

ORDINANCE NO. 5536

AN ORDINANCE AMENDING CHAPTER 3.60 OF THE ALBANY MUNICIPAL CODE BY APPROVING THE ASSIGNMENT OF ADVANCED TELCOM, INC. (ATG) FRANCHISE AGREEMENT TO GENERAL ELECTRIC BUSINESS PRODUCTIVITY SOLUTIONS, INC. (GEBPS): AND DECLARING AN EMERGENCY.

WHEREAS, Advanced TelCom, Inc. (ATG) secured a franchise agreement with the City of Albany to provide telecommunications services to Albany citizens; and

WHEREAS, ATG filed for bankruptcy; and

WHEREAS, General Electric Business Productivity Solutions, Inc. (GEBPS) has acquired ATG assets in Oregon,

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

The City of Albany consents to the assignment of our franchise agreement to GEBPS and agrees to the following Albany Municipal Code changes to Chapter 3.60.

Section 1:

Chapter 3.60

~~ADVANCED TELCOM, INC., FRANCHISE~~
GENERAL ELECTRIC BUSINESS PRODUCTIVITY SOLUTIONS, INC FRANCHISE

3.60.010 Franchise Granted.

There is hereby granted by the City of Albany, hereinafter referred to as "City", to ~~Advanced TelCom, Inc.~~, **General Electric Business Productivity Solutions, Inc.**, a California Georgia corporation authorized to conduct business in Oregon, their successors and assigns, hereinafter each referred to as "Franchisee", the non-exclusive 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 ways will be used and the location of communication facilities within the public way as may be reasonably necessary to minimize public inconvenience.

Section 2: 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: August 28, 2002

Approved by Mayor: August 28, 2002

Effective Date: August 28, 2002



Mayor

ATTEST:



City Recorder