

**RESOLUTION NO. 14-30**

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**A RESOLUTION TO AMEND THE RIGHT OF WAY USAGE FEE RATES  
FOR CERTAIN PUBLIC UTILITIES OPERATING WITHIN  
THE CITY OF OREGON CITY RIGHTS OF WAY**

**OREGON CITY MAKES THE FOLLOWING FINDINGS:**

**WHEREAS**, the City of Oregon City has statutory and constitutional authority to manage its Right of Way ("ROW"), and

**WHEREAS**, on November 6, 2013, the City enacted Ordinance No. 13-1014 which establishes Chapter 13.34 of the Oregon City Municipal Code, Utility Facilities in Public Rights Of Way, and exercises the City's authority to secure compensation to the City and its residents for utility use of the ROW ("Ordinance"), and

**WHEREAS**, on November 20, 2013, the City adopted Resolution No. 13-26, which set ROW usage fees for various utilities use of the City's ROW, including rates for electric utilities and natural gas utilities; and

**WHEREAS**, the City wishes to change the ROW of usage fees for certain utilities, in particular, electric utilities and natural gas utilities.

**NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1.** The ROW usage fee rate for electric utilities shall rise from 3.5% of gross revenue to 5.0 percent of gross revenue.

**Section 2.** The ROW usage fee rate for natural gas utilities shall rise from 3.0% of gross revenue to 5.0 percent of gross revenue.

**Section 3.** The ROW usage fee rates for all utilities other than the utilities identified in Sections 1 and 2 of this resolution shall remain the same as previously established in Oregon City Resolution No. 13-26. This resolution makes no other changes to any other portion of Resolution No. 13-26.

**Section 4.** The rates of the Right of Way Usage Fee, as amended by this resolution shall be as follows:

**Annual Fee Rate:**

<b>UTILITY SERVICE</b>	<b>ROW USAGE FEE RATE</b>
Electric	5% of gross revenue
Natural Gas	5% of gross revenue
Communications	5% of gross revenue; For any Utility Operator that does not earn gross revenue within the City: \$2.75 per foot of Utility Facilities in the Right of Way (as these terms are defined OCMC 13.34.050)
Cable	5% of gross revenue
Water	6% of gross revenue
Sanitary Sewer	6% of gross revenue
Storm Sewer	6% of gross revenue

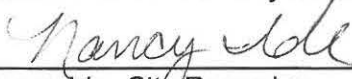
"Gross revenue" means any and all revenue, of any kind, nature or form, without deduction for expense, less net uncollectibles, derived from the operation of utility facilities in the City, subject to all applicable limitations in federal or state law.

**Section 5.** The revised ROW usage fee rate for electric utilities and natural gas utilities shall take effect 90 days from the adoption of this resolution.

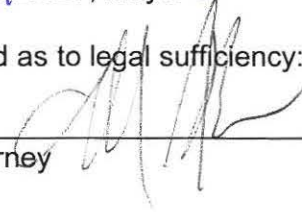
Approved and adopted at a regular meeting of the City Commission held on the 19<sup>th</sup> day of November 2014.

  
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DOUG NEELEY, Mayor

Attested to this 19<sup>th</sup> day of November 2014:

  
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Nancy Ide, City Recorder

Approved as to legal sufficiency:

  
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City Attorney