

ENCROACHMENT PERMIT

Pursuant to Resolution No. 11065 of the City of Riverside, permission is hereby granted to Mr. Brian R. Roman  
2770 McAllister Street  
Riverside, CA 92503

his heirs and assigns, hereinafter referred to as "Permittee" to use and occupy the following described property. That portion of a 10-foot Public Utilities Easement at the rear of Lot 2 of Tract 2848 filed in Book 51 of Maps at Pages 3 and 4 thereof, records of Riverside County, California, as shown on attached Exhibit "A" 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: to construct and maintain a swimming pool and decking encroaching up to 10 feet into a 10-foot Public Utilities Easement, as shown on attached Exhibit "A".

1a. The Public Utilities Department shall not be held responsible for the nuisance caused by birds on overhead wires, if any.

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 28, 1977

CITY OF RIVERSIDE, a municipal corporation

By [Signature] Mayor

Attest [Signature] City Clerk

The foregoing is accepted by:

[Signature]  
(Signature(s) of Permittee)

APPROVED AS TO CONTENT

[Signature] 3/21/77  
Department Head

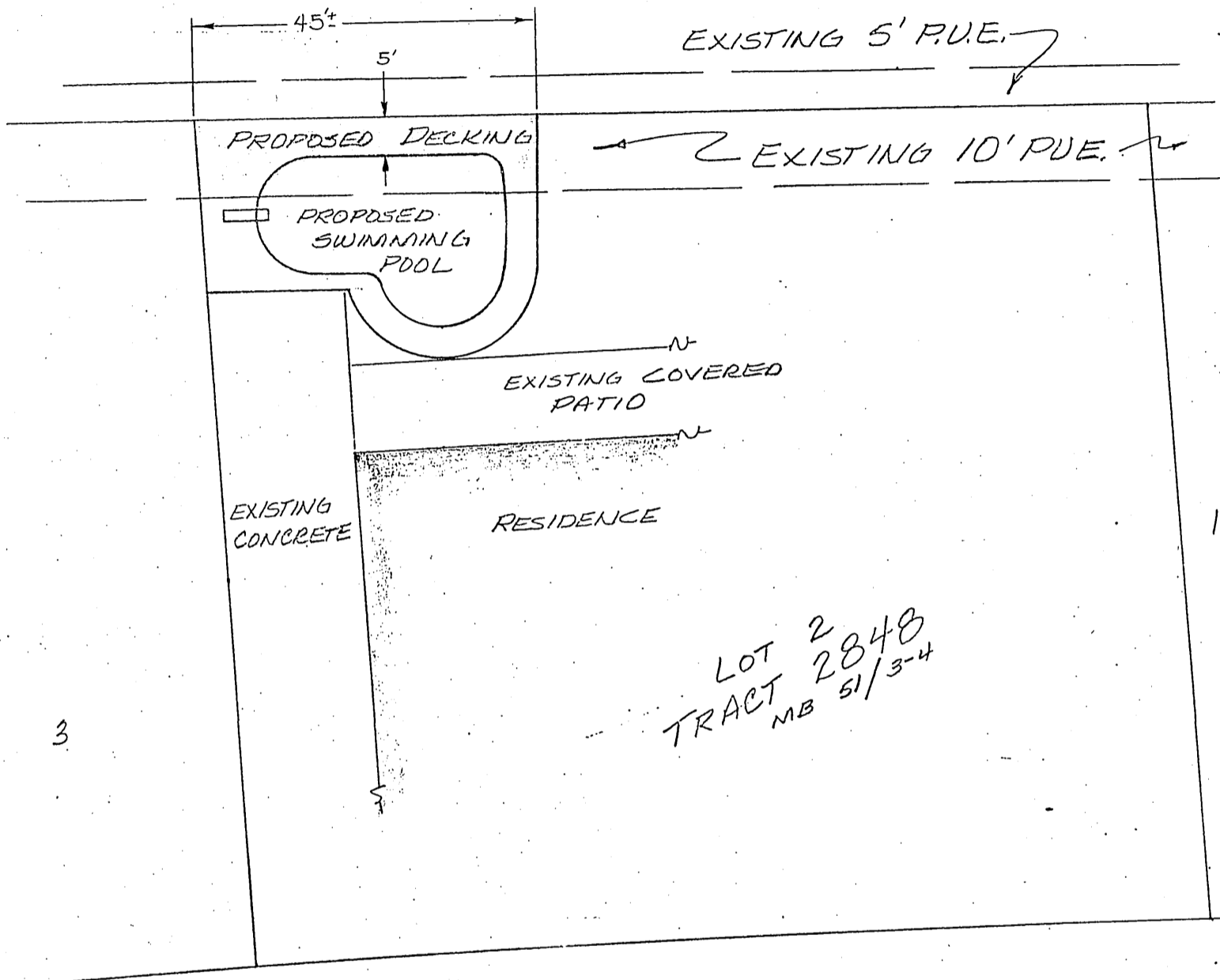
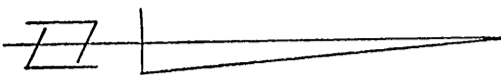
APPROVED AS TO FORM

