

AN ORDINANCE No 85-267-251

ADOPTED OCT 28 1985

To permit Richmond Motor Company to encroach in, upon, over, across and along Westmoreland Street (a distance of 79 linear feet, more or less) east of Westmoreland's intersection with West Broad Street, with overhead speaker cable and telephone cable, as shown on D.P.W. Drawing No. M-21415, dated September 5, 1985, upon certain terms and conditions.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That Richmond Motor Company and its successors
3. in title, hereafter referred to as "Licensee", is hereby
4. permitted to encroach in, upon, over, across and along
5. Westmoreland Street (a distance of 79 linear feet, more or
6. less) east of Westmoreland's intersection with West Broad
7. Street, with one low-voltage, 12-pair telephone cable and
8. one low-voltage speaker cable between Richmond Motor
9. Company's facilities at 4600 West Broad Street and its
10. facilities at 4510 West Broad Street, to the extent and in
11. the manner shown on the copy of the plan attached to the
12. draft of this ordinance entitled: "Proposed Overhead Cable
13. Encroachment over Westmoreland Street between 4510 and 4600
14. West Broad Street", marked "Drawing No. M-21415", dated
15. September 5, 1985, until such time as the encroachment or a

1. substantial part or parts thereof shall be removed or
2. destroyed subject to the provisions and conditions contained
3. in Section 2.04(e) of the Charter of the City of Richmond.

4. § 2. That the permission granted in § 1 of this
5. ordinance is granted upon and subject to the following
6. additional terms and conditions:

7. (a) That all cost shall be borne by the Licensee,
8. Richmond Motor Company.

9. (b) That the Licensee, or any contractor it may
10. employ, shall install, construct, repair, maintain, and
11. remove the encroachment in a manner satisfactory to the
12. Directors of Public Works, Public Safety and Public
13. Utilities.

14. (c) That the Licensee, or its contractor, shall
15. secure any and all required work permits prior to commencing
16. work.

17. (d) That any portion of Westmoreland Street and any
18. public utility that may be disturbed or destroyed by reason
19. of the installation, construction, repair, reconstruction,
20. maintenance, or removal of said low-voltage overhead cables
21. shall be restored and replaced in a manner satisfactory to
22. the directors and with materials approved by them.

23. (e) That the Licensee shall pay to the City for the
24. use and occupancy of the space in, upon, across and along

1. Westmoreland Street such charges as Council has heretofore
2. or may hereafter prescribe for use of public streets and
3. alleys which may be increased or decreased or otherwise
4. modified at any time and from time to time by the Council.

5. (f) That the Licensee shall indemnify, keep and
6. hold the City free and harmless from liability on account of
7. injury or damage to persons, firms and corporations and
8. property growing out of such use of the alley and the
9. construction, maintenance, repair, operation and removal of
10. the encroachment, and in the event that suit shall be
11. brought against the City, either independently or jointly
12. with the Licensee on account thereof, the Licensee shall
13. defend the City in any such suit at its cost, and in the
14. event of a final judgment being obtained against the City,
15. either independently or jointly with the Licensee, it shall
16. pay such judgment and all costs and hold the City harmless
17. therefrom.

18. (g) That Licensee shall require any contractor or
19. contractors engaged by it to furnish a public liability and
20. property damage insurance contract naming therein the City
21. as one of the insured parties thereunder, which shall
22. provide indemnities of not less than \$500,000 for bodily
23. injuries in any one occurrence or from property damage
24. resulting from the installation, construction, maintenance,

1. repair or removal of such cables. Such policy shall provide
2. for the payment of any final judgment that may be rendered
3. against the City by reason of any person being injured or
4. damaged in any way in person or property by the
5. encroachment.

6. (h) That Richmond Motor Company, or its contractor,
7. must install and maintain the overhead cables with a minimum
8. clearance of 16.5 feet above Westmoreland Street and be in
9. accordance with the National Electric Safety Code.

10. (i) That removal of the encroachment herein
11. authorized at any time in the future shall be at the sole
12. expense of the Licensee, Richmond Motor Company, or its
13. successors in title.

14. (j) That the Licensee shall furnish the City a bond
15. with corporate surety approved by the City Attorney in the
16. sum of three thousand dollars conditioned upon the removal
17. of the encroachment and replacement and installation of any
18. public utility damaged, disturbed or destroyed thereby in a
19. manner, with such materials and to the satisfaction of the
20. directors when ordered to do so by the Council, or upon
21. repeal of this ordinance, or upon the failure, refusal or
22. neglect of the Licensee to comply fully and in all respects
23. with the provisions of this or any other ordinance relating
24. thereto. The Licensee shall pay all premiums chargeable for

1. the bond and shall keep the same in full force and effect at
2. all times during the existence and removal of the encroach-
3. ment and replacement and restoration of any public utility
4. damaged, disturbed or destroyed thereby. The bond shall
5. contain a provision that it shall not be terminated or
6. otherwise allowed to expire prior to sixty days written
7. notice to that effect given to the directors.

