

**ENCROACHMENT PERMIT**

Neil and Renee Nilchian, the Owners of the property located at 841 Kilmarnock Way in the City of Riverside, Assessors Parcel No. 265-641-008 hereby requests permission to construct and maintain a **3 foot high Picket Fence** within the public right of way of Kilmarnock Way as shown on **EXHIBIT A** attached hereto.

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

Date 1/30/00

BY: Neil A. Nilchian

Date \_\_\_\_\_

BY: \_\_\_\_\_

CITY OF RIVERSIDE  
PARK AND RECREATION  
2800 JAN 19 AM 10:39

Applicants Address:

Phone

Mailing Address: P.O. BOX 1173  
RIVERSIDE, CA 92502

**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.

\_\_\_ Public Utilities Water - Brian Simpson

WESTERN MUNICIPAL

\_\_\_ Public Utilities Electric - Bill Mainord

Bill Mainord 1/14/00

\_\_\_ Parks and Recreation - Terry Nielsen

Terry Nielsen 1-19-00

\_\_\_ Planning - Jeff Belier

Jeff Belier 1-21-00

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

**FINAL APPROVAL**

Date 1-29-00

R. Mc Grath  
Richard McGrath, Public Works Director

ENCROACHMENT PERMIT NO. E - 1447  
PST 2/4/00

## 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.

(Ph. # 1-800-227-2600)

Special Departmental Conditions Attached: YES

SPECIAL CONDITIONS  
Park and Recreation Department  
STREET TREE CONDITIONS

- 9a. Being the owner of the property described in the above encroachment permit, I hereby accept responsibility of maintaining the street tree(s) located in my front yard, and I hold the City of Riverside harmless from any damage that may occur to my improvements as detailed in this Encroachment Permit as a result of a limb or the tree falling, or as a result of the natural growth of said tree(s).

In addition, I hereby grant the City of Riverside permission to gain entry to said yard in order to maintain said street tree(s), should the need arise.

DATE 1/30/00

Owner Neil A. Nelson

