

ENCROACHMENT PERMIT

Pursuant to action of the City Council of the City of Riverside at its meeting of December 19, 1967, permission is hereby granted to V. M. Stone, Truman Johnson, Richard P. Mitchell

their heirs and assigns, hereinafter referred to as "Permittee" to use and occupy the following described property:

That portion of the City-owned property situated in the area outlined in red on the attached plan.

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 the installation of a drive-up ramp within the planting strip on the West side of the Evans Park parking lot subject to the following special conditions:

1. That a planting plan of the area be provided by a Landscape Architect for approval by the Park and Recreation Department.
2. That said planting area and any adjoining areas be replanted that were damaged by the construction with plans, labor, plant material, and all other costs to be at the expense of the Permittee.
3. That the Permittee provide necessary changes in Permittee's watering system to adequately water the area.
4. That moving or relocating of any existing plantings be by and at the expense of the Permittee.
5. That the Permittee shall make available, upon the request of the City, the parking spaces located at 4440 Brockton Ave. after regular office hours to accommodate overflow parking from Evans Park.
6. That the Permittee shall install and maintain all landscaped areas as required by the City Council at its meeting of December 19, 1967, at no expense to the City.
7. That the Permittee shall install and maintain adequate curbing along the landscaped area as indicated on the attached plan.
8. That the Permittee and his successors in interest hold the City harmless from all claims of damage and liability arising out of the use of said property and the exercise of this permit.

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.

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E-188

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.

