

RESOLUTION NUMBER R- 299429

ADOPTED ON JUL 12 2004

WHEREAS, the City desires to repair a 180 inch diameter storm drain pipe beneath Via Alicante just east of Gilman Drive [Project]; and

WHEREAS, the Project can only be completed by accessing private property located within the open space of La Jolla Village Apartments, Unit No. 2, Parcel Map No. 7174 [the Property]; and

WHEREAS, the Property Owner will authorize access to the Property via a Permit to Do Work on Private Property [Permit] with a condition that the City indemnifies the Property Owner for any damage to the Property or any third parties during completion of the Project, NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is authorized to execute the Permit, on file as Document Number RR- 299429,

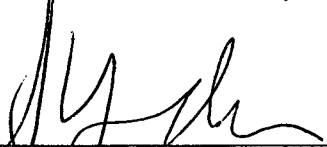
which includes the following indemnification provision:

“The City shall defend, indemnify and save Permitter free and harmless from and pay in full, any and all claims, demands, losses, damages or expenses (“Claims”) that the Permitter may sustain or incur in any manner resulting from the City’s acts or omissions during entry onto the Property for the purpose of performing the Work authorized by this Permit, including, without limitation, any Claims arising from disturbance of coastal sage scrub and wetlands habitat existing on the

Property at the time of the City's entry, or any failure by the City to comply with any applicable Storm Water Pollution Prevention Plan, National Pollution Discharge Elimination System permit or other applicable environmental regulations or permits.”

APPROVED: CASEY GWINN, City Attorney

By

  
\_\_\_\_\_  
Susan Y. Cola  
Deputy City Attorney

SYC:sc  
06/28/04  
Aud.Cert.: N/A  
Or.Dept: E&CP  
R-2005-14