

ENCROACHMENT PERMIT

Pursuant to Resolution No. 11065 of the City of Riverside, permission is hereby granted to Mr. Charles W. Ricker
4223 Mt. Vernon Avenue
Riverside, California 92507

his heirs and assigns, hereinafter referred to as "Permittee" to use and occupy the following described property: A portion of the Public right-of-way of Rustin Avenue as conveyed to the City of Riverside by deed recorded April 26, 1974 as Instrument No. 49699, Official Records of Riverside County, California; said right-of-way being located within Lot 30 of EAST RIVERSIDE LAND CO. Subdivision of Section 19, T.2S., R.4W., San Bernardino Meridian, as shown by map on file in Book 6 of Maps, at page 44 thereof, Records of San Bernardino County, California

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: For maintenance of existing irrigation facilities located within the right-of-way of Rustin Avenue as shown by Exhibit "A" attached hereto and made a part of this document.

1A. At such time as the adjacent properties westerly of Rustin Avenue develop, the permittee hereby agrees to abandon or relocate the subject irrigation facilities at his own expense. The permit shall be automatically revoked at that time.

1B. In the event that the City of Riverside should revoke this permit prior to the development of the property adjacent to the West the City shall bear all cost of relocating and/or replacement of the irrigation lines.

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: May 9, 1974

CITY OF RIVERSIDE, a municipal corporation
By Wayne F. Walcott Mayor
Attest Virginia J. Strohecker Pro Tempore City Clerk

The foregoing is accepted by:

(Signature(s) of Permittee)
Charles W. Ricker
Mae L. Ricker

APPROVED AS TO CONTENT
[Signature]
Department Head

APPROVED AS TO FORM
John Woodhead
City Attorney

CITY MANAGER APPROVAL
David Dubard
City Manager

