

INTRODUCED: May 13, 2019

AN ORDINANCE No. 2019-130

To provide for the granting by the City of Richmond to the person, firm or corporation to be ascertained in the manner prescribed by law of certain easements upon, over, under, and across certain properties located at 3502 North Hopkins Road and 3516 North Hopkins Road for the construction, installation, operation, maintenance, inspection, repair, replacement, and removal of communication lines and associated appurtenances in accordance with a certain Deed of Easement.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 10 2019 AT 6 P.M.

WHEREAS, following the introduction of this ordinance, the City Clerk has caused to be advertised, once a week for two successive weeks in a newspaper of general circulation published in the city of Richmond, a descriptive notice of the Deed of Easement attached to this ordinance, which notice:

1. included a statement that a copy of the full text of the ordinance is on file in the office of the City Clerk;

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 24 2019 REJECTED: _____ STRICKEN: _____

2. invited bids for the easements offered to be granted in and by this ordinance, which bids were to be:
 - a. delivered in writing to the presiding officer of the Council of the City of Richmond at its regular meeting to be held on June 10, 2019, at 6:00 p.m., in open session;
 - b. presented by the presiding officer to the Council; and
 - c. then dealt with and acted upon in the mode prescribed by law;
3. required that all bids for the easements hereby offered to be granted shall be submitted in writing as required by law; and
4. reserved the Council's right to reject any and all bids; and

WHEREAS, the deadline for the receipt of bids has passed, all bids have been received, and the Council is prepared to act in accordance with sections 15.2-2102 or 15.2-2103, or both, of the Code of Virginia (1950), as amended;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That there shall be granted in the manner prescribed Article VII, Section 9 of the Constitution of Virginia and Title 15.2, Chapter 21, Article 1, §§ 15.2-2100—15.2-2108.1:1 of the Code of Virginia (1950), as amended, certain easements upon, over, under, and across certain properties located at 3502 North Hopkins Road and 3516 North Hopkins Road for the construction, installation, operation, maintenance, inspection, repair, replacement, and removal of communication lines and associated appurtenances on those properties as described and under the conditions set forth in the Deed of Easement, a copy of which is attached to and incorporated into this ordinance, to the following tenant:

Lumos Networks Inc., dba Segra.

§ 2. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute the Deed of Easement between the City of Richmond as grantor and the grantee identified in section 1 of this ordinance to grant certain easements upon, over, under, and across certain real properties located at 3502 North Hopkins Road and 3516 North Hopkins Road for the construction, installation, operation, maintenance, inspection, repair, replacement, and removal of communication lines and associated appurtenances by such grantee, provided that:

(a) The Deed of Easement has first been approved as to form by the City Attorney and is substantially in the form of the document attached to this ordinance;

(b) The tenant identified in section 1 of this ordinance has first executed a bond, with good and sufficient security, in favor of the City of Richmond, Virginia, in the amount of \$50.00 and conditioned upon the construction, installation, operation, maintenance, inspection, repair, replacement, and removal of the communication lines and associated appurtenances as provided for in the granted easements, with such bond in a form acceptable to the Chief Administrative Officer and approved as to form by the City Attorney; and

(c) The tenant identified in section 1 of this ordinance has first paid all costs incurred in connection with the advertisement of this ordinance, as required by section 15.2-2101 of the Code of Virginia (1950), as amended.

§ 3. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-8761
APR 16 2019
Office of the
Chief Administrative Officer

O&R REQUEST

RECEIVED
EDITION: 1
APR 30 2019

OFFICE OF CITY ATTORNEY

DATE: April 8, 2019
TO: The Honorable Members of City Council
THROUGH: Levar M. Stoney, Mayor
THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer
THROUGH: Stephen Willoughby, Director of Emergency Communications
FROM: Jackie Crotts, Deputy Director of Emergency Communications
RE: Proposed Telecommunications Easement at 3516 N Hopkins Road

Handwritten signature and date: JS 4/29/19

Handwritten initials: sub

Handwritten signature: [Signature]

ORDINANCE OR RESOLUTION NO.:

PURPOSE: To authorize the Chief Administrative Officer to grant to the person, firm, or corporation to be ascertained in the manner prescribed by law an easement with a term of 40 years for the purpose of adding communication lines beneath the Hopkins road complex to include the property at 3516 N Hopkins Rd.

