



## Legislation Text

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File #: 24-0323, Version: 1

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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 Buried Fiber Optic Cable, Conduit, and a Handhole Along and Across the City's Right of Way Known as Enterprise Parkway

### **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 Amazon.Com Services, LLC, a Delaware limited liability company authorized to transact business in the Commonwealth of Virginia, located at 2000 Enterprise Parkway, Hampton, Virginia (LRSN: 7001878) ("the Serviced Parcel"). The City is the owner of Enterprise Parkway (the "Right of Way"). 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: 763 +/- square foot area (763' x 1' area) to install buried fiber optic cable and conduit in the Right of Way as illustrated on Exhibit "A" attached to the Encroachment Agreement presented to City Council for approval; and
2. Area #2: 10 +/- square foot area (2.5' x 4' area) of Right of Way for a handhole to be installed as illustrated on said Exhibit "A".

Area #1 and Area #2 being collectively the "Licensed Area". The new fiber conduit/cable and the new handhole as described above 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 the aforesaid Exhibit "A" attached to the Encroachment Agreement.

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 certain property owned by Amazon.Com Services, LLC, a Delaware limited liability company authorized to transact business in the Commonwealth, located at 2000 Enterprise Parkway, Hampton, Virginia (LRSN: 7001878) ("the Serviced Parcel").

**WHEREAS**, The City is the owner of 2000 Enterprise Parkway (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: 763 +/- square foot area (763' x 1' area) to install buried fiber optic cable and conduit in the Right of Way as illustrated on Exhibit "A" attached to the Encroachment Agreement presented herewith to City Council for approval; and

2. Area #2: 10 +/- square foot area (2.5' x 4' area) of Right of Way for a handhole to be installed as illustrated on said Exhibit "A".

Area #1 and Area #2 being collectively the "Licensed Area". The new fiber conduit/cable and the new handhole as described above 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 the aforesaid Exhibit "A" attached to the Encroachment Agreement; 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.