

ENCROACHMENT PERMIT
(Parking Lot No. 12)

On this 15th day of January, 1976, the PARKING AUTHORITY OF THE CITY OF RIVERSIDE, hereinafter referred to as "Authority" and SIDNEY LERNER, 3538 Central Avenue, Riverside, California, hereinafter referred to as "Permittee" mutually agree as follows:

(1) The Authority hereby grants to Permittee permission to use and occupy the approximately 8.25 foot by 15 foot area in the most westerly corner of Parking Lot No. 12, located on Orange Street between Nineth and Tenth Streets, Riverside, California, which area is shown outlined in red on the plat marked as Exhibit A, attached hereto and incorporated herein by this reference.

(2) The Permittee shall use and occupy the above described area only for the placement of rubbish containers to be used for the buildings immediately adjacent to said Parking Lot No. 12.

(3) In consideration of the granting of the encroachment permit, the Permittee shall construct or cause to be constructed at his cost, an enclosure for said rubbish containers, which enclosure shall be subject to the approval of the Public Works Director of the City of Riverside (hereinafter referred to as "Director"). Prior to the commencement of construction of the enclosure, the Permittee shall submit to the Director complete and detailed plans and specifications of the proposed enclosure. In granting or denying approval, the Director shall consider the type of construction materials, the color thereof, the proposed design, and the relation of the proposed enclosure with the surrounding buildings, and in particular, the compatibility of the proposed structure with the new City Hall. The approval of the Director shall not be unreasonably withheld. All necessary approvals and permits must be obtained by Permittee prior to the commencement of construction.

1 (4) The term of this encroachment permit shall be for
2 ten (10) years commencing January 15, 1976; provided, however,
3 this permit may be revoked at any time by the Authority upon
4 sixty (60) days written notice to the Permittee. In the event
5 the permit is revoked by the Authority as hereinabove provided,
6 the Authority shall pay to the Permittee for each full year
7 remaining in the term of this permit, a sum equal to one-tenth
8 of the lesser of the following amounts: (a) the actual cost
9 of construction of the enclosure; or (b) one thousand dollars (\$1,000)

10 (5) The Permittee shall commence construction of the
11 enclosure by no later than March 1, 1976, and complete construction
12 within thirty (30) days thereafter. The Permittee shall furnish
13 the Director verification of the total cost of the construction
14 of the enclosure. In the event construction is not begun on or
15 before March 1, 1976, the Permittee shall pay to Authority a
16 sum equal to the cost of removing the existing concrete slab in
17 the hereinabove described area and the landscaping of said area,
18 not to exceed one hundred dollars (\$100.00).

19 (6) The Permittee shall keep and maintain the enclosure
20 in a sanitary and orderly condition during the term of this permit,
21 and promptly make all needed repairs upon written notice from the
22 Director. A finding by the Authority that the Permittee is in
23 default of his responsibilities under this paragraph and the
24 failure by Permittee to make the required corrections within
25 fifteen (15) days following notice from the Authority of its
26 findings, shall be grounds for revocation of this permit without
27 necessity of reimbursement to the Permittee by the Authority as
28 provided in paragraph 4 above.

29 (7) Following expiration of the term of this permit, or
30 upon revocation thereof as hereinabove provided, the enclosure
31 shall become the property of the Authority.

32 (8) Permittee hereby agrees to hold the Authority and

1 the City of Riverside, its officers and employees, free and
2 harmless from and against all claims, demands, costs, losses,
3 damages, action or liability arising out of or caused by the
4 construction, encroachment, and/or maintenance to be done by
5 Permittee or his agents, employees or contractors within the
6 above-described property.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

PARKING AUTHORITY OF THE
CITY OF RIVERSIDE

By *Gene Lewis*
Chairman

Attest *Alice A. Hines*
Secretary

PERMITTEE
Sidney Lerner
SIDNEY LERNER

APPROVED AS TO FORM
Barbara [Signature]
ASST. CITY ATTORNEY

