



## Legislation Details (With Text)

<b>File #:</b>	24-0246	<b>Version:</b>	1	<b>Name:</b>	2198 Coliseum Dr Encroachment
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	4/25/2024	<b>In control:</b>	City Council Legislative Session		
<b>On agenda:</b>	5/8/2024	<b>Final action:</b>	5/8/2024		
<b>Title:</b>	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 New Fiber Optic Cable and Conduit to Serve Property and/or Customers Located at 2198 Coliseum Drive				

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### 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 New Fiber Optic Cable and Conduit to Serve Property and/or Customers Located at 2198 Coliseum Drive

### 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 Coliseum FF, LLC located at 2198 Coliseum Drive, Hampton, Virginia (LRSN 7001534) (the "Serviced Parcel"). The City is the owner of Marcella Road (the "Right of Way"), which runs adjacent to the Serviced Parcel. The Licensee requested that the City grant them permission to encroach into a 99 +/- square foot (1' wide x 99' +/-) area within, along, and across the Right of Way (the "Licensed Area") to bury, at a minimum depth of 36 inches (36"), new fiber optic cable and conduit in the Licensed Area (the "Licensed Improvement") as 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, the City of Hampton (the "City") is the owner of Marcella Road (the "Right of Way");

WHEREAS, Lumos Networks Inc. d/b/a Segra (the "Licensee"), is a fiber optic communications network service provider intending to provide services to its customers and certain properties adjacent to, near, or within the area of certain property owned by Coliseum FF, LLC located at 2198 Coliseum Drive, Hampton, Virginia (LRSN 7001534) (the "Serviced Parcel")

WHEREAS, Licensee requested that the City grant Licensee permission to encroach into a 99 +/- square foot (1' wide x 99' +/-) area of the Right of Way (the "Licensed Area") to bury, at a minimum depth of 36 inches (36"), new fiber optic cable and conduit within the Licensed Area (the "Licensed Improvement"), as illustrated on Exhibit "A" attached to the Encroachment Agreement and presented herewith 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.