

Irrevocable Offer of Dedication

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

City and County of San Francisco  
Director of Public Works  
City Hall, Room 348  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

IRREVOCABLE OFFER OF IMPROVEMENTS  
(Portion of 19<sup>th</sup> Street)

650 Indiana Street, LLC, a Delaware limited liability company, does hereby irrevocably offer to the City and County of San Francisco, a municipal corporation ("City"), and its successors and assigns, those certain public improvements on 19<sup>th</sup> Street and adjacent to Assessor's Lot 009 in Block 4041 more particularly described and depicted in Public Works Permit No. 14ME-0023 and as shown on site diagrams, attached as **Exhibits 1 and 2**, respectively, to this instrument.

With respect to this offer of improvements, it is understood and agreed that: (i) upon acceptance of this offer of public improvements, the City shall own and be responsible for public facilities and improvements, subject to the maintenance obligation of fronting property owners or other permittees pursuant to the Public Works Code, including, but not limited to, Public Works Code Sections 706 and 786, and (ii) the City and its successors and assigns shall incur no liability or obligation whatsoever hereunder with respect to such offer of public improvements, and shall not assume any responsibility for the offered improvements, unless and until such offer has been formally accepted by the Director of Public Works or the Board of Supervisors and subject to any exception that may be provided in a separate instrument, such as a permit under Public Works Code Section 786, or other local law.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties hereto.

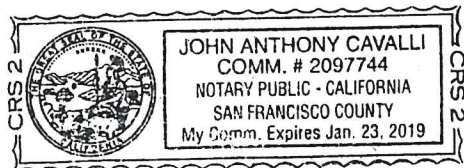
IN WITNESS WHEREOF, the undersigned has executed this instrument this 22<sup>nd</sup> day of January, 2019.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of San Francisco ss.  
On 22 JAN 19 before me, John Anthony Cavalli Notary Public,  
personally appeared Robert Davidson  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

650 Indiana Street, LLC  
a Delaware limited liability company.

By: [Signature]  
Name: Robert Davidson  
Title: VP - Development



Notary Statement

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me, and that the same is a true and correct copy of the original as the same appears to me.

Notary Public for the State of California

My Commission Expires on \_\_\_\_\_



# EXHIBIT 1

## Permit Information

City and County of San Francisco



(415) 554-5810  
FAX (415) 554-6161  
<http://www.sfdpw.org>

Department of Public Works  
Bureau of Street-Use and Mapping  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

## NOTICE TO PROCEED (At-Risk)

Date: September 27, 2016

This Notice to Proceed is to authorize the construction of various improvements within the public right-of-way as described in the Major Encroachment Permit tentatively approved plan at the sole risk of the developer in anticipation of approval by the San Francisco Board of Supervisors.

Contractor/Developer/ Owner: 650 Indiana Street LLC

Project Address: 660-680 Indiana Street

Permit No.: 14ME-0023

Description: Construction in the portion of the 19<sup>th</sup> Street public right-of-way west of Indiana Street to its dead end at the Caltrans right-of-way/Highway 280 with a public plaza comprised of: a concrete slab on the 19th Street right-of-way from Highway 280 east to the curb line of the new 6 foot bulb-out with 2 curb ramps along the western portion of the 19th and Indiana Street intersection; concrete bleachers abutting Highway 280; fixed and mobile planter boxes; storm drainage system (all piping, cleanouts, sand traps, and air vents) from within the plaza area to the connection to the City's sewer main in Indiana Street; landscaping; trees; a light post.

Dear Sir/Madam,

You are hereby authorized to proceed at your own risk with construction of the subject Major Encroachment Permit with the following conditions:

- All work shall be performed per all applicable national, state, and local safety standards.
- All excavation work shall be per applicable Public Works Codes and Orders (i.e. Article 2.4 Excavation in the Public Right-of-Way), and per Exhibit A attached.
- No excavation shall be performed prior to contacting Underground Service Alert (USA)
- Contact Public Works – Bureau of Street-Use & Mapping inspection a minimum of seventy-two (72) hours in advance of starting work, 415-554-7149.

As the developer/contractor/owner, you acknowledge and accept the fact that all work performed shall be at your own risk (At-Risk) until such time Public Works determines the following conditions have been completed:

- Major Encroachment Permit 14ME-0023 approved by the Board of Supervisors
- Sidewalk Legislation Q-20-857

As the developer/contractor/owner, you acknowledge and accept the following risks of performing the construction work prior to final approvals for the subject Major Encroachment Permit and accept full responsibility for the work and agree to the following:

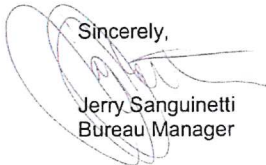
- 1) Developer/contractor/owner shall bear all costs for re-design and additional work required as a result of any changes or modifications made by Public Works to the Street Improvement plans. Costs may include but are not be limited to: administrative, design, and construction.
- 2) Developer/contractor/owner shall indemnify, hold harmless, and defend the City from any and all liability, financial responsibility, and claims as a result of any changes or modifications to the Street Improvement plans made by Public Works.
- 3) Developer/contractor/owner acknowledges that all work performed at-risk may be required to be altered or removed entirely per the approved Improvement plans.

Upon completion of the above conditions, the developer/contractor/owner shall submit to Public Works-Bureau of Street Use & Mapping documentation confirming completion. Documents must be sent to Plan Checker assigned to the project and copy the Inspector.

All work shall be performed per the tentatively approved plans, and as directed and to the satisfaction of the Public Works Inspector. Upon completion of work, contact the Planning Department to schedule the final In-Kind Agreement Final Inspection. The Public Works Inspector shall not sign-off or issue a Notice of Completion until all final inspections and conditions have been completed.

Work may commence following a scheduled pre-construction meeting with the Public Works Inspector.

Sincerely,



Jerry Sanguinetti  
Bureau Manager

*"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.*

Customer Service

Teamwork

Continuous Improvement



