SANDY SPRINGS
GEORGIA

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** April 29, 2014

FROM: John McDonough, City Manager

AGENDA ITEM: **TA14-001** - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance Related to Neighborhood Camera Systems

MEETING DATE: For Submission onto the May 6, 2014, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: *(Attach additional pages if necessary)*

See attached:

Memorandum
Ordinance

APPROVAL BY CITY MANAGER: JJM *APPROVED*

PLACED ON AGENDA FOR: 5/6/2014

CITY ATTORNEY APPROVAL REQUIRED: (✓) *YES* ( ) *NO*

CITY ATTORNEY APPROVAL: [signature]

REMARKS:

SANDY SPRINGS
GEORGIA

To: John McDonough, City Manager

From: Angela Parker, Director of Community Development

Date: April 21, 2014 for Submission onto the May 6, 2014 City Council Regular Meeting

Subject: TA14-001 An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance Related to Neighborhood Camera Systems

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Department of Community Recommendation:
APPROVAL of an amendment to the Zoning Ordinance to allow for the implementation of the Neighborhood Camera System Policy adopted by the Mayor and City Council on April 1, 2014.

Background:
The City received a request for installation of a neighborhood security camera system from a home owners association. The cameras are proposed to be mounted on twelve (12) foot high poles. Currently, the City's codes and ordinances do not permit a pole over four (4) feet in height in the front yard.

On March 18, 2014, the Mayor and City Council directed staff to research and prepare an ordinance amendment, policy, etc. that would allow for the installation of such systems.

Discussion:
On April 1, 2014, the Mayor and City Council adopted the Neighborhood Camera Systems Policy. In order to implement the policy, an amendment to the Zoning Ordinance is required to allow a camera pole taller than four (4) feet associated with a neighborhood camera system within a yard.

Planning Commission Recommendation:
Planning Commission heard the amendment at the April 17, 2014 meeting. The Commission recommended approval (6-0, Tart, Frostbaum, Nickles, Maziar, Porter and Squire for; Duncan not voting) with the following items to be submitted to City Council for consideration:

1. Due to the number of subdivisions that could potentially apply and the fact that this is a private use, neighborhoods should pay for initial staff review time (e.g. application fee)
2. The legal ramification such as liability, insurance and indemnifications.

Attachment(s)
Draft Ordinance
Draft Mark-up
Adopted Neighborhood Camera System Policy

COMMUNITY DEVELOPMENT

4.2.5. USES AND STRUCTURES PERMITTED IN YARDS, AND OUTSIDE STORAGE.

A. Uses and Structures Permitted in Yards. In addition to uses which may be provided for, conditioned or excluded from yards by other sections of this Ordinance, yards may be used for driveways, signs, at-grade parking, loading areas, fountains, flag poles, yard ornaments not to exceed four (4) feet in height, walls, fences, walkways, lawns, buffers, landscape areas, underground utilities, well houses, storm water management facilities and tree conservation areas. Yards may also be used for Neighborhood Camera Systems pursuant to the "Neighborhood Camera System Policy" adopted by the Sandy Springs Mayor and City Council. No part of any yard or use made thereof shall serve the requirements for any other lot or structure.

ORDINANCE NO. _____

TA14-001

Reading: May 6, 2014

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND ARTICLE 4, GENERAL PROVISIONS, OF THE SANDY SPRINGS ZONING ORDINANCE RELATED TO NEIGHBORHOOD CAMERA SYSTEMS

WHEREAS, the Mayor and City Council of the City of Sandy Springs find that from time to time it is necessary to amend sections of the Code to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, on April 1, 2014, the Mayor and City Council adopted the Neighborhood Camera Systems Policy; and

WHEREAS, the Zoning Ordinance requires amendments to allow for the implementation of the Neighborhood Camera Systems Policy.

NOW, THEREFORE, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt the following Ordinance:

1.