DATED: March 7, 1968

CITY OF RIVERSIDE, a municipal corporation

By [Signature] Mayor

Attest [Signature] City Clerk

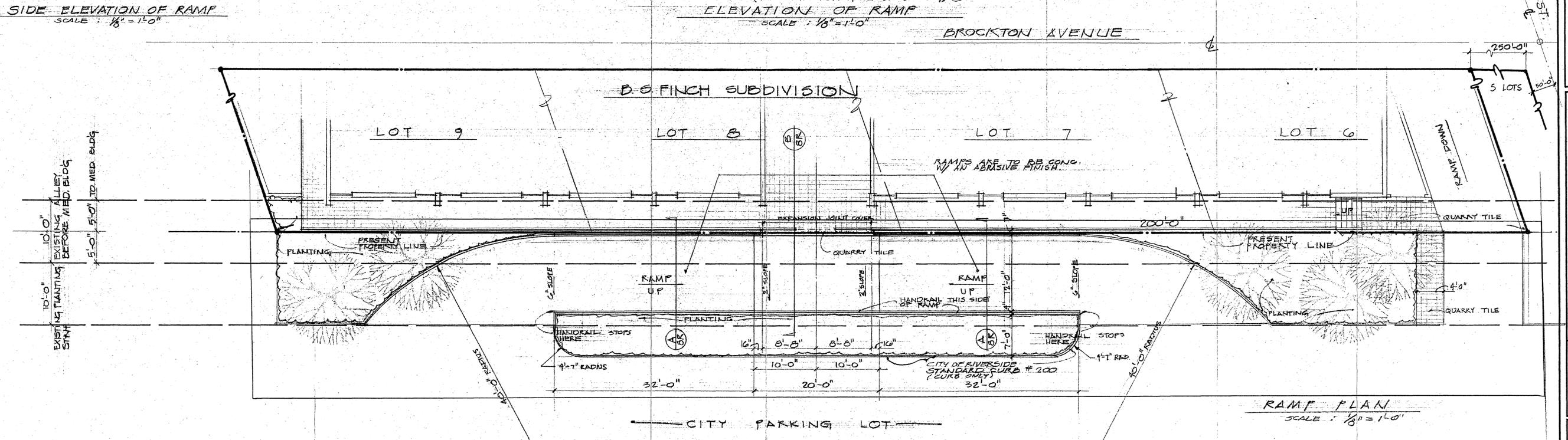
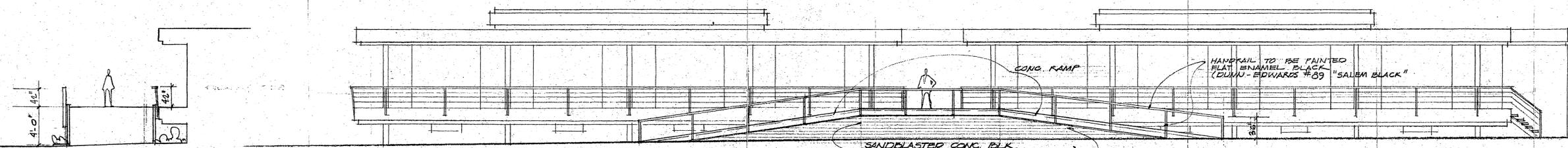
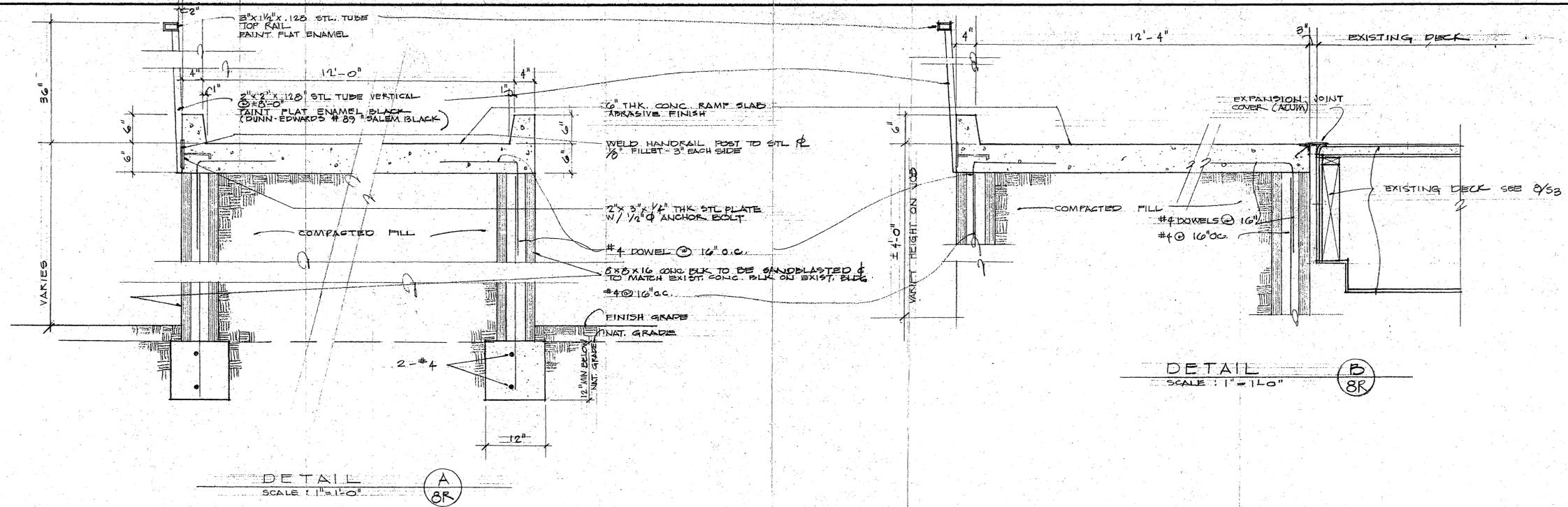
The foregoing is accepted by:

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

Don. K. Dew 2-21-68

APPROVED AS TO FORM:

[Signature]  
City Attorney



3681 6TH ST.  
RIVERSIDE  
CALIF. 92501  
P.H. 683-9833

**AIA**

**WILLIAM L. COWAN**  
**R. BUSSEY**  
**NOBLE**  
DEAN D. BROWN • CHARLES J. BROWN • ASSOCIATES

**CB**  
**ARCHITECTS**

**RAMP DETAIL**  
**REVISED**  
PLAN, ELEVATION, & DETAILS

JOB NO.  
DATE  
REV.

**SHEET**  
OF **SHT'S**

March 13, 1968

Mr. Carl M. Davis,  
3782 Orange Street,  
Riverside, California

Public Works Dept.		
	Initial	Info. / Action
Director	<i>JF</i>	<input checked="" type="checkbox"/>
Assistant	<i>WJG</i>	<input checked="" type="checkbox"/>
Building		
Traffic		
Airport		
Off. Engr	<i>WJG</i>	<input checked="" type="checkbox"/>
Co. Proj		
1911 Act		
San. Div.		
R. of W.	<i>Council</i>	<input checked="" type="checkbox"/>
Inv.		
Survey	<i>EP</i>	
Clerical		
File	<i>Haley</i>	<input checked="" type="checkbox"/>

post  
Bank

Re: Encroachment Permits

*Issued*

Dear Sir:

Enclosed is a fully executed original of the Encroachment Permit for your files.

