

INTRODUCED: February 10, 2020

AN ORDINANCE No. 2020-039

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 property located at 3301 Maplewood Avenue for the construction, installation, operation, maintenance, inspection, repair, replacement, and removal of telecommunications lines and associated appurtenances in accordance with a certain Right of Way Agreement.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 24 2020 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 Right of Way Agreement 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;
2. invited bids for the easements offered to be granted in and by this ordinance, which bids were to be:

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 24 2020 REJECTED: _____ STRICKEN: _____

- a. delivered in writing to the presiding officer of the Council of the City of Richmond at its regular meeting to be held on February 24, 2020, 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 property located at 3301 Maplewood Avenue for the construction, installation, operation, maintenance, inspection, repair, replacement, and removal of telecommunications lines and associated appurtenances on the property as described and under the conditions set forth in the Right of Way Agreement, a copy of which is attached to and incorporated into this ordinance, to the following tenant:

Lumos Networks Inc., dba Segra

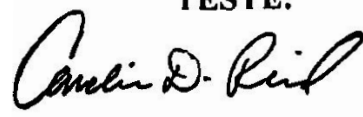
§ 2. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute the Right of Way Agreement between the City of Richmond as grantor and the grantee identified in section 1 of this ordinance to grant certain easements upon, over, under, and across certain real property located at 3301 Maplewood Avenue for the construction, installation, operation, maintenance, inspection, repair, replacement, and removal of telecommunications lines and associated appurtenances by such grantee, provided that:

(a) The Right of Way Agreement 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 telecommunications 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.

A TRUE COPY:
TESTE:

City Clerk



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O & R REQUEST

2020-013

JAN 31 2020

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: January 30, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer

THROUGH: Robert C. Steidel, Deputy Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic
Development and Planning

FROM: Leonard L. Sledge, Director, Economic Development

RE: Right of Way Agreement for a new Telecommunications System at City Stadium
3301 Maplewood Avenue

ORD. OR RES. No. _____

PURPOSE: To authorize the Acting Chief Administrative Officer to grant to the person, firm or corporation to be ascertained in the manner prescribed by law certain easements in accordance with a Right of Way Agreement for the purpose of extending new telecommunication lines across the City-owned site at 3301 Maplewood Avenue to the existing press box building at City Stadium as shown on the attached drawing entitled Exhibit A-Easement Drawing, Easement Plat: 430864-001-E1 and the attached Neighborhood Site Plan. The term of the easements granted in accordance with the Right of Way Agreement shall be coterminous with the term of the existing Deed of Ground Lease which commenced 1/1/2017 by and between the City of Richmond (Landlord) and Kickers Stadium, Inc. (Tenant) and which expires on 12/31/2056.

REASON: The existing 40 year ground lease between Kickers Stadium, Inc. (Tenant) and the City of Richmond (Landlord) requires the Tenant to make improvements to the City Stadium property at 3301 Maplewood Avenue. The Tenant now wishes to extend a new fiber optic telecommunications service and system to the existing press box building via the proposed Right of Way Agreement. The City proposes to grant the Right of Way Agreement to a telecommunications operator selected through this bid process.

RECOMMENDATION: It is recommended that this Right of Way Agreement be granted as outlined in the attached agreement.

BACKGROUND: On December 12, 2016 City Council approved Ordinance No. 2016-273 authorizing the City of Richmond (Landlord) to enter into a 40 year ground lease with Kickers Stadium, Inc. (Tenant) at 3301 Maplewood Avenue and 800 Freeman Road for the operation of a sports franchise and the hosting of games, tournaments, club and sports-related entertainments and related and ancillary uses. The ground lease commenced on 1/1/2017 and it requires the Tenant to make Capital Improvements to the City Stadium property at 3301 Maplewood Avenue. The Tenant now wishes to extend a new fiber optic telecommunications service and system to the existing stadium press box building via the attached Right of Way Agreement. Granting a Right of Way Agreement for a new telecommunications service and system is consistent with the ground lease requirements for the Tenant to make Capital Improvements to the property.