Article 4, *General Provisions*, Section 4.2.5, *Uses and Structures Permitted in Yards, and Outside Storage*, of the Sandy Springs Zoning Ordinance is hereby amended to read as follows:

4.2.5. USES AND STRUCTURES PERMITTED IN YARDS, AND OUTSIDE STORAGE.

A. Uses and Structures Permitted in Yards. In addition to uses which may be provided for, conditioned or excluded from yards by other sections of this Ordinance, yards may be used for driveways, signs, at-grade parking, loading areas, fountains, flag poles, yard ornaments not to exceed four (4) feet in height, walls, fences, walkways, lawns, buffers, landscape areas, underground utilities, well houses, storm water management facilities and tree conservation areas. Yards may also be used for Neighborhood Camera Systems pursuant to the "Neighborhood Camera System Policy" adopted by the Sandy Springs Mayor and City Council. No part of any yard or use made thereof shall serve the requirements for any other lot or structure.

2.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

3.

Severability. Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

4.

Repeal of Conflicting Provisions. It is the intention of the Mayor and City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

5.

This Ordinance is effective May 6, 2014; and

ORDAINED this the 6th day of May, 2014.

Approved:

_____
Rusty Paul, Mayor

Attest:

_____
Michael Casey, City Clerk
(Seal)

CITY OF SANDY SPRINGS, GEORGIA

NEIGHBORHOOD CAMERA SYSTEMS

Policy and Procedure

Adopted April 1, 2014

1.0 Definitions

As used in this policy, the following terms have the meanings ascribed to them below:

"Applicant" means an HOA submitting an application for approval to install Neighborhood Camera(s) on private property or an HOA submitting an application for the City to convey a portion of public right-of-way for the purpose of installing Neighborhood Camera(s).

"Area of Impact" means the area determined by the City, after discussion with an Applicant, to be the geographic area or areas within which the installation of Neighborhood Camera(s) may have a direct or indirect impact on homeowners, typically the area comprised of property owners in a neighborhood. The Area of Impact is influenced by the scale and nature of the undertaking and may be different for different Applicants, and will include all property owners within sight distance of one hundred (100) feet of the Neighborhood Camera(s).

"Camera" means a video camera that records activities in order to detect and deter crime.

"CD Department" means the Community Development Department of the City of Sandy Springs.

"CD Director" means the City's Director of Community Development.

"City" means the City of Sandy Springs, Georgia.

"Code" means the Code of the City of Sandy Springs, Georgia.

"HOA" means homeowners' association, a corporation composed of homeowners in a neighborhood, subdivision, planned community or condominium. The HOA is concerned with managing the common areas of a subdivision or condominium complex and may also make and enforce rules for the benefit of the properties within its jurisdiction. The HOA shall maintain its corporate existence as long as the Neighborhood Camera(s) is operational and shall have the ability to carry liability insurance as required herein for Neighborhood Camera installation.

"Neighborhood Camera(s)" means a Camera that is fixed, not rotating, and focused on a public place, paid for, installed, owned and maintained by an HOA, intended as a tool for preventing, deterring and/or investigating crimes.

"PW Department" means the Public Works Department of the City of Sandy Springs.

"PW Director" means the City's Director of Public Works.

2.0 Summary and Intent

From time to time the City receives requests for approval to install cameras at strategic locations in neighborhoods to assist in protecting the safety of individuals and property. The City recognizes that camera technology may offer communities potentially useful tools for preventing, deterring and/or investigating crimes.

HOAs may apply for installation of Neighborhood Camera(s) on private property at or near the roadway or in the public right-of-way. The City prefers installation of such systems on private property; however, the City understands that installation may not always be feasible on private property. This policy is intended to give guidance and direction regarding installation of Camera systems on private property and to provide an option for installation on public right-of-way, pursuant to conditions and criteria stated herein. Because the City does not allow the installation of Neighborhood Camera(s) in the public right-of-way, the City has developed a procedure in which a portion of right-of-way is conveyed to an HOA, with attached conditions, when Neighborhood Camera(s) cannot be installed on private property.

Following is a summary of City Code provisions and regulations regarding Camera installation.

A. Cameras on Private Property. A Camera system may be installed on private property without City approval, as long as it is attached to a residence, fence, tree, or pole four (4) feet in height or less, within the front yard setback, or on a pole within any other yard, and complies with all other applicable ordinances and regulations.

