

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

This TWENTY-FIRST USE AND OCCUPANCY PERMIT PURSUANT TO THE TERM OF THE MASTER USE AND OCCUPANCY AGREEMENT (UOP) which is entered into this 10/09/2020 ("Effective Date"), by and between the City of San Diego, a California municipal corporation ("CITY"), and CELLCO PARTNERSHIP, d/b/a VERIZON WIRELESS successor in interest to VERIZON WIRELESS (VAW) LLC. ("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 20 UOPs under the MUOA, which include a total of 358 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 MOUA 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: 10/13/2020

THE CITY OF SAN DIEGO, a California municipal corporation

By 
Kristin Geitz
Interim Director, Real Estate Assets Department

Date: 10/09/2020

CELLCO PARTNERSHIP, d/b/a Verizon Wireless

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

APPROVED AS TO FORM:

Date: 10/16/2020

MARA W. ELLIOTT, City Attorney

By 
Melissa Adams, 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	546514	CA018_SD_CityHts_015	649171	12863	32.749847	-117.118178	9/23/2020	
2	546865	CA018_SD_DwnTwn_026	643115	7736	32.727714	-117.172772	9/29/2020	
3	551424	CA018_SD_DwnTwn_110	644908	8809	32.717696	-117.168177	10/1/2020	
4	551495	CA018_SD_DwnTwn_125	641535	7791	32.721845	-117.169291	9/29/2020	
5	552066	CA018_SD_Eastern_028	651024	19565	32.76872	-117.040879	9/24/2020	
6	546478	CA018_SD_Eastern_034	652417	18817	32.764231	-117.060485	9/29/2020	
7	546553	CA018_SD_Eastern_047	638356	21306	32.752934	-117.064717	9/30/2020	
8	546957	CA018_SD_Eastern_075	640728	13829	32.725966	-117.082852	9/29/2020	
9	546950	CA018_SD_Eastern_078	638359	13710	32.745545	-117.058623	10/1/2020	
10	547194	CA018_SD_Encanto_048	640713	20023	32.69745263	-117.0608	9/24/2020	
11	546683	CA018_SD_LndVsta_017	653374	6428	32.771882	-117.137049	9/28/2020	
12	546613	CA018_SD_LndVsta_026	653385	3806	32.778237	-117.181125	9/25/2020	
13	547205	CA018_SD_MirMesa_039	655924	28254	32.916924	-117.189178	9/25/2020	
14	546518	CA018_SD_NorPark_049	652869	12522	32.750433	-117.132537	9/22/2020	
15	547024	CA018_SD_Phinsla_022	656049	1182	32.742013	-117.223696	9/24/2020	
16	546374	CA018_SD_Uptown_026	661689	8256	32.746443	-117.171258	9/28/2020	