

ENCROACHMENT PERMIT

Pursuant to Resolution No. 11065 of the City of Riverside, permission is hereby granted to Richard B. Lybarger
Richard V. Gillespie
3745 Eucalyptus Avenue
Riverside, CA 92507

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

That portion of public street right of way of Eucalyptus Avenue adjoining Lot 17 and Lot 18 in Block 7 of H.P. Kye's Tract as shown by map on file in Book 7, Page 27, of Maps, records of San Bernardino County, California, as shown on 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: Construction and maintenance of brick planters encroaching into said public street right of way as shown on the attached Exhibit "A".

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: April 2, 1994

CITY OF RIVERSIDE, a municipal corporation

By Terry Fungjial Mayor

Attest Karen E. Lindquist City Clerk

The foregoing is accepted by:

Richard B. Johnson
(Signature(s) of Permittee)

APPROVED AS TO CONTENT

Dan Beck
Department Head - Public Works

[Signature] for
Department Head - Planning

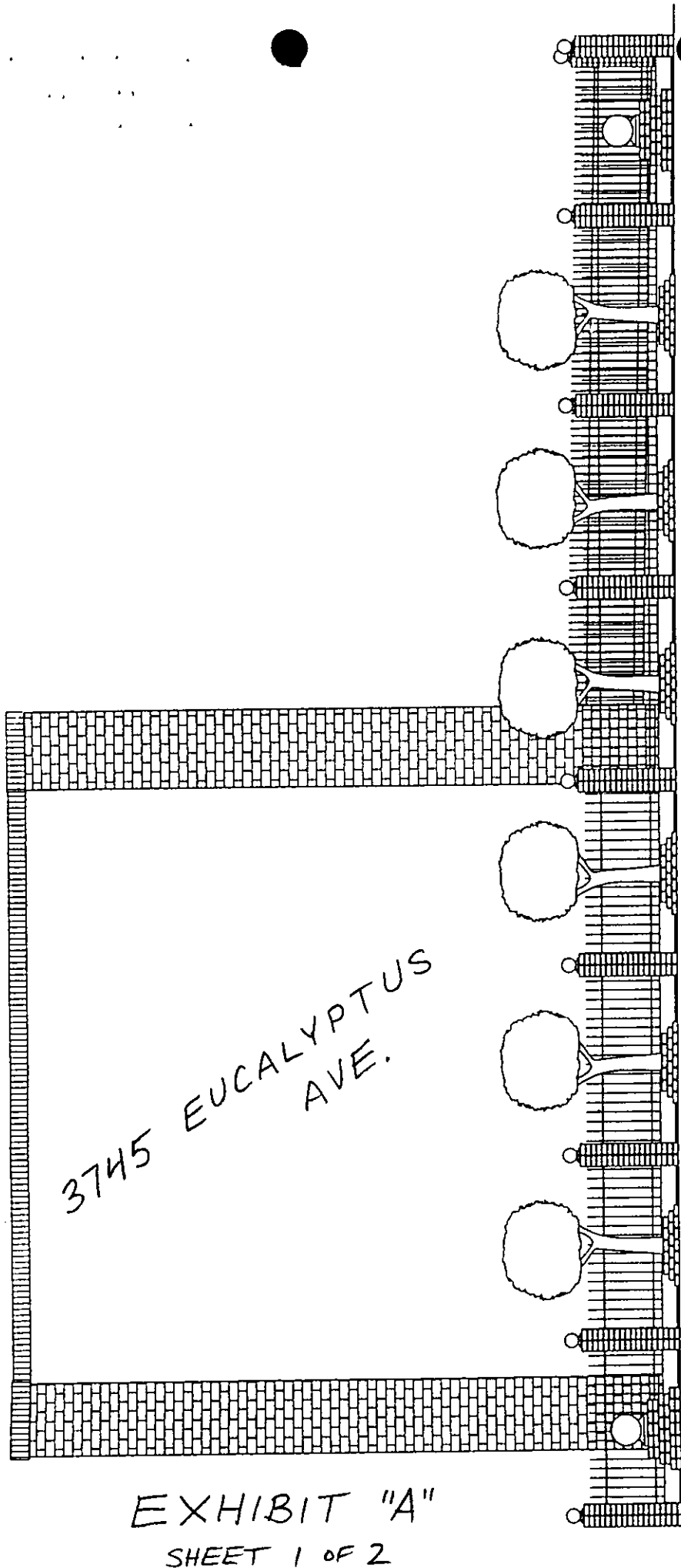
APPROVED AS TO FORM

John Woodhead
City Attorney

Terry Nelson
Department Head - Park and Recreation
Dieter P. Witzfeld
Department Head - Public Utilities

