

1 GRANTING REVOCABLE PERMISSION TO THE ASIAN ART MUSEUM OF SAN
2 FRANCISCO TO TEMPORARILY CLOSE AND OCCUPY THE SIDEWALK, PARKING
3 LANE, AND A PORTION OF THE STREET AREA ON THE SOUTH SIDE OF
4 MCALLISTER STREET; THE SIDEWALK, PARKING LANE, AND A PORTION OF THE
5 STREET AREA ON THE NORTH SIDE OF FULTON STREET; THE SIDEWALK AND THE
6 PARKING LANE ON THE WEST SIDE OF HYDE STREET; AND A PORTION OF THE
7 SIDEWALK ON THE EAST SIDE OF LARKIN STREET DURING CONSTRUCTION
8 OPERATIONS AT THE NEW ASIAN ART MUSEUM AT 200 LARKIN STREET (BLOCK
9 353, LOT 1).

10
11 RESOLVED, That pursuant to Public Works Code Section 724, 724.7, and 724.8,
12 permission revocable at the will of the Board of Supervisors, is hereby granted to The Asian Art
13 Museum of San Francisco to temporarily close and occupy the sidewalk, parking lane, and a
14 portion of the street area on the south side of McAllister Street; the sidewalk, parking lane, and a
15 portion of the street area on the north side of Fulton Street; the sidewalk and the parking lane on
16 the west side of Hyde Street; and a portion of the sidewalk on the east side of Larkin Street during
17 construction operations at the aforementioned project.

18 PROVIDED, That The Permittee shall provide flagpersons as necessary and shall place
19 and maintain reflectors and/or flasher lights at each end of construction barricades; shall provide
20 "SIDEWALK CLOSED, USE OTHER SIDE OF STREET" and "TOW-AWAY-NO STOPPING
21 ANYTIME" signs; and shall provide all other necessary requirements; i.e., additional signs,
22 equipment, etc. to control pedestrian and vehicular traffic, all to the requirements of the
23 Department of Public Works and the Department of Parking and Traffic;

24 FURTHER PROVIDED, That permission for said occupancy is granted for the duration
25 of this project, retroactive to June 7, 1999, and is scheduled to be completed in July 2002.

1 FURTHER PROVIDED, That in consideration of this Permit being issued for the work
2 described in the application, the Permittee on its behalf and that of any successor or assign, and
3 on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply
4 with all applicable laws, ordinances and regulations.

5 FURTHER PROVIDED, That the Permittee agrees on its behalf and that of any
6 successor or assign to hold harmless, defend, and indemnify the City and County of San
7 Francisco, including, without limitation, each of its commissions, departments, officers, agents
8 and employees (hereinafter collectively referred to as the "City") from and against any and all
9 losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or
10 judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any
11 kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, the
12 Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in
13 the performance of the work authorized by this Permit, or while in or about the property subject
14 to this Permit for any reason connected in any way whatsoever with the performance of the work
15 authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or
16 installation of any equipment, facilities or structures authorized under this Permit, (ii) any
17 accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either
18 of them, while engaged in the performance of the work authorized by this Permit, or while in or
19 about the property, for any reason connected with the performance of the work authorized by this
20 Permit, or arising from liens or claims for services rendered or labor or materials furnished in or
21 for the performance of the work authorized by this Permit, (iii) injuries or damages to real or
22 personal property, goodwill, and persons in, upon or in any way allegedly connected with the
23 work authorized by this Permit from any cause or claims arising at any time, and (iv) any release
24 or discharge, or threatened release or discharge, of any hazardous material caused or allowed by
25 Permittee in, under, on, or about the property subject to this Permit or into the environment. As

1 used herein, "hazardous material" means any substance, waste or material which, because of its,
2 quantity, concentration of physical or chemical characteristics is deemed by any federal, state or
3 local governmental authority to pose a present or potential hazard to human health or safety or to
4 the environment.

