



CITY OF MILWAUKIE
“Dogwood City of the West”

Resolution No. 101-2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
ESTABLISHING THE RIGHT-OF-WAY USAGE FEE FOR UTILITIES OPERATING IN
THE CITY OF MILWAUKIE RIGHTS-OF-WAY**

WHEREAS, the City of Milwaukie has constitutional and charter authority to manage its rights-of-way; and

WHEREAS, the Milwaukie City Council on September 6, 2016 adopted Ordinance No. 2131, which establishes an ordinance regulating utilities operating the City’s rights-of-way and exercising the City’s authority to secure compensation to the City and its residents for utility use of the rights-of-way, codified as Title 21 of the Milwaukie City Code; and

WHEREAS, per Section 21.21 (A), of the Milwaukie City Code, the Council shall by resolution establish a rights-of-way fee for the use of utility providers in the City to provide utility service(s);

Now, Therefore, be it Resolved that the City of Milwaukie, Oregon:

Section 1. The rights-of-way fee established per Section 21.21 shall be as follows, to the extent permitted under applicable law:

<i>Utility Service</i>	<i>RoW Usage Fee Rate</i>
Electric	5% of gross revenue
Natural Gas	5% of gross revenue
Telecommunications	7% of gross revenue
Cable System	5% of gross revenue
Usage of the rights-of-way for purposes other than generating revenue within the City.	\$3.00 per linear foot of Utility Facilities in the rights-of-way or a minimum annual fee of \$5,000, whichever is greater. The per-linear-foot fee and the minimum fee shall increase 3% annually on July 1 st of each year, beginning July 1, 2018

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

“Usage” means ownership, operation or maintenance of any Utility Facility as define in the City’s Code, title 21.

Section 2. The annual attachment fee per Section 21.21.B shall be \$5,000 per attachment. The attachment fee shall increase 3% annual on July 1st of each year, beginning on July 1, 2018.

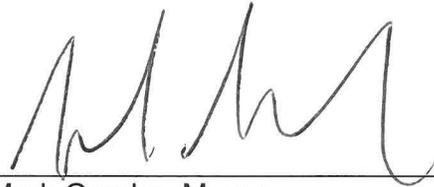
Section 3. The Right-of-Way License fee established per Section 21.150.A shall be \$250 for a five year license.

Section 4. The Right-of-Way License application fee established per Section 21.150.C shall be \$50.

Section 5. The revised ROW usage fee rate shall take effect on January 1, 2017.

Introduced and adopted by the City Council on 9/6/16.

This resolution is effective on 9/6/16.



Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney