

Resolution No: 00-001  
Introduced: 4-12-00  
Adopted: 11-8-00

RESOLUTION  
TOWN COUNCIL  
TOWN OF CHEVY CHASE

WHEREAS, the Town Council has received requests from telecommunication providers for permission to place communication facilities overhead on poles, which communication facilities are or will be located on or in the rights-of-way controlled by the Town; and

WHEREAS, the Town Council is willing to permit, under certain conditions set forth below, the placement of communication facilities on or in the rights-of-way controlled by the Town; and

WHEREAS, the Town Council believes requests by telecommunication providers for permission to place communication facilities overhead on poles, which communication facilities are or will be located on or in rights-of-way controlled by the Town should be processed and subject to fees reasonably related to the Town's costs to maintain the rights-of-way; and

NOW THEREFORE, BE ENACTED that Chapter \_\_\_\_\_ entitled "Telecommunication Facilities" is hereby adopted to read as follows:

Section -1. Submission of a non-exclusive written request for permission to locate telecommunication facilities on poles located in Town right-of-way. Applicant's written request shall contain the following information:

PERMISSION REQUEST:

- (a) description of the applicant's proposed use of the right-of-way.
- (b) submission of map or drawing showing proposed rights-of-way Applicant is requesting permission to use.
- (c) an explanation as to what other street alignment(s) were considered by the Applicant, both inside and outside of the Town, and why the street(s) selected were chosen.

- (d) written confirmation from Pepco that it has granted the Applicant permission to use its poles for Applicant's telecommunication facilities.
- (e) description of how Applicant will install and maintain its telecommunication facilities and how such installation will affect the Town's right-of-way.
- (f) estimate of the length of time installation will take.

Section -2. FEES: The applicant shall pay the Town the following fees ( which fees may be adjusted by the Town) for the processing of requests and issuing of permits for use Town right-of-way:

- (a) One time Administrative Processing Fee - \$1,500.00 (Town staff and legal review and Town Council public hearing), plus the actual cost of town consultants.
- (b) Initial Permit Fee - A permit shall be required for attaching the telecommunication system to poles in the Town right-of-way. The fee for initial five (5) year term shall be \$300.00 per pole (\$100.00 for the first year and \$50.00 per year for the subsequent 4 years). The Town will inspect the right-of-way (i) prior to commencement of installation; (ii) during installation and (iii) upon completion of installation to assess damage, if any, to the Town right-of-way. Any damage to the Town right-of-way by the Applicant shall be corrected prior to the release of the bond required in below.
- (c) Pre-Construction Meeting Fee - Prior to commencement of construction, the Applicant shall meet with the Town Manager to review Town building requirements (e.g. permitted work hours and traffic control) and Applicant's requirements. The fee for the Pre-Construction meeting shall be \$250.00.
- (d) Permit Renewal Fee - The Initial Permit issued by the Town is valid for five(5) year. At the expiration of the initial five (5) year period and at the expiration of each (5) year renewal period , provided the Applicant has complied with all terms and conditions of the Permit and the Agreement described in below, the Permit will be renewed by the Town for additional five (5) year term(s). The permit renewal fee is \$250.00 per pole or the then applicable renewal fee as determined by the Town Council.

### Section -3. RIGHTS-OF-WAY USE AGREEMENT

Prior to the release of the Town of any permit, the Town and the Applicant shall enter into a written agreement setting forth terms and conditions for use of Town right-

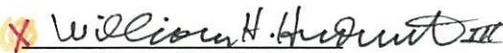
of-way by the Applicant. The agreement shall include among other terms and conditions the following:

- (a) Term - the agreement shall be for renewable five (5) year terms.
- (b) Insurance - general liability insurance policy, in amounts deemed appropriate by the Town Manager, naming the Town as an additional insured to protect against claims for personal injury and property damages arising out of Applicant's use of the public right-of-way and construction activities.
- (c) Indemnification - the Applicant will agree to indemnify and hold harmless the Town.
- (d) Posting - prior to commencement of construction the Applicant shall post or cause to be posted notices of such installation along those rights-of-way where install will occur. Such notices shall include the name of the Applicant, and local and toll free telephone numbers for residents to call with questions or complaints.
- (e) Notification - Following installation of the telecommunication system, the Applicant shall notify the Town prior to performing any maintenance or service work on the system.

Section -4. NO PROPERTY RIGHTS: The entering into a Right of Way Use Agreement or issuance of permit(s) to install telecommunication facilities do not create or vest in any Applicant any easement or ownership rights in the rights-of-way.

Section -5. POSTING OF BONDS: Prior to commencement of construction pursuant to validly issued permit(s), the Applicant shall deposit with the Town a performance bond, letter of credit or cash bond in an amount determined by the Town Manager as being sufficient to repair any damage sustained to the public rights-of-way as a consequence of Applicant's work in the public rights-of-way. The Town will release the performance bond, letter of credit or cash bond upon completion of Applicant's work and determination by the Town Manager, following an inspection of the right-of-way, that release of such security is appropriate.

ATTEST:

  
William H. Hudnut III Secretary

TOWN OF CHEVY CHASE  
  
Dennis Wood, Mayor