

FILE NO. 98-1378

RESOLUTION NO. 749-98

1 [AUTHORIZING EMERGENCY RECONSTRUCTION OF THE RETAINING WALL AT
 2 CLAYTON STREET]
 3 FINDING AND DECLARING A PUBLIC EMERGENCY EXISTS AT CLAYTON STREET;
 4 AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS TO TAKE
 5 NECESSARY MEASURES IN THE MOST EXPEDITIOUS MANNER TO PROTECT THE
 6 PUBLIC SAFETY, HEALTH, WELFARE, AND PROPERTY OF THE CITIZENS OF SAN
 7 FRANCISCO FROM THE DANGEROUS CONDITION CREATED BY THE FAILURE OF THE
 8 RETAINING WALL AT CLAYTON STREET; AND, BECAUSE OF THIS EMERGENCY,
 9 AUTHORIZING THE DIRECTOR TO ENTER INTO AGREEMENTS OF INDEMNITY.

10
 11 WHEREAS, Extensive rains during the 1997-1998 rainy season
 12 caused the failure of a retaining wall at Clayton Street, between
 13 Twin Peaks Boulevard and Greystone Terrace
 14 ~~Corbett Avenue and Pemberton Place~~; and,

15 WHEREAS, The failure of the retaining wall has created a
 16 dangerous condition which threatens the public safety, health,
 17 welfare, and property of the citizens of San Francisco; and

18 WHEREAS, The Director of the Department of Pubic Works has
 19 determined that because of the approaching rainy season, the
 20 dangerous condition at Clayton Street is an emergency which requires
 21 the City to take immediate remedial action to reconstruct the
 22 retaining wall before the next rainy season; and

23 WHEREAS, The Director of the Department of Pubic Works has
 24 determined that the cost of an emergency reconstruction of the
 25 retaining wall is three hundred forty-seven thousand five hundred
 dollars (\$347,500); and

1 WHEREAS, The Director of the Department of the Public Works has
2 determined that it is at best extremely difficult to retain necessary
3 consultants and contractors to assist the City in this emergency
4 without an agreement of indemnity; now, therefore, be it


5 RESOLVED, That the Board of Supervisors finds and declares that
6 an emergency exists at Clayton Street, between Twin Peaks Boulevard
7 and Greystone Terrace, the emergency is due to the dangerous
8 condition resulting from the failure of the retaining wall and the
9 approaching rainy season, and that the emergency requires that prompt
10 remedial action be taken to safeguard the lives, safety and property
11 of the citizens of the City and County of San Francisco; and be it

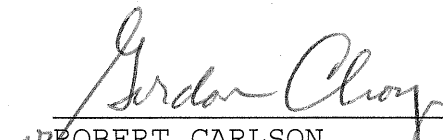
12 FURTHER RESOLVED, That the Director of the Department of Public
13 Works is hereby authorized to take all necessary emergency measures
14 in the most expeditious manner to protect the public safety, health,
15 welfare, and property of the citizens of the City and County of San
16 Francisco; and be it

17 FURTHER RESOLVED, That the Director of the Department of Public
18 Works be and is hereby authorized to enter into agreements to hire
19 necessary consultants and contractors, which agreements may contain
20 an indemnification provision indemnifying the consultants and
21 contractors from claims or other losses, except those caused by or
22 resulting from the gross negligence or intentional acts or omissions
23 of the consultants or contractors, their officers, agents, or
24 employees; and be it
25

1 FURTHER RESOLVED, That the Director of the Department of Public
2 Works is hereby authorized to use money from the Department of Public
3 Works Capital Improvement Project Funds, to perform the necessary
4 work which is expected to cost approximately three hundred forty-
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lb 5 seven thousand five hundred dollars (\$347,500); and, be it

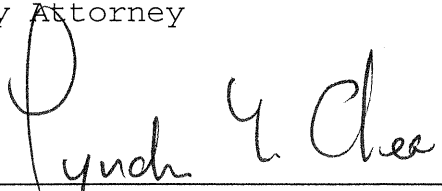
6 FURTHER RESOLVED, That the City Attorney and the Department of Public Works
7 are requested to seek to recover from the adjacent property owners, to the extent
/16/98
lb 8 possible, the property owner's fair share of the expenses required to restore the
9 retaining wall.

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12 
13 _____
14 MARK PRIMEAU
15 Director of the Department of
16 Public Works

17 
18 _____
19 ROBERT CARLSON
20 Deputy Director for Financial
21 Management and Administration

22 APPROVED AS TO FORM
23 AND RECOMMENDED:

24 LOUISE H. RENNE
25 City Attorney

26 
27 _____
28 LYNDON Y. CHEE
29 Deputy City Attorney

Adopted - Board of Supervisors, San Francisco September 22, 1998

Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina
Newsom Teng Yaki Yee

Absent: Supervisor Bierman

I hereby certify that the foregoing resolution
was adopted by the Board of Supervisors
of the City and County of San Francisco


Clerk

File No.
98-1378

SEP 25 1998

Date Approved


ACTING Mayor