

ORDINANCE No. 185023

Extend term of a franchise granted to Metromedia Fiber Network Services, Inc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175162)

The City of Portland ordains:

Section 1. The Council finds:

1. In February, 2001, the City Council granted a franchise to Metromedia Fiber Network Services, Inc to build and operate telecommunications facilities within the City's streets. Ordinance No. 175162.
2. The Council previously extended the term of Metromedia Fiber's franchise until December 31, 2011. Ordinance No. 184317.
3. On October 26, 2011, the City Council adopted non-emergency Ordinance No. 184957, amending Title 17 of the Portland City Code. Among other matters, the ordinance updated, clarified and reorganized various code sections. The Bureau of Transportation will need to adopt administrative regulations implementing various aspects of the revised code provisions. This process will affect some of the standardized franchise language. As PBOT works to completion of this process, the Office for Community Technology recommends that the City Council extend existing franchises.

NOW, THEREFORE, the Council directs:

- a. Ordinance No. 175162 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 Ordinance No. 175162 shall remain the same and unchanged.

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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

Passed by the Council: **NOV 30 2011**

LaVonne Griffin-Valade
Auditor of the City of Portland

By: *ASusan Parsons*

Deputy

Commissioner Dan Saltzman
Prepared by: MRiddick/BEWalters
November 7, 2011

850281

Agenda No.
ORDINANCE NO.
Title

185023

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<p>INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman</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>BUREAU APPROVAL</p> <p>Bureau: OCT Bureau Head: David C. Olson <i>[Signature]</i></p> <p>Prepared by: M Riddick Date Prepared: November 4, 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 November 16, 2011</p> <p>City Attorney Approval <i>[Signature]</i></p>	<p>CLERK USE: DATE FILED <u>NOV 10 2011</u></p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> <p>ACTION TAKEN:</p> <p>NOV 16 2011 PASSED TO SECOND READING NOV 30 2011 9:30 A.M.</p>
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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	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	