

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

This THIRTY-THIRD USE AND OCCUPANCY PERMIT PURSUANT TO THE TERM OF THE MASTER USE AND OCCUPANCY AGREEMENT (UOP) which is entered into this 03/15/2021 ("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 32 UOPs under the MUOA, which include a total of 579 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: 3/12/21

THE CITY OF SAN DIEGO, a California municipal corporation

By 
Kristin Geitz
Interim Director, Real Estate Assets Department

Date: 3/1/2021

CELLCO PARTNERSHIP, d/b/a Verizon Wireless

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

APPROVED AS TO FORM:

Date: 3/30/2021

MARA W. ELLIOTT, City Attorney

By 
Melissa Ables, Deputy City Attorney

Exhibit A: Approved Sites List

Site	Applicant Reference	Applicant Reference	City of SD PTS Number	City pole JOIN ID #	Site Latitude	Site Longitude	Permit Issue Date	City Lease ID:
Count	Number (GL Code)	Name						(To be filled out by City)
1	546806	CA018_SD_CityHts_033	665351	13351	32.745991	-117.092412	2/18/2021	
2	546882	CA018_SD_CityHts_039	666314	13553	32.735089	-117.101177	2/18/2021	
3	546930	CA018_SD_DwnTwn_052	643130	7969	32.720777	-117.168399	2/18/2021	
4	546951	CA018_SD_Eastern_079	638360	13583	32.732276	-117.079565	2/18/2021	
5	547150	CA018_SD_Encanto_006	651371	516259	32.717997	-117.100955	2/23/2021	
6	546892	CA018_SD_Encanto_060	641315	15127	32.692687	-117.093639	2/18/2021	
7	547241	CA018_SD_LndVsta_047	648222	3658	32.766765	-117.177942	2/23/2021	
8	547134	CA018_SD_MirMesa_034	654530	28251	32.918206	-117.185453	2/17/2021	
9	546393	CA018_SD_MissBay_020	655679	3044	32.76186	-117.226143	2/17/2021	
10	547162	CA018_SD_OcnBch_004	656385	996	32.752364	-117.230924	2/24/2021	
11	547167	CA018_SD_OcnBch_005	656386	1260	32.75092	-117.245052	2/23/2021	
12	547397	CA018_SD_OtyMesa_063	667978	21980	32.570906	-117.09185	2/23/2021	
13	547395	CA018_SD_OtyMesa_066	667988	21933	32.565694	-117.093788	2/23/2021	
14	546820	CA018_SD_SEastrn_032	646036	515156	32.697133	-117.109642	2/18/2021	
15	546969	CA018_SD_SkylnPH_034	667214	20427	32.719	-117.035676	2/18/2021	
16	547258	CA018_SD_SkylnPH_038	668730	20369	32.695854	-117.035438	2/23/2021	
17	547438	CA018_SD_SnYsdro_001	670766	246062	32.567216	-117.062394	2/24/2021	
18	547446	CA018_SD_SnYsdro_004	670770	24528	32.565973	-117.051305	2/23/2021	
19	547450	CA018_SD_SnYsdro_009	668001	24466	32.561182	-117.053041	2/17/2021	
20	547447	CA018_SD_SnYsdro_013	670776	24811	32.56519	-117.059399	2/19/2021	
21	546728	CA018_SD_Unvrsty_056	660757	25693	32.875563	-117.243499	2/23/2021	
22	547296	CA018_SD_Uptown_019	651871	8103	32.753316	-117.160387	2/23/2021	
23	547359	CA018_SD_Uptown_021	647075	8362	32.750002	-117.167396	2/15/2021	
24	546302	CA018_SD_Uptown_074	647096	8138	32.749025	-117.171303	2/23/2021	
25	546311	CA018_SD_Uptown_082	647099	8202	32.745224	-117.159721	2/23/2021	
26	546379	CA018_SD_Uptown_093	647102	8234	32.738587	-117.160454	2/23/2021	
27	546867	CA018_SD_Uptown_105	649899	7778	32.729189	-117.161293	2/23/2021	
28	455023	SCL RUEDA	660763	35088	32.834342	-117.079121	2/18/2021	

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25	546311	CA018_SD_Uptown_082	647099	8202	32.745224	-117.159721	2/23/2021	
26	546379	CA018_SD_Uptown_093	647102	8234	32.738587	-117.160454	2/23/2021	
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