

TEMPORARY ENCROACHMENT PERMIT

KMK 1 L.L.C., the Owner of the property located at 7898 Whitegate Avenue in the City of Riverside, Assessors Parcel No. 242-110-024 hereby requests permission to construct, maintain, and use a driveway approach over the access restriction/denial line within the public right of way of as shown on **EXHIBIT A** attached hereto.

Upon issuance of this permit, I agree to comply with the attached terms and conditions.

Date 10-27-98

BY: *[Signature]*

Date _____

BY: _____

Applicants Address: 6767 Brockton Avenue
Riverside CA 92506

Phone: 909-784-4811

Representative: A-1 Surveying Att: Jerry Dennington PH: 351-1029

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ENCROACHMENT PERMIT APPROVAL

This permit shall become effective upon the approval of the Departments listed below. Issuance of this permit shall not be construed as a waiver of any other applicable permit or requirement, and is only revocable permission to use the land for the purpose described.

___ Planning - Craig Aaron

Craig Aaron 10-7-98

APPLICANT: Upon obtaining the above signatures, return this permit to the Public Works Department for final approval.

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FINAL APPROVAL

Date 10-8-98

Richard Mc Grath
Richard McGrath Public Works Director

POSTED 11/1/98

ENCROACHMENT PERMIT NO. E - T-1422

TERMS AND CONDITIONS

1. Permittee acknowledges that the area of encroachment is owned or controlled by the City of Riverside.
2. Permittee acknowledges that the described property could be needed for a proposed or planned public improvement and the City may revoke this permit. Upon written notice of revocation, the permittee shall, within the time prescribed by the City, remove all improvements placed, constructed or maintained. If the permittee fails to abide by the removal order of the City, the City shall have the right to remove and destroy the improvements without reimbursement to the permittee. The cost of such removal shall be paid by the permittee to the City and shall constitute a debt owed to the City.
3. Permittee waives the right of claim, loss, damage or action against the City resulting from revocation, termination, removal of improvements or any action of the City, its officers, agents or employees taken in accordance with the terms herein.
4. If the Public Works Director of the City of Riverside finds that the permittee is in default of the terms of this permit, that shall be cause for revocation.
5. Permittee herewith agrees to hold the City of Riverside harmless from and against all claims demands, costs, losses, damages, injuries, actions for damages and/or injuries, and liability in connection with the construction, encroachment, and/or maintenance to be done by permittee within the described property.
6. Prior to any construction taking place on City controlled property, permittee shall obtain a Construction Permit or Street Opening Permit from the City Public Works Department.
7. The permittee agrees to insure that construction of their improvements will not interfere in any way with any existing City or utility facilities.
8. Permitted acknowledges that existing city or utility facilities will require future maintenance, reconstruction, and revisions and that facilities may be added, any of which may result in removal or alteration of the permittee's improvements without reimbursement to the permittee.
9. Prior to construction, permittee shall contact Underground Service Alert to field locate existing utility lines. Any conflicts discovered will void the permit until acceptable revisions are made.

Special Departmental Conditions Attached: YES

SPECIAL CONDITIONS
Public Works Department
Encroachment Permit Time Limitation

- 9a. Permittee acknowledges that this encroachment permit is valid for a limited duration and for the purpose of constructing, maintaining and using an access way across a street right of way boundary to which the adjoiner has previously released all access rights. Permittee hereby agrees to submit a new subdivision map within 3 months which will eliminate the access restrictions and complete said map within the time frame proscribed by State Law and City Ordinance. If permittee, for any reason, fails to complete said map, permittee shall submit and complete an application for vacation of any excess right of way and deletion of access restrictions.

City acknowledges that the existing right of way and access restriction were required as part of planned improvements that are no longer needed and will, subject to reasonable conditions, agree to eliminate any excess right of way and access restrictions upon receiving the appropriate application from the permittee.

DATE 16-27-98

Owner M. Gray mgr.

