

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

This THIRTY-SIXTH USE AND OCCUPANCY PERMIT PURSUANT TO THE TERM OF THE MASTER USE AND OCCUPANCY AGREEMENT (UOP) which is entered into this 06/11/2021 ("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 35 UOPs under the MUOA, which include a total of 656 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;

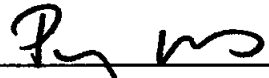
NOW THEREFORE, for valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

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: 6/16/2021

THE CITY OF SAN DIEGO, a California municipal corporation

By 
Penny Maus
Director, Real Estate Assets Department

Date: 6/7/2021

CELLCO PARTNERSHIP, d/b/a Verizon Wireless

By 
Joel Crane
Sr. Manager - Real Estate

APPROVED AS TO FORM:

Date: 6/17/2021

• MARA.W. ELLIOTT, City Attorney

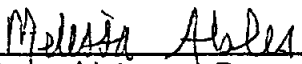
By 
Melissa Ables, Deputy City Attorney

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	546807	CA018_SD_CityHts_059	666320	13357	32.742653	-117.092399	3/29/2021	
2	551458	CA018_SD_DwnTwn_111	643117	9189	32.712697	-117.157322	4/14/2021	
3	551471	CA018_SD_DwnTwn_112	651869	9232	32.70844	-117.15912	4/16/2021	
4	546492	CA018_SD_Eastern_041	656005	515873	32.758182	-117.068764	4/8/2021	
5	546810	CA018_SD_Eastern_074	665343	13722	32.74475	-117.079407	3/24/2021	
6	546816	CA018_SD_Eastern_077	640732	13724	32.743014	-117.079689	4/8/2021	
7	546893	CA018_SD_MilFac_001	646027	11222	32.691234	-117.13394	4/1/2021	
8	547201	CA018_SD_MirMesa_033	654529	28462	32.914825	-117.192463	4/20/2021	
9	547213	CA018_SD_MirMesa_046	656843	30182	32.907275	-117.174168	4/16/2021	
10	546391	CA018_SD_MissBay_031	655689	1347	32.771384	-117.246943	4/2/2021	
11	546779	CA018_SD_NorPark_014	653735	6663	32.757164	-117.143677	4/12/2021	
12	547413	CA018_SD_OtyMesa_006	664741	23160	32.569784	-117.043432	4/16/2021	
13	547428	CA018_SD_OtyMesa_015	664750	22403	32.580217	-117.084017	4/30/2021	
14	547417	CA018_SD_OtyMesa_022	664849	22214	32.566528	-117.092705	4/13/2021	
15	546573	CA018_SD_OtyMesa_047	667200	22393	32.578615	-117.083082	4/13/2021	
16	547411	CA018_SD_OtyMesa_060	667968	24836	32.573741	-117.050016	3/30/2021	
17	547385	CA018_SD_PacBch_005	655997	1719	32.800157	-117.256712	3/30/2021	
18	546253	CA018_SD_PacBch_034	656877	2689	32.797755	-117.240075	4/5/2021	
19	546569	CA018_SD_PacHwy_006	657341	1093	32.752346	-117.215239	3/25/2021	
20	546540	CA018_SD_PacHwy_008	657344	7439	32.750457	-117.207778	4/29/2021	
21	547172	CA018_SD_Pninsla_020	656048	1201	32.73994	-117.22891	4/27/2021	
22	547101	CA018_SD_Pninsla_049	659404	791	32.72554	-117.228613	4/28/2021	
23	547159	CA018_SD_SEastrn_041	643121	512632	32.708391	-117.116678	4/19/2021	

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)
24	546901	CA018_SD_SEastrm_052	647699	15325	32.691581	-117.10258	3/30/2021	
25	547086	CA018_SD_SEastrm_071	647704	11330	32.711749	-117.138272	4/29/2021	
26	546688	CA018_SD_SEastrm_076	649211	513006	32.701987	-117.139032	4/19/2021	
27	547455	CA018_SD_SnYsdro_011	670775	24125	32.554291	-117.048882	4/14/2021	
28	547463	CA018_SD_SnYsdro_012	668004	24070	32.555269	-117.051548	4/9/2021	
29	547435	CA018_SD_SnYsdro_022	670780	22043	32.565166	-117.069114	4/2/2021	
30	547434	CA018_SD_SnYsdro_025	670783	23974	32.561771	-117.058713	4/13/2021	
31	546981	CA018_SD_TorPine_006	667209	513539	32.900758	-117.222957	4/26/2021	
32	547053	CA018_SD_Unvrsty_039	655947	31931	32.883366	-117.209285	4/7/2021	
33	547056	CA018_SD_Unvrsty_040	655949	25894	32.885734	-117.214954	4/8/2021	
34	546724	CA018_SD_Unvrsty_073	661344	26015	32.877663	-117.244093	4/29/2021	
35	547281	CA018_SD_Unvrsty_094	663949	26019	32.867263	-117.211457	3/29/2021	
36	547364	CA018_SD_Uptown_018	648273	8368	32.75004	-117.161237	5/13/2021	
37	547372	CA018_SD_Uptown_063	647077	8346	32.749957	-117.172431	4/7/2021	
38	546376	CA018_SD_Uptown_084	649897	7206	32.736414	-117.176479	4/6/2021	