[Signature]  
City Attorney

CITY MANAGER APPROVAL

[Signature]  
City Manager

EXHIBIT 'A'



MC ALLISTER ST.

TO VICTORIA AVE

33'

33'

• CITY OF RIVERSIDE, CALIFORNIA •

SHEET 1 OF 1

5/42-1

SCALE: 1" = 20'

DRAWN BY CR DATE 3/14/77

SUBJECT: Encroachment Permit - 2770 MC ALLISTER

Today is March 15, 1977  
and it's a great day!

Re: Indiana Avenue Widening  
Mary to Arlington

Mr. Walter Kienle  
6634 Indiana Avenue  
Riverside, California 92506

Dear Mr. Kienle:

Bids have been opened for the project to widen Indiana Avenue adjacent to your business at 6634 Indiana. As indicated in our letter of September 1, 1976, we are including the work required by zoning case no. R-18-734, except for the chain link fence along the railroad right of way. The cost to you, based on actual bid prices, is \$2220.78. By copy of this letter, we are requesting our Finance Department to bill you for this amount. Payment should be made before construction starts, which is anticipated to be April 1, 1977. We have included an itemized list of the costs and a copy of the bids for your information.

Yours very truly,

J. F. MARTINEK  
Public Works Director

By:

WILLIAM E. GARDNER  
Chief Public Works Engineer

Encl.

cc: Bill Hansen, Accounting Manager

PUBLIC WORKS DEPT.			
	Initial	No.	Action
Director			
Assistant	WJ		✓
Asst. Dir.			
Transp.			
Cap. Proj.			✓
Off. Eng.			✓
1911 Acts			
Plan. Clk.			
Land P. c.			
Inspection			
Spec. Des.			
Clerical			

File: Indiana Ave Widening  
Arch: Mary to Arlington  
F. Date: April 1, 1977

Zoning Case  
R-18-734  
6634 Indiana Ave



City of Riverside  
 BILLING ADVICE  
 Finance Department

Date 3/17/77

INVOICE TO: Walter Kientle  
6634 Indiana Ave.  
Riverside, Calif 92506

Revenue Account Code 30-575-356-30-19000

Requested By Bill Gardner

Department Public Works

DESCRIPTION	CHARGE	TOTAL DUE
<p>Indiana Ave Widening,            Mary To Arlington. <del>Project</del>            Adjacent To 6634 Indiana,            work required by zoning case            no. R-18-734, except for chain            link fence.</p> <p>Not for public works when paid.</p>	<p>2,220.78</p>	<p>\$2,220.78</p>

