

## **ORDINANCE No. 184798**

Extend term of a franchise granted to NextG Networks of California, Inc. to build and operate wireless facilities within City streets (Ordinance; amend Ordinance No. 180377)

The City of Portland ordains:

Section 1. The Council finds:

1. In August 2006, the City Council granted a franchise to NextG Networks of California, Inc., to build and operate wireless facilities within the City's streets. Ordinance No. 180377.
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. 180377 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.

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- c. On or before the thirtieth (30th) day after this ordinance becomes effective, NextG Networks of California, Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance of this ordinance, executed by NextG Networks of California, Inc. meeting the approval of the City Attorney. Any failure on the part of NextG Networks of California, Inc. 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 13, 2011

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By:

*Gayla Jennings*

Deputy

887481

816

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✓140

Agenda No. **184798**  
**ORDINANCE NO.**  
 Title

Extend term of a franchise granted to NextG Networks of California, Inc. to build and operate wireless facilities within City streets (Ordinance; amend Ordinance No. 180377)

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

<b>AGENDA</b>  <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____  Total amount of time needed: _____ (for presentation, testimony and discussion)  <b>CONSENT</b> <input checked="" type="checkbox"/>  <b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)
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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	✓	