REASON: The City of Richmond through its Department of Emergency Communications (DEC) has partnered with Henrico County Police Department to provide a higher level of reliability and continuity of operations for both jurisdiction's respective 911 centers.

RECOMMENDATION: It is recommended that this easement be granted as outlined in the attached agreement.

BACKGROUND: The DEC is the single point of contact for all Emergency 911, and non-emergency public safety calls for service for the City's estimated 223,170 residents. In addition, during an average work week, the City's population swells exponentially as multiple services and communications are provided for over 4,000 City employees working in 32 Departments within the City that include all Public Safety agencies. As regional leaders in public safety, DEC has partnered with Henrico County to connect both agency's' 911 phones systems together using the West Viper multi-node telephone network configuration enhancing both systems redundancy by 200%. This will allow both agencies to act as each other's backup center as well as giving functionally so Richmond Communication Officers can answer 911 calls at Henrico County and vice-versus with little impact to response to citizens. In order to continue to maintain this high level of service, an easement must be granted in order to accomplish this task of adding addition communication lines on the Hopkins Rd complex.

FISCAL IMPACT/COST: \$3000 annually

FISCAL IMPLICATIONS: None anticipated

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: None anticipated

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 13, 2019

CITY COUNCIL PUBLIC HEARING DATE: May 28, 2019

REQUESTED AGENDA: Consent Agenda

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Department of Emergency Communications

RELATIONSHIP TO EXISTING ORD. OR RES.: City Code Sec. 2-782

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Deed of Easement

STAFF: Stephen Willoughby, Jackie Crotts

DEED OF EASEMENT

THIS DEED OF EASEMENT (this "Deed") is made this ____ day of _____, 2019, by and between CITY OF RICHMOND, a municipal corporation organized under the laws of the Commonwealth of Virginia, to be indexed as grantor (the "GRANTOR"), and _____, to be indexed as grantee (the "GRANTEE").

EXEMPTION FROM TAXES

This conveyance is exempt from Grantor's Tax pursuant to Section 58.1-811(C)(4) of the Code of Virginia (1950), as amended.

WITNESSETH:

WHEREAS, GRANTOR holds fee simple title to certain real property situated in Richmond, Virginia known as 3502 North Hopkins Road and 3516 North Hopkins Road, respectively designated as Tax Parcel Nos. S0071217003 and S0071217004, and being a portion of the same real estate conveyed to GRANTOR by deed recorded in the Clerk's Office of the Circuit Court of Richmond, Virginia as Instrument No. 2014-14367 (the "Properties"); and

WHEREAS, GRANTEE requests from GRANTOR two 15-foot wide easements within the Properties for purposes relating to installation and operation of a communications system, which easements GRANTOR is willing to convey.

NOW, THEREFORE, in consideration of the foregoing recitals, incorporated herein and made a part hereof, and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR does hereby convey to GRANTEE, with Special Warranty of Title, two 15-foot wide easements (the "Easements"), totaling _____ square feet, to last forty (40) years upon, over, under, and across the Properties for the construction, installation, operation, maintenance, inspection, repair, replacement, and removal (the "Activities") of a communications system consisting of cables, conduits, wires, terminals, equipment, poles, and related appurtenances, the locations of which Easements are more particularly shown on the plats labeled "LUMOS ROW PLAT 024080-001-E1" and "LUMOS ROW PLAT 024080-001-E2," respectively marked as "Attachment A" and "Attachment B" and attached to and made a part of this Deed.

