

ORDINANCE No. 188391

Extend term of right-of-way use agreement granted to New Cingular Wireless PCS, LLC for mobile telecommunications services (Ordinance; amend Ordinance No. 185789)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2012, the Council granted a right-of-way use agreement to New Cingular Wireless PCS, LLC for three years to build and operate wireless facilities within the City's streets for providing mobile telecommunications services. Ordinance No. 185789.
2. The Council previously extended the term of New Cingular Wireless PCS, LLC's telecommunications franchise until June 30, 2017. Ordinance No. 187131
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. 185789 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. 185789 shall remain unchanged.
- c. On or before the thirtieth day after this Ordinance becomes effective, New Cingular Wireless PCS, LLC must file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by New Cingular Wireless PCS, LLC, subject to the approval as to form by the City Attorney. Any failure by New Cingular, 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 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

Agenda No.
ORDINANCE NO. 188391
 Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Wheeler</p>	<p>CLERK USE: DATE FILED <u>MAY 09 2017</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler <i>KD</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Mary Hull</i></u> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OMF/BRFS, Revenue CAO: Tom Rinehart <i>TR</i> CFO, Bureau Head: Kenneth L. Rust Division Head: Thomas W. Lannom <i>Thomas</i></p> <p>Prepared by: Melvin Riddick Date Prepared: 4/19/17</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:</p> <p>City Attorney Approval: <i>Benjamin Walters</i></p> <p>Council Meeting Date May 17, 2017</p>	<p>ACTION TAKEN: MAY 17 2017 PASSED TO SECOND READING MAY 24 2017 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. Eudaly	4. Eudaly	
Wheeler	Wheeler	