CITY MANAGER APPROVAL

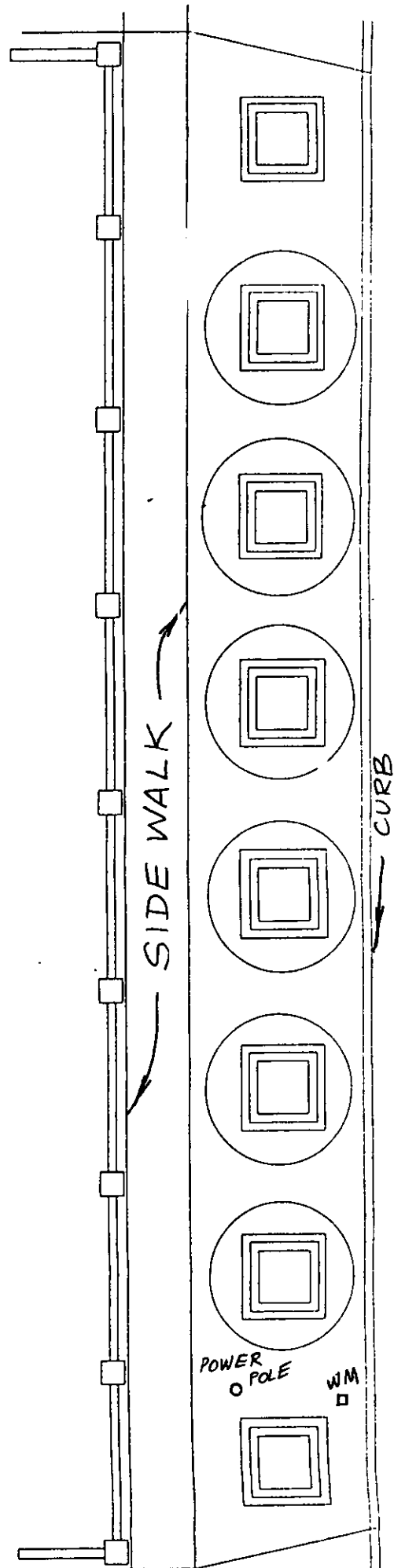
Robert E. Semont
City Manager



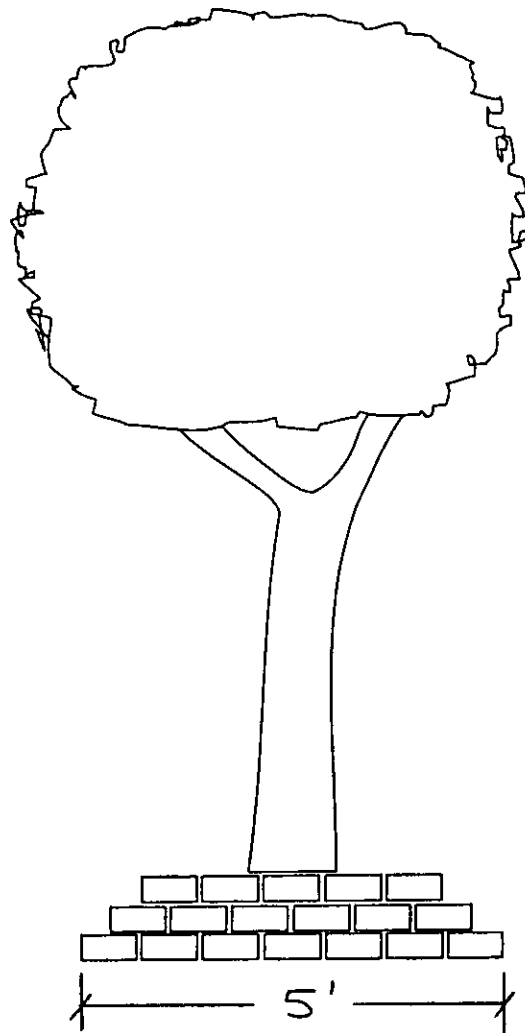
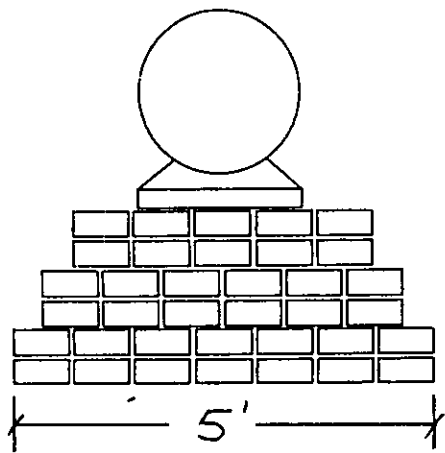
3745 EUCALYPTUS
AVE.

EXHIBIT "A"
SHEET 1 OF 2

ELEVATION



E-1173



DETAIL

EXHIBIT "A"
SHEET 2 OF 2

E-1173