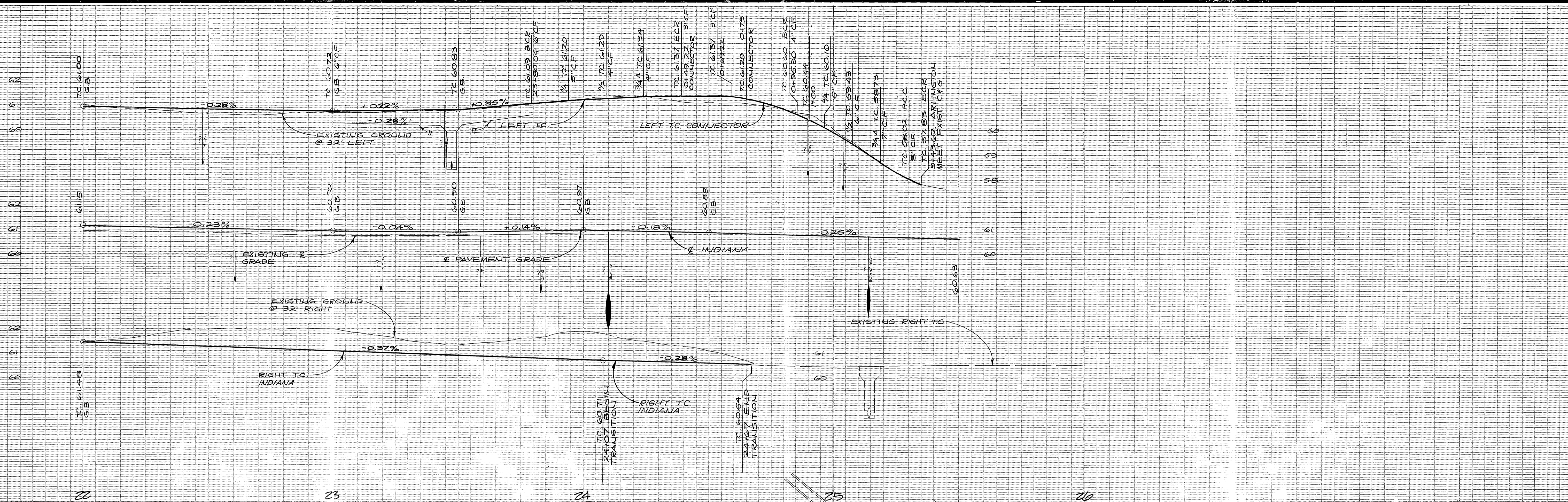
Form No. 142-105R1

Invoice #40901 pd. on 4/26/77 in full.

**RECEIVED**  
 MAY 2 1977  
 DEPT. OF PUBLIC WORKS

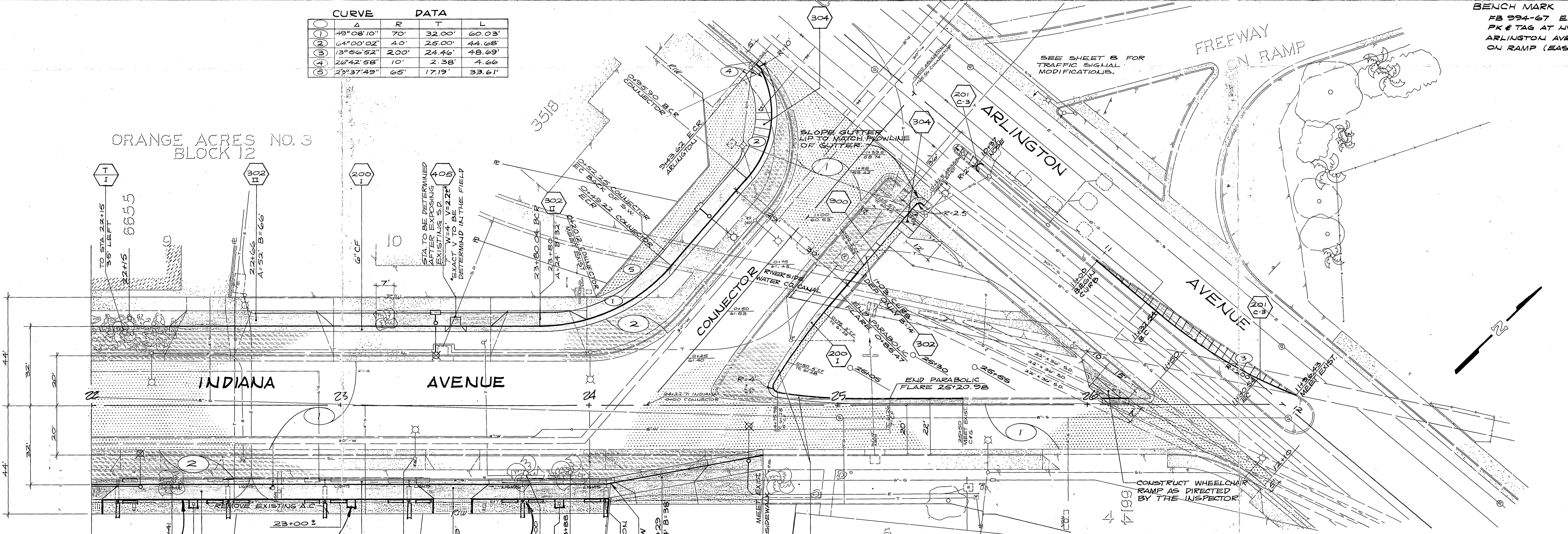
PUBLIC WORKS DEPT.			
	Initial	Info.	Action
Director			
Assistant			
Traffic			
Transp.			
Comp. Prec.			
Off. Eng.			
1911 Acts			
Plan Chk.			
Land Rec.			
Inspection			
San. Eng.			
Clerical			
File: <u>Indiana - Mary</u>			
X-Rel: <u>Zoning Case</u>			
F.U. Date:			

