

GENERAL PROVISIONS

The permittee or permittees, referred to hereinafter as Permittees, agree that:

1. The Permittees will hold the City and County of San Francisco and its officers and employees harmless from, and will indemnify them against all tort claims, tort liability, and tort loss, and in particular from and against all such claims, liability, and loss predicated on active or passive negligence of the City and County of San Francisco, resulting directly or indirectly from the installation or maintenance of the encroachment permitted by the resolution noted on the face of this agreement. This hold harmless obligation shall not terminate until the encroachment referred to in said resolution has been removed and the area restored to a condition satisfactory to the Department of Public Works.
2. The Permittees will, at their own cost and expense, maintain in full force and effect an insurance policy or policies issued by an insurance company or companies satisfactory to the City's Controller and written by an insurance company or companies having a policyholders surplus as shown on the face of this agreement. Policy or policies shall afford liability insurance covering all operations, including but not limited to premises (definition of "premises" to be expanded to include this encroachment), products, personal injuries and automobiles and injury to property for single limit of not less than the amount shown on the face of this agreement applying to bodily injuries, personal injuries and property damage or a combination of such injuries. Said policy or policies shall be expanded to include contractual liability assumed under this agreement with respect to bodily injuries, personal injuries and property damage. Said policy or policies shall include City and County of San Francisco and its officers and employees jointly and severally as additional insured and shall apply as primary insurance and shall stipulate that no other insurance effected by the City and County of San Francisco will be called on to contribute to a loss covered hereunder. Said policy or policies shall provide thirty (30) days notice to Controller, City and County of San Francisco, Room 209, City Hall, if the policy or policies should be cancelled or materially changed. The permission granted by said resolution shall automatically terminate upon the termination of such insurance. Upon such termination the undersigned Permittees, their heirs and assigns, shall forthwith remove, or cause to be removed, the encroachment permitted by said resolution and all materials used in connection with its construction, without expense to the City and County of San Francisco, and shall restore the area to a condition satisfactory to the Department of Public Works. "Personal injuries", as used herein, shall include wrongful death.
3. The permission granted by said resolution is merely a revocable license. The Board of Supervisors may revoke said permission at will, and, upon the revocation thereof, the undersigned Permittees, their heirs and assigns, will within 30 days after written notification of the revocation of said permission, remove or cause to be removed the encroachment permitted by said resolution and all materials used in connection with its construction without expense to the City and County of San Francisco, and shall restore the area to a condition satisfactory to the Department of Public Works.

MADE ONE TO 14 12

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS

BOOK 1842 PAGE 815

STREET ENCROACHMENT AGREEMENT

In consideration of the adoption by the Board of Supervisors of The City and County of San Francisco of Resolution No. 40413 at its meeting of 7-18-13, a true copy of which is attached hereto marked Exhibit A, and by this reference incorporated herein and subject to all the terms, conditions, and restrictions printed as General Provisions on the back of this agreement also by reference incorporated herein, the undersigned Maiden Lane Association

for themselves, their heirs, and assigns (hereinafter referred to as Permittees), agree that in accordance with the General Provision and Exhibit A:

1. The permitted encroachment will be covered by an insurance policy as described in the General Provisions, of not less than \$1,000,000, issued by a single insurance company having a policyholders surplus of at least \$10,000,000 or if insurance is written by more than one company each company shall have policyholders surplus of at least ten times the amount insured.

2. All of the provisions of this agreement and General Provisions shall be deemed provisions of said resolution. All of the provisions of said resolution shall be deemed provisions of this agreement and General Provisions.

In witness whereof the undersigned Permittees have executed this agreement this 8 day of January 1974

RECORDED AT REQUEST OF

Maiden Lane Assoc

At 18 Min Past 10 M

JAN - 10 1974

City & County of San Francisco, Calif.

LAWRENCE J. LE GUENNEC

RECORDED

RECORDED AT \$7.00

Acknowledgment

Vice President MAIDEN LANE ASSOCIATION

W42961

State of California
City and County of San Francisco } ss.

BOOK 1842 PAGE 815

On this 8 day of January, in the year 1974, before me, a Notary Public in and for the City and County of San Francisco, State of California, personally appeared Carolyn McLaughlin known to me to be the person whose name subscribed in the within instrument, and acknowledged that she executed the same.

Notary Public In and For the
City and County of San Francisco
State of California

My Commission expires

BOOK 1842 PAGE 817

FILE NO. 186-73-2

RESOLUTION NO. 250-73

AMENDING RESOLUTION NO. 250-73 GRANTING PERMISSION TO MAIDEN LANE
ASSOCIATION TO PLACE AND REMOVE TABLES AND CHAIRS IN MAIDEN LANE
BETWEEN KERRY AND STOCKTON STREETS BETWEEN THE HOURS OF 11:30 A.M.
AND 2:30 P.M. DAILY, SUNDAYS EXCEPTED, BY MODIFYING CERTAIN CONDITIONS.

