

RESOLUTION 2014-20

**RESOLUTION AUTHORIZING AMENDMENT NO. 1
TO TELECOMMUNICATIONS ANTENNA LICENSE
WITH IRVINE COMPANY EXTENDING THE TERM
FOR AN ADDITIONAL THREE YEARS TO JUNE 30,
2016 AND CONTINUING TO GRANT INDEMNITY
UNDER THE TELECOMMUNICATIONS ANTENNA
LICENSE WITH THE IRVINE COMPANY FOR ANY
CLAIM ARISING OUT OF THE USE, OPERATION,
MAINTENANCE AND REPAIR OF THIS
EQUIPMENT AND AGREEING TO JURY TRIAL
WAIVER IN FAVOR OF COURT APPOINTED
REFEREE**

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 30 of the Port Act grants authority to the District to operate facilities and equipment necessary for or incidental to the operation of the harbor; and

WHEREAS, Section 57 of the Port Act grants authority to the District to operate utilities that are necessary or convenient to the District's operation; and

WHEREAS, the District is requesting a renewal of the existing Telecommunications Antenna License with the Irvine Company for the District's communication relay station at One America Plaza building; and

WHEREAS, the Irvine Company has agreed to extend the term from three years to six years and agreed to the removal of one of the four antennas as well as the appropriate rent adjustment; and

WHEREAS, the proposed amendment requires Board of Port Commissioner (BPC) approval as the term exceeds five years; and

WHEREAS, as a condition of the agreement, the District must continue to indemnify the Irvine Company and agree to a jury trial waiver in favor of the court-appointed referee for dispute resolutions; and

WHEREAS, originally the District had four antennas located at One America Plaza with expenditures for the previous three-year period totaling \$142,344; and

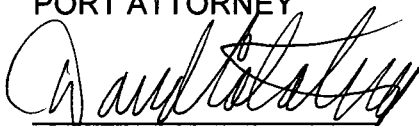
WHEREAS, as of October 1, 2013 one antenna has been removed leaving three remaining antennas; and

WHEREAS, the District will pay approximately \$41,691 for year one, subject to a 4% annual increase for years 2 and 3.

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

That the Executive Director or his designated representative is hereby authorized on behalf of the San Diego Unified Port District to authorize Amendment No. 1 to Telecommunications Antenna License with Irvine Company extending the term for an additional three years to June 30, 2016 and continuing to grant indemnity under the Telecommunications Antenna License with the Irvine Company for any claim arising out of the use, operation, maintenance and repair of this equipment and agreeing to jury trial waiver in favor of court appointed referee.

APPROVED AS TO FORM AND LEGALITY:
PORT ATTORNEY



By: Assistant/Deputy

2014-20

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of February, 2014, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama

NAYS: None.

EXCUSED: None.

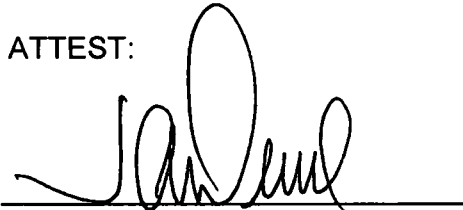
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)