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[Telecommunication conduit across Minna Street for SFMOMA.]

Resolution granting revocable permission to San Francisco Museum of Modern Art (SFMOMA) to occupy a portion of the public right-of-way to excavate, install and maintain one (1) 4-inch Schedule 40 conduit across Minna Street, between 3rd and New Montgomery Streets to interconnect the SFMOMA at 151 3rd Street (Block 3722, Lot 078) with auxiliary office space at 667 Mission Street/170 Minna Street (Block 3722, Lot 067) for providing voice and data connection between the two buildings and making findings of consistency with the priority policies of Planning Code Section 101.1.

WHEREAS, pursuant to Public Works Code Section 786, permission was requested by SFMOMA to occupy a portion of the public right-of-way to excavate, install and maintain one (1) 4-inch conduit across Minna Street for telecommunication purposes, as shown on the plans, a copy of which is on file in the office of the Clerk of the Board of Supervisors in File No. 021213; and

WHEREAS, The Department of City Planning, by letter dated May 7, 2002, declared that the proposed encroachment is in conformity with the General Plan and with the priority policies of Planning Code Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors in File No. 021213, and is incorporated herein by reference; and

WHEREAS, The permit and associated encroachment agreement, which are incorporated herein by reference and attached hereto as Exhibit A, shall not become effective until:

- (a) The Permittee executes and acknowledges the permit and delivers said permit to the City's Controller, and
- (b) Permittee delivers to the City Controller a policy of insurance provided for in said agreement and the Controller shall have had approved the same as complying with the requirement of said agreement. The Controller may, in his discretion, accept, in lieu of said

insurance policy, the certificate of an insurance company certifying to the existence of such a policy; and,

(c) The City Controller records the permit and associated agreement in the office of the County Recorder; and

WHEREAS, The Permittee, at the Permittee's sole expense and as is necessary as a result of this permit, shall make the following arrangements:

- (a) To provide for the support and protection of facilities belonging to the Department of Public Works, San Francisco Water Department, the San Francisco Fire Department and other City Departments, and public utility companies; and
- (b) To remove or relocate such facilities and provide access to such facilities for the purpose of constructing, reconstructing, maintaining, operating, or repairing such facilities; and

WHEREAS, The Permittee, in accordance with Government Code Section 4216.1, shall become a member of, participate in, and share in the costs of Underground Service Alert-Northern California (U.S.A.) regional notification center; and

WHEREAS, The rights granted herein do not constitute a cable TV franchise and do not authorize transmission of video programming over City right-of-way or any other signals that would constitute Cable TV service; and

WHEREAS, The Permittee shall procure the necessary permits from the Central Permit Bureau, Department of Building Inspection and/or Bureau of Street-Use and Mapping,

Department of Public Works, and pay the necessary permit fees and inspection fees before starting work; and

WHEREAS, The Board of Supervisors reserves the right to exact a permit fee or rental for the use of said street area; and

WHEREAS, No structure shall be erected or constructed within said street right-of-way except as specifically permitted herein; and,

WHEREAS, The Permittee shall assume all costs for the maintenance and repair of the encroachments and no cost or obligation of any kind shall accrue to the City and County of San Francisco by reason of this permission granted; now, therefore be it

RESOLVED, That pursuant to Public Works Code Section 786, the Board of Supervisors hereby grants permission, revocable at the will of the Director of the Department of Public Works, to SFMOMA to occupy a portion of the public right-of-way to excavate, install and maintain one (1) 4-inch Schedule 40 conduit across Minna Street, between 3rd and New Montgomery Streets to interconnect the SFMOMA at 151 3rd Street (Block 3722, Lot 078) with auxiliary office space at 667 Mission Street/170 Minna Street (Block 3722, Lot 067) for providing voice and data connection between the two buildings; and, be it

FURTHER RESOLVED, That this Board adopts the findings of the Planning Department which determined that said permit is consistent with the priority policies of Planning Code Section 101.1.

RECOMMENDED:

Harlan L. Kelly, Jr.

Deputy Director for Engineering

and City Engineer

APPROVED:

Edwin M. Lee

Director of Public Works



City and County of San Francisco Tails

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

Resolution

File Number:

021213

Date Passed:

Resolution granting revocable permission to San Francisco Museum of Modern Art (SFMOMA) to occupy a portion of the public right-of-way to excavate, install and maintain one (1) 4-inch Schedule 40 conduit across Minna Street, between 3rd and New Montgomery Streets to interconnect the SFMOMA at 151 3rd Street (Block 3722, Lot 078) with auxiliary office space at 667 Mission Street/170 Minna Street (Block 3722, Lot 067) for providing voice and data connection between the two buildings and making findings of consistency with the priority policies of Planning Code Section 101.1.

August 26, 2002 Board of Supervisors — ADOPTED

Ayes: 8 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee Absent: 3 - Ammiano, McGoldrick, Newsom

File No. 021213

I hereby certify that the foregoing Resolution was ADOPTED on August 26, 2002 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young Clerk of the Board

Mayor Willie L. Brown Jr.

SEP 0 6 2002

Date Approved

File No. 021213