

ORDINANCE No. 187130

Extend term of a right-of-way use agreement granted to Cricket Communications, Inc. for mobile telecommunications services (Ordinance; amend Ordinance No. 185788)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2012, the Council approved a right-of-way use agreement with Cricket Communications, Inc. to provide mobile telecommunications services within the City's streets. Ordinance No. 185788. The ordinance will expire on June 30, 2015.
2. In 2013, the Council amended Ordinance No. 185788 to clarify the remittance date for the proper and effective administration of Cricket Communications' annual payment. Ordinance No. 185954.
3. In 2014, City staff began a programmatic review of the City's program for siting wireless facilities in the right-of-way. City staff anticipates that this review will result in program changes, which will impact future right-of-way use agreements with wireless carriers. City staff expects the review to be completed by the end of 2015, at which time staff will renegotiate the wireless right-of-way agreement for a new term. City staff recommends the Council extend the existing right-of-way use agreement for two years to allow sufficient time to complete the programmatic review and for the parties to negotiate a new right-of-way use agreement and formally complete the Portland City Charter procedure for proposed franchises and similar agreements, which can take up to four months or more from the date of the required initial publication.
4. Effective February 28, 2015, Cricket Communications, Inc., a Delaware corporation converted to Cricket Communications, LLC, a Delaware limited liability company.

NOW, THEREFORE, the Council directs:

- a. Section 1.B of Ordinance No. 185954 is amended to extend the term of the wireless right-of-way agreement, continuously and without interruption, from June 30, 2015 to March 31, 2016.
- b. All other conditions and terms of Ordinance No. 185954 shall remain unchanged.
- c. On or before the thirtieth day after this Ordinance becomes effective, Cricket Communications, LLC must file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by Cricket Communications, LLC subject to the approval of as to form by the City Attorney. Any failure by Cricket Communications, LLC to file such written acceptance within such time shall be deemed an abandonment and rejection of this Ordinance, and this Ordinance shall

then be null and void without any further **action by** Council. Such acceptance shall be unqualified and shall be construed to be an **acceptance** of all the terms, conditions and restrictions contained in this Ordinance.

Passed by the Council: MAY 20 2015

Mary Hull Caballero
Auditor of the City of Portland

By: *Gayla Jennings*

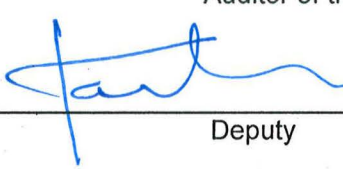
Mayor Charlie Hales
Prepared by: HDobson/BEWalters
April 27, 2015

Deputy

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 Agenda No.
ORDINANCE NO. 187130

Title

Extend term of a right-of-way use agreement granted to Cricket Communications, Inc. for mobile telecommunications services (Ordinance; amend Ordinance No. 185788)

<p>INTRODUCED BY Commissioner/Auditor: Mayor Hales</p> <hr/> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</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> <hr/> <p>BUREAU APPROVAL</p> <p>Bureau: OMF/BRFS, Revenue CAO: Fred Miller CFO, Bureau Head: Kenneth L. Rust</p> <p>Prepared by: Hillary Dobson Date Prepared: 4/27/2015</p> <p>Impact 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>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date May 13, 2015</p>	<p>CLERK USE: DATE FILED <u>MAY 08 2015</u></p> <hr/> <p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN:</p> <p style="text-align: center; font-weight: bold;">MAY 13 2015 PASSED TO SECOND READING MAY 20 2015 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	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	