



Legislation Text

File #: 22-0192, Version: 1

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 5 Armistead Pointe Parkway

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 Economic Development Authority of the City of Hampton, Virginia, a political subdivision of the Commonwealth of Virginia (the "EDA") located at 5 Armistead Parkway, Hampton, Virginia 23666 (LRSN 13004683) (the "Serviced Parcel"), and has requested permission to encroach into Armistead Pointe Parkway owned by the City of Hampton (the "Right of Way"). The Licensee has requested permission to encroach into a 4,500 +/- square foot (45' x 10' wide) of the Right of Way (the "Licensed Area") to install communication conduit with fiber optic cable in the Licensed Area (the "Licensed Improvement"), as requested on their 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, the City of Hampton (the "City") is the owner of Armistead Point Parkway (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 certain property owned by the Economic Development Authority of the City of Hampton, Virginia, a political subdivision of the Commonwealth of Virginia (the "EDA"), located at 5 Armistead Parkway, Hampton, Virginia 23666 (LRSN 13004683) (the "Serviced Parcel");

WHEREAS, Licensee requested that the City grant Licensee permission to encroach into a 4,500 +/- square foot (45' x 10') area of the Right of Way (the "Licensed Area") to install communication conduit with fiber optic cable in 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.