

ORDINANCE No. 183461

Authorize agreement with New Cingular Wireless PCS, LLC to locate underground utilities at Munger Park. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:


1. Portland Parks & Recreation (PP&R) has been assigned the City property located in Tax Lot 1 of Block 65 of Carter's Addition, at the end of SW Ford Street and above the Vista Ridge Tunnel that is referred to as Munger Park (Park). No park development is planned for this site.
2. Since 1992, New Cingular Wireless PCS, LLC (Cingular), or its predecessors, have operated a cellular site on the property adjacent to the Park, which is owned by the State of Oregon.
3. Pursuant to Ordinance 165872 in 1992, the City issued Interstate Mobilephone Co., a predecessor to Cingular, a revocable permit to locate and maintain the underground utilities necessary for the cellular site in the Park. This agreement has expired.
4. PP&R wishes to issue a new Permit of Entry for Cingular's continued use of the Park for underground utilities. The Permit of Entry has an initial term of five years and an annual rent of \$9,000, adjusted annually by 3.5%.

NOW, THEREFORE, The Council Directs:

- a. The Commissioner in Charge of Parks and Recreation is authorized to execute a Permit of entry for Park property with New Cingular Wireless PCS, LLC for underground utility purposes. This Permit will be retroactive to May 1, 2009 and shall be in a form substantially like the form of agreement attached hereto, as approved as to form by the City Attorney.

Passed by the Council: JAN 13 2010
Commissioner Fish
Prepared by: Zalane Nunn
December 24, 2009

LaVonne Griffin-Valade
Auditor of the City of Portland


Deputy

-29-76

✓147

Agenda No.
ORDINANCE NO. 183461
Title

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INTRODUCED BY Commissioner/Auditor: Nick Fish	CLERK USE: DATE FILED <u>DEC 31 2009</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish <i>Nick Fish</i> Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy ACTION TAKEN: JAN 06 2010 PASSED TO SECOND READING JAN 13 2010 9:30 A.M.
BUREAU APPROVAL Bureau: Portland Parks & Recreation Bureau Head: Zari Santner <i>[Signature] A-ZARI SANTNER</i> Prepared by: Zalane Nunn Date Prepared: 12-4-09 Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date 01/06/10	
✓ City Attorney Approval	

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)

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 ✓	