

MARIN COUNTY OPEN SPACE DISTRICT

PERMIT TO ENTER AND CONSTRUCT

Marin County Open Space District (DISTRICT) has determined that residential development, including stairs, fences, deck, and landscaping, located at 54 Greenwood Way, Mill Valley (APN 029-035-08) are encroaching on DISTRICT property, APN 029-290-11 as depicted on the attached site map (Exhibit A). Because of the disrepair of the current structures and the possibility of the structural failure preventing access to the residence at 54 Greenwood, the DISTRICT has agreed to a Permit to Enter and Construct. **Steffen Z Frederiksen (FREDERIKSEN)** hereby, understands and agrees to the permit conditions and his signature below confirms this understanding.

Permission is hereby granted to **FREDERIKSEN**, to enter upon the lands of the **DISTRICT** at the Blithedale Summit Open Space Preserve, for construction and related remediation for a deck, stairs, and fence repair project on DISTRICT lands adjacent to the FREDERIKSEN property.

This permission is granted by the **Marin County Open Space District, a public district of the State of California** subject to the following conditions:

1. FREDERIKSEN may enter upon certain DISTRICT lands, identified as Assessor Parcel No. 029-290-11 for the purpose of repairing and re-constructing deck, stairs, and fences. FREDERIKSEN shall, during and after construction, provide adequate access along access easement, equal to or better than the existing condition.
2. During construction of the proposed project FREDERIKSEN, his agents and contractors shall not unreasonably interfere with DISTRICT's use and operation of its property.
3. During construction, FREDERIKSEN and his contractors shall faithfully observe the DISTRICT's "Mandatory Fire Prevention Procedures for Contractors" attached hereto as Exhibit "B" and by reference made a part hereof. DISTRICT shall retain the right to immediately revoke this permit and any other permissions given to cross and work on its lands and issue a "Stop Work Order" if these procedures are not strictly observed by FREDERIKSEN and his contractors.
4. The approval of this permit does not constitute a grant of any real property rights. Any conveyance of real property rights shall only be made by a separate instrument executed by the duly authorized parties with specific descriptions of the rights conveyed. By entering into this permit agreement, FREDERIKSEN understands and agrees that he is proceeding at his own risk and that DISTRICT makes no guarantee that it will convey the underlying land to FREDERIKSEN.
5. FREDERIKSEN agrees to require its contractors to indemnify and defend the DISTRICT, their authorized agents, contractors, and employees against all claims, which may result from the conveyance of this permit, by FREDERIKSEN or any third party, excepting claims caused by the negligence or intentional acts or omissions of the DISTRICT.
6. FREDERIKSEN agrees to require its contractors to name the "Marin County Open Space District" as additional insured on insurance policies related to the proposed project. Prior to commencement of construction FREDERIKSEN shall provide the DISTRICT with copies of evidence of insurance from its contractors insurance carriers, and copies of all permits required from jurisdictions.
7. FREDERIKSEN shall be solely responsible for obtaining all necessary building permits from the City of Mill Valley that may be required for said project.
8. At least seven (7) days prior to commencement of construction FREDERIKSEN shall provide written notice to DISTRICT indicating the date that construction will commence, evidence of building permit approval by the City of Mill Valley, and final plans that are

consistent with the description of the project provided on February 2, 2010. All notices to either party shall be given in writing at the following addresses:

Marin County Department of Parks and Open Space
3501 Civic Center Drive
San Rafael, CA 94903
Attn: James Raives

Steffen Z. Frederiksen
54 Greenwood Way
Mill Valley, CA 94941

9. This permit is to be specifically limited to the purposes stated and described herein and strictly construed and no work other than that specifically provided for herein is authorized without the express written consent of the DISTRICT.
10. This permit is valid from the date the DISTRICT approves the permit through December 31, 2010, or upon completion of said project by FREDERIKSEN, whichever is sooner.

The Real Estate Division of the Marin County Department of Public Works will forward to FREDERIKSEN an executed copy of this permit upon approval by the Marin County Open Space District's Board of Directors.

MARIN COUNTY OPEN SPACE DISTRICT

Judy Arnold, President
Board of Directors


Dated: _____

Approved as to form:

Attest: _____
Secretary

Deputy District Counsel

Steffen Z. Frederiksen
54 GREENWOOD WAY
MILL VALLEY, CA 94941



Steffen Z. Frederiksen,
Adjacent Land Owner

Dated: 4/27/2010



EXHIBIT A



MARIN COUNTY OPEN SPACE DISTRICT

MANDATORY FIRE PREVENTION PROCEDURES FOR CONTRACTORS

The District's Preserves are very susceptible to wildland fires during the warm seasons of the year. This memorandum provides guidelines for contractors to follow during the fire season while undertaking those tasks most likely to start a fire. However, contractors must be aware of the possibility of fires at other times also and must use their own good judgement to work in a safe manner to prevent wildland fires. Contractors are encouraged to bring to any fire safety problems they observe or suggestions they may have to the attention of District staff.

