

ORDINANCE NO. 5580

AN ORDINANCE AMENDING SECTION 3.60.170 OF THE ALBANY MUNICIPAL CODE BY APPROVING THE EXTENSION "CONTINUATION – TERMINATION" CLAUSE FOR SIX MONTHS, REPEALING ORDINANCE NUMBER 5536, AND DECLARING AN EMERGENCY.

WHEREAS, the franchise fee agreement with General Electric Business Productivity Solutions, Inc. (GEBPS) expired as of July 1, 2004; and

WHEREAS, GEBPS is requesting a new franchise agreement; and

WHEREAS, the City of Albany has begun to modify all telecommunications agreements, a process which will require a minimum of six months to complete; and

WHEREAS, it is reasonable to continue the current agreement as is until modifications can be completed; and

WHEREAS, Ordinance Number 5536 incorrectly named General Electric Business Productivity Solutions, Inc., as the franchise and should be repealed.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO HEREBY ORDAIN AS FOLLOWS:

Chapter 3.60 is amended to read:

Chapter 3.60

~~GENERAL ELECTRIC BUSINESS PRODUCTIVITY SOLUTIONS, INC., FRANCHISE~~  
**ADVANCED TELECOM, INC., FRANCHISE**

3.60.010 Franchise granted

There is hereby granted by the City of Albany, hereinafter referred to as "City," to ~~General Electric Business Productivity Solutions, Inc.,~~ **Advanced TeleCom, Inc.**, a **Georgia Delaware** corporation authorized to conduct business in Oregon, their successors and assigns, hereinafter each referred to as "Franchisee," the nonexclusive right and privilege to conduct business as a telecommunications carrier as that term is defined in ORS 133.721(8) within the City and to place, erect, lay, maintain and operate in, upon, over and under streets, alleys, avenues, thoroughfares and public highways, places and grounds within the City, poles, wires and other appliances and conductors for all telephone, telegraph and other communication purposes. Such wires and other appliances and conductors may be strung upon poles or other fixtures above ground, or at the option of the Franchisee, its successors and assigns, may be laid underground, and such other apparatus may be used as may be necessary to property to operate and maintain the same. Notwithstanding the foregoing, the City Manager or his/her designee shall have the authority to prescribe which public ways will be used and the location of communications facilities within the public way as may be reasonably necessary to minimize public inconvenience.

3.60.170 Continuation – Termination:

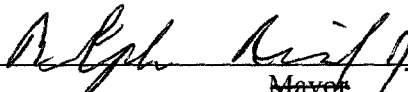
The rights, privileges, and franchise herein granted shall continue and be in force until ~~July 1, 2004,~~ **March 1, 2005**, except that it is understood and agreed that either party may at any time terminate or renegotiate this agreement upon six months' notice in writing.

Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by Council: September 22, 2004

Approved by Mayor: September 22, 2004  
*Council president*

Effective Date: September 22, 2004

  
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Mayor  
*Council president*

ATTEST:

  
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City Clerk