B. Neighborhood Camera(s) on Private Property Oriented to Public Roads. City Council has authorized an administrative process for approval of Neighborhood Camera(s) installed on private

property on poles greater than four (4) feet in height within the front yard setback. This process is initiated by submission of an application form provided by the CD Director. Thereafter, the HOA is required to: participate in an initial meeting with the CD Department; provide the information and submit the documentation required by this policy; obtain the consensus required by this policy for neighborhood approval; and obtain all permits required for installation.

If the HOA fully complies with all requirements of this policy, the CD Director will issue approval for installation of the Neighborhood Camera(s). The HOA shall be responsible for all costs associated with approval and installation of the Neighborhood Camera(s).

C. Neighborhood Camera(s) on Public Right-of-Way. City Council has authorized a process for the City to convey a portion of the public right-of-way for the purpose of installing Neighborhood Camera(s). This process is initiated by submission of an application form provided by the CD Director. Thereafter, the HOA is required to: participate in an initial meeting with the CD Department; provide the information and submit the documentation required by this policy, including the suggested area of right-of-way for location of the Neighborhood Camera(s). City staff will review the HOA's proposal and either approve or deny the suggested location. If the location is approved, the HOA shall obtain the consensus required by this policy for neighborhood approval. If the required consensus is provided, the HOA shall submit a survey as described in this policy. Notice of public hearing will be published in accordance with Georgia law and the property will be posted as described in this policy. A public hearing will be held and Council may take action on the right-of-way conveyance.

If Council approves, the HOA shall: submit documentation regarding required insurance coverage; execute an indemnification agreement with the City in the form approved by the City Attorney; pay required fees and costs of signage and pole; and obtain all permits required for installation. The HOA shall be responsible for all costs associated with the approval and installation of the Neighborhood Camera(s) and conveyance of the public right-of-way, including other costs not specified above.

THE CITY WILL NOT MONITOR, ACCESS OR OTHERWISE CONTROL NEIGHBORHOOD CAMERA(S) DESCRIBED IN THIS POLICY.

3.0 Neighborhood Camera Design Standards

A. Neighborhood Camera(s). All Neighborhood Cameras are required to be in a fixed position, and may not rotate.

B. Approval of Property Owners. All applications for Neighborhood Camera(s) shall be accompanied by the required number of signatures evidencing support of property owners within the Area of Impact, following the Neighborhood Camera Petition Form guidelines set forth herein.

C. Height. Poles for Neighborhood Cameras shall have a maximum height of twelve (12) feet, which will be determined by site needs.

D. Color. Neighborhood Camera poles shall be painted black, brown, or green, subject to the approval of the CD Director.

E. Location. Neighborhood Camera(s) may be installed only at entrance points to the subject neighborhood.

4.0 Application Process – Private Property

A. Application. An HOA may request the installation of a Neighborhood Camera(s) on private property. The HOA shall submit an application to the City in the form provided by the CD Director.

B. Initial Meeting. The City will conduct an initial meeting with the Applicant to discuss, in detail, the process involved for the purpose of installing Neighborhood Camera(s) including, but not limited to, the following:

1. neighborhood support required before the City will consider installation of Neighborhood Camera(s) pursuant to this policy;
2. definition of "Area of Impact" in the context of the specific installation;
3. description of proposed design, positioning, installation and operation of the Neighborhood Camera(s);

4. permitting requirements;

5. signage requirements for notice of use of video surveillance to be posted in the neighborhood.

The Applicant shall bring to the meeting the following information and documentation:

1. identification of the specific location of the Neighborhood Camera(s);
2. description of all components to be installed and the method of installation;
3. description of the position of the Neighborhood Camera(s).

At the initial meeting, the CD Department will provide the HOA with a Neighborhood Camera Petition Form containing the names of property owners in the neighborhood based on the City's most current tax records, to be used by the HOA in obtaining the signatures required to indicate neighborhood support.

All sketches and details provided by the Applicant shall be legible and readable. Failure to provide clear information and documentation may result in the city terminating its review of the Application. Staff will work with the Applicant to identify any issues with the information provided and to assist in developing potential solutions.

C. Neighborhood Camera Petition Form. Following the initial meeting and discussions with the City, the Applicant shall submit to the City the Neighborhood Camera Petition Form supplied by the City at the initial meeting containing the required signatures. The Neighborhood Camera Petition Form shall comply with the following:

1. Property owners within the Area of Impact shall be contacted and given an opportunity to sign a petition, indicating their approval concerning the installation of Neighborhood Camera(s). Any abstention or indication other than a "yes" will be considered a "no."

