

Ordinance No. 185956

*Amend right-of-way agreement granted to T-Mobile West Corporation, Inc. to clarify remittance dates for annual payments. (Ordinance; amend Ordinance No. 185790)

The City of Portland ordains:

Section 1. The Council finds:

1. On December 12, 2012, the Council approved a right-of-way use agreement for T-Mobile West Corporation, Inc. (T-Mobile) to build and operate wireless facilities within the City's streets. Ordinance No. 185790. The Ordinance renewed T-Mobile's authority to occupy the City's right-of-way for an additional 5 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 T-Mobile's annual payments.

NOW THEREFORE, the Council directs:

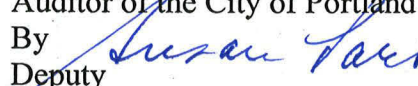
- a. Section 3.B.1 and Section 3.B.2 shall be replaced with the following:

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 calendar year ending December 31.
 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. 185790 shall remain unchanged.

Section 2. The Council declares an emergency exists because further delay impacts the effective administration of T-Mobile's 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. 1859561**

Title

*Amend right-of-way agreement granted to T-Mobile West Corporation, Inc. to clarify remittance dates for annual payments. (Ordinance; amend Ordinance No. 185790)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>MAR 29 2013</u></p>
<p>COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales <i>CHH</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>Susan Larson</i></u> Deputy</p>
<p>BUREAU APPROVAL CAO: Jack D. Graham <i>JDG</i> Bureau: Revenue Bureau Head: Thomas W. Lannom <i>Thomas</i></p>	<p>ACTION TAKEN:</p>
<p>Prepared by: JL Date Prepared: March 15, 2013</p>	
<p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 April 3, 2013</p>	
<p>City Attorney Approval: <i>Approved</i> required for contract, code, easement, franchise, comp plan, charter</p>	

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	<i>[Handwritten mark]</i>
2. Fish	2. Fish	<input checked="" type="checkbox"/>
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>
4. Novick	4. Novick	<input checked="" type="checkbox"/>
Hales	Hales	<input checked="" type="checkbox"/>