

ORDINANCE No. 187131

Extend term of right-of-way use agreement granted to New Cingular Wireless PCS, LLC for mobile telecommunications services (Ordinance; amend Ordinance No. 185789)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2012, the Council granted a right-of-way use agreement to New Cingular Wireless PCS, LLC for three years to provide mobile telecommunications services. Ordinance No. 185789. The ordinance will expire on June 30, 2015.
2. In 2013, the Council amended Ordinance No. 185789 to clarify remittance dates for annual payments. Ordinance No. 185955.
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 the parties will renegotiate the 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.

NOW, THEREFORE, the Council directs:

- a. Section 1.B of Ordinance No. 185789 is amended to extend the term of the wireless right-of-way agreement, continuously and without interruption, from June 30, 2015 to June 30, 2017.
- b. All other conditions and terms of Ordinance No. 185789 shall remain unchanged.
- c. On or before the thirtieth day after this Ordinance becomes effective, New Cingular Wireless PCS, LLC must file in the Office of the Auditor of the City of Portland a written acceptance of this Ordinance, executed by New Cingular Wireless PCS, LLC, subject to the approval as to form by the City Attorney. Any failure by New Cingular, 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 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.

187131

Passed by the Council: MAY 20 2015

Mary Hull Caballero
Auditor of the City of Portland

By *Gayla Jennings*

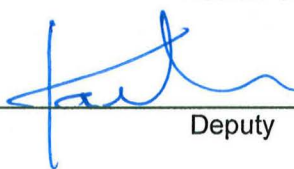
Mayor Charlie Hales
HDobson/BEWalters
April 27, 2015

Deputy

502

-474-
Agenda No.
ORDINANCE NO. 187131
Title

Extend term of right-of-way use agreement granted to New Cingular Wireless PCS, LLC (Ordinance; amend Ordinance No. 185789)
for mobile telecommunication services

<p>INTRODUCED BY Commissioner/Auditor: Mayor Hales</p> <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> <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> <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u></u> Deputy</p> <p>ACTION TAKEN:</p> <p>MAY 13 2015 PASSED TO SECOND READING MAY 20 2015 9:30 A.M.</p>
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AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:																		
<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>	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><th></th><th style="width: 20%; text-align: center;">YEAS</th><th style="width: 20%; text-align: center;">NAYS</th></tr><tr><td>1. Fritz</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>2. Fish</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>3. Saltzman</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>4. Novick</td><td style="text-align: center;">✓</td><td></td></tr><tr><td>Hales</td><td style="text-align: center;">✓</td><td></td></tr></table>		YEAS	NAYS	1. Fritz	✓		2. Fish	✓		3. Saltzman	✓		4. Novick	✓		Hales	✓		
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