

Attachment 2

Right to Access Agreements to permit soils analysis and related testing.



Project No.	12810A
Original to Master File - Code	4.3
To Proj. Mgr.	J.A. (initials) to Working File
cc:	CAAN #

Department of Public Works  
Engineering Division

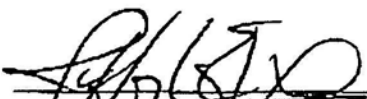
AGREEMENT FOR ACCESS RIGHTS

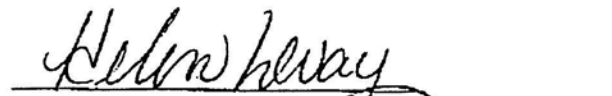
THIS ACCESS AGREEMENT, dated April \_\_, 2004 is by and between THE CITY OF BERKELEY ("City") and THE REGENTS OF THE UNIVERSITY OF CALIFORNIA ("University").

1. Upon reasonable prior written notice from the University, not to be less than twenty-four (24) hours, the City shall permit the University, its employees, agents, contractors, and representatives, the right to enter onto the City's property adjoining Codornices Creek as outlined on the map attached as Exhibit A ("Property") during the period from April 1, 2004 through April 30, 2004, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, in order to conduct such soils testing, geological, surveying, environmental investigations and assessments, and other tests as the University deems appropriate to support the stream improvement project affecting the Property as summarized on the attached Exhibit B.
2. With respect to the University's entry as provided herein, the University shall: (i) indemnify and hold the City harmless from and against any losses, costs (including reasonable attorneys' fees), damages, actions or expenses arising out of such entry and/or such activities on the Property, and (ii) promptly repair any damage to the Property caused by the University's entry.
3. The University will contact and obtain from the City's Toxics Management Division any additional permits required for excavations or borings needed for the investigations described above.

THE CITY OF BERKELEY

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

  
 Jeffrey L. Egeberg  
 Manager of Engineering

  
 Thomas Lollini, Assistant Vice Chancellor  
 UC Berkeley, Physical & Environmental Planning

Attachments: Soils Sampling Location Plan  
Soils Sampling Work Plan

Helen Levay  
Real Estate Services Manager

ATT: Judy Lieberman

one page

Fax No. 510.528.5797



Department of Public Works  
Engineering Division

AGREEMENT FOR ACCESS RIGHTS

THIS ACCESS AGREEMENT, dated April 9, 2004 is by and between THE CITY OF BERKELEY ("City") and RESTORATION DESIGN GROUP, LLC ("RDG").


1. Upon reasonable prior written notice from RDG, not to be less than twenty-four (24) hours, the City shall permit RDG, its employees, agents, contractors, and representatives, the right to enter onto the City's property adjoining Codornices Creek as outlined on the map attached as Exhibit A ("Property") during the period from April 6, 2004 through May 6, 2004, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, in order to conduct such soils testing, geological, surveying, and assessments, and other tests as RDG deems appropriate to support the stream improvement project affecting the Property.


2. With respect to RDG's entry as provided herein, RDG shall: (i) indemnify and hold the City harmless from and against any losses, costs (including reasonable attorneys' fees), damages, actions or expenses arising out of such entry and/or such activities on the Property, and (ii) promptly repair any damage to the Property caused by RDG's entry.

3. RDG will contact and obtain from the City's Toxics Management Division any additional permits required for excavations or borings needed for the investigations described above.

THE CITY OF BERKELEY

RESTORATION DESIGN GROUP, LLC

  
Jeffrey L. Egeberg  
Manager of Engineering

 4/9/04  
Signature Date

DIANE GOETTING R.D.  
Print Name Title

Attachments: Location Map