

1 [Gift from Cypress Lawn Funeral Home.]

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3 **Resolution accepting Cypress Lawn Funeral Home's gift of goods and services to re-**
4 **inter remains from the Yerba Buena Cemetery and agreeing to indemnify Cypress Lawn**
5 **Funeral Home for any legal action resulting from and attributable to the provision of**
6 **such goods and services.**

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8 WHEREAS, Remains consisting entirely of bone fragments were unearthed from the
9 old Yerba Buena Cemetery; and,

10 WHEREAS, The Medical Examiner's Anthropologist analyzed the remains for purposes
11 of identification; and,

12 WHEREAS, No identification of the remains has been possible due to the loss of City
13 records in the 1906 earthquake; and,

14 WHEREAS, Cypress Lawn Funeral Home has offered to provide goods and services to
15 re-inter the remains at Cypress Lawn Cemetery in three plots marked by a full ledger bronze
16 marker; and,

17 WHEREAS, The value of the goods and services offered exceeds an estimated cost of
18 \$55,530.00 if the City were to re-inter the remains; and,

19 WHEREAS, Cypress Lawn Funeral Home has requested that the City indemnify,
20 defend and hold Cypress Lawn Funeral Home harmless in exchange for the gift of goods and
21 services for any claim arising from the dis-interment, removal, transportation and re-interment
22 of such remains, including any claim related to the commingling of such remains, but
23 excluding claims of gross negligence or willful misconduct by Cypress Lawn; and now,
24 therefore, be it

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1 RESOLVED, That the City through its Medical Examiner is authorized to accept the gift
2 of goods and services offered by Cypress Lawn Funeral Home to re-inter remains found in the
3 old Yerba Buena Cemetery; and, be it

4 FURTHER RESOLVED, That the City is authorized to indemnify defend and hold
5 Cypress Lawn Funeral Home harmless from any claims other than gross negligence or willful
6 misconduct made as a result of Cypress Lawn Funeral Home's re-interment of the remains
7 from the old Yerba Buena Cemetery.

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