to Arlington  
 No. R-18-734



CURVE DATA				
Δ	R	T	L	
49°08'10"	70'	32.00'	60.03'	
64°00'02"	40'	25.00'	44.68'	
13°56'52"	200'	24.46'	48.69'	
26°42'58"	10'	2.38'	4.66'	
2°37'49"	65'	17.19'	33.61'	

BENCH MARK  
 FB 994-67 ELEV. 858.76  
 PK # TAG AT NW COR. OF  
 ARLINGTON AVE & FWY.  
 ON RAMP (EAST BOUND)



EXISTING CONC. BLOCK  
 RETAINING WALL  
 4' x 4' CUT OUTS IN  
 PARKING AREA BEHIND  
 BLOCK WALL (3 EACH)

ORANGE ACRES  
 BLOCK 11  
 EXHIBIT 'A'  
 REVISED PER COUNCIL  
 MINUTES 1-10-78

RELOCATED  
 PARKING LOT  
 LIGHTS

24+07  
 BEGIN TRANSITION  
 RELOCATE CORNER  
 FENCE POST TO R/W  
 LINE

**CITY OF RIVERSIDE**  
**PUBLIC WORKS DEPARTMENT**

APPROVED BY	DATE	APPROVED BY	DATE
PRINCIPAL ENGINEER	2/10	PUBLIC WORKS DIRECTOR	
TRAFFIC DIVISION	2/27		
CHIEF P.W. ENGINEER	2/27		

DESIGNED BY GWS - DRAWN BY SEW - CHECKED BY DE B&R

**Indiana Avenue**  
**Widening**  
**Mary to Arlington**

HORIZ. SCALE: 1" = 20'  
 VERT. SCALE: 1" = 2'

ACCOUNT NO. 30 675 356 07  
 FEB 15 1977  
**R-1852**  
 SHEET 7 OF 10  
 FILE NO.

CITY OF RIVERSIDE

INTEROFFICE MEMO

TO: Bill Gardner  
Chief Public Works Engineer

DATE: January 4, 1978

FROM: Dee W. Bachman  
Park Superintendent

*DWB*

RECEIVED

JAN 4 1978 *11:5 wdg*

SUBJECT: ENCROACHMENT PERMIT E-594

DEPT. OF PUBLIC WORKS

*\**

Per your request, the following is supplemental information relative to Encroachment Permit E-594. As you are aware, funds are available to use for the planting of additional robusta palms along Indiana Avenue. When these trees are planted the only remaining void between Mary Street and Arlington Avenue will be the Walter Auto Sales and Service Property.

In regard to the use of planter boxes in lieu of cutouts in the asphalt, we do have some concerns. Maintaining planter boxes would add to this department's restricted maintenance capability and would not be the most desirable solution from this standpoint.

The programmed tree in this area, robusta palm, is a long-lived, tall growing tree. Such a tree is not suited to planter boxes since the space required for its root system would require a very large box. Also robusta palms, as they mature, have a very high center of gravity which could cause a boxed tree to be blown over during high winds.

Additionally, we believe that planter boxes would probably consume more space and be more costly than the alternative of changing the existing concrete block wall to allow cutouts in the asphalt parking area.

If you have any questions, please contact us at any time.

DWB/cd

Per Dee:  
\* When remaining trees are planted, there will be uniformly planted Robustas on Indiana from Mary to Arlington, except along frontage of Walter's *wdg*

PUBLIC WORKS DEPT.			
	Initial	Info.	Action
Director			
Assistant	<i>wdg</i>		
Traffic			
Transp.			
Cap. Proj.	<i>DLP</i>		<input checked="" type="checkbox"/>
Off. Eng.			
1011			
Planng.			
Land Rec.			
Inspection			
San. Eng.			
Sewer Plt.			
Clerical			
File: Encroachment			
X-Ref: Permit No E-594			
F.U. Date:			



January 10, 1978

Honorable Mayor and City Council

SUBJECT: INDIANA AVENUE TREE WELLS AT WALTER'S AUTO SALES

Per the Council discussion of December 20, 1977, the staff has reviewed the overall plan for street trees on Indiana Avenue and the option of boxed trees being installed at Walter's Auto Sales.

