

ENCROACHMENT PERMIT NO. 1262

Pursuant to City Agreement No. 05004671 (Cost and Maintenance Agreement, Dated March 22, 1993) and in accordance with City Ordinance No. 1202 (50-Year AT&SF Franchise Agreement, Dated August 13, 1946), permission is hereby granted to The Atchison, Topeka and Santa Fe Railway Company, a Delaware corporation:

Atchison, Topeka and Santa Fe Railway Company  
 San Bernardino Regional Office  
 740 East Carnegie Drive  
 San Bernardino, CA 92408-3571

its successors and assigns, hereinafter referred to as "Permittee" to use and occupy the property described as follows:

That portion of Lot 4 in Block 50 of Arlington Heights, as shown by map on file in Book 11, Pages 20 and 21 of Maps, records of San Bernardino County, California, described as follows:

BEGINNING at the most southerly corner of Parcel 1 of Record of Survey on file in Book 87, Page 76 of Record of Surveys, records of Riverside County, California;

THENCE North  $55^{\circ}58'36''$  East, along the southeasterly line of said Parcel 1, a distance of 13.00 feet to the most easterly corner of that certain parcel of land described in deed to the City of Riverside by document recorded December 3, 1992 as Instrument No. 462265 of Official Records of said Riverside County;

THENCE North  $34^{\circ}01'20''$  West, along the northeasterly line of said parcel of land as described in said deed, a distance of 18.50 feet to the most northerly corner of said parcel as described in said deed;

THENCE South  $55^{\circ}58'36''$  West, along the northwesterly line of said parcel as described in said deed and along the northwesterly line of that certain parcel of land described in deed to the City of Riverside by document recorded June 18, 1992, as Instrument No. 225150 of Official Records of said Riverside County, a distance of 13.00 feet to the most westerly corner of said last mentioned parcel of land;

THENCE South  $34^{\circ}01'20''$  East, along the southwesterly line of said Parcel 1, a distance of 18.50 feet to the POINT OF BEGINNING.

Area - 240.5 square feet.

in accordance with the terms hereof.

1. Permittee shall use and occupy the described property only in the manner and for the purposes of construction, reconstruction, maintenance, operation, inspection, repair, replacement, relocation, renewal and removal of Lincoln Avenue Railroad Crossing No. 2B-14.7C signal equipment and all necessary appurtenances.
2. Permittee acknowledges that the area of encroachment is owned or controlled by the City of Riverside.
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 City Council of the City of Riverside finds that the Permittee is in default of the terms of this permit or the franchise agreement for this crossing, that shall be cause for revocation, after notice to Permittee and the opportunity for a hearing. Permittee shall have 45 calendar days to resolve any default.
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, but shall not be required to indemnify the City against City's negligence.
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 existing facilities. If any existing facilities require reconstruction as a result of work performed under this permit, the relocation costs shall be borne by the Permittee, except as indicated otherwise in the prior agreements. 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.

The undersigned Permittee acknowledges by their signature hereon that they have read, understand and agree to the foregoing terms and conditions of the encroachment permit.

Date: Jan. 26, 1994

Rudolph J. McNeil  
Manager, Public Projects

Date: 2/1/94

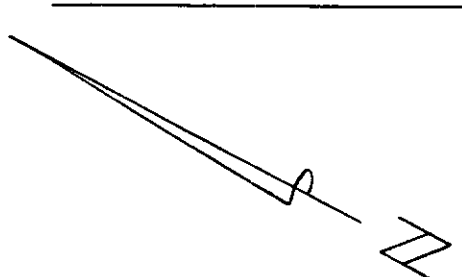
Approved by:  
Barry Best  
Public Works Director

E N 34°00'24"W

JEFFERSON

STREET

40'



LOT 4

ARLINGTON

BLOCK 50  
HEIGHTS

M.B. 11/20-21 S.B. CO.

PARCEL 1  
R/S 87/76

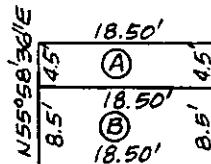
AVENUE

44'

LINCOLN

E N 55°58'36"E

PAR.	DATE	INST. No.	
A	12-3-92	462265	O.R.
B	6-18-92	225150	O.R.



N 34°01'20"W

A.T. & S.F. PRENDA SPUR



• CITY OF RIVERSIDE, CALIFORNIA •

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

SHEET 1 OF 1

5/39

SCALE: 1" = NTS

DRAWN BY KGS DATE 11/2/93

SUBJECT LINCOLN AVE. @ PRENDA SPUR