

INTRODUCED: June 12, 2017

AN ORDINANCE No. 2017-124

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 5201 Patterson Avenue, in the alley behind 336 Lexington Road, in the alley behind 4601 Leonard Parkway, at 4700 Hanover Avenue, and at 3407 Floyd Avenue, respectively, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 24 2017 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 5201 Patterson Avenue, the alley behind 336 Lexington Road, the alley behind 4601 Leonard Parkway, 4700 Hanover Avenue, and 3407 Floyd Avenue, as shown on a plan prepared by the Department of Public Works, dated May 9, 2017, designated as DPW Drawing No. N-28780, and entitled “Approximate Encroachment Locations of Five Cell Antennas and Related Equipment to Be

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 24 2017 REJECTED: _____ STRICKEN: _____

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.

MAY 17 2017



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: May 16, 2017

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Levar M. Stoney, Mayor (By Request)

AS/12/17

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

SCG

THROUGH: Robert Steidel, Acting Deputy Chief Administrative Officer

RS

THROUGH: Bobby Vincent, Interim Director
Department of Public Works

BV

THROUGH: M.S. Khara, P.E., City Engineer
Department of Public Works

MK

THROUGH: Brian Cople, Right of Way Manager
Department of Public Works

BC

FROM: Marvin Anderson, Surveys Supt.
Department of Public Works

MWA

RECEIVED

MAY 19 2017

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 rights-of-way with five small cell antennas and related equipment, all of which will be mounted on utility poles owned by others in locations as generally illustrated on a schematic map prepared by the Department of Public Works, designated as DPW Drawing No. N-28780, dated 5/9/2017 and entitled "APPROXIMATE ENCROACHMENT LOCATIONS OF FIVE 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 Melissa Harreld, Zoning Manager for NB+C, LLC, on behalf of Cellco Partnership d/b/a Verizon Wireless requesting encroachment approval to install data

nodes and end equipment on Dominion and Verizon poles that are located in the public right-of-way.

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.

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 five 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 Work's 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 five 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 utility poles which are in established locations. The existing wooden utility poles are scheduled for replacement or extension upgrade prior to the installation of the antenna. Authorization for the pole modifications will be through procedures established by the respective franchise agreements of Verizon and Dominion

The height of these new poles will vary (between 40.5 to 49 feet above grade) based upon individual location and vary between 7' – 9.5' higher than the pole they replace. The attached antenna will add an additional 3.5' – 4.0' 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 vary between locations.

The applicant has presented the proposed antenna locations and construction to the UDC at their March 9, 2017 meeting and approval was recommended.

The request was entered into EnerGov on March 22, 2017 and assigned number ENCR-014460-2017.

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: June 12, 2017

CITY COUNCIL PUBLIC HEARING DATE: June 26, 2017

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-28780, Exhibit A

STAFF:

Prepared for: Bobby Vincent, Jr.

Prepared by: Marvin Anderson

Research and Drawing Coordinated By: James Flannery

Department of Public Works

646-0435

VIA EMAIL

Mr. Bobby Vincent, 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.

Dear Mr. Vincent:

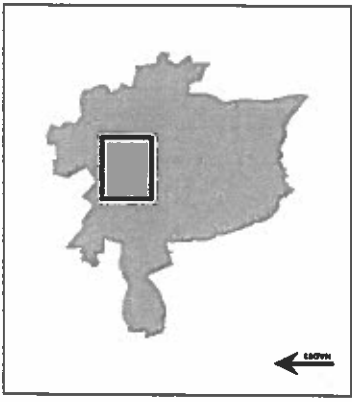
Cellco Partnership d/b/a Verizon Wireless ("Verizon") is requesting to encroach in various locations within the City of Richmond Right-of-Way with overhead and underground fiber optic cable, guy wires, conduit, hand-holes, and telecommunication equipment mounted on utility poles at five (5) additional locations indicated in the documents attached. The attachments have been submitted electronically with payment by check following.

Thank you for your time and consideration of our Encroachment application request. If you need any further information, or would like to discuss this matter in detail, please do not hesitate to contact me.

Sincerely,

Melissa Harreld
Zoning Manager
NB+C, LLC for Verizon Wireless
(m) 804.892.0310
mharreld@nbcllc.com

CC: Catherine Faulkner, Verizon
Colleen Hall, Verizon
Stephen Romine, LeClair Ryan



VICINITY MAP
NOT TO SCALE

NOTES:
 Patterson N002 - 5201 Patterson Ave
 Stuart N002 - Alley Behind 336 Lexington Rd
 Stuart N004 - Alley Behind 4601 Leonard Pkwy
 Stuart N015 - 4700 Hanover Avenue
 Richmond Fan N027 - 3407 Floyd Ave