Yours very truly,

J. F. MARTINEK  
Public Works Director

By WILLIAM D. GARDNER  
Assistant City Engineer

HJK:WDCYG

Enclosure: Encroachment Permit

CL-304-408C

E-188

Virginia Strohecker, City Clerk

William D. Gardner, Assistant City Engineer

Encroachment Permit for V. M. Stone, Truman Johnson and Richard P. Mitchell

Attached, in triplicate, is the Encroachment Permit for V. M. Stone, Truman Johnson and Richard P. Mitchell. Please present same to the Mayor for execution.

This Encroachment Permit has been revised in accordance with City Council action of December 19, 1967. Execution of the Permit was authorized by the City Council on the same day.

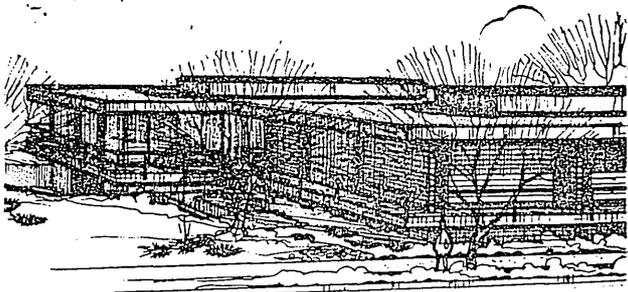
The Permit has been approved by the City Attorney and the Park and Recreation Director

HJK:WDG:vg  
Attachment

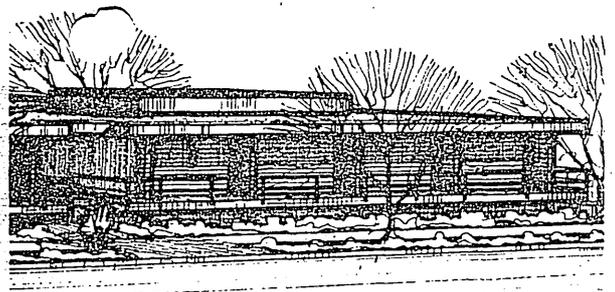
Public Works Dept.			
	Initial	Date	Action
March 4, 1968			
Assistant	WJ		
Building			
Traffic			
Airport			
Off. Insp.	WDB		
Cap. Proj.			
1911 Act			
Plan Chg.			
At. of W.			
Inspection			
Survey			
Clerical			

✓ Encroachment Permit General

C  
O  
P  
Y



# COMMUNITY MEDICAL BUILDING



POST OFFICE BOX 152

4440 BROCKTON AVENUE

RIVERSIDE, CALIFORNIA 92502

February 2, 1968

Mr. William D. Gardner  
City of Riverside  
Department of Public Works  
Riverside, California

Public Works Dept.		
	Initial	Info. Action
Director		<input checked="" type="checkbox"/>
Assistant	<i>WJG</i>	
Rec. M.		
	<i>WJG</i>	<input checked="" type="checkbox"/>
Plan Chk.	<i>WJG</i>	<input checked="" type="checkbox"/>
Rt. of W.		
Inspection		
Survey		
Clerical		
<i>WJG</i>		<input checked="" type="checkbox"/>
File		

Dear Mr. Gardner:

We enclose the encroachment permit executed in triplicate.

