

**FIRST AMENDMENT TO
FUNDING AND REIMBURSEMENT AGREEMENT
BY AND BETWEEN
THE CITY OF SAN JOSE,
AND
T-MOBILE WEST LLC,
FOR PERMITTING AND PROCESS IMPROVEMENT COSTS
RELATED TO THE PERMITTING OF WIRELESS FACILITIES**

This FIRST AMENDMENT (“FIRST AMENDMENT”) TO THE FUNDING AND REIMBURSEMENT AGREEMENT (“AGREEMENT”) by and between the CITY OF SAN JOSE, a municipal corporation of the State of California (“CITY”), and T-Mobile West LLC, a Delaware limited liability company (“COMPANY”) (collectively the “PARTIES”) is effective as of the date of the last of the parties to execute this Agreement (the “EFFECTIVE DATE”).

RECITALS

WHEREAS, COMPANY still intends to upgrade and expand macro site wireless network facilities throughout the city of San José; and

WHEREAS, COMPANY still intends to place certain macro sites on CITY owned assets, subject to receiving required permits and approval from CITY;

WHEREAS, COMPANY and CITY entered into the AGREEMENT on December 2, 2020 for the purpose of COMPANY depositing with CITY certain funds that CITY may draw upon when processing COMPANY’S permit applications; and

WHEREAS, COMPANY and CITY now desire to extend the term of the AGREEMENT as detailed below.

NOW, THEREFORE, subject to the terms, provisions and conditions hereinafter set forth, the PARTIES hereto agree as follows:

1. Pursuant to Section 2.2 of the AGREEMENT, the PARTIES agree to extend the term of this AGREEMENT for six (6) months for a total of twenty-four (24) months duration. The EXPIRATION DATE of the AGREEMENT shall be 11:59 p.m. on December 1, 2022.
2. All the terms and conditions of the AGREEMENT not specifically modified by this FIRST AMENDMENT shall remain in full force and effect.
3. Use of Electronic Signatures: Unless otherwise prohibited by law or CITY policy, the parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term “electronic copy of a signed contract” refers to a writing as set forth in Evidence Code Section 1550. The term “electronically signed contract” means a contract that is executed by applying an electronic signature using technology approved by the CITY.

APPROVED AS TO FORM:

Attorney
Diana Yuan



Email: diana.yuan@sanjoseca.gov
Date: 08/01/2022 GMT
Diana Yuan
Deputy City Attorney

CITY OF SAN JOSE, a municipal
corporation

Sarah Zarate

Email: sarah.zarate@sanjoseca.gov
Date: 08/01/2022 GMT

Sarah Zarate

Director, City Manager's Office

APPROVED AS TO FORM:

K Crist

Email: karen.crist@t-mobile.com
Date: 07/29/2022 GMT

Karen Crist
Managing Corporate
Counsel T-Mobile Legal
Affairs

T-MOBILE WEST LLC, a Delaware
limited liability company

darryl.hawkins@t-mobile.com

Email: darryl.hawkins@t-mobile.com
Date: 07/29/2022 GMT

Darryl Hawkins

Sr. Vice President, Engineering &
Operations



TMO Signatory Level: L03

