

ENCROACHMENT PERMIT

Pursuant to Resolution No. 11065 of the City of Riverside, permission is hereby granted to CARL B. SMITH
3245 Tyler Street
Riverside, CA

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

That portion of Tyler Street, 80' wide, lying northerly of Chickasaw Passage and in front of the subject parcel as shown on Exhibit "B", attached hereto and made a part of this document,

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 a 4' high chain link fence encroaching 17 feet, more or less, into the street right of way. Said fence shall be no closer than 8 feet from the existing edge of pavement as shown on the Exhibits "A" and "B", attached hereto and made a part of this document.

1a. Applicant agrees to remove the present 4' fence and replace it at the new location in order to accommodate a proposed 6 foot wide asphalt sidewalk.

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: March 7, 1985

CITY OF RIVERSIDE, a municipal corporation

By Al Brown Mayor

Attest Alice A. Hare City Clerk

The foregoing is accepted by:

Carl B. Smith
(Signature(s) of Permittee)

APPROVED AS TO CONTENT

Robert C. Walker
Department Head

APPROVED AS TO FORM

John Woodhead
City Attorney

CITY MANAGER APPROVAL

Robert E. Jensen
for City Manager

FENCE & EDGE OF PAVING LOCATION

COMANCHE AVE

ED. DAT
NO. 1
CORNER

TYLER STREET

TYLER

3245 TYLER

+5382182
4" CH. LK. COR

+4532182
4" CH. LK. COR

+103
2112
C.I.P.

+103
2132
C.I.P.

+145
2142
C.I.P.

+243
2242
C.I.P.

4" CHAIN LINK

A.C. DRIVE

CHICKASAW PASS

ED. DAT
NO. 1
CORNER
PER. LUGT

EXISTING CONDITION

EXHIBIT "A"

SERVCO NO. 7036

Plot in the Rain
WEATHERPROOF

S-648