8. (k) That Licensee shall furnish the City a public
9. liability and property damage insurance contract naming
10. therein the City as an insured thereunder, which shall
11. provide indemnities of not less than \$500,000 for bodily
12. injuries or damage to property in anyt one occurrence
13. resulting from the installation, construction, maintenance
14. and repair of said encroachment. Such policy shall provide
15. for the payment of any final judgment that may be rendered
16. against the City by reason of any person being injured or
17. damaged in any way in person or property by the installa-
18. tion, construction, maintenance, repair, removal and
19. occupancy. The Licensee shall pay all premiums chargeable
20. for such contracts of insurance and keep the same in full
21. force and effect at all times during the existence and
22. removal of the encroachment and replacement and restoration
23. of any public utility affected by such encroachment. Such
24. contract of insurance shall contain a provision that it

1. shall not be terminated or otherwise allowed to expire until
2. sixty days after written notice to that effect is given the
3. directors.

4. (l) This ordinance is adopted pursuant to the power
5. granted the Council by law. It is not intended by the
6. adoption of this ordinance to offer or grant a franchise and
7. the permission hereby granted shall at all times be subject
8. to revocation by the Council and the terms and conditions
9. upon which it is granted shall be subject to modification at
10. any time and from time to time by the Council. Upon such
11. revocation or modification the Licensee shall immediately
12. conform to the requirements, if any, prescribed by the
13. Council with respect thereto.

14. (m) That the Licensee, Richmond Motor Company, shall
15. be responsible for satisfying all terms and conditions
16. necessary for this ordinance becoming effective.

17. § 3. This ordinance shall be in force upon adoption
18. and shall become effective when within six months of the
19. date of adoption any contractor of Licensee furnishes any
20. required insurance; and the Licensee furnishes the required
21. insurance and bond and files with the City Clerk a written
22. statement in form satisfactory to the City Attorney to the
23. effect that the Licensee agrees to the terms and conditions
24. upon which such permission is granted and agrees to be bound
25. thereby and to observe and comply therewith.

City of Richmond
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219
804 • 780-4347

October 22, 1985

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of October 21, 1985, the City Planning Commission voted (7-2) to recommend APPROVAL of:

Ordinance No. 85-267

To permit Richmond Motor Company to encroach in, upon, over, across and along Westmoreland Street (a distance of 79 linear feet, more or less) east of Westmoreland's intersection with West Broad Street, with overhead speaker cable and telephone cable, as shown on D.P.W. Drawing No. M-21415, dated September 5, 1985, upon certain terms and conditions.

Richmond Motor Company has requested permission to encroach in Westmoreland Street with two overhead cables. One cable is a low voltage telephone line, and the other is an intercom speaker cable. The cables are necessary to connect the telephone and paging systems in the Company's main building with the sales office located across Westmoreland Street. The cables would be attached to existing utility poles, which already support lines across the street. Normal encroachment ordinance conditions requiring proper installation and maintenance, protecting the City from liability and requiring payment of annual encroachment fees are included. The Commission generally discourages additional overhead wires in the City. However, the majority concluded this is a commercial area with numerous existing overhead wires, and the encroachments would not interfere with use of the streets involved, nor would they constitute a visual blight, given the nature of the area. Two members expressed opposition to additional overhead wires at this location and suggested that a formal policy be established to discourage additional overhead wires throughout the City. The Commission agreed to consider such a policy in the near future.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jon P. Weersing".

Jon P. Weersing
Secretary

JPW:lk

cc: Mr. W. N. Lang - Petitioner
Director - Department of Public Works

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 85-267	Subject
Requested by City Manager	Encroachment/Westmoreland Street.
Received City Manager's Office --	
Summarized 10/18/85	

SUMMARY

This Ordinance would grant permission to Richmond Motor Company to encroach over Westmoreland Street with a cable as shown on a plan prepared by the Department of Public Works designated D.P.W. Drawing No. M-21415 entitled, "Proposed Overhead Cable Encroachment Over Westmoreland Street between 4510 and 4600 West Broad Street".

This request was made by a letter dated August 5, 1985, and signed by W. N. Lang, Secretary, Comptroller. The encroachment is necessary to install one low voltage pair telephone cable and one low voltage speaker cable between two buildings located at 4600 West Broad Street and 4510 West Broad Street. The cable will be used to connect the telephone and paging system in the main building (4600) to employees in the 4510 facility.

