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CITY CLERKS OFFICE
CITY OF SACRAMENTO



CITY OF SACRAMENTO

DEPARTMENT OF PUBLIC WORKS

AUG 14 2 09 PM '85

ENGINEERING DIVISION

THOMAS M. FINLEY
Engineering Division Manager

August 12, 1985

City Council
Sacramento, California

CITY MANAGER'S OFFICE
RECEIVED
AUG 13 1985

APPROVED
BY THE CITY COUNCIL

Honorable Members In Session:

AUG 20 1985

SUBJECT: Revocable Encroachment Permit, 400 P Street

OFFICE OF THE
CITY CLERK

SUMMARY

The Public Employees Retirement System (PERS) has applied for a revocable encroachment permit for the purpose of installing an underground grease trap. It is recommended that the request be approved.

BACKGROUND

The location of this request consists of an area eight feet by five feet four inches in the park strip, between the sidewalk and the curb on the east side of 3rd Street approximately 120 feet north of Q Street. The main body of the fixture will be underground with two gas tight manhole covers showing in the park strip.

It has been the policy of the Public Works Department to not approve of the use of grease traps within the public right-of-way. There are many restaurants in the central districts of the city which require grease traps. In all cases these grease traps have been accommodated on private property. Alternative locations were also available within the PERS building site. However, the City was not consulted and work proceeded based on the assumption that the permit would be granted.


Work has proceeded to the point that attempting to locate the grease trap in an alternative location would result in significant costs to PERS and would require trenching in the recently paved 3rd Street. The Department continues to object to the use of the public right-of-way for private gain, but recognizes that viable options at this point do not exist. Staff recommends that State agencies work with local officials more closely in future projects so situations like this can be avoided.

City Council
Revocable Encroachment Permit, 400 P Street
August 7, 1985
Page 2


RECOMMENDATION

The Director of Public Works recommends that the attached resolution be approved granting PERS a revocable encroachment permit for a grease trap in public right-of-way.


Respectfully submitted,


THOMAS M. FINLEY
Traffic Engineer

Recommendation Approved:


WALTER J. SLISE
City Manager

Approved:


MELVIN H. JOHNSON
Director of Public Works

JHB:eh
JB140Cd1

Attachment

August 20, 1985
District No. 1

RESOLUTION NO. 85-621

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

August 20, 1985

RESOLUTION GRANTING REVOCABLE ENCROACHMENT TO:

Public Employees Retirement System

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That a revocable encroachment permit for the purpose of

installing a grease trap is hereby granted to Public Employees Retirement System, whose address is as follows: 400 P Street.

The encroachment area is described at follows:

An area eight feet (8') by five feet four inches (5'4") located in the sidewalk and curb line on the east side of 3rd Street approximately 120 feet north of Q Street.

This permit is granted subject to the "General Provisions - Revocable Encroachment Permit", which were adopted by the City Council in Resolution No. 81-845 dated November 17, 1981, and the hereinafter specified special conditions, if any. This permit shall be effective only after the applicant files with the Risk Management and Insurance Division of the City of Sacramento, the insurance certificates required by the General Provisions.

APPROVED BY THE CITY COUNCIL

AUG 20 1985

OFFICE OF THE CITY CLERK

SPECIAL CONDITIONS

MAYOR

ATTEST:

CITY CLERK

August 27, 1985

Public Employees Retirement System
400 P Street
Sacramento CA 95814

Dear Gentlemen:

On August 20, 1985, the Sacramento City Council adopted a resolution granting the following Revocable Encroachment Permit in accordance with "General Provisions - Revocable Encroachment Permit," adopted by Council Resolution 81-845 as amended.

The permit is for the purpose of installing a grease trap located in the sidewalk and curb line on the east side of 3rd Street approximately 120 feet north of Q Street.

This permit shall be effective only after you file with the Risk Management and Insurance Division of the City of Sacramento, **5730 24th Street, Bldg. 3A, Sacramento, CA 95822**, the insurance certificates required by the General Provisions.

