

RESOLUTION 2015-123

RESOLUTION CONSENTING TO LICENSE AGREEMENT FROM LFN DEVELOPERS, LLC DBA LANE FIELD NORTH, LOCATED ON PACIFIC HIGHWAY NEAR THE CORNER OF PACIFIC HIGHWAY AND WEST BROADWAY IN THE CITY OF SAN DIEGO TO INSITE WIRELESS DEVELOPMENT, LLC, FOR A 10-YEAR TERM WITH THREE 5-YEAR OPTIONS TO EXTEND, FOR IMPROVED WIRELESS SERVICES IN THE HOTEL

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 1, (Port Act); and

WHEREAS, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, on April 28, 2014 the District entered into a lease with LFN Developers, LLC dba Lane Field North (LFN) for a 400-room dual branded Marriott Springhill Suites and Residence Inn development (Lane Field North Hotel) located on Pacific Highway in the City of San Diego and began construction of the Lane Field North Hotel project; and

WHEREAS, LFN is expected to complete the project by January 2016 and is working on identifying subtenants for the retail spaces and negotiating all of the ancillary agreements required to open for business; and

WHEREAS, the glass and concrete structure of the hotel reduces the effectiveness of outside cell signals from entering the building, which results in dropped calls and reduced levels of coverage; and

WHEREAS, Insite Wireless Development, LLC (Insite) is proposing to install equipment in the building to amplify existing cellphone carrier's signals for improved cellphone and data coverage for customers within the hotel building under a license agreement with LFN; and

WHEREAS, in return, Insite will charge the individual carriers for the service to get reimbursed for the cost of the equipment they are installing; and

WHEREAS, this proposed license agreement with Insite is for ten years and three (3) five-year options for a potential total of twenty-five (25) years and Board of Port Commissioners approval is required since the license exceeds five (5) years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District, hereby consents to the License Agreement between LFN Developers, LLC dba Lane Field North and Insite Wireless Development, LLC, for a ten (10) year term with three five (5) year options to extend, for a potential of twenty-five (25) years, for improved wireless services in the Lane Field North Hotel in the City of San Diego.

APPROVED AS TO FORM AND LEGALITY:

GENERAL COUNSEL



By: ~~Assistant~~/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 6th day of October, 2015, by the following vote:

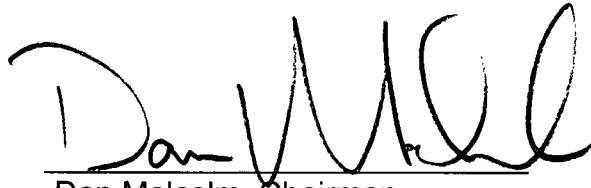
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

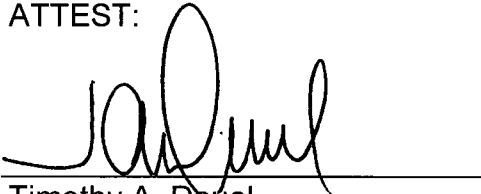
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

