



Legislation Details (With Text)

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Type: Resolution **Status:** Passed
File created: 6/2/2023 **In control:** City Council Legislative Session
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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 Communication Conduit with Fiber Optic Cable at 8109 Roanoke Avenue.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Encroachment Agreement, 2. Presentation

Date	Ver.	Action By	Action	Result
6/14/2023	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 Communication Conduit with Fiber Optic Cable at 8109 Roanoke Avenue.

PURPOSE/BACKGROUND:

Lumos Networks Inc. d/b/a Segra (the "Licensee" and "Grantee"), is a fiber optic communications network service provider intending to provide services to certain property owned by the Commonwealth of Virginia (Department of Motor Vehicles or DMV) located at 8109 Roanoke Avenue, Hampton, Virginia 23605 (LRSN 3002704) (the "Serviced Parcel"). The City of Hampton (the "City") is owner of W. Mercury Boulevard and Roanoke Avenue (collectively the "Right of Way") running up to the northern property line of the Serviced Parcel. Licensee has requested that the City grant Licensee permission to encroach into three (3) areas more particularly described as follows:

1. Area #1: 15 +/- square foot area (15' x 1' wide) area for buried fiber optic conduit along the Right of Way as illustrated as a dashed line on Sheet 1 of 2 on Exhibit "A" attached to the Encroachment Agreement presented to Council for approval;
2. Area #2: 912 +/- linear feet of aerial cable along and across the Right of Way as illustrated as a dashed line on Sheets 1 and 2 on said Exhibit "A"; and
3. Area #3: 237 +/- square foot area (237' x 1'wide) area of the Right of Way as illustrated as a dashed line on Sheet 2 of 2 on said Exhibit "A".

All three (3) areas being collectively the "Licensed Area". The total 1,164 feet, more or less, of new fiber cable as described above and one new handhole 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 provide services to certain property owned by the Commonwealth of Virginia (Department of Motor Vehicles or DMV) located at 8109 Roanoke Avenue, Hampton, Virginia 23605 (LRSN 3002704) (the “Serviced Parcel”);

WHEREAS, the City of Hampton (the “City”) is owner of W. Mercury Boulevard and Roanoke Avenue (collectively the “Right of Way”) running up to the northern property line of the Serviced Parcel.

WHEREAS, Licensee has requested that the City grant Licensee permission to encroach into three (3) areas more particularly described as follows:

1. Area #1: 15 +/- square foot area (15’ x 1’ wide) area for buried fiber optic conduit along the Right of Way as illustrated as a dashed line on Sheet 1 of 2 on Exhibit “A” attached to the Encroachment Agreement presented to Council for approval;
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3. Area #3: 237 +/- square foot area (237’ x 1’ wide) area of the Right of Way as illustrated as a dashed line on Sheet 2 of 2 on said Exhibit “A”.

All three (3) areas being collectively the “Licensed Area”. The total 1,164 feet, more or less, of new fiber cable as described above and one new handhole 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; 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.