As a part of the Indiana widening project, palms are planned to be planted between Mary and Arlington. This will leave the only remaining void in front of Walter's Auto Sales.

The Park and Recreation Department has expressed concern about the use of boxed trees at Walter's Auto Sales because of increased maintenance and initial installation costs. The proposed tree for Indiana is the Robusta Palm which is a very tall tree and not suitable as a boxed tree. Also it would be subject to tipping over during winds.

RECOMMENDATION

In conformance with the City's policy to plant street trees on widening projects, it is recommended that either:

1. Mr. Kienle be required to provide the jog in the retaining wall as required in his encroachment permit;
2. That Mr. Kienle provide 4' x 4' cut outs for planting trees in the parking area behind the wall; or
3. That Mr. Kienle be declared in default of the terms of the encroachment permit and that his improvements be removed from the street right-of-way by the City at the owner's expense and that the City plant the required street trees.

PREPARED BY:

Respectfully,

  
Robert C. Wales  
Acting Public Works Director

\_\_\_\_\_  
Wm. F. Cornett  
City Manager

GKs3/1

cc: City Attorney  
City Clerk  
Parks & Recreation Director

RECEIVED

23

JAN 6 1978 January 10, 1978

Honorable Mayor and City Council

DEPT. OF PUBLIC WORKS

SUBJECT: INDIANA AVENUE TREE WELLS AT WALTER'S AUTO SALES

Per the Council discussion of December 20, 1977, the staff has reviewed the overall plan for street trees on Indiana Avenue and the option of boxed trees being installed at Walter's Auto Sales.

As a part of the Indiana widening project, palms are planned to be planted between Mary and Arlington. This will leave the only remaining void in front of Walter's Auto Sales.

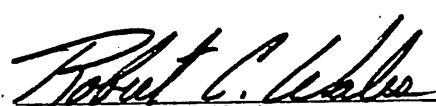
The Park and Recreation Department has expressed concern about the use of boxed trees at Walter's Auto Sales because of increased maintenance and initial installation costs. The proposed tree for Indiana is the Robusta Palm which is a very tall tree and not suitable as a boxed tree. If boxed they would be subject to tipping over during winds. Mr. Kienle, of Walter's Auto Sales has agreed to allow the Robusta Palm to be planted in 4' x 4' cut outs in the parking area behind the wall and to maintain the trees thereafter.


RECOMMENDATION

That the offer of Mr. Kienle be accepted and implemented.

PREPARED BY:

Respectfully,

  
Robert C. Wales  
Acting Public Works Director

  
Wm. F. Cornett  
City Manager

GKs3/1

cc: City Attorney  
City Clerk  
Park and Recreation Director

Eddie Brown says that he has tree cut-outs & planting arranged with Mr. Kienle.

DZR  
1-13-78

PUBLIC WORKS DEPT.			
	Initial	In'o.	Action
Director	<i>W</i>		
Assistant	<i>W</i>		
Traffic			
Transp.			
Cap. Proj.	<i>W</i>		
Off. Eng.			
1911 Act			
Plan. Clk.			
Land Use			
Ins. Insp.			
San. Insp.			
Sewer Insp.			
Clerical			

App.

File: Encroachment Permit E-594  
X-Ref: Indiana Avenue widening-Arl. to Mary.

1/4/78 11:10

Dee says it's written, He'll  
clear it w/ Eddie & bring up before  
George,  
noon.

Tues. morning Bill <sup>ing</sup>  
asked Backman for  
the promised memo to  
~~more clearly~~ more clearly  
define what the planting  
requirements are at  
Keinle's, i.e., trees in  
tubs. Until we ~~we~~ get  
that your draft of a  
Council report is probably  
the best.

D&R 1-3-78

Backman was supposed to  
deliver with enough time  
to draft Council Report

---

12/19/77  
SHE

Subject: Indiana Ave Widening  
Tree Wells at Walters Auto Sales

In connection with the widening of Indiana <sup>Mr. Kiente</sup> obtained an Encroachment Permit to reconstruct a property line wall and install parking lot lights behind the sidewalk within street right of way. Construction of the wall required that five wells be provided for 3 street trees.

