

INTRODUCED: November 14, 2016

AN ORDINANCE No. 2016-293

To authorize Cellco Partnership, doing business as Verizon Wireless, to encroach upon the City of Richmond's rights-of-way with cell antennas and related equipment to be mounted on designated utility poles approximately located at 3545 West Cary Street, 3025 Parkwood Avenue, 1920 West Cary Street, 1520 Lakeview Avenue, 1928 Rosewood Avenue, 3336 Cutshaw Avenue, and 3101 Grove Avenue, respectively, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 12 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Cellco Partnership, doing business as Verizon Wireless, referred to as "Licensee", is hereby authorized to encroach upon the public rights-of-way with cell antennas and related equipment to be mounted on designated utility poles approximately located at 3545 West Cary Street, 3025 Parkwood Avenue, 1920 West Cary Street, 1520 Lakeview Avenue, 1928 Rosewood Avenue, 3336 Cutshaw Avenue, and 3101 Grove Avenue, as shown on a plan prepared by the Department of Public Works, dated September 8, 2016, designated as DPW Drawing No. N-28743, and entitled "Approximate Encroachment Locations of Seven Cell Antennas and Related

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 12 2016 REJECTED: _____ STRICKEN: _____

Equipment to Be Attached to Utility Poles within the Public Rights-of-Way for Cellco Partnership D/B/A Verizon Wireless,” a copy of which is attached to this ordinance and incorporated herein.

§ 2. That the grant of authorization for the above-described encroachment shall be subject to the applicable general provisions set forth in sections 24-59 through 24-65 of the Code of the City of Richmond (2015), as amended.

§ 3. That the grant of authorization for the above-described encroachment shall also be subject to the following specific conditions:

(a) The Licensee shall bear all costs incidental to the encroachment, including, without limitation, realignment or replacement of street and sidewalk infrastructure, utilities, signs, and right-of-way “monumentation”, as directed by City agencies.

(b) Subject to the general requirements of section 24-62(a)(5) of the Code of the City of Richmond (2015), as amended, the Licensee shall furnish the City with evidence of an insurance contract providing commercial general liability coverage in an amount not less than \$1,000,000 combined single limit, naming the City as an additional insured, which shall be maintained for the life of the encroachment.

(c) Subject to the general requirements of section 24-62(a)(6) of the Code of the City of Richmond (2015), as amended, the Licensee shall require any contractor or contractors to furnish the City with evidence of an insurance contract providing commercial general liability coverage in an amount not less than \$1,000,000 combined coverage for bodily injuries and property damage resulting from the contractor’s activities with regard to the authorized encroachment, naming the City as an additional insured.

(d) The Licensee shall be subject to an annual Assessor area tax for each encroachment area in accordance with section 24-64 of the Code of the City of Richmond (2015), as amended.

(e) Subject to the general requirements of section 24-62(a)(7) of the Code of the City of Richmond (2015), as amended, the Licensee shall furnish the City a removal bond with corporate surety, an irrevocable letter of credit or other type of financial guarantee, payable to the City and approved by the City Attorney.

(f) The Licensee, or any successor or assignee thereof, shall bear all costs for repair, relocation or replacement of the encroachments in the event of damage or movement due to, but not limited to, vehicular travel; alterations “in” or “to” or failure of City utilities; or due to the City’s and the public’s use of the right-of-way.

(g) The Licensee shall secure all proper permits, and the work shall be performed in a manner satisfactory to the Director of Public Utilities, the Director of Public Works and the Director of Planning and Development Review.

(h) The Department of Public Works shall be authorized to make minor adjustments to the locations of the encroachments as needed, provided that the encroachments remain in the same general locations as set forth in this ordinance.

(i) The Licensee shall apply to the “Miss Utility” underground utility prevention program in accordance with sections 56-265.14 through 56-265.32 of the Code of Virginia (1950), as amended.

(j) Upon completion of the project, the Licensee shall provide to the Department of Public Works as-built drawings that include the dimensions showing the specific locations of all encroachments relative to identifiable physical features.

(k) The Licensee shall provide written notification to the City Assessor, the Director of Finance and the Director of Public Works of the new owner’s name and mailing address immediately upon transferring ownership or encroachment rights to another party.