The Easements shall be SUBJECT to the following conditions:

GRANTEE will have full and free use of the Easements for performance of the Activities. If there are no public roads or alleys reasonably convenient to the Easements, GRANTEE will have the right of ingress and egress over the lands of GRANTOR adjacent to the Easements twenty-four (24) hours a day, seven (7) days a week for the purpose of accessing the Easements to perform the Activities.

GRANTOR may make any use of the land and space within the Easements that is not inconsistent with performance of the Activities by GRANTEE.

GRANTEE, at its own expense, shall restore to their prior condition whatever portions of the Properties or improvements thereon GRANTEE disturbs during performance of any of the Activities. GRANTEE shall indemnify GRANTOR against any loss, damage, expense or liability caused by, arising from or relating to performance of the Activities.

It is expressly understood and agreed that the Easements are nonexclusive and are granted subject to all currently existing valid easements, agreements, covenants, restrictions and conditions of record affecting the property or any part thereof. This Deed shall run with the land and be binding upon GRANTOR's heirs, successors and assigns in title. Each individual executing this Deed represents that he or she is duly authorized to bind GRANTOR or GRANTEE, as the case may be, to the terms and provisions of this Deed.

SIGNATURES ON NEXT PAGES

IN WITNESS WHEREOF, GRANTOR has hereunto affixed its signature and seal as of the day and year first hereinabove written.

Approved ~~As to form:~~

CITY OF RICHMOND

By:  _____

BY: _____

Assistant City Attorney

Name: _____

City of Richmond, Virginia

Title: _____

As authorized by Ord. No. _____

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to-wit:

I, _____, Notary Public in and for the City/County and State aforesaid, do hereby certify that _____ whose name is signed to the foregoing deed of easement, bearing date _____ day of _____, 20____, personally appeared before me in my City/County and State aforesaid and acknowledged the same to be their act and deed.

Given under my hand this _____ day of _____, 20____.

Notary Public

Notary Registration Number: _____

My commission expires: _____

GRANTEE

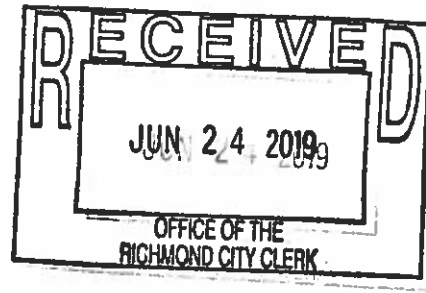
By: _____

Name: _____

Title: _____

SEGRASM

Morgan Brown Jr
Director Network Delivery/OSP Central
1524 New Hope Road, Waynesboro, VA 22980



June 21, 2019

Richmond City Council

RE: Bid Response for Ordinance No. 2019-130

Respondent:

Lumos Networks Inc., dba Segra

Mission:

Lumos Networks Inc, dba Segra is dedicated to providing advanced reliable high speed telecommunication services.

Qualifications:

Following a successful merger of Lumos Networks and Spirit Communications, we are now proud to offer one of the largest and most advanced infrastructure networks in the eastern US. Our state-of-the-art fiber network covers over 21,000 miles that connects more than 9,000 on-net locations and 44 data centers throughout the Mid-Atlantic and Southeast and is delivered with our industry-leading service and reliability.

It is with these qualifications that Lumos Networks Inc. dba Segra is uniquely qualified to perform the duties of the Grantee under the proposed Deed of Easement as specified in Ordinance No. 2019-130.

Easement Terms:

Lumos Networks Inc. dba Segra is prepared to commit to, and adhere by, the terms and conditions as more specifically defined in the Deed of Easement as specified in Ordinance No. 2019-130.

Request:

Lumos Networks Inc. dba Segra respectfully requests the Richmond City Council vote to approve the Lumos Networks Inc. dba Segra's Bid as it relates to Ordinance No. 2019-130.