After completion of the road widening Mr. Kiente had the wall constructed without the tree wells and attempts by the staff to have the wells constructed were unsuccessful.

As part of zoning case R-18-734 Mr. Kiente was bonded for 75' of street improvements which <sup>were</sup> constructed as part of the street widening. These improvements included relocation of 1 Palm tree at a cost of \$300. Since <sup>existing underground improvements</sup> ~~the tree was in conflict with the proposed new tree location~~ ~~with the left hand parking~~ the tree was moved to a traffic island adjacent to Arlinton Ave.

## Recommendation

In line with the City's policy to provide street trees on all street widening projects, it is recommended that:

1. Mr. Kientle be required to provide tree wells in front of his place of business at 6634 Judiana Ave. or
2. That Mr. Kientle be declared in default of the terms of the encroachment permit and that Mr. Kientle's improvements be removed and trees be planted ~~at~~ by the City at the owner's expense.

PUBLIC WORKS DEPT.		
	Initial	In c. ction
Director		
Assistant		✓
Building		
Traffic		
T. Insp.		
Cap. Proj.		✓
Off. Eng.		
1911 Act		
Plan. Div.		
Land Div.		
Inspection		
San. Eng.		
Clerical		
	<i>DDR</i>	
File:		
X-Ref:		
F.U. Date:		

Indiana Avenue Widening - Arlington to Mary

Subject: Street trees at Walter's Auto Sales

1-3-78

As part of Indiana Avenue Widening 3 palm trees in front of Walter's Auto Sales were to be relocated (set back) behind the proposed sidewalk. Underground utilities were in the way and the trees were planted in the island at Indiana and Arlington. Under zoning case no. 18-734 Mr. Keinke had paid for the relocation of one of the palms at a cost of \$300.

In subsequent conversations between Mr. Keinke, Jim Hamza & Bill Gardner, Mr. Keinke stated that he paid \$900 to have the trees relocated and that they were consequently planted ~~to~~ in the island at Arlington and that he was not getting what he paid for.

I talked to Mr. Hamza this morning & he repeated the \$900 figure. I explained that I could not find anything in the files other than the \$300 ~~to~~ in the zoning case. He said that he would find a copy of the check for verification.

DLR.

TALKED TO DEE BACHMAN 1-26-78 @ 1:05 PM. HE SAID HE WOULD CONFER WITH EDDIE BROWN TO CLARIFY RESPONSIBILITY OF THE INSTALLATION OF CUT OUTS AND PLANTING AND CALL ME WHEN POSSIBLE.

BOB

WALTER KIENLE  
INDIANA AVE  
WALTERS AUTO SALES



WALTER KIENLE - INDIANA AVE. TREE WELLS AT WALTER'S AUTO SALES

Further consideration was given the request of Mr. Walter Kienle to exempt him from having to plant trees or install tree wells in front of his property at 6634 Indiana Avenue. As requested by the City Council, a written report containing further information was presented from the City Manager and the Acting Public Works Director, advising the City Council that Mr. Kienle has agreed to allow Robusta Palms to be planted in 4-foot by

63-299

COUNCILMEN  
FINLEY  
HALEY  
HAYES  
SCOTT  
TOMPKINS  
DUGAN  
MANNING

January 10, 1978

WARDS

4-foot cut outs in the parking area behind the wall and to maintain the trees thereafter. Following a brief discussion, the offer of Mr. Kienle was accepted, as recommended by the staff.

Motion  
Second  
All Ayes

Mayor Lewis excused himself at this time, and Councilman Manning, Mayor Pro Tempore, assumed the Chair and presided.

Councilman Haley entered during the following discussion.

	1	2	3	4	5	6	7
Motion							X
Second			X				
All Ayes							X

GEORGE ;

THE PERMIT IS WRITTEN FOR THE EXHIBIT TO ACCURATELY DELINEATE THE ENCROACHMENT AND AS IT IS SHOWN NOW IT DOES NOT REFLECT THE EXISTING IMPROVEMENTS (BLOCK WALL) OR THE 4 X 4 CUT OUTS OR WHOM IS RESPONSIBLE FOR DOING THE ACTUAL PAVEMENT CUTS AND TREE PLANTING.

