

ORDINANCE No. 185750

Extend term of a franchise granted to Metromedia Fiber Network Services, Inc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175162)

The City of Portland ordains:

Section 1. The Council finds:

1. In December, 2000, the City Council granted a franchise to Metromedia Fiber Network Services, Inc to build and operate telecommunications facilities within the City's streets. Ordinance No. 175162.
2. The Council previously extended the term of Metromedia Fiber's franchise until December 31, 2012. Ordinance No. 185023.
3. On October 26, 2011, the City Council adopted non-emergency Ordinance No. 184957, amending Title 17 of the Portland City Code. Among other matters, the ordinance updated, clarified and reorganized various code sections. The City is implementing various aspects of the revised code provisions, and City staff has begun negotiating a renewal agreement, including revised standardized franchise language to address the code amendments. Although franchise negotiations for a renewal agreement are in progress, parties have not agreed on all terms. City staff recommends that the City Council extend the existing franchise to allow time for parties to complete negotiations for a new agreement and to formally complete the formal Portland City Charter procedure for proposed franchises, which can take up to four months or more from the date of the required initial publication.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 175162 is hereby amended to extend the term of the franchise, continuously and without interruption, to December 31, 2014.
- b. All other terms and conditions of Ordinance No. 175162 shall remain the same and unchanged.

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, Metromedia Fiber Network Services, Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by Metromedia Fiber Network Services, Inc. meeting the approval of the City Attorney. Any failure on the part of Metromedia Fiber Network Services, Inc. to file such written acceptance within such time shall be deemed an abandonment and rejection of this ordinance, and shall be construed to be an acceptance of all the terms contained in this ordinance.

Passed by the Council: NOV 28 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By:



Deputy

Mayor Sam Adams
Prepared by: MRiddick/BEWalters
October 26, 2012

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Agenda No. 185750
ORDINANCE NO.
Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams</p>	<p>CLERK USE: DATE FILED <u>NOV 08 2012</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams <i>Sam Adams</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>CAO: Jack D. Graham <i>[Signature]</i> Bureau: Revenue <i>[Signature]</i> Bureau Head: Thomas W. Lannom <i>Thomas</i></p> <p>Prepared by: Melvin Riddick Date Prepared: October 29, 2012</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <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>Council Meeting Date November 14, 2012</p> <p>City Attorney Approval <i>Benjamin Walters</i></p>	<p>ACTION TAKEN:</p> <p>NOV 14 2012 PASSED TO SECOND READING NOV 28 2012 9:30 A.M.</p>

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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