

Lisa Natusch

Subject: RE: XI: Old Business: Resolution for Sandra/Hayne Storm Drain

From: Lily Chen [REDACTED]
Sent: Monday, May 9, 2022 9:52 AM
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Subject: XI: Old Business: Resolution for Sandra/Hayne Storm Drain

Dear all,

I just wanted to provide this to all relevant parties since the City Council has a very packed schedule today. With regards Sandra Hayne Storm Drain, the contract for the proposed contractor JMB Constructions Inc. is missing standard language protecting the homeowners. Work performed will be on private properties so the following proposed language should be included:

Definition for Homeowners/Owner's Premises:

Sandra Owner shall mean the owner of [REDACTED], Hillsborough, CA 94010.

San Raymundo Owner shall mean the owner of [REDACTED], Hillsborough, CA 94010.

Indemnification for Homeowners:

Town and Contractor hereby agree that since the Work will be performed on the private properties of Sandra Owner and San Raymundo Owner (collectively "**Private Owners**"), Contractor's indemnification obligation under Article 47 "Indemnification" of the General Conditions shall extend to Private Owners. Accordingly, Sandra Owner, San Raymundo Owner, their trustees, officers, employees, agents, successors and assigns (collectively, "**Private Indemnitees**") are each additional and intended indemnitees of this Contract and expressly added to Article 47 "Indemnification" of the General Conditions. Private Indemnitees shall have the same rights as the Town under Article 47 "Indemnification" of the General Conditions.

Insurance Requirement for Homeowners:

Contractor shall add Sandra Owner and San Raymundo Owner as additional insured to Contractor's Commercial and General Liability Insurance. Contractor shall provide Private Owners their respective certificate of insurance with the named additional insured prior to commencement of Work.

No Liens for Homeowners:

Contractor shall not cause liens of any kind to be placed against Private Owners or Private Owners' premises.

Schedules to Homeowners:

Contractor shall provide any proposed schedules of Work and subsequent schedule revisions or updates to Town and Private Owners concurrently.

San Raymundo Owners (copied here) have agreed to the proposed language above. If City Attorney Diaz needs to fine tune the language to make it more consistent with the rest of the terms of the Contract, please provide us with any revisions. The Owners will be in attendance at today's Council meeting for any questions.

Thanks!

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Regards,

Lily Chen, Esq.

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