I SHOULD DRAFT A REVISED EXHIBIT TO REFLECT THE EXISTING BLOCK WALL AND 4 X 4 CUTOUTS AND CONTACT LEGAL DEPT. TO DETERMINE RESPONSIBILITY OF INSTALLATION; (NOTE IN FILE INDICATES DAVE RINGBLAND CONTACTED EDDIE BROWN WHO SAID INSTALLATION HAS BEEN ARRANGED WITH MR. KIENLE)

BOB

CITY OF RIVERSIDE

INTEROFFICE MEMO

TO: Bill Gardner  
Chief Public Works Engineer

DATE: December 15, 1977

FROM: Dee W. Bachman *Dee W. Bachman*  
Park Superintendent

SUBJECT: ENCROACHMENT PERMIT E-594 - INDIANA AVENUE STREET TREES

Because of the lack of adherence to the terms of encroachment permit referenced above, this department is unable to plant street trees at this location.

As background, prior to the widening of Indiana Avenue several palm trees were located in the city right-of-way in front of Walter's Auto Sales and Service. The installation of underground utilities which were part of the widening project did not allow relocation of these large trees within the new right-of-way; therefore, they were relocated to another public area in the vicinity. Presently, small trees not requiring as much space are scheduled to be planted in the public right-of-way adjacent to Walter's Auto Sales and Service. A wall was recently constructed by Walter's Auto Sales and Service within the public right-of-way under Encroachment Permit E-594. This permit called for indentations in the wall in order to allow placement of four trees. These indentations were not constructed when the wall was installed. Therefore, at the present time it is not possible to plant trees unless the wall is modified. It has been a long-standing city policy to plant trees within the public right-of-way along all city streets. Our effort in this matter is to maintain this city policy. The prevailing trees along Indiana Avenue are Robusta Palms. In order to maintain continuity, the new trees proposed for planting in this area would be of the same species.

DWB/cd

cc: R. Davenport appeal the tree  
E. Brown planting requirement to Council. I agreed to prepare a report to Council to accompany the appeal, and this memo is the P&R Dept's input to the report. — One question brought up by Walter & not answered by Rommie: Walter said he paid \$900 to City for existing trees to be moved back, instead they were moved away & he's not getting what he paid for. This should be looked in to.

**RECEIVED**

DEC 15 1977

DEPT. OF PUBLIC WORKS

12/15/77 *wdy*

Barbara Purvis, Rommie, & I met w/Walter, Kienle & Jim Harza on 12/12/77. Walter was going to

PUBLIC WORKS DEPT.		
	Initial	Info. Action
Director		<input checked="" type="checkbox"/>
Assistant	<i>wdy</i>	
Traffic		
Transp.		
Cap. Proj.	<i>JD</i>	<input checked="" type="checkbox"/>
Off. Eng.		<input checked="" type="checkbox"/>
1911 Acts		
Plan Chk.		
Land Rec.		
Inspection		
San. Eng.		
Sewer Plt.		
Clerical		
File:		
X-Ref:		
F.U. Date		

Prepare Council report when needed.

copies: C/M Legal PW

12/12/77 (29)

To Whome ~~It~~ May Concern  
We would like to speak to the City Council on December 20th - 1977 regarding not planting trees in front of our property  
Watters Mercedes Benz  
6634 Indiana Ave - 686 3332  
Watters Kienle  
Kienle

PUBLIC WORKS DEPT.		
Director	Initial	Ino. Action
	MS	
Traffic		
T. Ann.		
Dep. P. of		
Off. Eng.		
1911		
Plan. & k.		
Land. P.		
Inf. & P.		
Sewer Pitt.		
Clerical		
Files		
X-Ref.		
SU Date		

~~March 24, 1977~~ For Council 1/10/78  
Joint report with Park & Rec re  
t. to street <sup>tree</sup> planting plan for Indiana  
Mary to Arlington + possibility of tubs  
at this location

RECEIVED  
DEC 12 1977

Alice A. Hara  
CITY CLERK

Per Barbara - 12-12-77  
Mr. Kienle talked to her before coming over with his request. What she told him to request was an amendment to his Encroachment Permit. He did not leave room for - or install tree wells as he was supposed to do.

12/22 8am.  
Discussed w/ Dee.  
He will give us memo w/info on:  
1) Overall street tree planting, Mary to Anl.  
2) Feasibility of tubbed trees.  
We will:  
3) Get info on \$900 pd. by Kienle  
4) Combine all info into one rpt. for Council.  
Wdy 20  
12

RECEIVED  
DEC 13 1977

DEPT. OF PUBLIC WORKS