**RECEIVED**

FEB 5 1968

DEPT. OF PUBLIC WORKS

Very truly yours,

Community Medical Building  
By:

*Carl M. Davis*  
Carl M. Davis, Agent

CD/md

E-188

Public Works Dept.			
	Initial	Info.	Action
Director			<input checked="" type="checkbox"/>
Assistant	<i>WJG</i>		<input checked="" type="checkbox"/>
Building			
Traffic			
Airport			
Off. Engr.	<i>WJG</i>		
Cap. Proj.			
1911 Act			
Plan Chk.	<i>AW</i>		
Rt. of W.			
Inspection			
Survey			
Clerical			
File	<i>Hans</i>		<input checked="" type="checkbox"/>

ATTACHED IS  
 APPROVED COPY  
 OF THE PERMIT  
 WITH CHANGES  
 JANUARY 10, 1968  
 RECEIVED BY  
 W. S. SUGER  
 INCORPORATED

Mr. Carl M. Davis  
 3782 Orange Street  
 Riverside, California

Re: Encroachment Permit

Dear Mr. Davis:

In accordance with the City Council action of December 19, 1967, enclosed is a new Encroachment Permit which supersedes the one dated June 7, 1967.

Please have the enclosed documents executed by the owners of the property and returned to our office. After these documents have been executed, they will be submitted to the City Clerk and Mayor for execution on behalf of the City. One copy of the executed document will be returned to you for your files.

If you have any questions, feel free to contact this office.

Yours very truly,

J. F. MARTINEK  
 Public Works Director

By WILLIAM D. GARDNER  
 Assistant City Engineer

AFW:WDG:br  
 Encl.

CITY OF RIVERSIDE — INTER-OFFICE COMMUNICATION

DATE January 2, 1968

TO: J. F. Martinek, Public Works Director

FROM: John B. Wentz, City Manager

SUBJECT: COMMUNITY MEDICAL BUILDING

*Stone, Johnson, Mitchell*

Here is just a reminder to proceed with the new encroachment permit for the Community Medical Building Associates at Evans Park. As you know, the Council approved the enlarged encroachment for the automobile ramp upon three conditions: that the owners would sign an agreement making parking space in the building available to the public on special events; that the permit be extended an additional five feet in front of the ramp and that this area be landscaped by the owners, and also that curbing be installed around all landscaped areas; and finally that the applicant relieve the City of all liability resulting from this encroachment.

I realize that the City Attorney may have some difficulty getting all of these worked into the permit and there is some doubt as to whether or not the applicant will accept all of these conditions. Upon the assumption that this can be worked out, however, I would suggest that you push behind this to see that it is wrapped up. If for some reason there needs to be further consideration of the matter due to the inability of the two parties to get together on an agreeable document, let me know and we will reschedule Council consideration.

JBW:ms

*JFW*  
*see letter of 1/10/68 to Carl Davis*

RECEIVED  
JAN 3 1968  
DEPT. OF PUBLIC WORKS

Public Works Dept.		
	Initial	Info. Action
Director	<i>JFW</i>	<input checked="" type="checkbox"/>
Assistant	<i>WJ</i>	<input checked="" type="checkbox"/>
Building		
Traffic		
Airport		
Off. Engr.	<i>7076</i>	
Cap. Proj.		
1911 Act		
Plan Chk.	<i>AW</i>	<input checked="" type="checkbox"/>
Rt. of W.		
Inspection		
Survey		
Clerical		
File	<i>Hans</i>	<input checked="" type="checkbox"/>

*Encroachment Pmts.*

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## CITY OF RIVERSIDE — INTER-OFFICE COMMUNICATION

DATE December 6, 1967

TO: Virginia Strohecker, City Clerk  
Donald K. Derr, Park and Recreation Director

FROM: A. M. Rice, Property Manager

SUBJECT: ENCROACHMENT PERMIT - EVANS PARK

RECEIVED

DEC - 7 1967

Virginia Strohecker

CITY CLERK

We have been contacted by Mr. Carl M. Davis as a representative of the property owners of the newly constructed Medical Building on Brockton Avenue, southerly of Fourteenth Street.

Mr. Davis informed us that he was going to the Park and Recreation Commission Meeting of December 11 and the City Council Meeting of December 12 with a request for an Encroachment Permit on public property known as Evans Park. His schedule leaves us in the position of having only a couple of days in which to handle the matter of public property involvement and to make recommendations concerning the public property.

Resolution #10564 vacated a 10-foot wide alley between Evans Park and the private ownerships fronting on Brockton Avenue in an area southerly of Fourteenth Street. The result of this vacation was to add 5 feet to the lots fronting on Brockton Avenue.

