



Real Estate Assets Department
SDC003

Cellco Partnership / UOP #37
STREET -934-A00

Document Type

LEGAL DOCUMENTS



Sub - Category

AGREEMENTS



4



Department of Real Estate
and Airport Management

DOCUMENT ROUTING FORM

Verizon/Cellco UOP #37

Title of document to be signed

Carla Gresham

Program Manager/Supervisor Signature

Tracy Solis

Your Name/Property Agent's Name

10/10/2022

Date

Print name of City Attorney: Delmar Williams

Date of City Attorney Approval:

07/01/2019

City Attorney Initials

Explanation/Notes:

Please review and sign the attached UOP, which corresponds with MUOA STREET-892-A00, signed 7/1/2019. This UOP is for 5 sites/poles. The CAO review date relates to the MUOA and UOP template. The only changes to the UOP are to add the specific sites. This UOP was initiated in April 2022 but put on hold due to Verizon/Cellco open invoices. Verizon has since made significant progress in paying and reconciling open invoices.

The processing fee for UOP #37 was paid on 4/8/2022.

Attachments:

Deputy Signature: _____

Oct 12, 2022
Date: _____

**** For voids, please provide specific information detailing the reason for the void.****



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: October 10, 2022

TO: Penny Maus, Director, Department of Real Estate and Airport Management

FROM: Tracy Solis, Associate Property Agent, Department of Real Estate and Airport Management via Lucy Contreras, Deputy Director - Department of Real Estate and Airport Management

Subject: Use & Occupancy Permit - Cellco Partnership dba Verizon

Background & Purpose:

On July 1, 2019, the City entered in to a 10-year MUOA (Agreement STREET-892-A00) with Verizon for the installation of up to 1500 communications equipment on various city owned light poles. Each UOP has up to 50 allowable sites per permit. UOP #37 has 5 sites.

Market Rent Valuation

Not needed; rent was evaluated under the 10-year MUOA.

Insurance

Lessee has maintained the insurance coverages required by the Lease, and the insurance is current.

Rent Payment History

This UOP was initiated in April 2022 but put on hold due to Verizon/Cellco open invoices. Verizon has since made significant progress in paying and reconciling open invoices.

Processing Fee

The processing fee for UOP #37 was paid on 4/8/2022.

RECOMMENDED FOR APPROVAL:

Tracy Solis

Tracy Solis
Associate Property Agent, Lease Administration

Carla Gresham

Carla Gresham
Supervising Property Agent

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

This THIRTY-SEVENTH USE AND OCCUPANCY PERMIT PURSUANT TO THE TERM OF THE MASTER USE AND OCCUPANCY AGREEMENT (UOP) which is entered into this 10/04/2022 ("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 36 UOPs under the MUOA, which include a total of 694 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: Oct 12, 2022

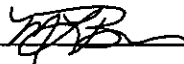
THE CITY OF SAN DIEGO, a California municipal corporation

By _____
Penny Maus, Director
Department of Real Estate and Airport Management

10/04/2022 MB

Date: 5/11/2022

CELLCO PARTNERSHIP, d/b/a Verizon Wireless

By 
Michelle Brown
Sr. Manager - Real Estate

APPROVED AS TO FORM:

Date: _____

MARA W. ELLIOTT, City Attorney

By _____
_____, 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	546339	CA018_SD_College_040	651014	19238	32.766527	-117.058491	2/25/2022	
2	546680	CA018_SD_LndVsta_030	653386	3888	32.769257	-117.181101	2/15/2022	
3	547135	CA018_SD_MirMesa_038	654531	28247	32.919743	-117.180836	1/20/2022	
4	547200	CA018_SD_MirMesa_045	656841	30186	32.907785	-117.171167	6/15/2021	
5	546371	CA018_SD_Uptown_096	647714	7218	32.739862	-117.178409	2/9/2022	

Signature: *Lucy Contreras*

Email: lucontreras@sandiego.gov