



Legislation Text

File #: 23-0173, 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 and an Equipment Cabinet within a median south of Autozone Way, east of N. King Street and north of E. Mercury Boulevard.

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 a certain median located to the south of Autozone Way, east of N. King Street, and north of E. Mercury Boulevard in Hampton, Virginia 23605 (LRSN: Not applicable/public right of way). The City is owner of the said median, Autozone Way, N. King Street, and E. Mercury Boulevard (collectively 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: 530 +/- square foot area (1' wide x 530' +/-) area to install a buried fiber optic conduit along the Right of Way as illustrated as a dashed line on Exhibit "A" attached to the Encroachment Agreement presented to Council for approval; and
2. Area #2: 24 +/- square foot area (4' x 6') area of the Right of Way for an equipment cabinet to be installed as illustrated on said Exhibit "A".

Both areas being collectively the "Licensed Area". The total 554 square feet, more or less, of new fiber cable as described above and the new equipment cabinet are the improvements being proposed to be located within the Licensed Area (the "Licensed Improvement").

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 a certain median located to the south of Autozone Way, east of N. King Street, and north of E. Mercury Boulevard in Hampton, Virginia 23605 (LRSN: Not applicable/public right of way);

WHEREAS, The City is owner of the said median, Autozone Way, N. King Street, and E. Mercury Boulevard (collectively 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: 530 +/- square foot area (1' wide x 530' +/-) area to install a buried fiber optic conduit along the Right of Way as illustrated as a dashed line on Exhibit "A" attached to the Encroachment Agreement presented to Council for approval; and
2. Area #2: 24 +/- square foot area (4' x 6') area of the Right of Way for an equipment cabinet to be installed as illustrated on said Exhibit "A".

Both areas being collectively the "Licensed Area". The total 554 square feet, more or less, of new fiber cable as described above and the new equipment cabinet 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.