FISCAL IMPACT / COST: None

FISCAL IMPLICATIONS: None

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 10, 2020

CITY COUNCIL PUBLIC HEARING DATE: February 24, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing and Transportation

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Economic Development, Public Works, Office of the City Attorney

RELATIONSHIP TO EXISTING ORD. OR RES.: Ordinance No. 2016-273

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Right of Way Agreement, Exhibit A – Easement Drawing – Easement Plat: 430864-001-E1 and the Neighborhood Site Plan.

STAFF:

Leonard Sledge, Economic Development

Paul McClellan, Economic Development

THIS RIGHT OF WAY AGREEMENT, is made and entered into this ____ day of ____, 20 ____, by and between City of Richmond, Virginia, a municipal corporation of the Commonwealth of Virginia, ("GRANTOR"), and _____, a corporation duly organized and doing business under the laws of the Commonwealth of Virginia, with its principal office located in Waynesboro, Virginia ("GRANTEE").

Received of _____ the sum of ONE DOLLAR (\$1.00) and other valuable consideration, of which the undersigned hereby grant and convey unto said Company, its subsidiaries, successors, assigns, lessees, contractors, employees and agents, a Right of Way and Easement of 15 feet in width as per attached plat # 430864-001-E1 to construct, install, operate, maintain, inspect, repair, replace and remove a communications system consisting of such cables, conduits, wires, terminals, equipment, poles and other structures and appurtenances as the Grantee may from time to time require, over, upon, under, across and over the land which the undersigned owns or in which the undersigned have any interest; said being located and described as follows: 3301 MAPLEWOOD AVE. RICHMOND, VA. PARCEL ID: W0001502001 CITY OF RICHMOND, with the following rights: Unrestricted twenty four (24) hours a day, seven (7) days a week, access, ingress and egress over, under and across the lands of the undersigned to and from said systems for the purpose of exercising the rights herein granted.

GRANTEE shall repair damage to roads, fences, or other improvements and shall pay for other damage when such damage results from the installation, construction, inspection, operation, repair or maintenance of GRANTEE facilities, provided GRANTOR gives written notice thereof to GRANTEE within thirty (30) days after such damage occurs.

This Right of Way Agreement and the rights granted herein shall be for purposes of providing telecommunications services in accordance with an existing contract for such services at 3301 Maplewood Ave. Richmond, VA, dated December 18, 2019, and shall be coterminous with the term of the Deed of Ground Lease dated January 1, 2017 by and between the City of Richmond, Virginia and Kickers Stadium, Inc. Following the expiration of said Deed of Lease, this Right of Way Agreement shall become null and void.

WITNESS the following signature(s) and seal(s) this ____ day of ____, 20 ____.

_____ (Print Name)	_____ (Print Name)
_____ (Signature)	_____ (Signature)
_____ (Title)	_____ (Title)

COMMONWEALTH OF VIRGINIA

To-wit:

City / County of _____

I, _____, a Notary Public in and for the State aforesaid, do hereby certify that _____ whose name(s) signed to the foregoing writing, acknowledged the same before me in the City / County aforesaid this ____ day of _____, 20 ____.

My Commission Number: _____

My Commission Expires: _____

NOTARY PUBLIC

APPROVED AS TO FORM

Bonnie M. Amley
Deputy City Attorney

This Instrument was prepared by: _____

Outside Plant Engineering, 524 W Broad Street, Waynesboro, VA 22980 Tele: (540) 946-6951

Return to: _____

EXHIBIT A-EASEMENT DRAWING
EASEMENT PLAT-EXHIBIT A 430864-001-E1

CITY OF RICHMOND, VIRGINIA, A MUNICIPAL CORPORATION OF
THE COMMONWEALTH OF VIRGINIA
3301 MAPLEWOOD AVE, RICHMOND, VA 23219
PARCEL ID: W0001502001

SCOPE OF WORK:
to perform 385' directional bore and place (1) 1.5" HDPE conduit E/W (1) 24 count fiber optic cable; perform 1.5" core drill through a cinderblock wall and place 20' of (1) 1.5" EMT conduit to 2nd floor room on North side of building.

