

TEMPORARY ACCESS PERMIT

ISSUANCE OF THIS PERMIT IS SUBJECT TO THE ATTACHED CONDITIONS

Name of Property: City owned parcels formally identified as APN 922-210-057, 922-210-059, and 922-210-060, (Property) adjacent to the Santa Margarita River Ecological Reserves (SMRER) owned by the California Department of Fish and Wildlife and the Santa Margarita Ecological Reserve (SMER) owned by San Diego State University.

Name of Applicants: San Diego State University (“SDSU”) and San Diego State University Foundation, a California non-profit corporation doing business as San Diego State University Research Foundation (“SDSURF”) and the California Department of Fish and Wildlife (CDFW)

Applicant Contact: David Lipson, Ph. D., Director, Field Stations Program and SDSURF

Address: 5250 Campanile Drive, 4th Floor, San Diego, CA, 92182-1999, Attention SDSURF Facilities Planning and Management: Senior Planner

Telephone & Email: (619) 594-5761 and sdsurffacilities@sdsu.edu

Purpose of Access: Access across City owned Property to landlocked real property owned or administered by SDSURF in the Santa Margarita Ecological Reserve. Additional access across California Department of Fish and Wildlife (“CDFW”) lands known as Santa Margarita River Ecological Reserve (“SMRER”) is also granted via a separate temporary access permit, executed on October 22, 2022. The Santa Margarita Ecological Reserve is managed for the purpose of education and research on natural ecosystems. Purpose of the access across the Property is limited to existing uses of the Santa Margarita Ecological Reserve including research, education, land management and maintenance, repair and/or maintenance of existing telecommunications equipment.

Description of Access: Access shall be limited to the established path of travel commencing near the northwesterly end of the Property near the existing terminus of Temecula Parkway, generally in the north-south direction to the southerly property line separating the Property and APN 918-070-017 (Access).

Number of visits per year: Unlimited for the purpose of research, education, land management, and repair and/or maintenance of existing telecommunications equipment.

Date of Permit: November 1, 2020 to October 31, 2027

Durations of Visits: Daylight hours except for emergency or for reserve staff specifically designated to patrol the site.

A. The City grants to SDSU, SDSURF, and CDFW its officers, employees, agents, federal agency partners, contractors, users, and lessees, a temporary permit to enter and pass over and across the Property using the Access.

B. The Applicants agrees to indemnify and hold harmless, the City for any and all claims, lawsuits, or any type of action whatsoever, including but not limited to, those for personal injury or property damage that may arise by the Applicant's actions or inactions while the Applicants, their officers, employees, agents, contractors, users, or lessees are exercising the right conferred by this Permit. This section shall survive the termination of the temporary access permit, no more than three (3) years after its termination.

C. The Santa Margarita River corridor is unique as it is one of the last remaining coastal streams in relatively pristine condition in Southern California. The Reserve represents a strategic linkage in the protection of the river corridor. The Reserve traverses the coastal mountains and is characterized by coastal sage scrub and chaparral on the slopes and riparian vegetation in the canyon bottom. The Temecula Creek/Santa Margarita River corridors encompassing both riparian and coastal sage scrub communities provides habitat for a diverse assemblage of wildlife, including critical habitat for several rare, endangered and sensitive species. Of additional significance is that this portion of the creek is the only passable under crossing of Interstate 15 and as such serves as a vital wildlife corridor for mountain lion and deer migration from the Southern Santa Ana Mountains to the southeast.

D. CONDITIONS:

1. Nothing in this permit authorizes the Applicants to trespass on any land or property, nor does it relieve the Applicants of the responsibility of compliance with applicable federal, state or local laws or ordinances.

2. The City reserves the right to suspend, modify, and/or revoke this permit if the conditions affecting the City's intended use of the Property change, or if the City determines that the access activities have resulted in or could result in an adverse effect on the environment or interrupt the City's ability to implement any project the City proposes to develop on the Property.

3. The Applicants shall comply with the following additional conditions:

- a. No changes, re-routing or maintenance the Access shall be done without the City's written consent. Contact for approval shall be the Director of Public Works at 951-694-6411.
 - b. No vegetation shall be removed or damaged. Vehicles must stay on the Access at all times.
 - c. Speed limits shall not exceed 5 miles per hour.
 - d. A sign-in box shall be installed at an appropriate location and access use reported to the City upon request.
4. Applicants shall not assign its interest in this temporary access permit to any person or entity without first obtaining the City's written consent.
5. Applicants and Lessees hereby acknowledge that they do not have any prescriptive rights in the Property.

CITY OF TEMECULA

By: _____
Aaron Adams – City Manager

Date: _____

Approved as to form:

By: _____
Peter M. Thorson – City Attorney

Date: _____

Attest:

By: _____
Randi Johl – City Clerk

Date: _____

CONCURRENCE:

In witness of this Agreement, the undersigned agree to abide by the conditions of this permit and the Rules and Regulations of the City.

SAN DIEGO STATE UNIVERSITY

By: _____ Date: _____
Tamara Ford, Director of Contract
And Procurement Management

SAN DIEGO STATE UNIVERSITY FOUNDATION, a California non-profit corporation doing business as San Diego State University Research Foundation

By: _____ Date: _____
Eric Elson, Director
Facilities Planning & Management

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

By: _____ Date: _____
Richard Kim
Senior Environmental Scientist

Participating SDSURF Lessees on this permit:

Accel Wireless

By: _____ Date: _____
Martin Moreno
Owner

Educational Media Foundation, a California non-profit religious corporation

By: _____ Date: _____
Sam Wallington
VP of Operations & Engineering

Los Angeles SMSA Limited Partnership, a California limited partnership dba Verizon Wireless; By: AirTouch Cellular Inc., its General Partner

By: _____ Date: _____
Andres Matzkin
Sr Manager – RE/Regulatory