



## Legislation Text

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File #: 24-0076, Version: 1

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Ordinance Accepting the Bid Submitted by Crown Castle Fiber LLC for a Nonexclusive Franchise Agreement to Use and Occupy the Streets and Public Rights-of-Way Located Within the City for the Purposes of Constructing, Installing, and Maintaining Network Facilities for Wireless Services and for Providing Wireless Infrastructure Services Within and Through the City

### **PURPOSE/BACKGROUND:**

Several Wireless Service Providers and Wireless Infrastructure Providers (the “Providers”) have contacted the City of Hampton (the “City”) including Crown Castle Fiber LLC (“Crown Castle”). The Providers advised that they can better serve the citizens of the City by having a franchise to use and occupy the streets and public rights-of-way located within the City for the purposes of constructing, installing, and maintaining network facilities for Wireless Services and/or as a Wireless Infrastructure Provider within and through the City. Pursuant to Article VII, Section 9 of the Constitution of Virginia and Chapter 21 of Title 15.2 of the Virginia Code, the City has the authority to grant franchises and other authorizations for the use and occupancy of the streets and public rights-of-way. On January 24, 2024, pursuant to the provisions of §15.2-2100 et. seq. of the Code of Virginia, 1950, as amended, the City agreed to offer franchises to the Providers by publicly inviting bids for a wireless facilities nonexclusive franchise agreement, subject to the terms and conditions set forth in the Nonexclusive Franchise Agreement attached hereto as EXHIBIT A and made a part hereof to this Ordinance being presented to City Council. The requirements of §15.2-2101 and §15.2-2102 of the Code of Virginia, 1950, as amended, having been met and after careful consideration of the bids submitted, the bid of Crown Castle should be accepted by City Council.

### **Discussion:**

See Purpose/Background above.

### **Impact:**

See Purpose/Background above.

### **Recommendation:**

Hold public hearing, accept bid, and approve the Ordinance.

**WHEREAS**, on January 24, 2024, pursuant to the provisions of §15.2-2100 et. seq. of the Code of Virginia, 1950, as amended, the City of Hampton (the “City”) offered franchises to qualified Wireless Service Providers and Wireless Infrastructure Providers by publicly inviting bids for a

wireless facilities nonexclusive franchise agreement, subject to the terms and conditions set forth in the Nonexclusive Franchise Agreement attached hereto as EXHIBIT A and made a part hereof to this Ordinance being presented to City Council;

**WHEREAS**, Crown Castle Fiber LLC (“Crown Castle”) was one of the highest, qualified, responsible bidders;

**WHEREAS**, the requirements of §15.2-2101 and §15.2-2102 of the Code of Virginia, 1950, as amended, having been met and after careful consideration of the bids submitted, the bid of Crown Castle should be accepted by City Council; and

**WHEREAS**, the City should grant the aforesaid wireless franchise to Crown Castle subject to the execution by the parties of that certain Nonexclusive Franchise Agreement attached hereto as EXHIBIT A.

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

1. That the bid of Crown Castle is hereby accepted; and
2. That the City Manager, or her authorized designee, is hereby authorized to execute the Nonexclusive Franchise Agreement attached hereto as EXHIBIT A, in substantially the same form as set forth in this Ordinance, and to take any and all actions necessary to carry out the purposes of this Ordinance, subject to approval by the City Attorney.