(1) The Licensee represents that it has entered into a lease agreement with Verizon Virginia, Inc., pursuant to which Verizon Virginia, Inc. provides all fiber, conduit, and other materials to create a network between the encroachments authorized by this ordinance, and the Licensee shall notify the Director of Public Works in writing of the substance of each change to this lease agreement concerning the fiber, conduit, and other materials used to create this network between the encroachments authorized by this ordinance.

§ 4. This ordinance shall be in force upon adoption and shall become effective only when, within 12 months of the date of adoption, the Licensee furnishes the required insurance and bonds and files a written statement in a form satisfactory to the City Attorney to the effect that the Licensee agrees to be bound by and to comply with the terms and conditions upon which the encroachment authorization is granted. The Licensee shall be responsible for providing the Division of Permits and Inspections of the Department of Planning and Development Review, the Division of Right of Way Management of the Department of Public Works, and the Office of the City Clerk with written evidence that all conditions of the ordinance have been satisfied within the time period established by this ordinance.

OCT 18 2016

Chief Administration Office
City of Richmond



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O&R REQUEST

DATE: October 12, 2016

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (By Request) *[Signature]*

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *[Signature]*

THROUGH: John J Buturla, Interim Deputy Chief Administrative Officer *[Signature]*

THROUGH: Emmanuel Adediran, Director
Department of Public Works *[Signature]*

THROUGH: M.S. Khara, P.E., City Engineer
Department of Public Works *[Signature]*

THROUGH: Brian Copple, Right of Way Manager
Department of Public Works *[Signature]*

FROM: Marvin Anderson, Surveys Supt.
Department of Public Works *[Signature]*

RECEIVED

OCT 26 2016

OFFICE OF CITY ATTORNEY

**RE: PROPOSED TELECOMMUNICATION ENCROACHMENTS IN
VARIOUS SECTIONS OF THE CITY FOR CELLCO PARTNERSHIP
D/B/A/ VERIZON WIRELESS**

ORD. OR RES No. _____

PURPOSE: To authorize Cellco Partnership to encroach upon the City of Richmond's right-of-way with seven small cell antennas and related equipment, all of which will be mounted on utility poles in locations as generally illustrated on a schematic map prepared by the Department of Public Works, designated as DPW Drawing No. N-28743, dated 9/8/2016 and entitled "APPROXIMATE ENCROACHMENT LOCATIONS OF SEVEN CELL ANTENNAS AND RELATED EQUIPMENT TO BE ATTACHED TO UTILITY POLES WITHIN THE PUBLIC RIGHTS-OF-WAY FOR CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS."

REASON: Letter of request from Stephen R. Romine, Attorney, on behalf of Cellco Partnership d/b/a Verizon Wireless. Letter of request dated June 2, 2016 proposed 8 locations, however, this has been decreased to 7 locations with UDC approving these 7 locations.

RECOMMENDATIONS: The Department of Public Works offers no objections to the proposed encroachment; however, the following terms and conditions will apply:

