

ORDINANCE No. 184011

Amend and extend term of limited right-of-way use agreement granted to Verizon Wireless
(Ordinance; amend Ordinance No. 180379)

The City of Portland ordains:

Section 1. The Council finds:

1. In July, 2002, the Council approved a template for right-of-way agreements for wireless companies seeking to place antennae on existing or taller replacement utility poles in the streets. Resolution No. 36089. The resolution implemented a policy of co-location, requiring wireless companies to try to place antennae on existing buildings or structures before building cell towers in neighborhoods. The terms and conditions of the right-of-way agreement were established after a public involvement process, and were designed to balance the need for wireless service with the need to retain the character of neighborhoods.
2. In 2006, the Council granted a limited right-of-way use agreement to Verizon Wireless to build and operate wireless facilities within the City's streets following the template adopted by Resolution No. 36089. Ordinance No. 180379.
3. From 2006 to 2009 City staff worked with City bureaus and the public, as well as representatives of the wireless industry and utility pole owners, in an effort to standardize and modernize the terms and conditions of all wireless right-of-way agreements. In 2009 the wireless right-of-way agreements except Verizon Wireless' were amended and extended.
4. Verizon Wireless has asked City staff for an amendment of its limited right-of-way use agreement to conform to the terms and conditions of the agreements the City has with other wireless carriers, and to extend the term of the Verizon agreement.

NOW, THEREFORE, the Council directs:

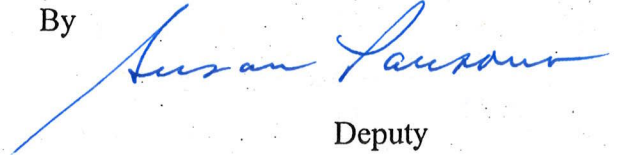
- a. Section 1.B of Ordinance No. 180379 is hereby amended to extend the term of the limited right-of-way use agreement, continuously and without interruption, through June 30, 2014.
- b. Section 3.A of Ordinance No. 180379, addressing compensation, is amended by substituting the language in Section 3.A as set forth in the attached Exhibit A.
- c. Section 6.D of Ordinance No. 180379, addressing the terms and conditions of equipment and replacement utility poles, is amended by substituting the language in Section 6.D. as set forth in the attached Exhibit A.

- d. All other terms and conditions of Ordinance No. 180379 remain the same and in full force and effect.
- e. On or before the thirtieth (30th) day after this ordinance becomes effective, Verizon Wireless shall file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by Verizon Wireless; subject to the approval of as to form by the City Attorney. Any failure on the part of Verizon Wireless 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: JUL 21 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

Prepared by: Commissioner Amanda Fritz
DSoloos/BEWalters
July 1, 2010

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Agenda No. **184011**
ORDINANCE NO.
Title

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| <p>INTRODUCED BY Commissioner/Auditor: Commissioner Amanda Fritz</p> | <p>CLERK USE: DATE FILED <u>JUL 09 2010</u></p> |
| <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz <i>Tom Fritz</i></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: <u><i>LaVonne</i></u> Deputy</p> |
| <p>BUREAU APPROVAL</p> <p>Bureau: OCCFM Bureau Head: Mary Beth Henry <i>M.B.H.</i></p> <p>Prepared by: D Soloos Date Prepared: July 1, 2010</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 July 14, 2010</p> | |
| <p>✓ City Attorney Approval <i>Sebastian Walters</i></p> | <p>ACTION TAKEN: JUL 14 2010 PASSED TO SECOND READING JUL 21 2010 9:30 A.M.</p> <p>0105 19 JUL</p> |

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