5 FURTHER PROVIDED, That the Permittee must hold harmless, indemnify and defend
6 the City regardless of the alleged negligence of the City or any other party, except only for claims
7 resulting directly from the sole negligence or willful misconduct of the City. The Permittee
8 specifically acknowledges and agrees that it has an immediate and independent obligation to
9 defend the City from any claim which actually or potentially falls within this indemnity
10 provision, even if the allegations are or may be groundless, false or fraudulent, which obligation
11 arises at the time such claim is tendered to Permittee by the City and continues at all times
12 thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall
13 survive expiration of the Permit or completion of work.

14 FURTHER PROVIDED, That the Permittee shall obtain and maintain through the terms
15 of this Permit general liability, automobile liability or workers' compensation insurance as the
16 City deems necessary to protect the City against claims for damages for personal injury,
17 accidental death and property damage allegedly arising from any work done under this Permit.
18 Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance,
19 in form and with insurers satisfactory to the City, evidencing all coverages above shall be
20 furnished to the City before commencing any operations under this Permit, with complete copies
21 of policies furnished promptly upon City request.

22 FURTHER PROVIDED, That no structure shall be erected or constructed in said rights-
23 of-way except as specifically permitted herein;

24 FURTHER PROVIDED, That the Permittee shall pay a non-refundable fee of \$250,000
25 for the duration of said occupancy;

1 FURTHER PROVIDED, That the Permittee shall, upon completion of all construction
2 operations or upon determination by the Director of Public Works that said street occupancy is no
3 longer required, restore the street areas to the satisfaction of the Department of Public Works and
4 reopen the areas to public use;

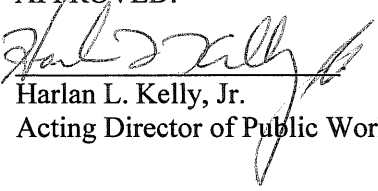
5 FURTHER PROVIDED, That this permission shall expire upon completion of said
6 construction operations or upon determination by the Director of Public Works that said street
7 occupancy is no longer required.

8 FURTHER PROVIDED, That the Permittee shall procure the necessary permits from the
9 Central Permit Bureau and/or the Bureau of Street-Use and Mapping, Department of Public
10 Works and pay the necessary permit and inspection fees prior to occupying said area.

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12
13 RECOMMENDED:

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15 Kathy How
16 Acting Deputy Director for Engineering
17 and City Engineer

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19
20 APPROVED:

21 
22 Harlan L. Kelly, Jr.
23 Acting Director of Public Works
24
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 001794

Date Passed:

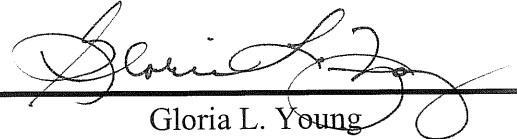
Resolution granting revocable permission to the Asian Art Museum of San Francisco to temporarily close and occupy the sidewalk, parking lane, and a portion of the street area on the south side of McAllister Street; the sidewalk, parking lane, and a portion of the street area on the north side of Fulton Street; the sidewalk and the parking lane on the west side of Hyde Street; and a portion of the sidewalk on the east side of Larkin Street during construction operations at the new Asian Art Museum at 200 Larkin Street (Block 353, Lot 1).

November 20, 2000 Board of Supervisors — ADOPTED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 001794

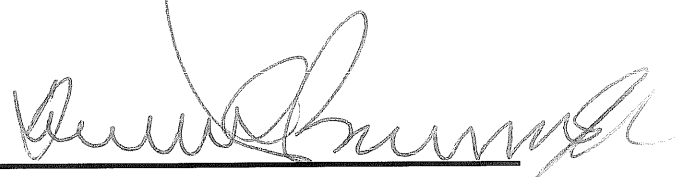
I hereby certify that the foregoing Resolution was **ADOPTED** on November 20, 2000 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

NOV 30 2000

Date Approved



Mayor Willie L. Brown Jr.