1. The encroachment request is for seven facilities (includes small cell antenna and their related equipment) which will all be attached to utility poles owned by others. All fiber, materials, and conduit, etc. being used to network these facilities is being leased to Cellco Partnership from Verizon. Verizon currently has a Franchise Agreement with the City; therefore, an encroachment permit for these Verizon facilities is not needed. If any change is made to the lease agreement between Cellco Partnership and Verizon regarding these network facilities, the applicant(s), owner(s), successor(s) agree to immediately notify the Department of Public Works Right of Way Division of this change.
2. All costs incidental to this encroachment shall be borne by the applicant(s), owner(s), successor(s), including, without limitation, realignment, restoration and/or replacement of street, pavement and sidewalk infrastructure; utilities; signals, signs and pavement markings; right-of-way monumentation; and maintenance of the approved encroachment(s), etc., as directed by City agencies.
3. The applicant(s)/owner(s)/successor(s) shall provide liability insurance as set forth in Section 24-62 of the City Code and shall be maintained in effect for the life of the encroachments.
4. As set forth in the City Code (Section 24-64), the applicant(s)/owner(s)/successor(s) may be subject to an annual encroachment assessment of \$0.25 per linear foot for cable/conduit/guy wires and anchors *and* \$0.25 per square foot for other specific facilities including cell antennas and related telecommunication equipment mounted on utility poles
5. As set forth in the City Code (Section 24-62); the applicant(s)/owner(s)/successor(s) shall provide a removal bond which shall be maintained in effect for the life of the encroachments.
6. The applicant(s)/owner(s)/successor(s) shall bear all cost for removal, repair, relocation, or replacement of the encroachments in the event of damage or movement due to, but not limited to, vehicular travel, alterations or failure of City utilities, or due to the public's use of the right-of-way.
7. The applicant(s)/owner(s)/successor(s) shall secure the proper permits, and the encroachment shall be maintained in a manner satisfactory to best management/construction practices and to the Directors of Public Works and Planning and Development Review.
8. The ordinance shall authorize DPW staff to make minor adjustments to the locations of the encroachments administratively. Detailed plans of all encroachments are on file with DPW in Room 600.
9. The applicant shall apply to "Miss Utility" underground utility prevention program per Virginia Code Sec. 56-265.14 et. seq.
10. Upon completion of the project, the applicant shall provide as-built drawings to include dimensions showing specific location of all encroachments relative to identifiable physical features to Director of Public Works or designee.
11. The applicant(s)/owner(s)/successor(s) shall provide written notification to the Assessor, Director of Finance and the Director of Public Works of any new owner's name and mailing address immediately upon transferring ownership or encroachment rights to another individual or party.

12. The applicant(s)/owner(s)/successor(s) is responsible for providing the Law Department with written evidence that all conditions of the ordinance have been satisfied. Should this written evidence not be submitted to the said offices prior to the expiration date, twelve months after final approval of the ordinance, the ordinance will become null and void automatically.

BACKGROUND: The applicant requests permission to install small cell antenna and their related equipment (all will be attached to utility poles owned by others) at seven different locations that are within the City's public rights-of-way. The Applicant has provided documentation of attachment agreements from the owners of these poles (Dominion and Verizon).

The antenna will be attached on top of new utility poles. The existing wooden utility poles are scheduled for replacement in coordination with the installation of the antenna. The height of these new poles will vary (between 39 to 49 feet above grade) based upon individual location. The attached antenna will add an additional 3.5 – 4.0 feet to the overall height. Additional appurtenances and equipment (cabinets and meters) will be also be attached on an individual pole. Exhibit A presents an elevation view of a typical antenna location. Elevations and dimensions may vary between locations.

The purpose of the project is to improve wireless communications for Verizon Wireless customers throughout the city and the commuting public that may utilize coverage from these facilities. Each small cell antenna will help relieve cellular traffic congestion from existing antennas and reduce the possibility of dropped calls.

The applicant has presented the proposed antenna locations and construction to the UDC. UDC recommended approval at their August 4, 2016 meeting.

FISCAL IMPACT/COST: None anticipated.

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: \$1,000.00 application fee. (Future annual revenue from encroachment fees are possible.)

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: November 14, 2016

CITY COUNCIL PUBLIC HEARING DATE: December 12, 2016

REQUESTED AGENDA: Consent Agenda.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission

AFFECTED AGENCIES: Public Works; Law Department; Planning and Development Review; Public Utilities; Economic and Community Development; Assessor; Budget and Strategic Planning; Fire Department; Police Department, Mayor's Office, CAO's Office, Finance

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Applicant's request letter, DPW Drawing #N-28743, Exhibit A

STAFF:

Prepared for: Emmanuel Adediran

Prepared by: Marvin Anderson

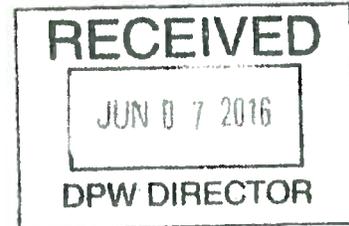
Research and Drawing Coordinated By: Raquel Aguirre

Department of Public Works

646-0435



June 2, 2016



VIA FEDEX

Mr Emmanuel O. Adediran, Director
City of Richmond
Department of Public Works
900 E. Broad Street
Suite 704
Richmond, Virginia 23219

RE: Cellco Partnership d/b/a Verizon Wireless
Request for Encroachments in Public Right-of-Way for telecommunications
facilities; and
Request for Attachment Agreement with City of Richmond Department of Public
Works.

