

ORDINANCE NO. 11-1010

**AN ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE
TO QWEST COMMUNICATIONS COMPANY, LLC TO OCCUPY CERTAIN
RIGHTS OF WAY WITHIN THE CITY OF OREGON CITY**

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, Title 13 of the Oregon City Municipal Code governs the construction and franchising of telecommunications carriers operating within the City and desiring to occupy City rights of way; and

WHEREAS, the City, by Ordinance No. 00-1000, which took effect on February 18, 2000, granted Qwest Communications Corporation (n/k/a Qwest Communications Company, LLC) a franchise to place and maintain telecommunications facilities in certain rights of way within the City for a term of ten years; and

WHEREAS, the franchise granted by Ordinance No. 00-1000 has expired, and Qwest Communications Company, LLC has maintained its telecommunications facilities in the City rights of way without objection from the City; and

WHEREAS, Qwest Communications Company, LLC has requested to renew its franchise retroactive to February 18, 2010; and

WHEREAS, the City has reviewed the request and application filed by Qwest Communications Company, 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 issue a 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 Qwest Communications Company, 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 of underground facilities by Grantee in the City's rights of way as depicted in Exhibit "A". The facilities as depicted in Exhibit "A" and in the detailed construction drawings filed with the City comprise approximately 9,217 feet. Such facilities shall not be used by Grantee to provide telecommunications services that originate and terminate within the City. 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.

d. The franchise granted to Qwest Communications Corporation by Ordinance 00-1000 is declared by the City Commission to be of no further force and effect, as of the effective date of this ordinance.

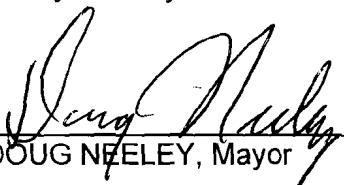
Section 2: Construction standards. The construction standards of Title 13 of the Oregon City Municipal Code, as well as any other applicable construction standards in existence at the time of this franchise grant or hereafter enacted, shall apply to all work performed by the Grantee in City rights of way.

Section 3: Franchise Fee. The annual franchise fee payable to the City shall be \$2.75 per lineal foot of Grantee's facilities located within City rights of way. The franchise fee shall be paid quarterly, in arrears, for each quarter during the term of the license. The initial franchise fee payment shall be made no later than the date of Grantee's acceptance pursuant to Section 5, and shall include the franchise fee payment due for calendar year 2010 and the first two quarters of calendar year 2011. Thereafter, the franchise fee shall be due and payable within forty-five (45) days of the end of each calendar quarter.

Section 4: Term. The term of this franchise shall be ten years. It shall be effective as of February 18, 2010, provided Grantee complies with Section 5.

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 Commission enactment of this Ordinance, and payment of the initial franchise fee as required in Section 3.

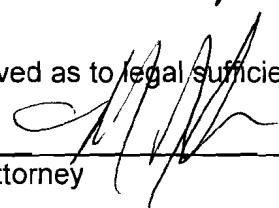
Read first time at a regular meeting of the City Commission held the 19th day of October 2011, and the foregoing ordinance was finally enacted by the City Commission on the 2nd day of November 2011.


DOUG NEELEY, Mayor

Attested to this 2nd day of November 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 Qwest Communications Company, LLC, Inc., (the "Grantee"), hereby accepts the terms and provisions of Ordinance No. 11-1010, passed by the City Commission on _____, 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.

