

## RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION AUTHORIZING: A) THE PRESIDENT OF THE BOARD OF SUPERVISORS TO EXECUTE ON BEHALF OF THE COUNTY OF SAN MATEO THE COMMUNICATIONS SITE LEASE WITH THE CITY AND COUNTY OF SAN FRANCISCO, A MUNICIPAL CORPORATION, ACTING BY AND THROUGH ITS PUBLIC UTILITIES COMMISSION, FOR THE COUNTY'S LEASING OF APPROXIMATELY 40,000 SQUARE FEET OF CITY-OWNED PROPERTY LOCATED ON THE NORTH PEAK OF MONTARA MOUNTAIN (ASSESSOR'S PARCEL NUMBER 093-030-050), IN UNINCORPORATED SAN MATEO COUNTY; AND B) THE COUNTY MANAGER, OR HIS DESIGNEE, TO EXECUTE ON BEHALF OF THE COUNTY OF SAN MATEO THE COMMUNICATIONS SITE LICENSES ("LICENSE AGREEMENTS") IN A FORM SIMILAR TO EXHIBIT G-1 OF THE COMMUNICATIONS SITE LEASE WITH SUBLICENSEE USERS OF THE SITE FOR TERMS OF UP TO EIGHT (8) YEARS, AND SUBSEQUENT AMENDMENTS AND EXTENSIONS AS MAY BE REQUIRED FROM TIME TO TIME; AND TO EXECUTE ANY AND ALL NOTICES, CONSENTS, APPROVALS, AND DOCUMENTS IN CONNECTION WITH SUCH LICENSE AGREEMENTS**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that:

**WHEREAS**, the City and County of San Francisco ("City"), through the San Francisco Public Utilities Commission (SFPUC), issued a San Francisco Water Department Revocable Permit dated April 23, 1963 ("Permit") to the County of San Mateo, as permittee, to erect and maintain a radio communications antennae facility and appurtenant building on approximately 40,000 square feet of City-owned property located on the North Peak of Montara Mountain in unincorporated San Mateo County; and

**WHEREAS**, the County eventually erected two communication towers on the site which have become known as the East Tower and the West Tower; and

**WHEREAS**, in 2009, the United States of America, acting by and through a duly authorized official of the Department of the Interior, National Park Service

("NPS"), Golden Gate National Recreation Area ("GGNRA") (referred to in the Lease as the "Government") constructed and maintains at Government's cost and expense a new radio communication tower replacing one of the County's prior towers with a new 80-foot antennae tower; and

**WHEREAS**, this new 80-foot tower is jointly operated by the County and GGNRA and is referred to as the West Tower; and

**WHEREAS**, the County also operates its own 40-foot tower on the site called the East Tower; and

**WHEREAS**, Montara Peak hosts the north county's most important Land Mobile Radio emergency communications site, providing radio communications support for several public agencies, and is a hub microwave communications that links coastside emergency communications with the bayside portion of the Microwave system; and

**WHEREAS**, City and County desire to replace the existing Permit issued in 1963 with this Lease (the "Master Lease") to provide more comprehensive terms and conditions to reflect the current use of the site; and

**WHEREAS**, there are currently nine (9) sublicensee users of the site, a group comprised of a variety of local and state public agencies; and

**WHEREAS**, after execution of the subject Master Lease with the SFPUC by the County, the SFPUC requires the County to replace the existing agreements with the sub-users of the site with new Communications Site License agreements ("License Agreements") with all nine sub-users; and

**WHEREAS**, the Master Lease requires the County to enter into such License Agreements with all nine sub-users within six (6) months of the date of the execution of the Master Lease; and

**WHEREAS**, in order to allow the County to expeditiously execute License

Agreements with all nine (9) sub-users of the site within six (6) months of the execution of the Master Lease with the SFPUC, this Board Resolution authorizes the County Manager to execute on behalf of the County such License Agreements for terms of up to eight (8) years; and

**WHEREAS**, this Board has been presented with the Master Lease and has examined and approved the Master Lease for execution.

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:**

That the President of the Board of Supervisors be, and is hereby, authorized and directed to execute said Communications Site Lease, for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President's signatures thereto.

**IT IS FURTHER DETERMINED AND ORDERED** that the County Manager or his designee is hereby authorized to execute on behalf of the County License Agreements with sublicensee users of the site for terms of up to eight (8) years, and subsequent amendments and extensions as may be required from time to time; and to execute any and all notices, consents, approvals, and documents in connection with such License Agreements as needed to comply with the intent of this Resolution and the Master Lease.

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