

ORDINANCE NO. 3079

AN ORDINANCE to grant to MCI Telecommunications Corporation, its successors and assigns, a franchise, under certain conditions, permitting the installation and maintenance of communications lines and necessary appurtenances and apparatus under, in, over and along portions of certain public streets.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That a franchise is hereby granted to MCI Telecommunications Corporation, hereinafter referred to as "Grantee," its successors and assigns, for permission to install and maintain communications lines and necessary appurtenances and apparatus under, in, over and along portions of certain public streets, namely, Monroe Avenue, Braddock Road, King Street, Commonwealth Avenue, Duke Street, Telegraph Road, Clermont Avenue and Eisenhower Avenue, and any future city streets crossing such lines, said lines to be placed adjacent and parallel to existing RF&P railroad tracks in each instance.

Section 2. That the said franchise is awarded to the Grantee after due and repeated advertisement as required by law, wherein bids were invited, pursuant to the notice contained in Section II of Ordinance No. 3070, and after the invitation for bids was duly closed and all bids were fully and carefully investigated and evaluated.

Section 3. The Grantee shall have the franchise for twenty (20) years, and such grant is made subject to the Grantee's continued compliance with all applicable laws and regulations and with the following eleven (11) specific terms and conditions:

1. That each year an updated map of all facilities within the city limits showing location, etc., shall be filed with the department of transportation and environmental services.

2. That a street opening permit shall be obtained for each excavation in and/or under a public street.

3. In the event the relocation, construction, reconstruction, maintenance or repair by the city, the State of Virginia or the Washington Metropolitan Area Transit Authority of any of its or their facilities or services now or hereafter acquired, and including but not limited to any street, alley or other public place, sewer, electric, water, fire alarm, police communication, civil defense system or traffic control facilities or any part thereof, or in the event access to any street, alley or other public place to or from any property of the city, state or Washington Metropolitan Area Transit Authority is required, and it is necessary to move, alter or relocate, either permanently or

temporarily, any of the Grantee's property or part thereof, on public property, public right-of-way or public easements, including but not limited to lines and necessary appurtenances and apparatus, in order for the city, state or Washington Metropolitan Area Transit Authority to relocate, construct, reconstruct, maintain or repair any such facility, sewer, street, alley or other public place or any such sewer or electric, water, fire alarm, police communication, civil defense system or traffic control facility, or any part thereof, or to obtain access to or from such property, upon notice from the city, the Grantee will move, alter or relocate any such property or part thereof, at its own cost and expense; and should the Grantee fail, refuse or neglect to comply with such notice, such property or part thereof, may be removed, altered or relocated by the city, state or Washington Metropolitan Area Transit Authority at the cost of the Grantee and the city, state or Washington Metropolitan Area Transit Authority shall not be liable to the Grantee for damages resulting from such removal, alteration or relocation. The Grantee agrees, as a condition of the granting of this franchise, that it will do everything reasonably necessary, in a timely manner, to prevent any delays in construction projects of the city, the state or Washington Metropolitan Area Transit Authority.

4. That Grantee will pay to the city for the privilege of using its streets, in advance, the annual sum of Five Thousand Dollars (\$5,000.00) for the first through the tenth years of the franchise, and will pay the annual sum of Seven Thousand Five Hundred Dollars (\$7,500.00) for the eleventh through the twentieth years of the franchise.

5. That Grantee will join and continue as a member of "Miss Utility."

6. That Grantee will mark all fiber optic lines with special warning tape a minimum of one (1) foot above said line unless same is concrete-encased and with posts at each side of each street crossing.

7. That Grantee will maintain a business license in the city, if required by law.

8. The franchise may be assigned to a wholly-owned subsidiary of the Grantee or to a company with common control with the Grantee; any other assignment is prohibited without prior consent of the city, which consent will not be withheld unreasonably.

9. That Grantee will post liability insurance to the satisfaction of the city attorney.

10. That the Grantee show all proposed city, state and Washington Metropolitan Area Transit Authority construction along

the proposed route, and will adjust proposed location to be compatible with all known plans.

11. That the Grantee show all existing storm sewers, etc., keeping five (5) feet away on parallel runs.

Section 4. That the acting city manager be and she hereby is authorized to execute such documents as may be required to effectuate the franchise hereby granted.

Section 5. That the city clerk be and she hereby is authorized and directed to attest the execution of said documents and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

JAMES P. MORAN, JR.  
Mayor

Final Passage: September 14, 1985