Resolution granting revocable permission to UMB Corporation to temporarily close and occupy a portion of the sidewalk and roadway areas on the northerly side of Brannan Street, westerly of 4th Street, during construction operations at 530-542 Brannan Street (Assessor’s Block 3777, Lot 038).

WHEREAS, pursuant to Public Works Code Section 724, 724.7 and 724.8, permission was requested by UMB Corporation to temporarily close and occupy a portion of the sidewalk and roadway areas on the northerly side of Brannan Street, westerly of 4th Street; and,

WHEREAS, The Permittee shall provide a 5 ft. wide walkway for pedestrian access at all times; and,

WHEREAS, The Permittee shall provide and maintain a minimum 12 ft. clear lane for traffic and emergency vehicles at all times; and,

WHEREAS, The Permittee shall open the second westbound lane whenever there is no construction activity in it; and,

WHEREAS, Said permission to occupy the subject portion of Brannan Street is granted for one (1) year from date of occupancy starting on January 01, 2002; and,
WHEREAS, The Permittee shall provide a flag person at the easterly end of the subject site at all times during active work hours to assist pedestrians crossing Brannan Street; shall place and maintain reflectors and/or flasher lights at each end of construction barricades; shall provide and post “ROAD CONSTRUCTION AHEAD” and “RIGHT LANE CLOSED AHEAD” signs at both ends of the block and at both ends of the subject construction site on Brannan Street, and shall provide all other necessary requirements; i.e. additional signs, equipment, etc. to control pedestrian and vehicular traffic, all to the requirements of the department of Public Works (DPW) and the Department of Parking & Traffic (DPT); and,

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

WHEREAS, The permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents, and employees (hereafter collectively referred to as the “City”) from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgements including without limitation, attorneys’ fees and costs (collectively, “claims”) of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, the Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit or allegedly resulting directly or indirectly from the

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maintenance or installation of any equipment, facilities or structures authorized under this
Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or
employee of either of them, while engaged in the performance of the work authorized by this
Permit, or while in or about the property, for any reason connected with the performance of
the work authorized by this Permit, or arising from liens or claims for services rendered or
labor or materials furnished in or for the performance of the work authorized by this Permit,
(iii) injuries or damages to real or personal property, goodwill, and persons in, upon or in any
way allegedly connected with the work authorized by this Permit from any cause or claims
arising at this time, and (iv) any release or discharge, or threatened release or discharge, of
any hazardous material caused or allowed by Permittee in, under, on, or about the property
subject to this Permit or into the environment. As used herein, “hazardous material” means
any substance, waste or material which, because of its quantity, concentration of physical or
chemical characteristic is deemed by any federal, state or local governmental authority to
pose a present or potential hazard to human health or safety or to the environment; and,

WHEREAS, The Permittee must hold harmless, indemnify and defend the City
regardless of the alleged negligence of the City or any other party, except on for claims
resulting directly from the sole negligence or willful misconduct of the City. The Permittee
specifically acknowledges and agrees that it has an immediate and independent obligation to
defend the City from any claims which actually or potentially falls within this indemnify
provision, even if the allegations are or may by groundless, false or fraudulent, which
obligation arises at the time such claim is tendered to Permittee by the City and continues all
times thereafter. Permittee agrees that the indemnification obligations assumes under this
Permit shall survive expiration of the Permit or completion of work; and,
WHEREAS, The Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or worker's compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverage above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request; and,

WHEREAS, No structure shall be erected or constructed on said sidewalk or roadway areas, except as specifically permitted herein; and,

WHEREAS, The Permittee shall pay a non-refundable fee of $16,500 for the one-year duration of said occupancy; and,

WHEREAS, The Permittee shall, upon completion of all construction operations or upon determination by the Director of Public Works that said sidewalk and street occupancy is no longer required, restore the street areas to the satisfaction of the Department of Public Works and reopen the area to public use; and,

WHEREAS, This permission shall expire upon completion of said construction operations or upon determination by the Director of Public Works that said street occupancy is no longer required; and,

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WHEREAS, That the Permittee shall procure the necessary permits from the Central Permit Bureau, Department of Building Inspection and/or the Bureau of Street-Use and Mapping, Department of Public Works and pay the necessary permit and inspection fees prior to occupying said area; now, therefore, be it

RESOLVED, That pursuant to Public Works Code Section 724, 724.7 and 724.8, permission revocable at the will of the Board of Supervisors, is hereby granted to UMB Corporation to temporarily close and occupy a portion of the sidewalk and roadway areas on the northerly side of Brannan Street, westerly of 4th Street, during construction operations at the aforementioned location.

RECOMMENDED:  

Harlan L. Kelly, Jr.  
Deputy Director for Engineering  
and City Engineer

APPROVED:  

Edwin M. Lee  
Director of Public Works

**Department of Public Works**  
BOARD OF SUPERVISORS
Resolution granting revocable permission to UMB Corporation to temporarily close and occupy a portion of the sidewalk and roadway areas on the northerly side of Brannan Street, westerly of 4th Street, during construction operations at 530-542 Brannan Street (Assessor's Block 3777, Lot 038).

March 25, 2002 Board of Supervisors — ADOPTED
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

File No. 020146

I hereby certify that the foregoing Resolution was ADOPTED on March 25, 2002 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.