2. All property owners must sign the petition individually, including owners of undeveloped lots. Renting tenants are not an acceptable substitute for the legal homeowner. Jointly owned property shall require the signature of both property owners. A spouse's signature will not be acceptable if he or she is not the legal owner. If both husband and wife are joint legal owners, both signatures are required. A "Mr. and Mrs." signature is not acceptable.

3. At least seventy-five percent (75%) of the homeowners in the Area of Impact must vote in favor of installing the Neighborhood Camera(s) for the petition to be accepted. (100% participation of homeowners within one hundred (100) feet of each Neighborhood Camera(s) is required.) The percentages will be calculated, based on individual lots where the owners sign affirmatively, divided by the total number of lots in the Area of Impact. Each lot counts as only one (1) lot regardless of the number of owners signing.

4. If the HOA discovers a discrepancy between property ownership as contained in the Neighborhood Camera Petition Form provided by the City and actual property ownership, the HOA shall provide the City with evidence of ownership of the subject property, such as a copy of the property deed or the recording information for the deed. The City reserves the right to verify any and all signatures contained on the Neighborhood Camera Petition Form and to set a reasonable expiration date on petition signatures.

D. Permit Issuance. If the requested information and documentation complies with all applicable criteria set forth in this policy and all applicable City ordinances and regulations, a permit for the installation of Neighborhood Camera(s) is issued.

E. Additional Obligations of Applicant. Following issuance of the permit, the HOA shall pay for installation of the signage, including the post, required by Section 6.0 hereof. The HOA shall obtain any and all applicable permits (electrical, utility, etc.) required to install and operate the Neighborhood Camera(s) and shall pay all costs associated therewith.

5.0 Application Process – Conveyance of Right-of-Way for Neighborhood Camera(s) Installation

A. Application. An HOA may request that the City convey a portion of the right-of-way to the HOA for the purpose of installing a Neighborhood Camera(s). The HOA shall submit an application to the City in the form provided by the CD Director.

B. Initial Meeting. The City will conduct an initial meeting with the Applicant to discuss, in detail, the process involved for conveyance of right-of-way for the purpose of installing Neighborhood Camera(s) including, but not limited to, the following:

1. neighborhood support required before the City will consider right-of-way conveyance for installation of Neighborhood Camera(s);

2. definition of "Area of Impact" in the context of the specific installation;

3. identification of specific right-of-way site to be conveyed;

4. description of proposed design, position, installation and operation of the Neighborhood Camera(s);

5. impact on right-of-way sought to be conveyed;

6. permitting requirements;

7. indemnification requirements;

8. insurance requirements;

9. signage requirements for notice of use of video surveillance to be posted in the neighborhood;

10. detailed process required for conveyance of right-of-way;

11. City's reservation of rights and conditions to be attached to the conveyed right-of-way.

The Applicant shall bring to the initial meeting the following information and documentation:

1. evidence of legal existence of HOA to which right-of-way shall be conveyed;

2. identification of the specific location of the Neighborhood Camera(s);

3. description of all components to be installed and the method of installation;

4. description of the position of the Neighborhood Camera(s).

All sketches and details provided by the Applicant shall be legible and readable. Failure to provide clear information and documentation may result in the city terminating its review of the Application. Staff will work with the Applicant to identify any issues with the application and will assist, to the extent possible, in developing potential solutions.

At the initial meeting, the CD Department will provide the HOA with a Neighborhood Camera Petition Form containing the names of property owners in the neighborhood based on the City's most current tax records, to be used by the HOA in obtaining the signatures required to indicate neighborhood support.

C. Staff Review of Proposed Location and Additional Documentation. Following the initial meeting, City staff will review the information and documentation submitted by Applicant and will approve or deny the proposed location for the Neighborhood Camera(s). If the location is approved, the Applicant shall provide the following additional information and documentation:

1. Neighborhood Camera Petition Form. The Applicant shall submit to the City the Neighborhood Camera Petition Form supplied by the City at the initial meeting containing the required signatures. The Neighborhood Camera Petition Form shall comply with the following:

(a) Property owners within the Area of Impact shall be contacted and given an opportunity to sign a petition, indicating their approval concerning the installation of Neighborhood Camera(s). Any abstention or indication other than a "yes" will be considered a "no."