Enclosed, for your records, is a copy of the resolution granting the permit, and Council Resolution 81-845, as amended.

Sincerely,

Lorraine Magana
City Clerk

LM/mls/10

Enclosures (2)

cc: Risk Management



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-6428

LORRAINE MAGANA
CITY CLERK

August 27, 1985

Public Employees Retirement System
400 P Street
Sacramento CA 95814

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Sincerely,

for Lorraine Magana
Lorraine Magana
City Clerk

LM/mls/10

Enclosures (2)

cc: Risk Management

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August 20, 1985

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SPECIAL CONDITIONS

ANNE RUDIN

MAYOR

ATTEST:

LORRAINE MAGANA

CITY CLERK

CERTIFIED AS TRUE COPY
of Resolution No. 85-621

AUG 27 1985

DATE CERTIFIED

DEPUTY Jennie Seaman
CITY CLERK, CITY OF SACRAMENTO

RESOLUTION NO. 81-845

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF NOVEMBER 17, 1981.

RESOLUTION AMENDING PARAGRAPHS 21 AND 22 OF RESOLUTION NO. 77-611, RESOLUTION APPROVING GENERAL PROVISIONS FOR REVOCABLE ENCROACHMENT PERMITS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

That except as otherwise provided in the special provisions thereof, all revocable encroachment permits hereafter issued by the City Council pursuant to ARTICLE IV of Chapter 12 of the Sacramento City Code shall be subject to the following General Provisions:

GENERAL PROVISIONS - REVOCABLE ENCROACHMENT PERMIT

1. Authority and Definitions. This permit is issued under Article IV of Chapter 12 of the Sacramento City Code. The term "city property" means any real property in which the City has a possessory interest except a street. The term "street" as used herein includes all or any part and the entire width or right-of-way of a city street or alley whether or not such entire area is actually used for street or alley purposes. The term "street" also includes any utility easement or right-of-way held or owned by the City. The term "encroachment" as used herein includes any tower, pole, poleline, pipe, pipeline, fence, billboard, stand or building, tree, shrub, plant, crop or vegetation, or landscaping material or any structure or object of any kind or character not particularly mentioned herein which is placed in, under or over any portion of the street or city property.

The term "grantor" shall mean the City of Sacramento, its successors and assigns. The term "permittee" shall include the person to whom this permit is issued and his successors and assigns and the provisions of this permit shall be binding upon said successors and assigns.

The term "work" shall mean the construction, placement, installation or planting of an encroachment on City property or within any street.

2. Revocable. The permit is granted solely for the purpose specified in the permit, and any other use without the prior written consent of the City Engineer shall cause the permit to be revoked. Except as otherwise provided for public agencies, this permit may be revoked with or without cause at any time by the City Engineer giving five (5) days written notice to permittee. The notice shall be mailed to the permittee at the address given herein and no other form of giving or serving notice shall be required to effectuate a revocation of this permit. Permittee agrees that grantor shall not be liable for any damages or consequential loss whatsoever which may result from revoking the permit.

3. Acceptance of Provisions. This permit shall not be effective until the provisions of this permit are accepted in writing by the permittee; provided, however, accomplishing any work under this permit without written acceptance of its provisions shall constitute an acceptance of its provisions.

4. No Precedent Established. This permit is granted with the understanding that this action is not to be construed to establish any precedent on the question of preference or expediency of permitting any certain kind of encroachment to be constructed or located within the right-of-way of any City street or any City property.

5. Notice Prior to Starting. Before starting work, the permittee shall notify the City Engineer or his designated representative of the date work is to commence. Such notice shall be given at least three (3) working days in advance of the date work is to begin. Unless otherwise specified, all work shall be performed on weekdays and during normal working hours of the grantor's inspector.

6. Permits for Other Agencies. Permittee shall, whenever the same is required by law, secure any required written order or consent to any work hereunder from the Public Utilities Commission of the State of California, Caltrans or any other public agency having jurisdiction, and this permit shall be suspended in operation unless and until such order or consent is obtained.

