

USE AND OCCUPANCY PERMIT PURSUANT TO THE TERMS OF THE MASTER USE AND OCCUPANCY AGREEMENT

This FOURTEENTH USE AND OCCUPANCY PERMIT PURSUANT TO THE TERM OF THE MASTER USE AND OCCUPANCY AGREEMENT (UOP) which is entered into this 7/15/2020 ("Effective Date"), by and between the City of San Diego, a California municipal corporation ("CITY"), and CELLCO PARTNERSHIP, a Delaware partnership (f/k/a VERIZON WIRELESS (VAW) LLC, a Delaware limited liability company) ("PERMITTEE").

RECITALS

A. CITY and PERMITTEE entered into that certain Master Use and Occupancy Agreement dated and effective as of 5/1/2019 ("MUOA"), pursuant to which PERMITTEE is allowed to install specific Communications Equipment as shown in the Master Structural Plan which is attached as Exhibit B to the MUOA, on up to 1,500 CITY Street Light Poles at certain Permit Areas.

B. The MUOA sets forth the general terms and conditions under which the CITY will prepare and execute subsequent UOPs to provide PERMITTEE a license to attach its equipment to Approved Sites once PERMITTEE has obtained all necessary regulatory permits to install, construct, maintain and operate on specific Approved Sites.

C. The MUOA also establishes the process by which PERMITTEE will request UOPs, including the type of information PERMITTEE must provide, and the standard for review of that request and the timelines for processing such a request.

D. Exhibit A of the MUOA is an approved Master Structural Plan which describes the equipment that will be placed on the Street Light Pole and the location on the Street Light Pole where the equipment will be installed. The MUOA also contains provisions that allow PERMITTEE to request modifications to the authorized Communications Equipment and sets forth the standard and timing requirements for reviewing and processing request for modifications.

E. Prior to entering into this UOP, the Parties have executed 13 UOPs under the MUOA, which include a total of 189 Approved Sites.

F. PERMITTEE and CITY now desire to enter into this UOP authorize PERMITTEE to enter upon, install, construct, maintain and operate its Communications Equipment within the Permit Areas on the Approved Sites, attached hereto as Exhibit A, in compliance with all of the terms and conditions as set forth herein and in the MUOA;

NOW THEREFORE, for valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Grant. Subject to the terms of this UOP and the terms of the MUOA which are all incorporated into this UOP by this reference without the necessity of restating those terms and conditions, CITY hereby grants to PERMITTEE, its officers, employees, agents, and contractors the right to enter upon and occupy the Permit Areas on the Approved Sites as more particularly identified in Exhibit A attached hereto, solely for the purpose of the Permit Use seven (7) days a week, twenty-four (24) hours a day.
2. UOP Term. The term of this UOP shall commence on the Effective Date of this UOP, and shall terminate ten (10) years following that date minus one day, for example, if the UOP has an Effective Date of February 15, 2020, the UOP shall terminate on February 14, 2030.
3. Authorized Communications Equipment. PERMITTEE acknowledges that the Communications Equipment being installed is in compliance with and authorized by the Master Structural Plan attached to the MUOA as Exhibit A.
4. Defined Words and Phrases. Capitalized words and phrases in this UOP not otherwise defined herein shall have the meaning given to those terms in the MUOA.
5. Survival of the Incorporation of MUOA. The terms and conditions of the MUOA as incorporated herein shall be applicable and enforceable by either Party as a term and condition of this UOP, regardless of the expiration of the MUOA itself.
6. Authority to Execute and Deliver UOP. Each individual executing this UOP on behalf of another person or legal entity represents and warrants that he or she is authorized to execute and deliver this UOP on behalf of such person or entity in and accordance with duly adopted resolutions or other authorizing actions which are necessary and proper and under such legal entity's articles, charter, bylaws, or other written rules of conduct or governing agreements, and that this UOP is binding upon such person or entity in accordance with its terms. Each person executing this UOP on behalf of another person or legal entity shall provide CITY with evidence, satisfactory to CITY, that such authority is valid and that such entity is a valid, qualified corporation, limited liability company, partnership, or other unincorporated association, in good standing in its home state, and that such entity is qualified to do business in the State of California.
7. Signed in Counterparts. This UOP may be executed in one or more counterparts, all of which taken together shall constitute one and the same original document and shall become effective when one or more counterparts have been signed by each of the parties.

IN WITNESS WHEREOF, this UOP is executed by CITY and PERMITTEE, to be effective as of the Effective Date.

Date: 7/8/20

THE CITY OF SAN DIEGO, a California municipal corporation

By 
Cybele L. Thompson
Director, Real Estate Assets

Date: 07/06/2020

CELLCO PARTNERSHIP, a Delaware partnership

By 
(Print Name) Joel Crane
(Title) Sr. Manager - Real Estate

APPROVED AS TO FORM:

Date: _____

MARA W. ELLIOTT, City Attorney

By _____
_____, Deputy City Attorney

Exhibit A: Approved Sites List

IN WITNESS WHEREOF, this UOP is executed by CITY and PERMITTEE, to be effective as of the Effective Date.

Date: 7/8/20

THE CITY OF SAN DIEGO, a California municipal corporation

By [Signature]
Cybele L. Thompson
Director, Real Estate Assets

Date: 07/06/2020

CELLCO PARTNERSHIP, a Delaware partnership

By [Signature]
(Print Name) Joel Crane
(Title) Sr. Manager - Real Estate

APPROVED AS TO FORM:

Date: 7/8/20

MARA W. ELLIOTT, City Attorney

By [Signature]
Melissa Ables, Deputy City Attorney

Exhibit A: Approved Sites List.

