

ORDINANCE NO. 7297-16

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN DEED OF EASEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS AND LUMOS NETWORKS, INC., DATED THE 9TH DAY OF AUGUST, 2016, FOR AN EASEMENT TO INSTALL FIBER OPTIC CABLE ON CERTAIN CITY-OWNED PROPERTY LOCATED AT 100 CITY FARM ROAD IN THE CITY OF NEWPORT NEWS.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News:

1. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest, on behalf of the City of Newport News, Virginia, that certain Deed of Easement by and between the City of Newport News and the Lumos Networks, Inc., dated the 9th day of August, 2016, for an easement to install fiber optic cable on certain City-owned property located at 100 City Farm Road in the City of Newport News.

2. That a copy of the said Deed is attached hereto and made a part hereof.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON AUGUST 9, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

100 City Farm Road

Prepared By:
City Attorney's Office
2400 Washington Avenue, 9th Fl.
Newport News, VA 23607
Tel: (757) 926-8416
Fax: (757) 926-8549

Exemption Claimed Under Section
58.1-811.C.4 For Taxes Imposed by
Section 58.1-802 on a Conveyance by
a Virginia City.

Title Insurance: Unknown
Deed prepared without benefit of title examination

THIS DEED OF EASEMENT made this 9th day of August, 2016, by and between the **CITY OF NEWPORT NEWS**, a Municipal Corporation in the Commonwealth of Virginia, Grantor, and **LUMOS NETWORKS, INC.**, a Virginia corporation, Grantee, whose mailing address is One Lumos Plaza, Waynesboro, VA 22980..

WITNESSETH

That for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to it in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, the Grantor does hereby grant, unto Grantee, for a term to expire on April 30, 2020, the non-exclusive right, privilege, and easement of right-of-way to install, operate, maintain, inspect, repair, replace and remove fiber optic cable and conduit across and under property of the Grantor, and more particularly described as follows:

All that 10' wide easement, containing 3,014.6 Square Feet, more or less, identified as "10' LUMOS NETWORKS EASEMENT 3,014.6 SQ. FT." on that certain easement plat entitled "EASEMENT PLAT SHOW A 10' LUMOS NETWORKS EASEMENT ACROSS THE LANDS OF THE CITY OF NEWPORT NEWS, PARCEL ID: 190000101, CITY OF NEWPORT NEWS, VIRGINIA," dated April 1, 2016, and prepared by Balzer and Associates, Inc., which said plat is attached hereto and made a part hereof for a more complete description of said easement.

With the right of ingress and egress over lands of Grantor adjacent to the above described easement for purposes of exercising the rights herein granted, in such a manner as shall occasion the least practicable damage and inconvenience to Grantor.

GRANTEE shall promptly repair any damage to GRANTOR'S property resulting from the exercise of GRANTEE'S rights herein granted, and shall restore the surface of the easement to its original condition as nearly as reasonably possible. Should GRANTEE encounter any historical or archaeological artifacts in the exercise of its rights granted herein, it shall immediately cease any activity that could disturb or damage such artifacts and notify GRANTOR.

TO HAVE AND TO HOLD the said easement unto the Grantee, it successors and assigns for the purposes and under the conditions set out herein.

[Signature Page Follows]

WITNESS the following signatures and seals:

CITY OF NEWPORT NEWS, VIRGINIA

By: _____
James M. Bourey
City Manager

ATTEST:

Mabel Washington Jenkins, MMC
City Clerk

COMMONWEALTH OF VIRGINIA

City of Newport News, to-wit:

I, _____, a Notary Public in and for the City and Commonwealth aforesaid, whose commission expires on the ___ day of _____, _____, do hereby certify that the CITY OF NEWPORT NEWS, by its City Manager, and attested by its City Clerk, whose names are signed to the foregoing writing, hereto annexed, have each acknowledged to the same before me in my City and Commonwealth aforesaid.

GIVEN under my hand this ___ day of _____, 2016.

Notary Public

Registration No. _____

sdm14517

NAD 83, VA. SOUTH ZONE
(VA RTK-GPS WITH SMARTNET CORRECTIONS)

THIS EASEMENT PLAT WAS PREPARED FROM AN ACTUAL LIMITED GROUND SURVEY WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY BE SUBJECT TO ITEMS DISCLOSED BY SUCH. NOT ALL IMPROVEMENTS OR EASEMENTS MAY BE SHOWN. NOT ALL SUBSURFACE ITEMS MAY BE SHOWN. THIS EASEMENT PLAT IS NOT A BOUNDARY SURVEY AS REGULATED BY THE COMMONWEALTH OF VIRGINIA.

CHARLIE M. FAULK ET. UX.
PARCEL ID: 190000118
INSTRUMENT NO:
0012841218
#435 MENCHVILLE ROAD

CITY OF NEWPORT NEWS
PARCEL ID: 190000101
INSTRUMENT NO: 0000390430
#100 CITY FARM ROAD



DATE: 04/01/2016
SCALE: 1"=40'
JOB NO.: 55160003.01
REF: LUMOS NETWORKS

CHK: MBB
DWG: CMF

**EASEMENT PLAT SHOW A
10' LUMOS NETWORKS EASEMENT
ACROSS THE LANDS OF THE
CITY OF NEWPORT NEWS,
PARCEL ID.: 190000101
CITY OF NEWPORT NEWS, VIRGINIA**

PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS

15871 City View Drive Suite 200 • Midlothian, Virginia 23113 • Phone (804) 794-0571 • Fax (804) 794-2635