WHEREAS, by Resolution No. 250-73, the Board of Supervisors
granted permission to Maiden Lane Association to place and remove
tables and chairs in Maiden Lane between Kerry Street and Stockton
St. for the convenient use of pedestrians between the hours of 11:30
A.M. and 2:30 P.M. when Maiden Lane is closed to vehicular traffic,
subject to certain conditions, one of which condition stipulates that
a fourteen foot strip be maintained at all times for passage of emer-
gency vehicles; and

WHEREAS, it has been determined that the above condition is
unreasonable, impractical and unnecessarily restrictive because of
the narrow width of Maiden Lane; now, therefore, be it

RESOLVED, That Resolution No. 250-73 is hereby amended to delete
the above condition;

PROVIDED, However, That the tables and chairs shall be removed
from the street immediately in the event of an emergency; and be it

FURTHER RESOLVED, That all other conditions of Resolution No.
250-73 shall remain in full force and effect.

Accepted—Board of Supervisors, San Francisco DEC 3 1973

Attest: Supervisors: Antonipoulos, Glavin, Feinstein, Fournier, Gonsky, Harbo, Mendicino, Molinar,
Police, Tammara, von Borkdingen

Attest: Supervisor

Attest: Supervisor BARAGALATA CHIEF 1973

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

186-73-2
File No.

DEC 13 1973

Approved

[Signature]
Mayor

DEC 13 1973

FILE NO. 186-73-1

RESOLUTION NO. 186-73

GRANTING PERMISSION TO MAIDEN LANE ASSOCIATION TO PLACE AND REMOVE TABLES AND CHAIRS IN MAIDEN LANE BETWEEN KEARNY AND STOCKTON STREETS BETWEEN THE HOURS OF 11:30 A.M. AND 2:30 P.M., DAILY, SUNDAYS EXCEPTED, SUBJECT TO CERTAIN ENUMERATED CONDITIONS; FINDING A PUBLIC BENEFIT ACCRUING THEREFROM.

WHEREAS, By Resolution No. 13,932 (Series of 1939), amended by Resolution No. 16,978 (Series of 1939), the Board of Supervisors authorized the closing of Maiden Lane between Stockton and Kearny Streets to vehicular traffic between the hours of 11:30 A.M. and 2:30 P.M., daily, Sundays excepted; and

WHEREAS, The Maiden Lane Association has requested permission to place and remove tables and chairs in Maiden Lane between Kearny and Stockton Streets for the convenient use of pedestrians during said hours when Maiden Lane is closed to vehicular traffic; and

WHEREAS, The Interdepartmental Staff Committee on Traffic and Transportation at its March 8, 1973, meeting agreed that the placement and removal of tables and chairs during the period when Maiden Lane is closed presented no traffic problem; now, therefore, be it

RESOLVED, That permission revocable at the will of the Board of Supervisors and automatically terminating upon failure to continue in force the insurance protection hereinafter referred to, is hereby granted to the Maiden Lane Association to occupy Maiden Lane between Kearny and Stockton Streets for the purpose of placing and removing tables and chairs, under reasonable conditions within its discretion for the convenient use of pedestrians during the hours when Maiden Lane is closed to vehicular traffic;

PROVIDED, HOWEVER, That this permission shall not become effective until:

(a) There shall have been executed and acknowledged by the permittee, and by it delivered to City's Controller who shall have had recorded in the office of the County Recorder a street encroachment agreement, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 186-73-1, and

which is hereby declared to be a part of this resolution as if set forth fully herein, and the copy of this resolution attached thereto as Exhibit A;

(b) There shall have been delivered to the Controller the policy of insurance provided for in said agreement and the Controller shall have approved same as complying with the requirements of said agreement. The Controller may, at his option, accept, in lieu of said insurance policy, the certificate of an insurance company certifying to the existence of such policy;

(c) The permittee shall have delivered to the City's Controller a check or money order in the sum of \$6.00 payable to the Recorder of the City and County of San Francisco to be used by him for recording this resolution and the street encroachment agreement;

(d) The permittee shall have delivered to the City's Department of Public Works a check or money order in the sum of \$255.00 in payment of the fee established by Resolution No. 425-66 pursuant to the provisions of Section 724.3 of the Public Works Code;

FURTHER PROVIDED, That a fourteen foot strip be maintained at all times for passage of emergency vehicles;

FURTHER PROVIDED, That no commercial service be provided at such tables and chairs, although use by pedestrians for their personal enjoyment, refreshment or relaxation shall not be interpreted as commercial services provided;

FURTHER PROVIDED, That the tables and chairs shall be removed each day promptly at 2:30 P.M.;

FURTHER PROVIDED, That the permittee shall keep the street clean to the satisfaction of the Director of Public Works;

FURTHER PROVIDED, That the permittee shall assume all costs and no cost or obligation of any kind shall accrue to the City and County of San Francisco; and be it

FURTHER RESOLVED, That this Board of Supervisors hereby finds that a benefit will accrue to the public from the encroachment permit granted herein and herefore, in accordance with the provisions of Section 724.3 of the Public Works Code, hereby waives the permit fee.

