

ORDINANCE NO. 11-1005

AN ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO LEVEL 3 COMMUNICATIONS, LLC TO OCCUPY CERTAIN RIGHTS OF WAY WITHIN THE CITY OF OREGON CITY

WHEREAS, the City regulates the placement of telecommunications facilities within City rights of way pursuant to Title 13.24 of the Oregon City Municipal Code, which governs the construction and franchising of telecommunications utilities operating within the City and desiring to occupy City rights of way; and

WHEREAS, the City granted Level 3 Communications, LLC a franchise to occupy certain rights of way within the City by Ordinance No. 99-1018, which franchise expired on September 2, 2009; and

WHEREAS, the City allowed Level 3 Communications, LLC's telecommunications facilities to remain in the City's rights of way from September 2, 2009 through the effective date of this grant of franchise, although Level 3 Communications, LLC's previous franchise with the City expired; and

WHEREAS, Level 3 Communications, LLC paid and the City accepted, full payment from Level 3 Communications, LLC for the use of the City's rights of way for the period from September 3, 2009 through the effective date of this grant of franchise; and

WHEREAS, the City has received a request from Level 3 Communications, LLC to renew its franchise to place and maintain telecommunications facilities in certain rights of way within the City, which facility locations are shown on the attached Exhibit "A"; and

WHEREAS, the City has reviewed the request and application filed by Level 3 Communications, LLC and finds that the company has the requisite authority to provide these services and that the level of impact on the City's rights of way will be acceptable, and the City Commission therefore desires to renew the franchise; now, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1: Franchise Grant.

a. Subject to the terms and conditions contained herein, the City of Oregon City does hereby grant to Level 3 Communications, LLC (hereinafter "Grantee") a telecommunications franchise to locate its facilities within the rights of way of the City.

b. Such grant is subject to all of the laws and ordinances of the City of Oregon City and the State of Oregon in existence at the time of this franchise grant or hereafter enacted.

c. The scope of this grant allows the installation, maintenance and repair of underground facilities by Grantee in the City's rights of way as depicted in Exhibit "A". Such facilities shall be used by Grantee to provide telecommunications not including local exchange access services. In the event either the location of Grantee's facilities or the nature of the services provided is proposed for modification, Grantee shall be required to obtain an additional or revised franchise from the City.

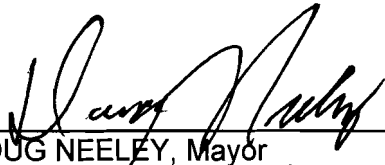
Section 2: Construction standards. The construction standards of Chapter 13.24 of the Oregon City Municipal Code, as well as any other applicable construction standards in existence at the time of this franchise grant or hereafter enacted, shall apply to all work performed by the Grantee in City rights of way.

Section 3: Franchise Fee. The franchise fee payable to the City shall be \$2.75 per lineal foot of Grantee's facilities located within City rights of way. Franchise fees shall be payable annually, in advance, no later than January 15 of each year of the franchise term, with the first payment due no later than January 15, 2011. Payments made after the due date shall include interest and penalties pursuant to Chapter 13.24 of the Oregon City Municipal Code.

Section 4: Term. The term of this franchise shall be ten (10) years. It shall be effective upon the date of Grantee's written acceptance of this grant.

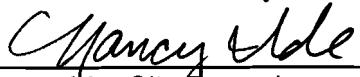
Section 5: Acceptance. The grant of franchise herein is conditioned upon Grantee's acceptance of all terms and conditions hereof in writing in a form acceptable to the City within thirty (30) days of the date this Ordinance is enacted by the City Commission.

Read first time at a regular meeting of the City Commission held the 20th day of April 2011, and the foregoing ordinance was finally enacted by the City Commission on the 1st day of June 2011.



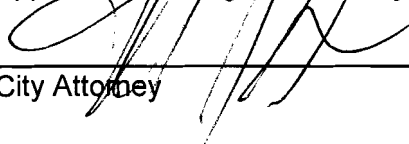
DOUG NEELEY, Mayor

Attested to this 1st day of June 2011,



Nancy Ide, City Recorder

Approved as to legal sufficiency:



City Attorney

ACCEPTANCE

City Recorder
City of Oregon City
625 Center Street
Oregon City, Oregon 97045

This is to advise the City of Oregon City, Oregon that Level 3 Communications, LLC, (the "Grantee") hereby accepts the terms and provisions of Ordinance No. 11-1005, passed by the City Commission on June 1, 2011 (the "Franchise") granting a Franchise for ten (10) years to Grantee. The Grantee agrees to abide by each and every term of the Franchise.

