

Ordinance No.

185955

\*Amend right-of-way agreement granted to New Cingular Wireless PCS, LLC to clarify remittance dates for annual payments. (Ordinance; amend Ordinance No. 185789)

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 New Cingular Wireless PCS, LLC to build and operate wireless facilities within the City's streets. Ordinance No. 185789. The Ordinance renewed New Cingular Wireless' 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 dates for the proper and effective administration of New Cingular Wireless' annual payments.

NOW THEREFORE, the Council directs:

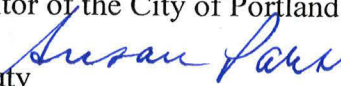
- a. Section 3.B.1 and Section 3.B.2 shall be replaced with the following:

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. 185789 shall remain unchanged.

Section 2. The Council declares an emergency exists because further delay impacts the effective administration of New Cingular Wireless' 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: APR 03 2013  
Mayor Charlie Hales  
Li/Walters  
March 8, 2013

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

Agenda No.  
**ORDINANCE NO.**  
Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Charlie Hales</b>	CLERK USE: DATE FILED <u>MAR 29 2013</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Hales <i>[Signature]</i> 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><i>Susan Parsons</i></u> Deputy
<b>BUREAU APPROVAL</b> CAO: Jack D. Graham Bureau: Revenue <i>[Signature]</i> Bureau Head: Thomas W. Lannom <i>[Signature]</i>	<b>ACTION TAKEN:</b>
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>	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i>	

<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)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<u>                    </u>	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	