APPROXIMATE ENCROACHMENT LOCATIONS OF FIVE 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

Requested By: Melissa Barfield, Senior Manager, NBIC, LLC for Verizon Wireless

FIELD NOTE	SCALE	DATE	PROJECT	DRAWING NO.
	1" = 600'	5/9/2017	VW-ENC	N-28780



Drawn by: JLF
 Checked by: MWA

DEPARTMENT OF PUBLIC WORKS
 RICHMOND, VIRGINIA

900 E. Broad Street, Richmond, Va. 23219
 Surveys Division
 Room 600 City Hall

NOTES

1. Ordinance No. _____
 2. Adopted _____
 3. Accepted _____

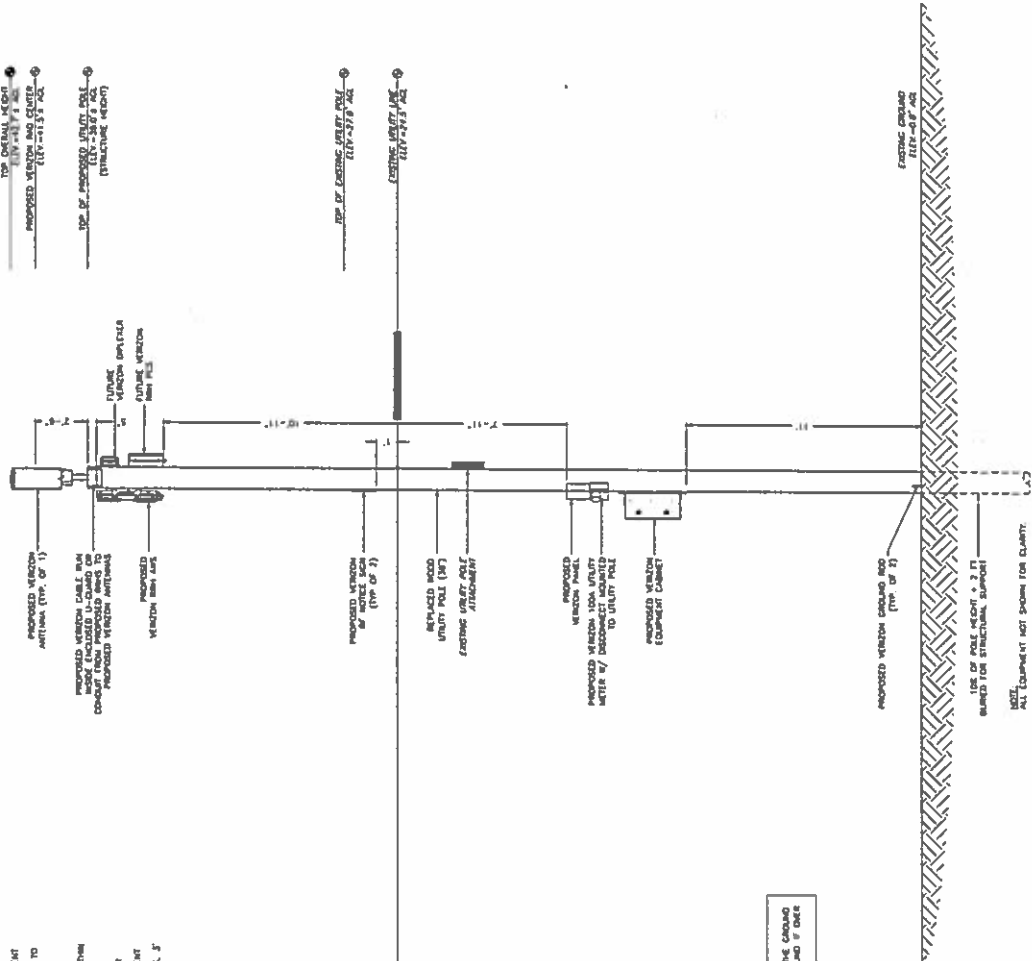
REVISIONS

By: _____
 Title: _____

REFERENCES

GENERAL NOTES

1. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL CODES.
2. THE BOND SHALL BE SECURED BY THE CONTRACTOR AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. THE ALUMINUM SHALL BE PLACED INSIDE A LEAD TIGHT CABINET.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
5. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL CODES.
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10. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL CODES.



NOTE: TO BE A MINIMUM OF 11\"/>

NOTE: CONTRACTOR SHALL PROVIDE SCHEDULE AS SHOWN IN THE LINE DRAWING, WHICH WILL BE PROVIDED BY THE CONSTRUCTION MANAGER IN THE BID PACKAGE.



PROFESSIONAL ENGINEER
VA PROFESSIONAL ENGINEERING BOARD

		<p>RICHMOND FAN NO.1 "MONTANA BREAD" 181-C PROJ. # 2775B 3545 W. GARY STREET RICHMOND, VA 23221 CITY OF RICHMOND</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>08/04/09</td> <td>REVISED</td> <td>P.P.</td> </tr> <tr> <td>2</td> <td>08/04/09</td> <td>REVISED</td> <td>SR</td> </tr> <tr> <td>3</td> <td>08/04/09</td> <td>REVISED</td> <td>SR</td> </tr> <tr> <td>4</td> <td>08/04/09</td> <td>REVISED</td> <td>SR</td> </tr> <tr> <td>5</td> <td>08/04/09</td> <td>REVISED</td> <td>SR</td> </tr> <tr> <td>6</td> <td>08/04/09</td> <td>REVISED</td> <td>SR</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY	1	08/04/09	REVISED	P.P.	2	08/04/09	REVISED	SR	3	08/04/09	REVISED	SR	4	08/04/09	REVISED	SR	5	08/04/09	REVISED	SR	6	08/04/09	REVISED	SR		<p>ELEVATION</p> <p>C-2</p>
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EXHIBIT A