

**TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
MARCH 5, 2019
7:00 P.M.**

PUBLIC HEARINGS

1. Ordinance, to grant a first franchise amendment to Fiberlight of Virginia, LLC, increasing the allowance of the number of conduit and allowing for a route adjustment

DISCUSSION

2. FY 2020 Budget (Discussion by the Town Manager)
3. Council Discussion of Code of Ethics

ROUNDTABLE



STAFF REPORT

Town Council
March 5, 2019

Title:

Ordinance –to grant a first franchise amendment to Fiberlight of Virginia, LLC, increasing the allowance of the number of conduit and allowing for a route adjustment.

Staff Contact:

Tammy Chastain, Deputy Director of Public Works
(phone) 703-435-6860
(e-mail) tammy.chastain@herndon-va.gov

Background:

This First Amendment to the franchise agreement, between Fiberlight of Virginia, LLC and the Town of Herndon, Virginia dated May 11, 2016, will permit an increase to the number of conduits from four to ten and allows a portion of the current route to be adjusted.

The increase to the number of conduits is proposed on a portion of the route covering approximately 12,810 linear feet (as reflected in “orange” on Exhibit A). The adjusted route includes crossing Elden Street further north than the current crossing, and crossing Monroe Street further south than the current crossing, as reflected in Exhibit A. The total linear feet under the May 11, 2016 agreement remains unchanged. Exhibit A dated March 12, 2019 replaces any previous exhibit(s).

Fiscal Impact:

The proposed plan calls for no change to the linear feet of conduit in the Town’s right-of-way. The Franchise does not currently have customer access lines; therefore, no right-of-way use fees are associated with this amendment. The Franchisee will report future access lines to the Town and pay the annual right-of-way use fee as set by VDOT and governed by the Code of Virginia.

March 5, 2019
Staff Report

Staff Recommendation:

Staff recommends the Town Council approve the First Amendment to the original Franchise Agreement with Fiberlight of Virginia, LLC.

Attachments:

Draft Ordinance
Exhibits A

Staff:

A handwritten signature in black ink, appearing to read "Tammy Chastain", written over a horizontal line.

