

Ordinance No. 188392

Extend term of right-of-way use agreement granted to T-Mobile West Corporation, Inc. for mobile telecommunications services (Ordinance; amend Ordinance No. 185790)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2012, the Council approved a right-of-way use agreement for T-Mobile West Corporation, Inc. to build and operate wireless facilities within the City's streets for providing mobile telecommunications services. Ordinance No. 185790. The Ordinance renewed T-Mobile's authority to occupy the City's right-of-way for an additional 5 year period and established terms and conditions for the use of the right-of-way. T-Mobile West LLC is the successor-in-interest to T-Mobile West Corporation, Inc. ("T-Mobile").
2. The Council has amended and extended the term of the right-of-way use agreement to provide clarification on the remittance dates for the proper and effective administration of T-Mobile's annual payments. Ordinance No. 185956.
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. 185790 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 terms and conditions of the right-of-way use agreement shall remain the same and unchanged

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, T-Mobile West LLC shall file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by T-Mobile West LLC, subject to the approval of, as to form, by the City Attorney. Any failure on the part of T-Mobile West LLC to file such written acceptance within such time shall be deemed an abandonment and rejection of this Ordinance, and this Ordinance shall thereupon be null and void. 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

5140

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Agenda No.
ORDINANCE NO. 188392
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 style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> 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>[Signature]</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>ACTION TAKEN: MAY 17 2017 PASSED TO SECOND READING MAY 24 2017 9:30 A.M.</p>
<p>City Auditor Office Approval:</p>	
<p>City Attorney Approval: <i>Benjamin Walters</i></p>	
<p>Council Meeting Date May 17, 2017</p>	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
<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>		YEAS	NAYS
	1. Fritz	1. Fritz	✓
	2. Fish	2. Fish	✓
	3. Saltzman	3. Saltzman	✓
	4. Eudaly	4. Eudaly	✓
	Wheeler	Wheeler	✓