

RESOLUTION NO. 13-26

**A RESOLUTION TO ESTABLISH THE RIGHT OF WAY USAGE FEE RATES
AND APPLICATION FEES FOR 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, the Ordinance establishes certain application fees to cover the City's costs related to such applications; and

WHEREAS, the City finds that it is in the public interest to establish the rates and fees set forth below.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Registration Fee established in OCMC 13.34.060.D shall be \$50.00:

Section 2. The License Application Fee established in OCMC 13.34.070.C shall be \$50.00.

Section 3. The rates of the Right of Way Usage Fee established in OCMC 13.34.130.A shall be as follows, to the extent permitted under applicable law:

Annual Fee Rate:

UTILITY SERVICE	ROW USAGE FEE RATE
Electric	3.5% of gross revenue
Natural Gas	3.0% 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.

Minimum Annual Fee:

A utility operator shall pay the Minimum Annual Fee set forth below, based on the total linear feet of Utility Facilities in the Right of Way (as these terms are defined OCMC 13.34.050), instead of the Annual Fee Rate set forth above if the Minimum Annual Fee is greater than the fee calculated using the Annual Fee Rate.

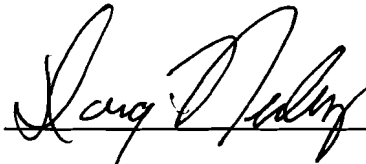
TOTAL LINEAR FEET OF UTILITY FACILITIES IN RIGHT OF WAY	MINIMUM ANNUAL FEE
Up to 5,000	\$5,000.00
5,001 to 10,000	\$7,500.00
10,001 to 20,000	\$10,000.00
More than 20,000	\$15,000.00

The Minimum Annual Fee set forth above shall increase 3% annually on January 1st of each year beginning January 1, 2015.

Section 4. The rate of the Attachment Fee established in OCMC 13.34.130.B shall be \$5,000 per attachment. The attachment fee shall increase 3% annually on January 1st of each year beginning January 1, 2015.

Section 5. This Resolution shall be in full force and effect upon its adoption by the Commission.

Approved and adopted at a regular meeting of the City Commission held on the 20th day of November 2013.



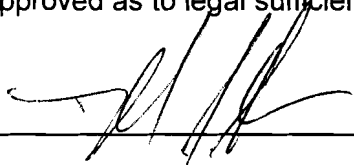
DOUG NEELEY, Mayor

Attested to this 20th day of November 2013.

Approved as to legal sufficiency:



Nancy Ide, City Recorder



City Attorney