

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING THE FORM OF A MASTER
ENCROACHMENT AGREEMENT FOR THE INSTALLATION
OF NETWORK FACILITIES WITHIN THE PUBLIC RIGHT-
OF-WAY

WHEREAS, City owns, operates, and maintains the Public Right-of-Way within the City;
and

WHEREAS, various communications service providers desire to construct network
facilities with the Public Right-of-Way within the City to provide communications services; and

WHEREAS, City wishes to adopt a process and template agreement that will ensure that
the City operates fairly and consistently with the various communications service providers; and

WHEREAS, pursuant to Cal. Const., art. XI, § 7, City has the authority to make and
enforce all local, police, sanitary, and other ordinances and regulations not in conflict with
general laws within its jurisdictional limits, including without limitation the authority to regulate
the terms and conditions for the use of Public Right-of-Way for the construction, installation, and
maintenance of communications network facilities; and

WHEREAS, under the agreement, encroachers are required to construct, operate, repair,
and maintain their network facilities in a manner that does not endanger any persons or cause any
damage to property; and

WHEREAS, when removal or relocation is required under the Agreement, encroachers
must, after the removal or relocation of the network facilities, at the encroacher's sole cost, repair
and return the Public Right-of-Way in which the network facilities were located to a safe and
satisfactory condition equal to or better than the condition of the Public Right-of-Way prior to
the start of such removal or relocation work, as determined by the City Engineer, in accordance
with the construction-related conditions and specifications as established by City consistent with
applicable law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista
that it approves the form and material terms of the Master Encroachment Agreement for the
Installation of Network Facilities Within the Public Right-of-Way attached hereto as Attachment
1; and

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista that it
authorizes the City Attorney to make such modifications to each Master Encroachment
Agreement as necessary or appropriate for legal compliance or risk mitigation; and

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista that it authorizes the City Manager, or designee, to execute each Master Encroachment Agreement on behalf of the City of Chula Vista on a form prescribed or approved by the City Attorney.

Presented by

Approved as to form by

William S. Valle
Director of Engineering & Capital Projects

Glen R. Googins
City Attorney