

1 [Landscape Maintenance Agreement - State Highway Right-of-Way within San Francisco]

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3 **Resolution approving a Landscape Maintenance Agreement with the State of California,**
4 **apportioning maintenance responsibilities for various locations within State Highway**
5 **right-of-way in San Francisco and authorizing the Director of Public Works to execute**
6 **said Agreement on behalf of the City.**

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8 WHEREAS, The State began the Adopt-A-Highway Program in 1989 to allow
9 individuals, organizations, businesses, and government agencies to help maintain and
10 beautify sections of roadside within California’s State Highway System; and

11 WHEREAS, The Department of Public Works has sponsored various community
12 groups to improve various landscape areas within State’s Highway right-of-way; and

13 WHEREAS, The State permitted the City and County of San Francisco (the “City”) to
14 install landscaping and related improvements within the State’s Highway right-of-way through
15 State-issued encroachment permits (Adopt-A-Highway program and/or standard permits); and

16 WHEREAS, Many of these State encroachment permits have expired; and

17 WHEREAS, The State and the Department of Public Works, acting on behalf of the
18 City, mutually desire to continue the City’s maintenance for such improvements constructed
19 pursuant to said encroachment permits within State Highway right-of-way; and

20 WHEREAS, The Director of Public Works issued DPW Order No. 183763, a copy of
21 which is on file with the Clerk of the Board of Supervisors in File No. 150716 and incorporated
22 herein by reference, recommending that the Board authorize the Director to enter into an
23 agreement with the State to maintain landscaping in the following areas:

<u>State Route</u>	<u>Description</u>
I-80	Off Ramp at Harrison & 8th Streets

- 1 I-280 Off Ramp at Brannan & 6th Streets
- 2 I-80 Dog Park at Bryant and Beale Streets
- 3 Hwy 101 Vermont Street Garden
- 4 Hwy 101 18th Street and San Bruno Avenue
- 5 Hwy 101 Fallen Bridge Mini park at 18th & Utah Streets
- 6 I-280 Progress Park near Indiana Street
- 7 I-280 Mission Terrace Bridge Garden
- 8 Hwy 101 25th & Kansas
- 9 I-280 18th Street and Pennsylvania Avenue
- 10 Hwy 101 McCoppin Hub Plaza; and,

11 WHEREAS, The intent of the Landscape Maintenance Agreement (the “Agreement”) is
12 to update and combine multiple locations under a single agreement to ensure the continued
13 maintenance of these improvements as identified in a single consolidated document pursuant
14 to the terms of various State encroachment permits. The abovementioned Agreement is on
15 file with the Clerk of the Board of Supervisors in File No. 150716 and incorporated herein by
16 reference; and

17 WHEREAS, The Agreement that is the subject of this Resolution, except as specifically
18 provided for herein, does not affect the terms of prior written agreements, which include, but
19 are not limited to, various agreements for maintenance of State Highways in the City; now,
20 therefore, be it

21 RESOLVED, That the Board of Supervisors approves the Landscape Maintenance
22 Agreement set forth in this Resolution and authorizes the Director of Public Works to execute
23 this Agreement with the State; and, be it

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1 FURTHER RESOLVED, That the Board of Supervisors authorizes the City to assume
2 the maintenance responsibilities over the landscaping Improvements that are mentioned in
3 the Agreement under section 2(B); and, be it

4 FURTHER RESOLVED, That the Board of Supervisors delegates to the Director of
5 Public Works the authority to administratively approve minor amendments to the Agreement
6 as contemplated under Section 2(E) of the Agreement; and, be it

7 FURTHER RESOLVED, That the Board hereby directs the Clerk to send four (4)
8 certified copies of this Resolution to the State in care of Alireza Rezaee, Branch Chief of
9 Maintenance Agreements and District Communications Center, Division of Maintenance,
10 MS 4A Department of Transportation, P.O. Box 23660, Oakland, CA 94623-0660; and, be it

11 FURTHER RESOLVED, That within thirty (30) days of the Agreement being fully
12 executed by all parties, the Department of Public Works shall provide the final Agreement to
13 the Clerk of the Board for inclusion into the official file.

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