

ORDINANCE No. 188390

Extend term of a right-of-way use agreement granted to Sprint Spectrum, L.P. for mobile telecommunications services (Ordinance; amend Ordinance No. 185717)

The City of Portland ordains:

Section 1. The Council finds:


1. In 2012, the Council approved a right-of-way use agreement for Sprint Spectrum, L.P. for three years to build and operate wireless facilities within the City's streets for providing mobile telecommunications services. Ordinance No. 185717.
2. The Council previously extended the term of Sprint Spectrum, L.P.'s telecommunications franchise until June 30, 2017. Ordinance No. 187129.
3. City staff continues to work with telecommunications industry representatives in an effort to standardize and modernize the terms and conditions of use of the right-of-way by wireless providers.
4. City staff recommends that the Council extend the existing right-of-way use agreement to allow time for the parties to complete negotiations and to formally conclude the formal Council approval process.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 185717 is hereby amended to extend the term of the right-of-way use agreement, continuously and without interruption, to June 30, 2018.
- b. All other conditions and terms of Ordinance No. 185717 shall remain unchanged.
- c. On or before the thirtieth day after this ordinance becomes effective, Sprint Spectrum, L.P. must file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by Sprint Spectrum, L.P., subject to the approval of as to form by the City Attorney. Any failure by Sprint Spectrum, L.P., 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 24 2017

Mary Hull Caballero
Auditor of the City of Portland
By: 

Mayor Ted Wheeler
Prepared by: MR/BEW
April 12, 2017

Deputy

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Agenda No. **188390**
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 Title

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INTRODUCED BY Commissioner/Auditor: Mayor Wheeler	CLERK USE: DATE FILED <u>MAY 09 2017</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler <i>PD</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: OMF/BRFS, Revenue CAO: Tom Rinehart <i>TR</i> CFO, Bureau Head: Kenneth L. Rust Division Head: Thomas W. Lannom <i>TL</i> Prepared by: Melvin Riddick Date Prepared: 4/19/17 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> City Auditor Office Approval: City Attorney Approval: <i>Benjamin Walker</i> Council Meeting Date May 17, 2017	ACTION TAKEN: MAY 17 2017 PASSED TO SECOND READING MAY 24 2017 9:30 A.M.

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)	<table border="1"> <tr> <th>FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz</td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish</td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td>3. Saltzman</td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>4. Eudaly</td> <td></td> </tr> <tr> <td>Wheeler</td> <td>Wheeler</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz		2. Fish	2. Fish		3. Saltzman	3. Saltzman		4. Eudaly	4. Eudaly		Wheeler	Wheeler	
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