

RESOLUTION NO. 2989

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MASTER LICENSE AND RIGHT-OF-WAY USE AGREEMENT FOR SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY WITH NEW CINGULAR WIRELESS PCS, LLC.

WHEREAS, the Telecommunications Act of 1996, as amended, and more specifically, 47 U.S.C. § 253, preserves the City of Wilsonville's ("City") authority to control access to and use of the rights-of-way within the City's jurisdictional boundaries, and to require reasonable compensation for such use on a competitively-neutral and nondiscriminatory basis, so long as such compensation is disclosed; and

WHEREAS, the Federal Communications Commission ("FCC") adopted rules and made declaratory rulings interpreting various provisions of the Telecommunications Act, including 47 U.S.C. § 253; and

WHEREAS, the City desires to provide a fair and predictable process for the deployment of small wireless facilities in the public rights-of-way that complies with the FCC regulations while managing the public rights-of-way in a manner that promotes the interests of the public health, safety, and welfare; and

WHEREAS, the City requires small wireless facility providers seeking to deploy small wireless facilities within the public rights-of-way to enter into an overarching master license agreement that generally grants a non-exclusive right to access the public rights-of-way to install, maintain, and operate small wireless facility and related infrastructure, subject to site-specific licenses for any particular location; and

WHEREAS, New Cingular Wireless PCS, LLC seeks to enter into such a master license agreement with the City; and

WHEREAS, the parties have negotiated the Master License and Right-of-Way Use Agreement for Small Wireless Facilities in the Public Rights-of-Way, attached hereto and incorporated by reference herein as **Exhibit 1**, which the City intends to use as a template for any future master license agreements sought by small wireless facility providers.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Section 1. The City Manager is hereby authorized to enter into a Master License and Right-of-Way Use Agreement for Small Wireless Facilities in the Public Rights-of-Way that is substantially similar to Exhibit 1 attached hereto.

Section 2. The Master License and Right-of-Way Use Agreement for Small Wireless Facilities in the Public Rights-of-Way attached hereto as Exhibit 1 is the template for any future master license agreement requested by any other small wireless facility provider.

Section 3. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of March, 2023, and filed with the Wilsonville City Recorder this date.

JULIE FITZGERALD, MAYOR

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBIT:

1. Master License and Right-of-Way Use Agreement for Small Wireless Facilities in the Public Rights-of-Way