

ORDINANCE No. 184797

Extend term of a franchise granted to NewPath Networks, LLC to build and operate wireless facilities within City streets (Ordinance; amend Ordinance No. 180376)

The City of Portland ordains:

Section 1. The Council finds:

1. In August 2006, the City Council granted a franchise to NewPath Networks, LLC, to build and operate wireless facilities within the City's streets. Ordinance No. 180376.
2. City staff is working with industry in an effort to standardize and modernize the terms and conditions of all franchises.
3. Portland's Bureau of Transportation (PBOT) is preparing substantial revisions to Portland City Code Title 17. These amendments and updates may affect some of the standardized language of future franchises and renewals. City staff recommends, in the mutual interest of the parties, an extension of the franchise ordinance to allow PBOT to complete this legislative process.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 180376 is hereby amended to extend the term of the franchise, continuously and without interruption, to December 31, 2012.
- b. All other terms and conditions of the franchise shall remain the same and unchanged.

- c. On or before the thirtieth (30th) day after this ordinance becomes effective, NewPath Networks, LLC shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by NewPath Networks, LLC meeting the approval of the City Attorney. Any failure on the part of NewPath Networks, LLC to file such written acceptance within such time shall be deemed an abandonment and rejection of this ordinance, and shall be construed to be an acceptance of all the terms contained in this ordinance.

Passed by the Council: **AUG 10 2011**

Commissioner Dan Saltzman
Prepared by: MRiddick/BWalters
July 22, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By:

Gayla Jennings

Deputy

787181

Agenda No.
ORDINANCE NO. 184797
 Title

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<p>INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman</p>	<p>CLERK USE: DATE FILED <u>JUL 29 2011</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>[Signature]</i></p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OCCFM Bureau Head: David C. Olson <i>[Signature]</i></p> <p>Prepared by: M Riddick Date Prepared: July 20, 2011</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 August 3, 2011</p>	<p>ACTION TAKEN:</p> <p>AUG 03 2011 PASSED TO SECOND READING AUG 10 2011 9:30 A.M.</p>
<p>City Attorney Approval <i>[Signature]</i></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. Leonard	4. Leonard	✓	
Adams	Adams	✓	