

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2710

ORDINANCE GRANTING TWO 10-YEAR TIDELAND USE AND OCCUPANCY PERMITS WITH TWO 5-YEAR OPTIONS WITH VERIZON WIRELESS, LLC FOR TELECOMMUNICATION SITES ON HARBOR DRIVE AND SHELTER ISLAND

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District and requires that all grants, franchises, leases, permits, rights, or privileges for more than five years shall be made by ordinance; and

WHEREAS, in May 2010, District staff identified new revenue-producing opportunities and issued a Request for Qualifications to solicit proposals from cellular service providers (Providers) for the installation, operation and maintenance of cellular telecommunication equipment on non-leased tideland areas; and

WHEREAS, the non-leased tideland areas located on Harbor Drive, Shelter Island, Spanish Landing and Embarcadero Marina Park South, are not in conflict with tenant leaseholds; and

WHEREAS, at its September 7, 2010 meeting the BPC adopted two ordinances granting four long-term Tideland Use and Occupancy Permits (TUOPs), each with a cumulative total term of 20 years, to New Cingular Wireless PCS, a Delaware limited liability company dba AT&T and Sprint PCS Assets, a Delaware limited liability company for telecommunication sites located on Harbor Drive, Shelter Island, Spanish Landing and Embarcadero Marina Park South. The cumulative initial capital investments by these Providers was approximately \$157,000 annually; and

WHEREAS, staff has negotiated two additional 10-year TUOPs with two 5-year options with Verizon Wireless, LLC a Delaware limited liability company dba Verizon Wireless (Verizon) for telecommunication sites located on Harbor Drive and Shelter Island.

NOW, THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. That the two 10-year Tideland Use and Occupancy Permits with two 5-year options for Telecommunication Sites between the San Diego Unified Port District and Verizon Wireless, LLC a Delaware limited liability company on file in the Office of the District Clerk located on Harbor Drive and Shelter Island to be used only and exclusively for the purpose of, with proper permits and approvals obtained, installing, constructing, modifying, maintaining, repairing, operating, and removing, all at Verizon's sole cost and expense, a wireless communication facility, which includes, but is not limited to, antenna structures, antenna equipment, cable wiring, utility lines, transmission lines, air-conditioned equipment shelters, back-up power sources (that may include back-up power generators with connected fuel storage tanks for emergency power), and related fixtures, as more particularly described therein, is hereby approved and granted.

Section 2. The Executive Director or his designated representative is hereby directed to execute the Tideland Use and Occupancy Permit for Telecommunication Sites with Verizon Wireless, LLC on behalf of the District.

Section 3. This ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

2710

AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 9th day of April, 2013, by the following vote:

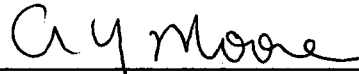
AYES: Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: None.

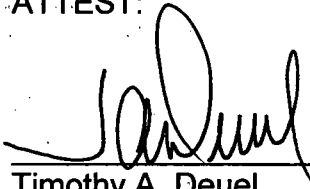
ABSENT: None.

ABSTAIN: Malcolm.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)