



# City of Culver City

## Staff Report

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File #: 19-590, Version: 1

Item #: C-4.

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**CC - Adoption of a Resolution Approving an Encroachment Agreement with Crown Castle for Use of the Public Right-of-Way to Install 3,129 Feet of Aerial Telecommunication Cable at Three Locations: 1) Crossing Lucerne Avenue (Northeast of Duquesne Avenue) and then Running Northeasterly Along Jefferson Boulevard (Terminating Near the City Boundary); 2) Starting on Lucerne Avenue and Running Northeasterly, Crossing Van Buren Place and Terminating Mid-Block Between Van Buren Place and Ince Boulevard; 3) Starting on Hayden Avenue and Running Northwards and Terminating on the Northeast Corner of Hayden Avenue and Warner Drive.**

**Meeting Date:** January 14, 2018

**Contact Person/Dept:** Christopher Evans/PW

**Phone Number:** (310).253.5621

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Public Hearing:**  **Action Item:**  **Attachments:**

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

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (01/09/19); (E-Mail) Crown Castle (11/19/18)

**Department Approval:** Charles D. Herbertson, Public Works Director/City Engineer (01/07/19)

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### RECOMMENDATION

Staff recommends the City Council adopt a resolution approving an encroachment agreement with Crown Castle for use of the public right-of-Way to install 3,129 feet of aerial telecommunication cable at three locations: 1) crossing Lucerne Avenue and then running northeasterly along Jefferson Boulevard and terminating near the City boundary; 2) starting on Lucerne Avenue and running northeasterly, crossing Van Buren Place and terminating mid-block between Van Buren Place and Ince Boulevard; 3) starting on Hayden Avenue and running northwards and terminating on the northeast corner of Hayden Avenue and Warner Drive.

### BACKGROUND/DISCUSSION

Crown Castle is proposing to install a new fiber optic pathway to service the expansion of their telecommunication network.

The work involves installing new aerial fiber optic line at three locations:

*Location 1* - The proposed route begins at an existing utility pole located on the west side of Lucerne Avenue between Duquesne Avenue and Lafayette Place. The line is then pulled eastwards across Lucerne Avenue and then across private property. It re-enters the public right-of-way on Jefferson Boulevard, 550 feet north of Duquesne Avenue. The line is then pulled northwards 1,768 feet where it then splits and is pulled an additional 97 feet and 142 feet terminating at two existing utility poles approximately 375 feet and 263 feet from the Culver City boundary.

*Location 2* - The proposed route begins at an existing utility pole located on the west side of Lucerne Avenue 115 feet south of Van Buren Place. The line is then pulled north 264 feet along Lucerne Avenue, crossing Van Buren Place and continuing along Lucerne Avenue where it terminates at an existing utility pole.

*Location 3* - The proposed route begins at an existing utility pole located on the east side of Hayden Avenue 165 feet south of Warner Drive. The line is then pulled north 255 feet, crossing Warner Drive and where it terminates at an existing utility pole.

The total distance of the new installations in the public right-of-way is 3,129 linear feet. All the work will be installed aerially on existing utility poles.

### Legal Framework

Crown Castle is the holder of a Certificate of Public Convenience & Necessity issued by the California Public Utilities Commission. This certificate authorizes Crown Castle to access cities' rights-of-way for the purpose of constructing and maintaining telecommunication 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 & 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 Crown Castle. To protect the City's interests, this agreement will contain provisions requiring that Crown Castle repair any damage to City property, carry adequate liability insurance and defend the City if it is sued for damages caused by Crown Castle.

### 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 a fee in the amount of \$3,927 will be paid by Crown Castle prior to issuance of an encroachment permit.

## ATTACHMENTS

1. 2018-01-14 - ATT System Exhibit
2. 2018-01-14 - ATT Proposed Resolution

## MOTION

That the City Council:

1. Adopt a resolution approving an encroachment agreement with Crown Castle for use of the public right-of-Way to install 3,129 feet of aerial telecommunication cable at three locations: 1) crossing Lucerne Avenue (northeast of Duquesne Avenue) and then running northeasterly along Jefferson Boulevard and terminating near the City boundary; 2) starting on Lucerne Avenue and running northeasterly, crossing Van Buren Place and terminating mid-block between Van Buren Place and Ince Boulevard; 3) starting on Hayden Avenue and running northwards and terminating on the northeast corner of Hayden Avenue and Warner Drive.;
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute the documents on behalf of the City