

ORDINANCE No. 187128

Extend a right-of-way use agreement granted to Clear Wireless LLC, for wireless broadband Internet access services (Ordinance; amend Ordinance No. 185716)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2012, the Council approved a right-of-way use agreement to Clear Wireless LLC, to use the City Streets to provide wireless broadband Internet access services. Ordinance No. 185716. The ordinance expires on June 30, 2015.
2. In 2014, City staff began a programmatic review of the City's program for siting wireless facilities in the right-of-way. City staff anticipates that this review will result in program changes, which will impact future right-of-way use agreements with wireless carriers. Staff expects the review to be completed by the end of 2015, at which time the parties will renegotiate the wireless right-of-way agreement for a new term. City staff recommends the Council extend the existing right-of-way use agreement for two years to allow sufficient time to complete the programmatic review and for the parties to negotiate a new right-of-way use agreement and formally complete the Portland City Charter procedure for proposed franchises and similar agreements, which can take up to four months or more from the date of the required initial publication.

NOW, THEREFORE, the Council directs:

- a. Section 1.B of Ordinance No. 185716 is amended to extend the term of the wireless right-of-way agreement, continuously and without interruption, from June 30, 2015 to June 30, 2017.
- b. All other conditions and terms of Ordinance No. 185716 shall remain unchanged.
- c. On or before the thirtieth day after this Ordinance becomes effective, Clear Wireless LLC must file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by Clear Wireless LLC, subject to the approval of as to form by the City Attorney. Any failure by Clear Wireless LLC, to file such written acceptance within such time shall be deemed an abandonment and rejection of this Ordinance, and this Ordinance shall then be null and void without any further action by Council. Such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained in this Ordinance.

Passed by the Council: MAY 20 2015

Mary Hull Caballero
Auditor of the City of Portland

By: *Gayla Jennings*

Deputy


Mayor Charlie Hales
Prepared by: HDobson/BEWalters
April 27, 2015

Agenda No. **ORDINANCE NO. 187128**

granted

Title

Extend a right-of-way use agreement to Clear Wireless LLC for wireless broadband Internet access service services. (Ordinance; amend Ordinance No. 185716)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Hales</p>	<p>CLERK USE: DATE FILED <u>MAY 08 2015</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OMF/BRFS, Revenue CAO: Fred Miller CFO, Bureau Head: Kenneth L. Rust</p> <p>Prepared by: Hillary Dobson Date Prepared: 4/27/2015</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date May 13, 2015</p>	
<p>ACTION TAKEN:</p> <p>MAY 13 2015 PASSED TO SECOND READING MAY 20 2015 9:30 A.M</p>	

AGENDA

TIME CERTAIN

Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR

Total amount of time needed: _____
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	