Level 3 Communications

BY _____

TITLE _____

DATE _____

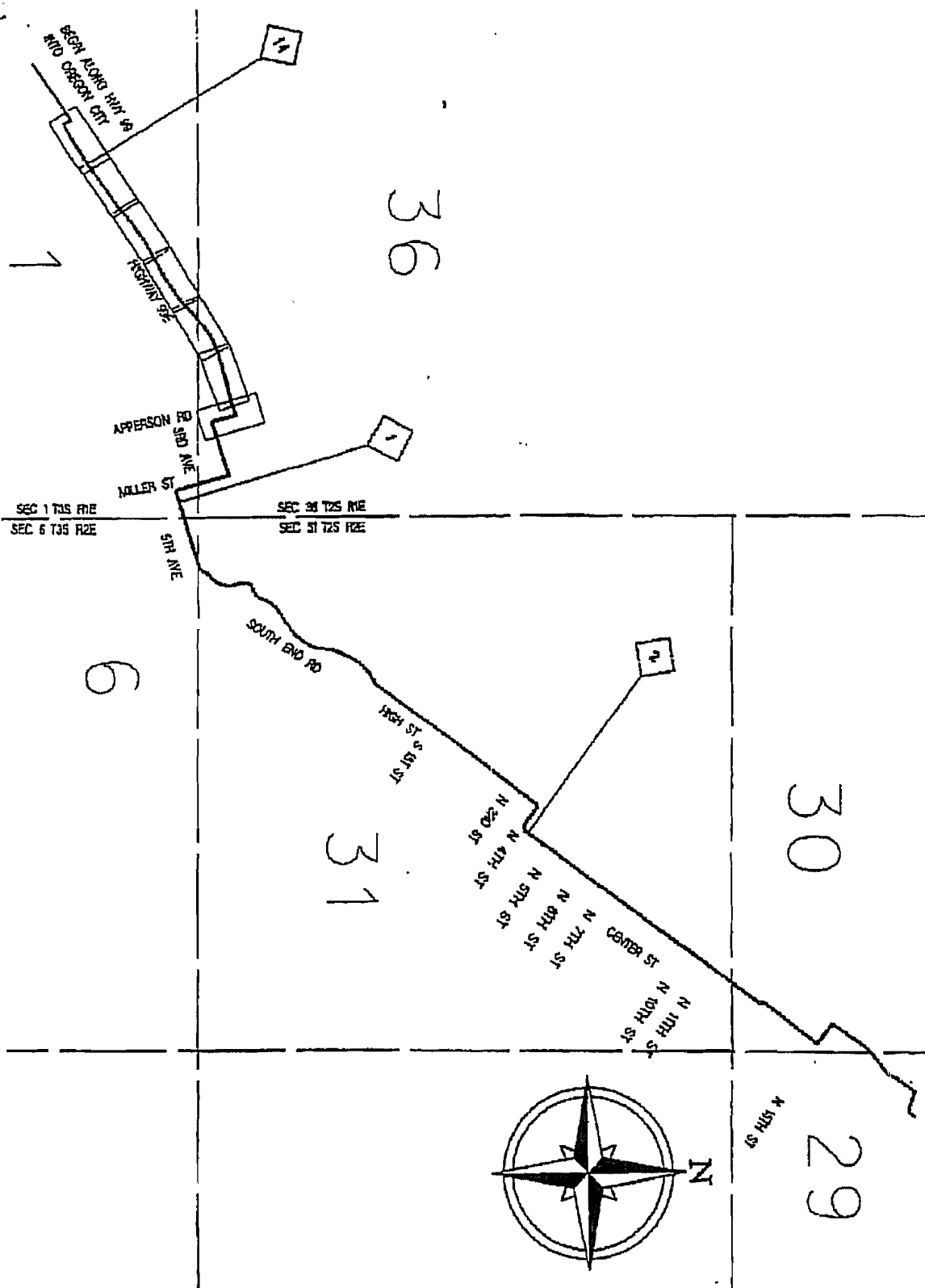
This Acceptance was received by the City of Oregon City on _____, 2011.

City Recorder

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FRASER & STRYKER LAW FIRM

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ACCEPTANCE

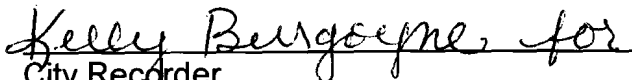
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City of Oregon City
625 Center Street
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Level 3 Communications

BY 
 Steven C. Gordon
TITLE Senior Director
DATE 6/30/11

This Acceptance was received by the City of Oregon City on July 1, 2011.

 for
City Recorder