If the work involves trenching to a depth in excess of sixty (60) inches, the permittee shall secure a trenching permit from the Division of Industrial Safety (2422 Arden Way, Telephone 445-5818) prior to commencing any excavation. A copy of the trenching permit shall be available at the construction site. Permittee shall comply with all terms and conditions of the trenching permit and the laws, rules and regulations applicable thereto.

7. Permit Presentation. The permits for encroachment on streets are required to be at the site of the work and must be shown to any representative of the grantor or any law enforcement officer on demand. The permit for encroachments on City property may be kept elsewhere than at the site, but the permit must be shown to any representative of the grantor or any law enforcement officer on demand.

8. Protection of Traffic and Utilities. Permittee shall determine the location of and protect and support all utilities in the public rights-of-way and shall bear the entire cost of any damage to utilities or any relocation or reconstruction made necessary by the work. Adequate provision shall be made for the protection of the traveling public. If the nature of the work is such that any barricades, lights or flagmen are necessary, permittee shall furnish the same at his sole cost and expense before starting work.

9. Minimum Interference with Traffic. All work shall be planned and carried out so that there will be the least possible inconvenience to the traveling public.

10. Storage of Material. No material shall be stored within the traveled right-of-way. No supplies or equipment shall be stored on other portions of the right-of-way until permittee is ready to start work.

11. Clean Up Right-of-Way and City Property. Upon completion of the work, all construction materials and supplies, spilled concrete or oils, weedy plant growth, scraps, refuse and garbage shall be entirely removed and the right-of-way and City property left in as presentable condition as before work started.

12. Standards of Construction. All work shall conform to recognized standards of construction.

13. Supervision of Grantor. All the work shall be done subject to the supervision of, and to the satisfaction of, the City Engineer or his duly authorized representative. Work undertaken by the permittee shall not deviate from that shown on the plan or plans submitted by permittee in connection with the filing of the application for this permit without the prior written consent of the City Engineer. The City Engineer or his representative may order the permittee to immediately cease any work if it appears that said work is being done in violation of the terms of this permit. Thereafter, work shall not be undertaken until said violation is corrected to the satisfaction of the City Engineer or his duly authorized representative.

14. Future Moving of Installation. Whenever construction, reconstruction or maintenance work on the street or City property may require upon request of the grantor, the installation provided for herein shall be removed or revised at the sole expense of the permittee within five (5) days of such notice.

15. Expense of Inspection. On work which requires the presence of an employee of the grantor as inspector, the salary, traveling expense and other incidental expense of such inspection shall be paid by the permittee upon presentation of a bill therefor.

16. Maintenance. The permittee agrees by the acceptance of this permit to exercise reasonable care to maintain properly any encroachment placed by permittee in the street or City property and to exercise reasonable care in inspecting for an immediately repairing and making good any injury to any portion of the street or City property which occurs as a result of the maintenance of the encroachment in the street or City property or as a result of the work done under this permit, including any and all injury to the street, or City property which would not have occurred had such work not been done or such encroachment not placed therein. Encroachments on City property shall be maintained so that they have a presentable appearance.

In the event this permit is granted in whole or in part for the purpose of allowing plants to be installed and maintained by permittee, permittee shall maintain such plants in presentable and healthy condition, including but not limited to, proper watering, fertilizing, pruning and replacement where necessary and permittee shall maintain all planter beds, areas and containers in which such plants are installed and maintained free from weeds, rubbish, and garbage. If any planter is to be maintained pursuant to this permit, it shall be equipped with a suitable irrigation system. The grantor may revoke the permit for failure to maintain the encroachment.

17. Submit Location Plan. Immediately upon completion of any underground or surface work, the permittee shall furnish to the City Engineer plans showing location and details of such work.

