

ENCROACHMENT PERMIT

Pursuant to Resolution No. 11065 of the City of Riverside, permission is hereby granted to ARCO PRODUCTS CO., a Division  
of Atlantic Richfield Company  
17315 Studebaker Road  
Cerritos, CA 90701-1488

its heirs and assigns, hereinafter referred to as "Permittee" to use and occupy the following described property.

That portion of the public street right of way of Van Buren Boulevard lying within Lot 41 in Block XI, as shown by map of Village of Arlington, on file in Book 1, Page 62 of Maps, records of San Bernardino County, California, as shown by the attached Exhibit "A",

in accordance with the terms hereof.

1. Permittee shall use and occupy the described property only in the manner and for the purposes as follows:

1a. Construction and maintenance of proposed planter curbs encroaching into said public street right of way as shown by the attached Exhibit "A".

1b. Maintenance of petroleum products storage facilities encroaching into said public street right of way as shown by the attached Exhibit "A".

1c. The Permittee shall indemnify, defend and hold City harmless from and against any and all claims, damages, expenses and liability including, without limitation, costs of investigation and analysis, resulting from or arising out of any release or threatened release of pollutants, contaminants, toxic substances, hazardous substances or petroleum products at the real property of Permittee adjoining City's property, which release or threatened release results from or is reasonably suspected to result from activities of the Permittee, its agents or employees, or is derivative from any real property owned by the Permittee. For the purposes of this indemnification, the terms "pollutant", "contaminant", "hazardous substances", "toxic substances" and "petroleum" shall have the broadest meaning possible under state and federal law.

2. Permittee, by acceptance of the benefits hereunder, acknowledges title to the property to be in the City of Riverside and waives any right to contest the validity of the dedication or grant.

3. Permittee acknowledges that the described property is the site of a proposed or planned public improvement and that, accordingly, all rights and privileges of use permitted shall cease and expire upon notice of revocation by the City. Upon the expiration or revocation, Permittee shall, within the time prescribed by the City, remove all improvements or obstructions placed, constructed or maintained by the Permittee. If the Permittee fails to abide by the removal order of the City within the time prescribed, the City shall have the right to remove and destroy the improvements without reimbursement to the Permittee and the cost of such removal shall be paid by the Permittee to the City of Riverside and shall constitute a debt owed to the City of Riverside.

4. Permittee, by acceptance hereof, waives the right of claim, loss, damage or action against the City of Riverside arising out of or resulting from revocation, termination, removal of the improvements or any action of the City of Riverside, its officers, agents or employees taken in accordance with the terms hereof.

5. Finding and determination by the City Council of the City of Riverside that the Permittee, or his heirs and assigns or successors in interest, are in default of the terms hereunder shall be cause for revocation.

6. Permittee herewith agrees to hold the City of Riverside harmless from and against all claims, demands, costs, losses, damages, injuries, action for damages and/or injuries, and liability growing or arising out of or in connection with the construction, encroachment, and/or maintenance to be done by Permittee or his agents, employees or contractors within the described property.

DATED: JUN 29 1990

CITY OF RIVERSIDE, a municipal corporation

By Terry Frenzel Mayor

Attest Adel C. Hill City Clerk

The foregoing is accepted by:

(Signature(s) of Permittee) S.L. McDonald 6570  
BY S. L. McDonald, Vice President,  
ARCO Products Company, a Division of Atlantic Richfield Company  
BY \_\_\_\_\_ TITLE \_\_\_\_\_

APPROVED AS TO CONTENT  
[Signature]  
Department Head

APPROVED AS TO FORM  
[Signature]  
City Attorney

CITY MANAGER APPROVAL  
[Signature]  
City Manager

