

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

This FOURTH USE AND OCCUPANCY PERMIT PURSUANT TO THE TERM OF THE MASTER USE AND OCCUPANCY AGREEMENT (UOP) which is entered into this **February 1, 2022** ("Effective Date"), by and between the City of San Diego, a California municipal corporation ("CITY"), and NEW CINGULAR WIRELESS PCS, 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 July 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 A to the MUOA, on up to 1,500 CITY Sites 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 Site and the location on the Site 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 3 (THREE) UOPs under the MUOA, which include a total of 237 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;

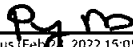
NOW THEREFORE, for valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

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: Feb 28, 2022

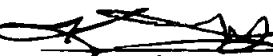
THE CITY OF SAN DIEGO, a California municipal corporation

By 
Penny Maus (Feb 28, 2022 15:05 PST)
Penny Maus
Director, Department of Real Estate and
Airport Management

Date: 2/1/2022

NEW CINGULAR WIRELESS PCS, LLC,
a Delaware limited liability company

By: AT&T Mobility Corporation

By 
(Print Name) Kevin McGee
(Title) Sr. Vendor Manager

APPROVED AS TO FORM:

Date: Mar 17, 2022

MARA W. ELLIOTT, City Attorney

By 
Melissa Ables (Mar 17, 2022 13:38 PDT)
_____, Deputy City Attorney

Exhibit A: Approved Sites List

4th UOP Site #	Applicant Reference Number/Site ID	City of SD PTS Number	Latitude	Longitude	Permit Issue Date	City Lease ID: (To be filled out by City)
1	MRSDL017773 / CAL06631F_R02	637230	32.94615	-117.22821	9/15/2021	
2	MRSDL017789 / CAL06632F_R01	637231	32.95173	-117.23397	6/7/2021	
3	MRSDL017863 / CAL06632F_R02	637232	32.95373	-117.23379	10/14/2021	
4	MRSDL017751 / CAL06641F_R01	638413	32.89153	-117.20163	6/9/2021	
5	MRSDL017813 / CAL06662F_R02	636781	32.76836	-117.15374	8/18/2021	
6	MRSDL017839 / CAL06672F_R02	636782	32.70111	-117.12764	7/20/2021	
7	MRSDL017733 / CAL06686F_R02	637235	32.91228	-117.14929	8/12/2021	
8	MRSDL015113 / CAL06710F_R02	638414	32.71582	-117.16278	7/6/2021	
9	MRSDL015385 / CAL06719F_R01	656623	32.69398	-117.14336	8/24/2021	
10	MRSDL015227 / CAL06722F_R02	636197	32.78272	-117.25240	8/27/2021	
11	MRSDL015153 / CAL06730F_R01	638416	32.89489	-117.24149	9/2/2021	
12	MRSDL015190 / CAL06734F_R01	636783	32.88075	-117.21833	9/2/2021	
13	MRSDL015012 / CAL06735F_R01	636784	32.87506	-117.21841	9/17/2021	
14	MRSDL015014 / CAL06736F_R02	638418	32.87580	-117.21014	9/15/2021	
15	MRSDL015030 / CAL06737F_R01	636785	32.87416	-117.20763	8/19/2021	
16	MRSDL015025 / CAL06737F_R02	636786	32.87183	-117.20387	7/2/2021	
17	MRSDL015033 / CAL06739F_R01	638419	32.87025	-117.20695	9/8/2021	
18	MRSDL015070 / CAL06741F_R01	636791	32.86697	-117.21387	8/18/2021	
19	MRSDL015066 / CAL06742F_R01	636821	32.86970	-117.21853	7/6/2021	
20	MRSDL015078 / CAL06742F_R02	636822	32.86825	-117.22501	7/28/2021	
21	MRSDL015074 / CAL06743F_R01	636187	32.86489	-117.22521	7/28/2021	
22	MRSDL023506 / CAL06815F_R02	637240	32.83261	-117.14902	9/2/2021	
23	MRSDL020834 / CAL06859F_R01	659719	32.71766	-117.16663	9/22/2021	
24	MRSDL024410 / CAL06970F_R01	636825	32.58533	-117.09281	8/9/2021	
25	MRSDL026784 / CAL06984F_R01	637245	32.92023	-117.12004	7/21/2021	
26	MRSDL026742 / CAL06991F_R03	659424	32.92636	-117.14812	8/26/2021	
27	MRSDL026757 / CAL06993F_R03	666329	32.91486	-117.12711	8/18/2021	
28	MRSDL031221 / CAL07000F_R02	673872	32.71248	-117.16121	8/19/2021	
29	MRSDL015011 / CAL07000F_R02	673872	32.71249	-117.16123	8/19/2021	
30	MRSDL031223 / CAL07001F_R01	636192	32.71161	-117.16007	8/6/2021	
31	MRSDL015024 / CAL07003F_R02	637251	32.70932	-117.15477	5/21/2021	
32	MRSDL015367 / CAL07029F_R01	636828	32.74480	-117.24750	7/27/2021	
33	MRSDL015129 / CAL07042F_R02	636184	32.87044	-117.23369	9/10/2021	
34	MRSDL015138 / CAL07043F_R02	636829	32.86504	-117.23398	8/17/2021	
35	MRSDL026429 / CAL07085F_R01	637247	32.90019	-117.19599	8/19/2021	
36	MRSDL026430 / CAL07085F_R03	637248	32.89640	-117.19328	8/12/2021	
37	MRSDL028188 / CAL07131F_R01	647158	32.76937	-117.16945	8/19/2021	
38	MRSDL028136 / CAL07141F_R03	636831	32.69770	-117.02581	7/20/2021	
39	MRSDL028142 / CAL07142F_R01	636832	32.69559	-117.02936	10/14/2021	
40	MRSDL028213 / CAL07151F_R01	641914	32.82169	-117.15054	7/8/2021	
41	MRSDL031374 / CAL07175F_R03	662921	32.71370	-117.16118	10/11/2021	
42	MRSDL031385 / CAL07193F_R01	662925	32.70824	-117.15930	9/14/2021	
43	MRSDL031238 / CAL07193F_R02	662922	32.71374	-117.15917	8/18/2021	
44	MRSDL031323 / CAL07198F_R01	662924	32.71479	-117.15919	8/19/2021	
45	MRSDL023556 / CAL06811F_R02	638420	32.91908	-117.11198	10/22/2021	
46	MRSDL022436 / CAL06817F_R01	638421	32.90468	-117.19078	11/4/2021	
47	MRSDL017819 / CAL06640F_R01	638412	32.89352	-117.20181	1/14/2022	
48	MRSDL026743 / CAL06992F_R02	647160	32.91264	-117.13860	1/12/2022	
49	MRSDL015362 / CAL07028F_R02	636827	32.74571	-117.24932	2/2/2022	

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