

Ordinance No.

185954

*Amend right-of-way agreement granted to Cricket Communications, Inc. to clarify remittance date for annual payment. (Ordinance; amend Ordinance No. 185788)

The City of Portland ordains:

Section 1. The Council finds:

1. On December 12, 2012, the Council approved a right-of-way use agreement to Cricket Communications, Inc. to build and operate wireless facilities within the City's streets. Ordinance No. 185788. The Ordinance renewed Cricket Communications' authority to occupy the City's right-of-way for an additional 3 year period and established terms and conditions for the use of the right-of-way.
2. It is necessary to amend the Ordinance to provide clarification on the remittance date for the proper and effective administration of Cricket Communications' annual payment.

NOW THEREFORE, the Council directs:

- a. Section 3.B.1 and Section 3.B.2 shall be replaced with the following:

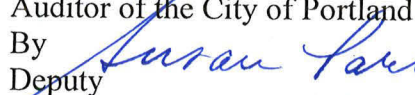
B. Remittance Dates.

1. Grantee shall pay the greater of the Minimum Annual Fee or the aggregate of the Right-of-Way Use Fees for all Grantee's sites in the Right-of-Way on or before each May 15. The remittance shall be for the previous year.
 2. For any Attached Facilities occupying the Right-of-Way for less than a full year, Grantee shall pay the prorated Right-of-Way Use Fee on or before May 15 of the following year after the date of installation or removal.
- b. All other conditions and terms of Ordinance No. 185788 shall remain unchanged.

Section 2. The Council declares an emergency exists because further delay impacts the effective administration of Cricket Communications' right of way use agreement and fees to the City general fund to the detriment of the public welfare; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:
Mayor Charlie Hales
Li/Walters
March 8, 2013

APR 03 2013

LaVonne Griffin-Valade
Auditor of the City of Portland
By 
Deputy

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INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>MAR 29 2013</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration—Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>Susan Parsons</u> Deputy
BUREAU APPROVAL CAO: Jack D. Graham Bureau: Revenue Bureau Head: Thomas W. Lannom	ACTION TAKEN:
Prepared by: JL Date Prepared: April 3, 2013	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 <u>APRIL 3, 2013</u>	
City Attorney Approval: required for contract, code, easement, franchise, bond plan, charter	

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. Novick	4. Novick	
Hales	Hales	