A letter to this Division from Mr. Wentz dated August 2, 1966 indicated City Council's disposition to have the Property Management Office negotiate for the sale of 5 feet of the public ownership to the rear of the privately owned lots fronting on Brockton Avenue with a property line common to Evans Park. The owners of Lots 6, 7, 8 and 9, which were and are represented by Mr. Carl Davis, were contacted and they made no move to accept the City's offer to sell them the 5 feet of property which they claimed they needed for proper development of their ownership.

In June, 1967, an Encroachment Permit was authorized by the City Council, upon the direct application of the owners of Lots 6, 7, 8 and 9 of the B. S. Finch Subdivision, which authorized the exclusive use of some 3,000 square feet of public property by this private business.

The Encroachment Permit issued is revocable by the City at any time without stated notice requirement and all rights to a claim of loss, damage or action against the City was waived in the acceptance of the Encroachment Permit. This Permit granted exclusive use of 3,000 square feet of public property by nature of the construction authorized for the area. This is an area 200 feet long at the rear of Lots 6, 7, 8 and 9 of B. S. Finch Subdivision, which lies easterly of the former centerline of the vacated alley to a distance of 15 feet, thus it extends to a point 20 feet to the rear from the rear lot lines which existed prior to the alley vacation.

It is our understanding that these people are now coming back with an additional request to increase the construction on public property to provide

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Virginia Strohecker, City Clerk  
Donald K. Derr, Park and Recreation Director  
December 6, 1967  
Page Two

for an automobile ramp on City property to be utilized for the unloading of customers in wheelchairs, who are being serviced by this private enterprise.

Consultation with Mr. Derr has indicated that the aesthetics of the proposed construction would be as acceptable as those now existing. In addition to the exclusive use of some 3,000 square feet of public property by private ownership, resulting from construction in the manner proposed, there would perhaps be required some additional 11,000 square feet of public property for driveways and turn around areas from Fourteenth Street to the rear of the property owned by the applicants. Legal access previously existed in the vacated alley.

It is, of course, the obligation of the Legal Department to determine the legality of exclusive use of public property by a private business without compensation. This office must take a position of opposition to such use of public property by private parties for their profit, without payment of fair rental value for its use to the City.

Other comparable situations exist. There would be an obviously beneficial result for the Riverside Medical Clinic at 3660 Arlington Avenue to construct additional facilities on their property if they could shift the burden of driveways, walkways and landscaping to the public property known as Shamel Park. This would be particularly true if no charge was made for the use of the public property. There are, of course, many other parcels (over 200) of public property which perhaps could be used very advantageously by adjacent private owners if they were allowed the free use of public ownership, for exclusive benefit or to increase the scope of development on their property.

It would seem that if the City is to grant special privileges in one case, that an indefensible precedent would be established as it pertains to other parcels of City property.

These facts, therefore, compel us to recommend that in connection with the Encroachment Permit Application to be made in connection with Lots 6, 7, 8 and 9 of the B. S. Finch Subdivision, that the request be denied, and that the existing Encroachment Permit be cancelled.

We further recommend that if the applicants desire to use the City property, that they be required to purchase it or to lease it upon a basis of its fair market value.

AMR:mb

CC: City Manager  
Legal Department

E-188

Copies: Ingal  
AP 03  
Blanca

# COMMUNITY MEDICAL BUILDING

POST OFFICE BOX 152

RIVERSIDE, CALIFORNIA 92502

Public Works Dept.		Info.	Action
	Initial		
Director			
Assistant	<i>WJ</i>		
Building	<i>WJ</i>		
Traffic			
Airport			
Off. Engr.	<i>WJ</i>		
Cap. Proj.			
1911 Act			
Plan Chk.			
Rt. of W			
Inspection			
Survey			
Clerical	<i>Hans</i>		
File	<i>se</i>		

# RECEIVED

DEC - 6 1967

*Virginia Strohecker*  
CITY CLERK

December 5, 1967

Mrs. Virginia Strohecker  
City Clerk  
City of Riverside

Dear Mrs. Strohecker:

The owners of Community Medical Building, 4440 Brockton Avenue, Riverside, California, have directed this office to request time on the Riverside City Council Agenda, December 12, 1967.

Very truly yours,

Carl M. Davis, Agent  
for Community Medical Building

cd/md

*Wants to request a variance in the Encroachment Permit for the drive ramp rather than the walk ramp as granted.*