Tammy Chastain
Deputy Director of Public Works

TOWN OF HERNDON, VIRGINIA

ORDINANCE

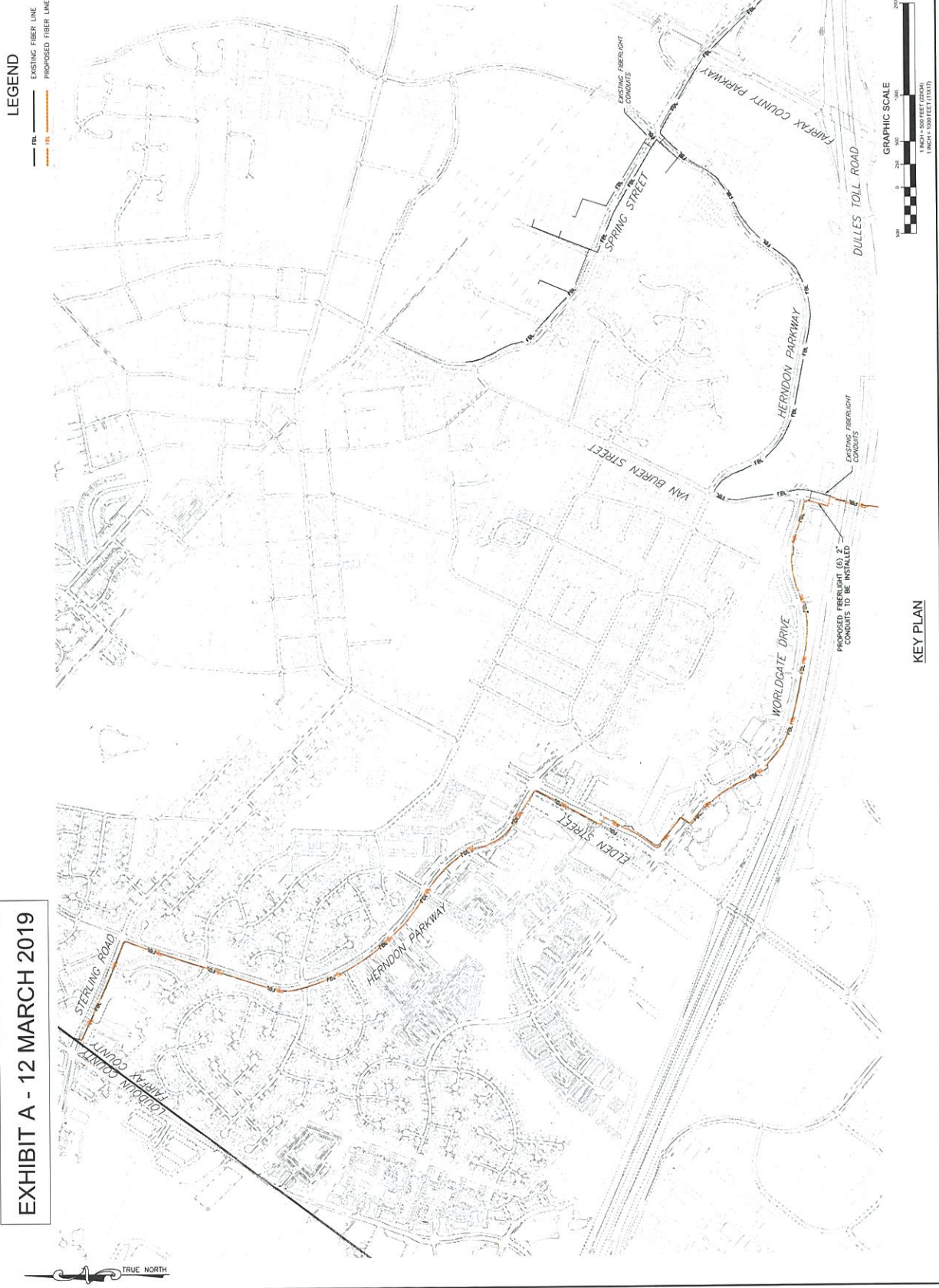
MARCH 12, 2019

Ordinance- to grant a first franchise amendment to Fiberlight of Virginia, LLC, increasing the allowance of the number of conduit and allowing for a route adjustment.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that:

1. The Town Council approves this First Amendment to the Franchise Agreement dated May 11, 2016.
2. This instrument increases the allowance of number of conduit from four to ten conduits on a portion of the route covering approximately 12,810 linear feet. (As reflected in "orange" on Exhibit A)
3. This instrument permits a route adjustment crossing Elden Street further north than the current crossing, as reflected on Exhibit A. The linear feet of the route is unchanged. (As reflected in Exhibit A)
4. This instrument permits a route adjustment crossing Monroe Street further south than the current crossing, as reflected on Exhibit A. The linear feet of the route is unchanged. (As reflected in Exhibit A)
4. Exhibit A dated March 12, 2019, attached hereto, replaces any previous exhibit(s).
5. In all other respects, the original franchise remains in effect.
6. The Mayor is authorized to sign and deliver the franchise and any ancillary instruments necessary to effectuate the franchise.
7. This ordinance shall be in effect on and after the date of its adoption.

EXHIBIT A - 12 MARCH 2019



ENGINEERING FIRM	N+E+C TOTALLY COMMITTED. N+E+C ENGINEERING SERVICES, LLC. 6005 MARSHALLE DRIVE, SUITE 300 FALLS CHURCH, VA 22041 TEL: (410) 712-7092																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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FIRST FRANCHISE AMENDMENT

THIS FIRST AMENDMENT dated for identification this 12th day of March 2019 is hereby made to the Franchise Agreement (the "Agreement") dated May 11, 2016, by and between TOWN OF HERNDON, a Virginia municipal corporation (the "Town") and FIBERLIGHT OF VIRGINIA, LLC. ("Franchisee"), as follows

1. Subject to all the terms and conditions contained in the Agreement, the route covered by the Agreement is hereby amended to reflect a route adjustment. The amended route is depicted in "orange" on the attached Exhibit A.
2. Allowance of number of conduit is amended from four to ten conduits only on the portion of the route depicted in "orange" on the attached Exhibit A covering approximately 12,810 linear feet.
3. Exhibit A dated March 12, 2019, attached hereto, replaces any previous exhibit(s).
4. Except as specifically amended or modified herein, the terms and conditions of the Agreement will remain in full force and effect through the term.

FIBERLIGHT OF VIRGINIA LLC

By: 

Kevin B. Coyne
Member



TOWN OF HERNDON, VIRGINIA

By: _____

Lisa C. Merkel
Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Lesa J. Yeatts
Town Attorney