Dear Mr Adediran:

This letter is on behalf of Cellco Partnership d/b/a Verizon Wireless ("Verizon") and supplements the letter sent to you on February 10, 2016. Based on several conversations with the Department of Public Works, we are enclosing additional survey exhibits for Nodes 001, 003, 008, 010, 011, 013, 016 and 027. I have also enclosed a check for the required \$1,000 filing fee. I understand from Messrs. Anderson and Mawby that with this supplemental information, Verizon's request for encroachment approval in the City rights of way can be processed.

Thank you in advance for your consideration and we look forward to working with you. If you should have questions or need additional information, please do not hesitate to call me.

Sincerely,

Stephen R. Romine

SRR/tme

Enclosures

Cc: Marvin W Anderson (via PDF)

E-mail stephen.romine@leclairryan.com
Direct Phone 757 441.8921
Direct Fax 757 441 8973

999 Waterside Drive Suite 2100
Norfolk Virginia 23510
Phone 757 624 1454 \ Fax 757 624.3773

CALIFORNIA \ CONNECTICUT \ MASSACHUSETTS \ MICHIGAN \ NEW JERSEY \ NEW YORK \ PENNSYLVANIA \ VIRGINIA \ WASHINGTON, D.C

Pole Attachment Agreement

June 2, 2016

Our file#: 17611.5134

Page 2

Doug Mawby (via PDF)

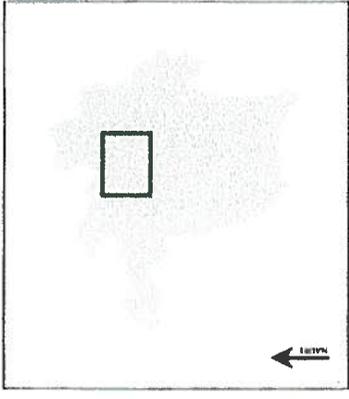
Catherine Faulkner, Verizon (via PDF)

Marshall Pearsall, Verizon (via PDF)

Stefanie Lewis, Verizon (via PDF)

Colleen Hall, Verizon (via PDF)

Melissa Harreld, Verizon (via PDF)



VICINITY MAP
NOT TO SCALE

- NOTES:
- N001 - 3525 W Cary Street
 - N003 - 3025 Parkwood Avenue
 - N008 - 1320 W Cary Street
 - N010 - 1520 Lakeview Avenue
 - N011 - 1925 Rosewood Avenue
 - N013 - 3336 Cutsnew Avenue
 - N015 - 3107 Grove Avenue



<p>REVISIONS</p> <p>1. Ordinance No. _____</p> <p>2. Adopted _____</p> <p>3. Accepted _____</p>		<p>NOTES</p>	
<p>REFERENCES</p>		<p>DEPARTMENT OF PUBLIC WORKS RICHMOND, VIRGINIA</p>	
<p>900 F. Broad Street, Richmond, Va. 23219</p> <p>Room 600 City Hall</p> <p>Survey Division</p>		<p>RICHMOND VIRGINIA</p>	
<p>Checked by: MWA</p> <p>Drawn by: REA</p>		<p>DATE: 9/8/2016</p> <p>PROJECT: VAV-ENC</p> <p>DRAWING NO.: N-28743</p>	
<p>Field Note</p>		<p>Scale: 1" = 750'</p>	
<p>APPROXIMATE ENCROACHMENT LOCATIONS OF SEVEN CELL ANTENNAS AND RELATED EQUIPMENT TO BE ATTACHED TO UTILITY POLES WITHIN THE PUBLIC RIGHTS-OF-WAY FOR CELCO PARTNERSHIP D/B/A/ VERIZON WIRELESS</p> <p>Approved by: Letter of Encroachment Review Board Meeting, 11/16/15. See also: Cellco location data dated 6/21/16</p>			

