

RESOLUTION NO. 070283

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

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**RESOLUTION AUTHORIZING AND DIRECTING THE PRESIDENT OF THE BOARD OF SUPERVISORS TO EXECUTE A PERMIT AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, FOR THE OPERATION OF A WIRELESS COMMUNICATION FACILITY AT THE TOWER ROAD COMMUNICATION FACILITY IN SAN MATEO, AT AN INITIAL MONTHLY RATE OF \$4,100, FOR A TERM OF FIVE YEARS WITH ONE OPTION TO EXTEND FOR AN ADDITIONAL FIVE YEARS, AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE NOTICES, OPTIONS AND DOCUMENTS ASSOCIATED WITH THE AGREEMENT INCLUDING, BUT NOT LIMITED TO, EXTENSION OR TERMINATION OF THE AGREEMENT UNDER THE TERMS SET FORTH THEREIN.
(PERMIT NO.5193)**

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

WHEREAS, on August 25, 1992, the County of San Mateo and Bay Area Cellular Telephone Company ("BACTC"), as authorized by Resolution No. 56433, entered into a Permit Agreement for the installation, construction and operation of a communication facility at the County's Tower Road Communication Facility site in San Mateo, California; and

WHEREAS, on April 25, 1995, the parties, as authorized by Resolution No. 59276, entered into the First Amendment to Permit Agreement, which Amendment authorized the installation of additional equipment at the facility with a corresponding increase in rent, and on March 9, 1999, the parties, as authorized by Resolution No. 62612, entered into the Second Amendment to Permit Agreement, which Amendment extended the term and increased the base rent, and in 2001, BACTC was acquired by New Cingular Wireless PCS, LLC ("Cingular"); and

WHEREAS, the Permit Agreement expired in 2007, and Cingular has continued operating the facility on a month-to-month basis in accordance with the holdover provision of the Permit, and

070283

WHEREAS, the County and Cingular wish to enter into a new long-term agreement for the facility, and

WHEREAS, there has been presented to this Board of Supervisors for its consideration and acceptance a Permit Agreement, reference to which is hereby made for further particulars, whereby the County of San Mateo shall authorize Cingular to operate a wireless communication facility at the Tower Road Communication Facility in San Mateo, at an initial monthly rent of \$4,100, for a term of five years with one option to extend for an additional five years, in accordance with the terms and conditions contained in said Agreement, and

WHEREAS, this Board has been presented with such Permit Agreement and has examined and approved same as to both form and content and desires to enter into same.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the President of this Board of Supervisors be, and is hereby, authorized and directed to execute such Permit Agreement for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President's signature thereto; and

IT IS FURTHER DETERMINED AND ORDERED that the County Manager or his designee is hereby authorized to accept or execute on behalf of the County, any and all notices, options and documents associated with the Agreement including, but not limited to, extension or termination of the Agreement under the terms set forth therein.

* * * * *

Regularly passed and adopted this 14th day of July, 2009.

AYES and in favor of said resolution:

Supervisors:

MARK CHURCH

CAROLE GROOM

RICHARD S. GORDON

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

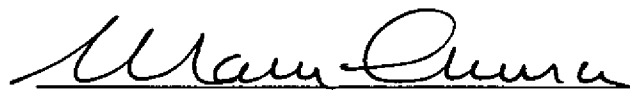
NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

NONE



*President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



*Marie L. Peterson, Deputy
Clerk of the Board of Supervisors*

070283