18. Liability for Damage. The permittee is responsible for all liability for personal injury or property damage which may arise out of work herein permitted, or which may arise out of failure on the permittee's part to perform his obligations under the permit in respect to maintenance. In addition, permittee is responsible for all liability of the grantor, its officers and employees which may arise out of, or be connected with, the duties to be performed by the grantor, its officers and employees in connection with the approval of the design of said work, the inspection of said work, or the supervision of said work, or the existence of the encroachment, pursuant to the terms of this permit. In the event any claim of liability heretofore mentioned is made against the grantor, or any department, officer, or employee thereof, permittee shall defend, indemnify and hold them and each of them harmless from such claim, and any loss, cost, expense or liability arising therefrom including, but not limited to, attorneys' fees.

19. Repairs. Permittee shall repair any existing improvements damaged in the course of the work, or by the existence of the encroachment, or any maintenance done in conjunction therewith. In the event permittee shall not accomplish repair as required pursuant to this permit, grantor shall have the right, but not the obligation, in addition to all other rights grantor has at law and in equity, to cause repairs to be made on behalf of permittee. In the event grantor shall so elect, permittee shall pay to grantor on demand the cost of any such repairs, including but limited to grantor's administrative expenses. The right of grantor to make repairs pursuant to this paragraph may be exercised without notice, and no prior notice from grantor to permittee concerning repairs shall be construed to require grantor to give any additional notice to permittee prior to accomplishing repairs according to this paragraph, nor shall the absence of any such notice or additional notice in any manner decrease or affect permittee's obligation to pay the costs of such repairs. Grantor shall in no event be liable for any loss suffered by permittee as a result of making repairs according to this paragraph.

20. Care of Drainage. If the work herein contemplated shall interfere with the established drainage, ample provision shall be made by the permittee to provide for it as may be directed by the grantor.

21. Liability Insurance. Permittee shall take out, pay for and maintain during the period in which this permit is in effect, a policy of public liability and property damage insurance protecting himself, his agents and employees against the liability of injury or death sustained or suffered by the public or damage to the property of the public by reason of the work carried on under this permit or the encroachment maintained hereunder. Public liability insurance shall be for the limits of at least \$300,00 for the injuries to one and \$500,000 for injury to more than one person and property damage limits shall be for the sum of \$100,000. The insurance shall be placed with a company satisfactory to the Risk Management & Insurance Division of the Department of General Services, and one copy of the Certificate shall be furnished to the Risk Management & Insurance Division prior to the date that work under this permit is commenced. Said policy or policies of insurance shall name the grantor, its officers and employees as additional named insureds and shall contain an endorsement precluding cancellation or reduction in coverage without giving the Risk Management & Insurance Division at least ten (10) days notice prior thereto.

22. Surety Bond. If required on the face hereof, this permit shall not be effective for any purpose unless and until the permittee files with the Risk Management & Insurance Division of grantor a corporate surety bond in the amount specified on the face hereof, said bond to fully assure the performance by permittee of all obligations imposed upon permittee under the provisions of this permit.

23. Permittee's Obligations to Remove Encroachments. In the event this permit is revoked at any time, within five (5) days thereafter, permittee shall commence work to remove any improvement established pursuant to this permit and to restore the affected City property and any street to the condition it was in prior to the commencement of the encroachment, and permittee shall diligently prosecute such work to completion. In the event permittee does not commence such work within five (5) days or if, at any time after commencement of such work, the City Engineer determines the permittee is not diligently pursuing such work, grantor may do or cause to be done, such work, and permittee shall pay the cost of same, including but not limited to grantor's administrative costs, upon demand. Grantor shall in no event be liable to permittee for any loss suffered by permittee, directly or indirectly, as a result of grantor accomplishing any work pursuant to this paragraph.

PHILLIP L. ISENBERG
MAYOR

ATTEST:

LORRAINE MAGANA
CITY CLERK

CERTIFIED AS TRUE COPY
of Resolution No. 81-845

AUG 27 1985

DATE CERTIFIED
DEPUTY CITY CLERK, CITY OF SACRAMENTO