Qwest Communications Company, LLC

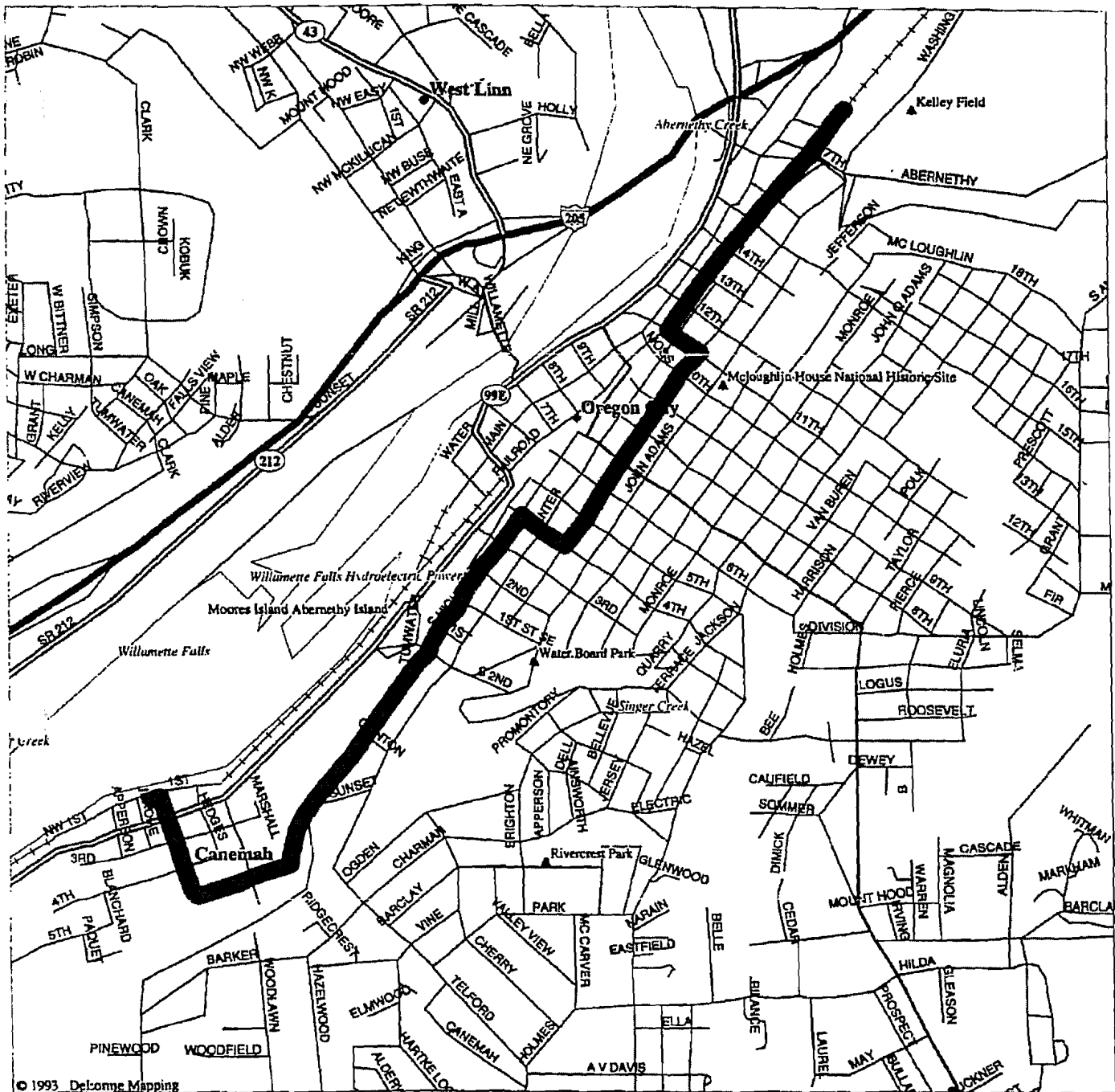
BY _____

TITLE _____

DATE _____

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

City Recorder



LEGEND

- State Route
- Geo Feature
- ◆ Town, Small City
- ▲ Park
- ▭ Interstate, Turnpike
- ✈ Airfield
- Population Center
- Street, Road

- Hwy Ramp
- Major Street/Road
- Interstate Highway
- State Route
- ++ Railroad
- River
- Open Water

Scale 1:15,625 (at center)

1000 Feet

500 Meters

Mag 15.00

Thu Jun 10 13:15:57 1999

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 Qwest Communications Company, LLC, Inc., (the "Grantee"), hereby accepts the terms and provisions of Ordinance No. 11-1010, passed by the City Commission on November 2, 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.

Qwest Communications Company, LLC

BY

TITLE Director - QCC Construction

DATE 11/18/11

This Acceptance was received by the City of Oregon City on November 23, 2011.

Nancy Ide
City Recorder