(b) All property owners must sign the petition individually, including owners of undeveloped lots. Renting tenants are not an acceptable substitute for the legal homeowner. Jointly owned property shall require the signature of both property owners. A spouse's signature will not be acceptable if he or she is not the legal owner. If both husband and wife are joint legal owners, both signatures are required. A "Mr. and Mrs." signature is not acceptable.

(c) At least seventy-five percent (75%) of the homeowners in the Area of Impact must vote in favor of installing the Neighborhood Camera(s) for the petition to be accepted. (100% participation of homeowners within one hundred (100) feet of each Neighborhood Camera(s) is required.) The percentages will be calculated, based on individual lots where the owners sign affirmatively, divided by the total number of lots in the Area of Impact. Each lot counts as only one (1) lot regardless of the number of owners signing.

(d) If the HOA discovers a discrepancy between property ownership as contained in the Neighborhood Camera Petition Form provided by the City and actual property ownership, the HOA shall provide the City with evidence of ownership of the subject property, such as a copy of the property deed or the recording information for the deed. The City reserves the right to verify any and all signatures contained on the Neighborhood Camera Petition Form and to set a reasonable expiration date on petition signatures.

2. Proposed Site, Design, Positioning, Installation and Operation. The Applicant shall submit a detailed design proposal for the Neighborhood Camera(s), including the following:

(a) a legal description identifying the specific portion of right-of-way requested for conveyance;

(b) a survey completed by a Georgia registered land surveyor conforming to all local and state regulatory standards for the specific portion of right-of-way requested for conveyance;

(c) a description of all components to be installed in the conveyed right-of-way and the method of installation;

(d) a description of the height and position of the Neighborhood Camera(s) in the conveyed right-of-way;

(e) a description of how the Neighborhood Camera(s) will be operated and maintained.

All information provided by the Applicant shall be legible and readable. Failure to provide clear information and documentation may result in the City terminating its review of the Application. Staff will work with the Applicant to identify problems with the application and will assist, to the extent possible, in developing potential solutions.

3. Staff Review. Following receipt of the required information and documentation, the CD Department will begin its review. The application must comply with all criteria set forth in this policy and must comply with all applicable City ordinances and regulations. In addition, the PW Department will review the application to determine whether any right-of-way conflicts exist (utilities, future road project, etc.) with respect to the portion of right-of-way to be conveyed. The application must present a plan for Neighborhood Camera(s) situated in a manner acceptable to the PW Director.

4. Public Hearing and City Council Action. Following CD Department and PW Department review, the application, it will be reviewed by the City Manager. At the City Manager's direction, staff will prepare an agenda item for public hearing and Council consideration. Notice of the public hearing shall be published in a newspaper of general circulation in accordance with Georgia law, at the expense of the HOA. Notice shall be posted at each entrance of the affected neighborhood for thirty (30) days in advance of the public hearing, at the expense of the HOA. If the conveyance is approved by Council, the City will

follow the legal process for transfer of ownership of the requested right-of-way with any conditions which may be attached.

5. Additional Obligations of Applicant. Following approval of City Council, the HOA shall pay for installation of the signage, including the post, required by Section 6.0 hereof. The HOA shall obtain any and all applicable permits (electrical, utility, etc.) required to install and operate the Neighborhood Camera(s) and shall pay all costs associated therewith.

6.0 Conditions for Installation of Neighborhood Camera(s)

A. All Neighborhood Cameras. Installation of all Neighborhood Cameras, whether on private property or conveyed right-of-way, is conditioned upon the following:

1. Signage. In all areas where Neighborhood Cameras are installed, signs shall be displayed indicating that an area is under surveillance, in compliance with City signage requirements, before live Camera recording may begin. Signs will be posted only at entrance points to the subject neighborhood. Signage shall serve as the method to inform all homeowners, residents and visitors of Camera installation. Required signs will be provided and installed by the City through the PW Director, following payment by the HOA to the City. The City will charge the HOA a sign installation cost based on current market prices or the City's normal sign installation contract prices. The HOA shall be responsible for all costs associated with the production and installation of signage and signage posts.

