

ORDINANCE NO. 52 (24-25)

An Ordinance to authorize Lumos Networks of West Virginia, Inc., doing business as Segra of Charleston, West Virginia, as "Applicant", to install a new aerial fiber optic cable, via underground (small hand dig trench) in the public right-of-way on Fourth Street with an aerial attachment along Marion Street to Muskingum Drive, out to Julian Avenue to the Wendy's Restaurant, in the City of Marietta, Ohio, pursuant to an application filed with the Marietta City's Engineer's Office for work within the Public Right of Way, and declaring an EMERGENCY.

WHEREAS, Lumos Networks of West Virginia, d.b.a. Segra, of 1200 Greenbrier Street, Charleston, West Virginia, as "Applicant", has requested permission to work within the public right-of-way on Fourth Street, with an aerial attachment along Marion Street to Muskingum Drive, out to Julian Avenue to the Wendy's Restaurant, in the City of Marietta, Ohio, to install a new aerial fiber optic cable, via underground (small hand dig trench); and

WHEREAS, this Council wishes to authorize the application/permit in question and further authorizes the installation of an aerial fiber optic cable via underground (small hand dig trench); and,

WHEREAS, this Council approves the installation of the new aerial fiber optic cable as set forth in the right-of-way application attached hereto and incorporated herein, as Exhibit "A"; and,

WHEREAS, this Council requires that Lumos Networks of West Virginia, Inc., doing business as Segra of Charleston, West Virginia, has the Marietta City Engineering Department inspect said work as it is being completed, so as to ascertain that the application and the work complies with Marietta City Ordinances; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

Section 1: That Lumos Networks of West Virginia, Inc., doing business as Segra of Charleston, West Virginia, shall be and is hereby authorized to install and/or construct a new aerial fiber optic cable via underground (small hand dig trench) within the public right-of-way on Fourth Street, with an aerial attachment along Marion Street to Muskingum Drive, out to Julian Avenue, to Wendy's Restaurant, in the City of Marietta, Ohio, according to the

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specifications as set forth in the right-of-way application filed with the Marietta City Engineering Department, which application and plans and specifications are attached as Exhibit "A", and which are hereby adopted and approved.

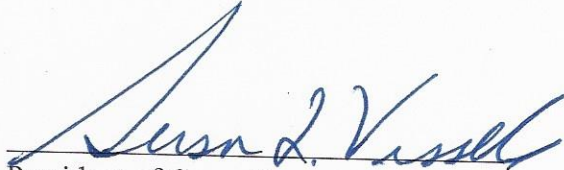
Section 2: That the authorization herein contained is upon the express condition that Lumos Networks of West Virginia, Inc., doing business as Segra of Charleston, West Virginia, indemnify and hold harmless the City of Marietta, Ohio, its officers, employees, agents, successors and assigns from any and all liability arising out of the installation of a new aerial fiber optic cable via underground (small hand dig trench) and impose an identical requirement upon its agents, successors and assigns.

Section 3: That this Ordinance shall be and is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health and safety of the City of Marietta, Ohio, and for the further reason that Lumos Networks of West Virginia, Inc., doing business as Segra of Charleston, West Virginia, desires to begin work on the project as soon as possible, for the least amount of interference to the public and a delay would have a negative impact to the City of Marietta, Ohio; WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

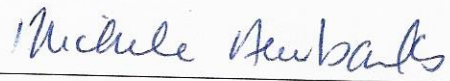
Introduced by the Streets and Transportation Committee, William Gossett, Chairman.

  
Chairman

Passed this 18<sup>th</sup> day of April, 2024.

  
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President of Council

ATTEST:

  
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Clerk of Council

Approved this 18<sup>th</sup> day of April, 2024.

  
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Mayor

First Reading April 18, 2024

Second Reading Suspended

Third Reading Suspended