval; and
2. Area #2: 69 +/- square foot area (1' x 69' area) to install a buried fiber optic cable and conduit in the Right of Way as illustrated as a dashed line on said Exhibit “A”.

Both Areas #1 and #2 being collectively the “Licensed Area”. The fiber optic cable, conduit, and handhole as described above are the improvements being proposed to be located within the Licensed Area (the “Licensed Improvement”) as requested on Licensee’s encroachment application and as further illustrated on the said Exhibit “A”; and

WHEREAS, City staff have reviewed the request and recommend granting the Licensee a non-exclusive revocable license, subject to certain terms and conditions and the execution of the Encroachment Agreement attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hampton, Virginia, as follows:

1. That the Encroachment Agreement between the City of Hampton and Lumos Networks Inc. d/b/a Segra is hereby approved; and
2. That the City Manager, or her authorized designee, is hereby authorized to execute the Encroachment Agreement, in substantially the same form as set forth in this Resolution, and to take

any and all actions necessary to carry out the purposes of this Resolution, subject to approval by the City Attorney.