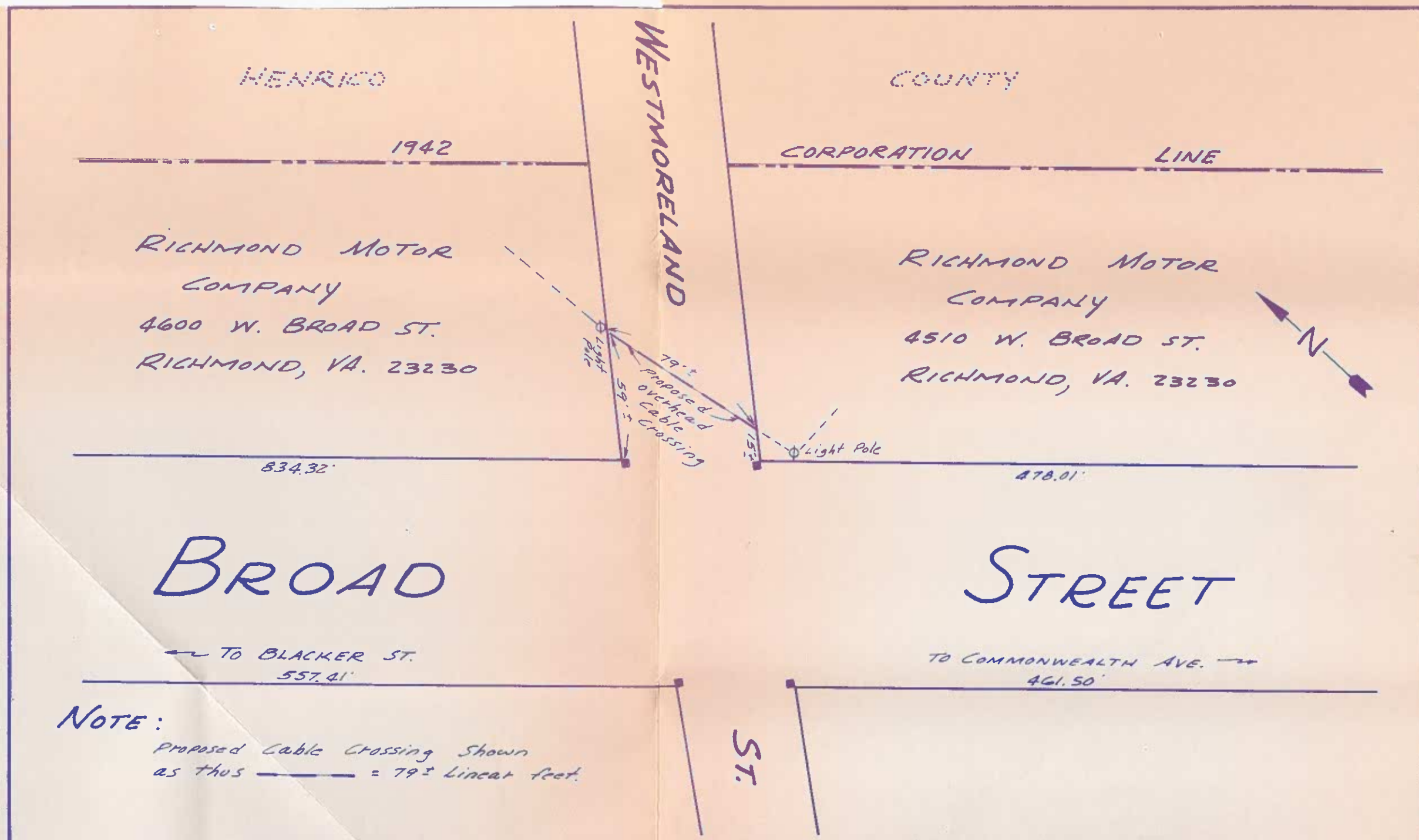
The estimated revenue is 79 linear ft. @ \$.25 = \$19.75 annually.

The Department of Public Works offers no objections to the usual terms and conditions to include:

1. Applicant to bear all cost incident to the encroachment.
2. A six-month expiration clause be included.
3. Liability insurance shall be maintained in effect during construction and the life of the encroachment.
4. Applicant shall furnish removal bond.
5. Applicant must obtain proper permits prior to beginning construction.
6. Applicant must install and maintain cable in accordance with the National Electric Safety Code.
7. Cable to be minimum height of 16.5 ft. above street surface.

COUNCIL ACTION

On Docket 10/28/85
Amended
Adopted
Rejected



NOTE:
Proposed Cable Crossing Shown
as thus --- = 79' Linear feet.

		Surveys Administrator <i>Arthur M. Mealy</i> Streets & Sewers Administrator <i>[Signature]</i> Permits & Engr. Services Administrator <i>[Signature]</i> Chief, Bureau of Engineering <i>[Signature]</i> <i>[Signature]</i> ACTING Director of Public Works	PROPOSED OVERHEAD CABLE ENCROACHMENT OVER WESTMORELAND STREET BETWEEN 4510 AND 4600 WEST BROAD STREET.
REFERENCES <i>B/L 37 N.E.</i>	REVISIONS	DEPARTMENT OF PUBLIC WORKS RICHMOND, VIRGINIA	AUTHORITY: <i>Director's letter of request dated 8-5-05 Signed by W. N. Lang.</i> DESIGNED BY DRAWN BY <i>D.J.F.</i> CHECKED BY <i>W.T.E.</i>
			FIELD NOTES SCALE <i>1" = 50'</i> DATE <i>9-5-05</i> PROJECT NO. <i>1-1-We-24</i> SHEET OF DRAWING NO. M-21415