2. Permitting. The Applicant shall be responsible for obtaining all necessary permits for the installation of the Neighborhood Camera(s) in a separate permit approval process including, but not limited to, any construction and utilities permitting. Approval by the City for installation of Neighborhood Camera(s) does not grant approval of permitting required for the construction and installation of a Neighborhood Camera(s) or for required utilities.

3. Costs and Expenses Associated with Neighborhood Camera(s). The HOA shall pay all costs and expenses including, but not limited to, design, materials, construction, installation and permitting of the Neighborhood Camera(s), and costs and expenses of signage. If the Neighborhood Camera(s) is installed on conveyed right-of-way, the HOA shall also be responsible for any and all costs incurred in connection with advertising, posting, and conveyance of the right-of-way to the HOA including, but not limited to, transfer and recording fees and its own attorneys' fees, if any.

B. Neighborhood Cameras Installed on Conveyed Public Right-of-Way. Installation of Neighborhood Camera(s) on conveyed right-of-way is conditioned upon the following:

1. Release and Indemnification. Applicant shall enter into a release/indemnification agreement with the City in form approved by the City Attorney, pursuant to which the HOA shall release and indemnify the City, its governing authority, employees, representatives and agents from any and all past, present and future claims, known or unknown, anticipated or unanticipated, demands, obligations, actions, causes of action, damages, costs, emotional distress, expenses and compensation of any nature whatsoever, whether based on a tort, contract or other theory of recovery, which they may now have or which may hereafter accrue or otherwise be acquired, on account of, or may in any way grow out of activities on the conveyed right-of-way.

2. Insurance. The HOA shall obtain and maintain insurance coverage for the entire time the Neighborhood Camera is operational, at its sole expense, with financially reputable insurers that are licensed to do business in the State of Georgia. The HOA shall provide not less than the following insurance:

(a) Comprehensive General Liability Insurance
   i. $1,000,000 limit of liability per occurrence for bodily injury and property damage Owner's and Contractor's Protective
   ii. Blanket Contractual liability
   iii. Blanket "X", "C", and "U"
   iv. Products/Completed Operations Insurance
   v. Broad Form Property Damage
   vi. Personal Injury Coverage

(b) The City of Sandy Springs, Georgia, shall be named on all Certificates of Insurance as additional insured and endorsed onto the policies for Comprehensive General Liability, Automobile Liability and Umbrella Liability insurance maintained in connection with the liability arising out of the HOA's operations under this policy. Applicant shall, as a material condition of the conveyance, prior to the commencement of any work and prior to any renewal thereof, deliver to the City a certificate of insurance satisfactory in form and content to the City, evidencing that the above insurance is in force. Any policies hereunder shall be non-cancellable except on thirty (30) days written notice to the City. Any separate insurance maintained in force by the additional insured named above shall not contribute to the insurance extended by the HOA's insurer(s) under this additional insured provision.

Certificate Holder should read: The City of Sandy Springs, 7840 Roswell Road, Building 500, Sandy Springs, Georgia 30350.

3. City Liability. The City, consultants, contractors, officers, elected officials, agents and employees, shall not be held responsible or liable for injury or damage that may occur in connection with the right-of-way conveyance or installation of the Neighborhood Camera(s), nor shall the City, its consultants, contractors, officers, elected officials, agents and employees be held responsible or liable for injury or damage that may occur by reason of City maintenance and construction activities on the portion of the right-of-way not conveyed to the HOA.

4. Reservation of Rights by City. The City reserves the right to reacquire the conveyed property for the amount of Ten Dollars ($10.00) and other valuable consideration, upon the following events:

(a) the conveyed right-of-way ceases to be used for the purpose of housing the Neighborhood Camera(s);

(b) the HOA to which the right-of-way was conveyed ceases to exist as a corporate entity;

(c) the HOA fails to maintain insurance in accordance with the provisions of this policy;

(d) when necessary for the construction, repair, improvement, maintenance, safe and effective operation, alteration or relocation of all or any portion of the roadway or other City facilities as determined by the City, or for any other public use as deemed necessary by the City.