Site Count	Applicant Reference Number (GL Code)	Applicant Reference Name	City of SD PTS Number	City pole JOIN ID #	Site Latitude	Site Longitude	Permit Issue Date	City Lease ID: (To be filled out by City)
1	546483	CA018_SD_CityHts_010	649166	515941	32.756051	-117.091083	7/1/2020	
2	546489	CA018_SD_CityHts_012	649168	13540	32.755024	-117.079243	6/23/2020	
3	546660	CA018_SD_CityHts_014	649170	12002	32.741439	-117.114582	6/23/2020	
4	546740	CA018_SD_CityHts_027	650943	12550	32.751418	-117.11057	6/24/2020	
5	547331	CA018_SD_College_019	650967	17841	32.769681	-117.090642	6/29/2020	
6	546330	CA018_SD_College_020	650971	17753	32.770581	-117.069578	6/23/2020	
7	546260	CA018_SD_College_033	651008	19576	32.768569	-117.048874	6/30/2020	
8	525467	CA018_SD_DwnTwn_021	628565	8806	32.716616	-117.168365	7/2/2020	
9	525476	CA018_SD_DwnTwn_023	635912	8822	32.718913	-117.167296	6/30/2020	
10	547009	CA018_SD_DwnTwn_046	643125	9312	32.708266	-117.148643	6/19/2020	
11	557699	CA018_SD_DwnTwn_054	643131	8869	32.717911	-117.170894	6/24/2020	
12	551453	CA018_SD_DwnTwn_068	637416	9133	32.71557611	-117.1638968	6/30/2020	
13	551499	CA018_SD_DwnTwn_095	641528	7953	32.722072	-117.158532	6/26/2020	
14	551432	CA018_SD_DwnTwn_098	637431	7908	32.721879	-117.16125	6/25/2020	
15	551887	CA018_SD_DwnTwn_100	637421	9152	32.719987	-117.163764	6/30/2020	
16	551440	CA018_SD_DwnTwn_114	641529	7929	32.722049	-117.164924	6/26/2020	
17	546908	CA018_SD_Encanto_024	641316	15251	32.710639	-117.084899	6/19/2020	
18	547114	CA018_SD_Encanto_027	646049	15255	32.699583	-117.073445	6/26/2020	
19	547012	CA018_SD_GldnHll_004	645546	10086	32.71681	-117.136173	6/30/2020	
20	547083	CA018_SD_GldnHll_008	645547	10230	32.715753	-117.137954	6/22/2020	
21	547084	CA018_SD_GldnHll_009	645536	9645	32.714662	-117.140389	6/24/2020	
22	551942	CA018_SD_Knsngtn_020	643671	17788	32.768484	-117.096785	6/25/2020	
23	546837	CA018_SD_NormHts_001	652425	15922	32.75715	-117.123093	6/25/2020	
24	546774	CA018_SD_NormHts_003	652426	15702	32.763416	-117.117392	6/22/2020	
25	546710	CA018_SD_NormHts_006	652430	15855	32.763271	-117.126453	6/22/2020	
26	546770	CA018_SD_NormHts_007	652431	15854	32.763459	-117.124045	6/22/2020	
27	557676	CA018_SD_NormHts_008	652432	15710	32.763483	-117.121691	6/22/2020	
28	546446	CA018_SD_NormHts_017	651873	15906	32.757132	-117.121202	6/23/2020	
29	546776	CA018_SD_NormHts_018	653734	15912	32.757088	-117.114133	6/23/2020	
30	546737	CA018_SD_NormHts_020	651875	12592	32.75534	-117.110542	6/22/2020	
31	546709	CA018_SD_NorPark_013	651880	15584	32.762973	-117.12909	6/19/2020	
32	546298	CA018_SD_NorPark_018	651884	8514	32.752267	-117.146552	6/30/2020	
33	546523	CA018_SD_NorPark_022	651881	12853	32.748561	-117.130046	6/25/2020	
34	546662	CA018_SD_NorPark_024	651886	11566	32.739166	-117.12938	6/22/2020	
35	546598	CA018_SD_NorPark_065	652870	12637	32.745369	-117.129993	6/5/2020	
36	551913	CA018_SD_Pninsla_062	646879	1057	32.744434	-117.233342	6/24/2020	
37	551911	CA018_SD_Pninsla_064	644918	1177	32.74739	-117.239129	7/2/2020	
38	547215	CA018_SD_SEastrn_036	646039	156278	32.715204	-117.108584	6/24/2020	
39	546900	CA018_SD_SEastrn_039	646041	10276	32.692427	-117.107883	6/19/2020	
40	547217	CA018_SD_SEastrn_040	646043	10839	32.711404	-117.106404	6/30/2020	
41	546690	CA018_SD_SEastrn_085	648236	10896	32.705233	-117.133771	6/19/2020	
42	547121	CA018_SD_SkylnPH_010	639166	20479	32.702567	-117.048741	7/2/2020	
43	547253	CA018_SD_SkylnPH_028	655963	513425	32.693882	-117.03719	6/29/2020	
44	546356	CA018_SD_SkylnPH_072	639832	513293	32.679566	-117.062864	6/25/2020	
45	546359	CA018_SD_SkylnPH_084	639839	513298	32.679551	-117.057998	6/26/2020	
46	546296	CA018_SD_Uptown_046	649892	8668	32.752344	-117.149282	6/29/2020	