Easement Dimensions:
385' L x 15' W

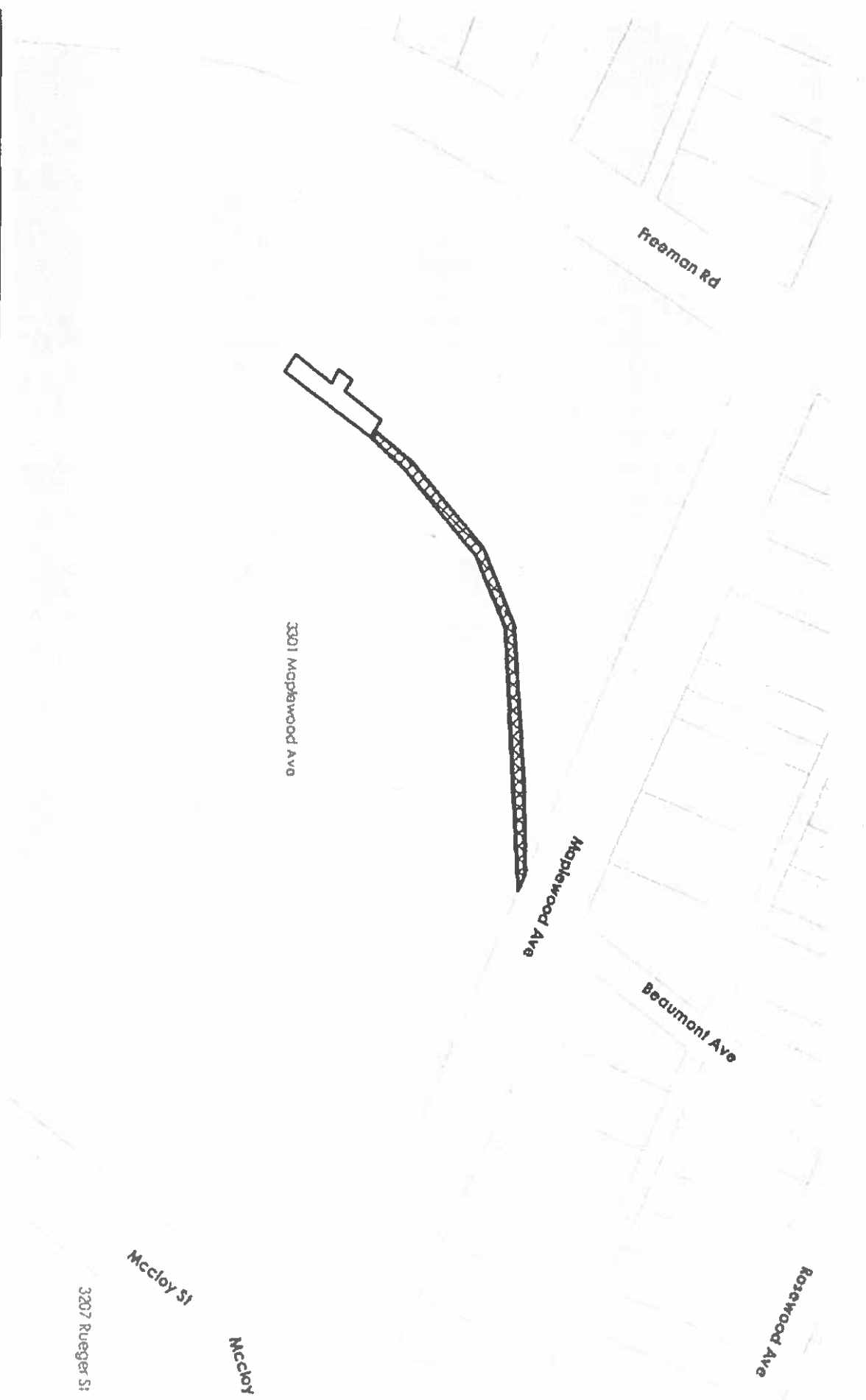
Building Edge

Placement of conduit will conform to easement.

Richmond Parcels

0 95 190 Feet

N



Neighborhood Site Plan