ORIGINAL

Exhibit "A"

4-7-73

4-7-73

EX-1842 PAGE 818

Adopted—Board of Supervisors, San Francisco

APR 16 1979

Ayes Supervisors: Barbara-Leta, China, Reinhold, Francois, Gennaro, Kapp, Mondaketa, Mehmet, Pema, Tamaras, von Brudingen.

~~XXXXXXXXXXXXXXXXXXXX~~

Agent: Supervisors FENSTER ROZVALOS

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

186-73-1.
Dist. No.

APR 18 1973
Approved

[Signature]
 Tony A. Francese

1690 HRC 10 11 4 12

FILE NO. 041759RESOLUTION NO. 80-05

1 [Amending conditions for Maiden Lane alley closure.]

2

3 **Resolution amending conditions for Maiden Lane alley closure by eliminating**

4 **requirements for fourteen foot access lane and for posting a guard at entry gates;**

5 **amending signage requirements at entry gates and hours of table service; and**

6 **replacing references to the Maiden Lane Association with the Union Square**

7 **Association.**

8 WHEREAS, the Maiden Lane Association has worked successfully with the City of San

9 Francisco since 1953 in the closure of Maiden Lane to vehicular traffic to create a colorful and

10 unique promenade for the enjoyment of San Francisco residents and visitors which has

11 stimulated business in the adjoining downtown areas; and

12 WHEREAS, the hours of street closure and other terms and conditions imposed by the

13 City for the authorization of the street closure have been periodically updated by resolution of

14 the Board of Supervisors to address changed conditions and the needs of the community; and

15 WHEREAS, the Maiden Lane Association merged with the Union Square Association

16 in 1998; now, therefore, be it

17 RESOLVED, That permission revocable at the will of the Board of Supervisors and

18 automatically terminating upon failure to continue in force the insurance protection hereinafter

19 referred to, is hereby granted to the Union Square Association to occupy Maiden Lane

20 between Kearny and Stockton Streets for the purpose of placing and removing tables and

21 chairs, under reasonable conditions within its discretion, for the convenient use of pedestrians

22 during the hours when Maiden Lane is closed to vehicular traffic; and be it

23 FURTHER RESOLVED, That all references to the "Maiden Lane Association" in

24 Department of Public Works permits related to Maiden Lane between Stockton and Kearney

25

1 Streets shall hereby be replaced by the "Union Square Association," as the successor in
2 interest to the Maiden Lane Association; and be it

3 FURTHER RESOLVED, That all other conditions of Resolution No. 1008-79 are hereby
4 rescinded;

5 PROVIDED HOWEVER, That this permission is conditional upon and shall only
6 become effective when the following conditions are met:

7 (a) That upon adoption of this Resolution, the permittee shall deliver to the
8 Controller a certificate of insurance evidencing the policy required by said Agreement and the
9 Controller shall have approved such certificate as complying with the requirements of said
10 Agreement, and shall deliver a new certificate of insurance annually evidencing the
11 continuation of such policy of insurance; and

12 (b) The permittee shall cause to be recorded in the Office of the Assessor-Recorder
13 of the City and County of San Francisco a copy of this Resolution and the Street
14 Encroachment Agreement, dated January 8, 1974, between the Maiden Lane Association and
15 the Department of Public Works, a copy of which is file with the Clerk of the Board of
16 Supervisors in File No. 041759, and which is hereby declared to be a part of
17 this Resolution as though fully set forth herein; and

18 (c) That the permittee shall post a sign at the each gate used to close Maiden Lane
19 to vehicular traffic notifying the public of the hours of street closure, which signs shall be
20 provided by the San Francisco Department of Parking and Traffic, with all costs of producing
21 the signs to be paid by the Union Square Association; and

22 (d) That no commercial service shall be provided ^{at} at least five (5) tables, and that
23 commercial services may be provided at the other tables, although use by pedestrians for
24
25

1 their personal enjoyment, refreshment or relaxation shall not be interpreted as commercial
2 service; and

3 (e) That the tables and chairs shall be promptly removed at 5:30 p.m.; and

4 (f) That permittee shall ensure that the following fire safety requirements are met at
5 all times during street closure:

6 1. Permittee may not create any obstructions to the clear operation and proper use
7 of any building fire escapes or building dry standpipes; and

8 2. All dry standpipes must be properly marked, maintained and tested in
9 accordance with San Francisco Fire Code; and

10 3. Permittee may not affix any street furniture to the street or sidewalk; and

11 4. Permittee may not create any obstructions to pedestrian traffic on sidewalks;
12 and

13 5. No portable propane heaters may be used at any time; and

14 (g) That the permittee shall keep the street clean to the satisfaction of the Director
15 of Public Works; and

16 (h) That the permittee shall assume all costs and no cost or obligation of any kind
17 shall accrue to the City and County of San Francisco.