



# City of Culver City

## Staff Report Details (With Text)

**File #:** 15-898      **Version:** 1      **Name:** Encroachment Agreement-Zayo, 3900 Overland  
**Type:** Resolution      **Status:** Consent Agenda  
**File created:** 6/13/2016      **In control:** City Council Meeting Agenda  
**On agenda:** 6/27/2016      **Final action:**

**Title:** CC - Adoption of a Resolution Approving an Encroachment Agreement with Zayo Group for Use of Culver City Public Right-of-Way to Install Fiber Optic Cable in Various Locations in Culver City.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution\_Zayo\_3900 Overland.pdf, 2. System Exhibit Zayo 3900 Overland.pdf

Date	Ver.	Action By	Action	Result
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**CC - Adoption of a Resolution Approving an Encroachment Agreement with Zayo Group for Use of Culver City Public Right-of-Way to Install Fiber Optic Cable in Various Locations in Culver City.**

**Contact Person/Dept:** Sammy Romo/PW  
**Phone Number:** (310)253-5619

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Public Hearing:**

**Action Item:**

**Attachments:** Yes  No

**Commission Action Required:** Yes  No  **Date:**

**Commission Name:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (06/21/2016);

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer (06/17/16)

### RECOMMENDATION

Staff recommends the City Council adopt a resolution approving an Encroachment Agreement with Zayo Group for use of Culver City public right-of-way to install fiber optic cable in various locations in Culver City.

### BACKGROUND/DISCUSSION

Zayo Group is proposing to install a new fiber optic pathway in Culver City for their customer located at 3900 Overland Avenue and other areas of the City as described below and depicted on the attached map.

The proposed new fiber optic conduit begins near the intersection of Slauson Avenue and Bristol Parkway. Some fiber optic cable (FOC) will go west aerially on existing utility poles then veer north along private property. Other FOC will go west underground along Slauson Avenue to Sepulveda Boulevard, at which point it will head north to Playa Street. Some FOC will be placed in existing conduit (applicant will lease this duct from another telecommunication provider). Some FOC will continue north along Sepulveda through existing leased duct and merge east onto Jefferson Boulevard and continue to an existing manhole south of Overland Avenue. The line will continue along Jefferson Boulevard with new underground conduit for 310 feet, turn north onto Overland Avenue for 110 feet, then continue northwest along Overland Avenue through existing leased duct where it will tie into an existing manhole south of Culver Boulevard. New underground conduit will be placed from this point to 3900 Overland Avenue.

The run along Playa Street will continue from Sepulveda Boulevard to Playa Court using existing leased duct and new underground conduit.

New FOC will be placed along Culver Boulevard from Overland Avenue to Washington Boulevard using existing leased duct. New underground conduit will be placed on Ince Boulevard from Washington Boulevard to Lindblade, and also on Lindblade from Ince Boulevard to 337 feet east of Ince Boulevard.

New FOC will also be placed on Madison Avenue using existing leased duct from Culver Boulevard to Grant Avenue (vacated), at which point new underground conduit will be placed from Grant Avenue to Washington Boulevard, then Washington Boulevard from Madison Avenue to Dunn Drive, then north onto Dunn Drive.

New FOC will be placed aerially on existing utility poles in the alley south of Slauson Avenue from Sepulveda Boulevard to 560 feet east of Corryne Place, as well as on Corryne Place (aerially) and Slauson Avenue (new underground).

### Legal Framework

Zayo Group is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Zayo Group to access cities' rights-of-way for the purpose of constructing and maintaining telecommunications lines along and upon cities' public rights-of-way. The related federal and state laws require that municipalities allow the installation of telecommunication facilities by Certificate of Public Convenience and Necessity holders but allow municipalities to impose reasonable time, place and manner regulations pertaining to construction of telecommunications facilities within the City's rights-of-way.

The City's time, place and manner regulations will be documented in an Encroachment Agreement between the City and Zayo Group. To protect the City's interests, this agreement will contain provisions requiring that Zayo Group repair any damage to City property, carry adequate liability insurance, defend the City if it is sued for damages caused by Zayo Group and post a performance bond prior to commencing work in this project.

## **FISCAL ANALYSIS**

Per Section 11.20.025B of the Culver City Municipal Code, the City may collect an application fee as compensation for City staff time expended in reviewing telecommunication applications. Based on Resolution No. 2013-R034, the City's Fee Resolution for Fiscal Year 2015-16, a fee in the amount of \$3,927 was paid by Zayo Group on June 17, 2016.

## **ATTACHMENTS**

1. Proposed Resolution
2. System Exhibit

## **RECOMMENDED MOTIONS**

That the City Council:

1. Adopt a resolution approving an Encroachment Agreement with Zayo Group for proposed fiber optic telecommunication cable in the public right-of-way near 3900 Overland Avenue and beyond as shown in the attached System Exhibit
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute such documents on behalf of the City.