

RESOLUTION 2013-49

RESOLUTION CONSENTING TO CO-LOCATION AGREEMENTS BETWEEN NEW CINGULAR WIRELESS DBA AT&T AND VERIZON WIRELESS 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

WHEREAS, in May 2010, District staff identified new revenue-producing opportunities and issued an RFQ to solicit proposals from 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, LLC, a Delaware limited liability company dba AT&T and Sprint PCS Assets, LLC, 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 for equipment installations located adjacent to existing AT&T sites on Harbor Drive and Shelter Island; and

WHEREAS, in order for Verizon and AT&T to operate in close proximity, the sharing of equipment antenna space is necessary; and

WHEREAS, AT&T anticipates installing the antenna and entering into separate co-location agreements with Verizon in accordance with the terms of the existing BPC approved long-term TUOPs.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Board of Port Commissioners hereby consents to the co-location agreements between Verizon Wireless, LLC, dba Verizon Wireless and New Cingular Wireless, LLC dba AT&T for telecommunication sites located on Harbor Drive and Shelter Island for installation of cellular telecommunication equipment in accordance with the terms of the long-term Tideland Use and Occupancy Permits on file in the Office of the District Clerk.

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:

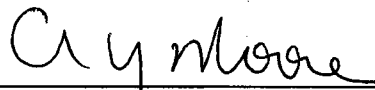
AYES: Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: None.

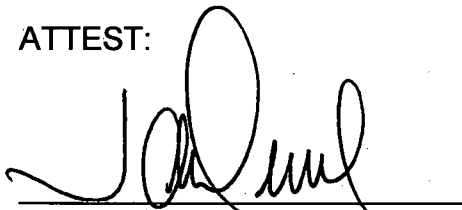
ABSENT: None.

ABSTAIN: Malcolm.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)