

1 (Approval of Hold Harmless Agreement)

2 AUTHORIZING THE PORT OF SAN FRANCISCO TO HOLD MARUBA S.C.A. HARMLESS
3 FROM ALL CLAIMS ARISING FROM AN AGREEMENT WITH THE SAN FRANCISCO PORT
4 COMMISSION FOR USE OF MARINE TERMINAL FACILITIES AT PIER 80.

5 WHEREAS, Maruba s.c.a. desires to enter into Marine Terminal Agreement(s) with the Port
6 of San Francisco, for use of the Port's marine terminal facilities to move waterborne cargo through
7 the Port; and

8 WHEREAS, The Port desires to enter into the agreement with Maruba s.c.a. for use of the
9 Pier 80 marine terminal for regular service to and from Mexico, Central and South America.

10 WHEREAS, Said agreement requires the parties to enter into an amendment to include an
11 indemnity clause by Port and City in favor of Maruba s.c.a. upon the approval of the San Francisco
12 Board of Supervisors as provided below:

13 "Port and City agree to indemnify, defend and hold Carrier, its vessels, owners or agents
14 harmless from and against any and all losses, expenses, claims, actions, or liabilities to the extent the
15 same is caused by the negligence or willful misconduct of Port or City".
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17 WHEREAS, In Resolution 99-13, the San Francisco Port Commission authorized the
18 Executive Director to sign the Marine Terminal Agreement with Maruba s.c.a. pending approval of
19 the Board of Supervisors, a copy of Resolution 99-13 and the Marine Terminal agreements are on file
20 with the Clerk of the Board of Supervisors in File No. 990478 ; now, therefore be it
21

22 RESOLVED, That the San Francisco Board of Supervisors hereby authorizes the Port of San
23 Francisco to agree to hold Maruba s.c.a. harmless from all claims arising out of or connected with
24

1 the work performed under the agreements by the Port of San Francisco pursuant to the terms of the
2 Marine Terminal Agreement between Maruba s.c.a and the Port of San Francisco dated December 1,
3 1998.

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City and County of San Francisco

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

Tails

Resolution

File Number: 990478

Date Passed:

Resolution authorizing the Port of San Francisco to hold Maruba S.C.A. harmless from all claims arising from an agreement with the San Francisco Port Commission for use of marine terminal facilities at Pier 80.

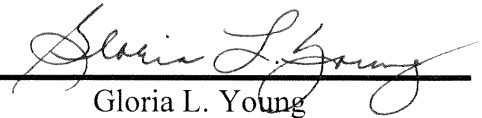
March 29, 1999 Board of Supervisors — ADOPTED

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

Absent: 1 - Brown

File No. 990478

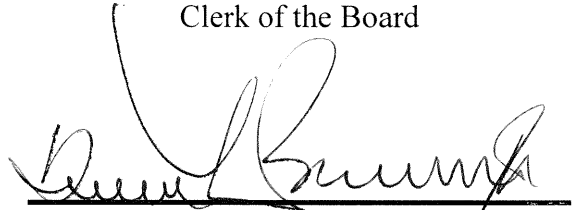
I hereby certify that the foregoing Resolution was ADOPTED on March 29, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

APR - 9 1999

Date Approved



Mayor Willie L. Brown Jr.