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[Acceptance of Easement Deed]

Resolution authorizing the Director of Property to accept an easement deed over private property for accessible access to the Peace Plaza in Japantown.

Whereas, The Recreation and Park Department desires to acquire an easement over an adjoining owner's property in order to provide for an accessible entrance from Geary Blvd to the Japantown Peace Plaza and the Recreation and Park Commission by Resolution 0004-061 recommends such acquisition and City Planning Department reported in its letter dated April 28, 2000 (copy of which is on file with the clerk of the Board) that the acquisition of the easement is in conformity with the General Plan and consistent with the Eight Priority Policies of the Planning Code Section 101.1, now, therefore, be it

RESOLVED, In accordance with the recommendation of the General Manager of Recreation and Park Department, that on behalf of the City and County of San Francisco, the Director of Property is hereby authorized to accept an easement deed (a copy of which is on file with the Clerk of the Board) at no cost to the City, other than for prudent ALTA Title Insurance and escrow fees (not to exceed \$8000), from an adjoining private property owner to provide access to City property over and through private property commonly known as Assessor's Block 700, Lot 27; and, be it

FURTHER RESOLVED, That the Board of Supervisors adopts as its own and

(Real Estate)

Supervisor Newsom

1 incorporates by reference herein, as though fully set forth the findings made by City
2 Planning Department reported in its letter dated April 28, 2000 that the acquisition of the
3 easement is in conformity with the General Plan and consistent with the Eight Priority
4 Policies of the Planning Code Section 101.1 and, be it

5 FURTHER RESOLVED, That the easement deed may include an appropriate clause
6 (in a form approved by the Director of Property and the City Attorney), indemnifying and
7 holding harmless the private property owner from and agreeing to defend the private
8 property owner against any and all claims, costs and expenses, including, without limitation,
9 reasonable attorney's fees, incurred as a result of City's use of the easement area, any
10 default by the City in the performance of any of its obligations under the easement deed, or
11 any acts or omissions of City or its agents, in, on or about the easement area, excluding
12 those claims, costs and expenses incurred as a result of the active negligence or willful
13 misconduct of the private property owner or its agents; and be it
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15
16 FURTHER RESOLVED, That all actions heretofore taken by the officers of the City
17 with respect to such easement deed are hereby approved, confirmed and ratified; and, be it

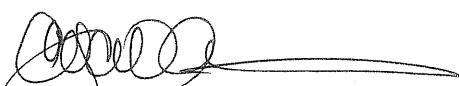
18 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
19 Property to enter into any amendments or modifications to the easement deed (including
20 without limitation, the exhibits) that the Director of Property determines, in consultation with
21 the City Attorney, are in the best interest of the City, do not otherwise materially increase the
22 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of
23 the easement or this resolution, and are in compliance with all applicable laws, including
24 (Real Estate)
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City's Charter.

FURTHER RESOLVED, That the City, upon acceptance and recordation of the
easement deed, hereby relieves the adjoining private owner of its obligation to maintain and
repair the access improvements to be constructed on the easement area.

RECOMMENDED:



General Manager, Recreation & Park Department



Director of Property

(Real Estate)



City and County of San Francisco

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

Tails
Resolution

File Number: 001996

Date Passed:

Resolution authorizing the Director of Property to accept an easement deed over private property for accessible access to the Peace Plaza in Japantown.


December 11, 2000 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki

Absent: 1 - Yee

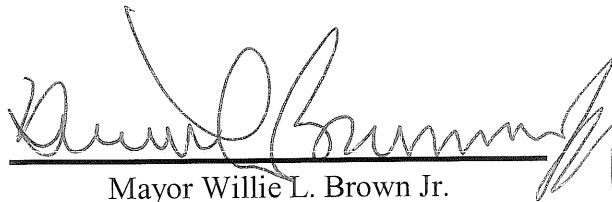
File No. 001996

I hereby certify that the foregoing Resolution was ADOPTED on December 11, 2000 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

DEC 22 2000

Date Approved


Mayor Willie L. Brown Jr.