HIGH FIRE DANGER ALERTS AND CLOSURES

Interagency Fire Closure, Mt. Tamalpais Area Lands Upon notification from the County Fire Department that a "High Fire Danger Alert" exists for Marin County, contractors will suspend work at all affected Open Space Preserves. In addition, no power equipment may be operated on any Preserve during a high fire danger closure. Contractors should monitor fire conditions with the Marin County Fire Department to know when closures are in effect. Call (415) 499-7191 daily for updates on fire conditions.

RADIO COMMUNICATIONS

Whenever any task is being performed that may pose a potential fire danger, cell phones or 2-way radios must be on site to permit a rapid emergency response if necessary.

CONTRACTOR ACTIVITIES

Smoking and use of campfires are prohibited activities. Contractors are reminded that the "No Smoking" regulation applies to them as well. This includes no smoking inside vehicles while on Open Space.

VEHICLES, EQUIPMENT, TOOLS

Trucks, Tractors Heat from exhaust systems can ignite a fire. Do not drive off road or in any area with tall grass whenever possible. Utilize a truck equipped with a water pumper when such travel is necessary and monitor the area after passing through. Be sure all trucks and tractors are equipped

with a fire extinguisher. Inspect trucks and tractors before use to be sure the spark arrestor exhaust system is in good condition and that there are no fire related defects.

Equipment, Tools Heat from power equipment exhaust systems, or sparks from equipment or tools can ignite a fire. Clear a space with a radius at least five feet from the exhaust in which to place equipment such as generators, chainsaws and power weed cutters. Be careful when using tools that produce sparks and be sure spark arrestors are in good condition. Do not allow heated tools to contact ignitable fuels. If power equipment or tools that produce sparks are in use, a fire extinguisher must be kept onsite. Larger equipment should have a fire extinguisher mounted on it.

Fueling Equipment Before fueling power equipment or tools in the field, clear a space in which to perform the task. Fuel should be stored in a cleared space and, where possible, in the shade. If power equipment stays in one location during the task, store fuel and equipment and perform fueling operation in the same clearing. Be sure equipment is turned off while fueling. Take extra care when fueling heated equipment. Be sure gas spout/funnel is used to avoid spills and that gas caps are kept in place. Remove or dry any fuel spillage prior to starting equipment. During fueling operations, a fire extinguisher should be onsite ready for use.

GRASS AND BRUSH MOWING

Equipment and tools used to perform this fire hazard reduction task could instead ignite a fire. Suspend this task during "High Fire Danger Alert" periods. Use extreme caution in dry areas. Follow all procedures for equipment and tools. Use only non-metallic heads on weed cutters. Do not lay heated tools down in ignitable fuels. Carry a portable fire extinguisher on your person at all times when working or fueling the brush cutter. When a tractor mower is used, a truck with a fire pumper must accompany the tractor. When the truck cannot follow due to terrain or tall grass conditions, then the truck driver must walk, carrying an additional fire extinguisher.

FIRE PROTECTION ROAD PRUNING

Suspend this task during "High Fire Danger Alert" periods. When using the chipper or chain saws, follow all procedures for equipment. Carry a portable fire extinguisher at all times. If the task is done during the fire season, a truck-mounted pumper must be at the work site.

WELDING

Suspend this task during "High Fire Danger Alert" periods, on other hot dry days and when winds exceed five miles per hour. Perform this task in the morning prior to 10 am. Remove grass within a twelve-foot radius of the welding site. Wet the ground and surrounding vegetation prior to welding and every fifteen minutes thereafter. Maintain a portable welding screen around the welder. A truck-mounted pumper must be at the welding site, with the pump engaged during welding. An extra person must be present with no other duty except to watch for fire and operate the pumper.

TRAIL CONSTRUCTION AND MAINTENANCE

Suspend the use of the trail machine, power equipment and power tools during "High Fire Danger Alert" periods. Work may carefully continue using hand tools. Suspend all trail work at Preserves where closures are in effect. Follow all instructions for equipment and tools. A portable fire extinguisher must be at the work site at all times.

GENERAL CONSTRUCTION/REPAIR TASKS

Suspend the use of all tractors, power equipment and power tools during "High Fire Danger Alert" periods. Suspend all work at preserves where closures are in effect. Follow instructions for equipment and tools. Keep a portable fire extinguisher at the work site.

FIRE SAFETY EQUIPMENT OPERATION

Where a truck with water pump is required, a person fully trained in truck and water pump operation must be present. All employees must be trained in use of the fire extinguishers.

Contractors hired by the District are expected to have fire extinguishers onsite and to follow fire safe procedures. The District staff member supervising the contractor will insure compliance.

EXHIBIT B