

ENCROACHMENT PERMIT

Pursuant to Resolution No. 11065 of the City of Riverside, permission is hereby granted to Mr. Peter J. Hellinger

11825 Ivy Lane
Sunnymead, California 92388

his heirs and assigns, hereinafter referred to as "Permittee" to use and occupy the following described property: A portion of the existing public right of way on the northerly side of BENEDICT AVENUE directly south-erly of Lot 27 of TRACT NO. 2623, as shown by map on file in Book 47 of Maps, pages 62-64, inclusive thereof, Records of Riverside 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 construction and maintenance of a 6 foot high wood fence encroaching into the public right of way of Benedict Avenue as shown by Exhibit "A" attached hereto and made a part of this document.

1A. Permittee hereby agrees to place said fence 2 feet behind the existing back of sidewalk.

1B. Permittee also agrees to landscape the 2 foot area between the fence and the existing back of sidewalk to the specifications of the Park and Recreation Department of the City of Riverside.

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: August 19, 1974

CITY OF RIVERSIDE, a municipal corporation

By [Signature] - Mayor

Attest VIRGINIA J. STROHECKER City Clerk

The foregoing is accepted by:

BY Alice P. Hare
ASSISTANT CITY CLERK

[Signature]
(Signature(s) of Permittee)

APPROVED AS TO CONTENT

[Signature]
Department Head

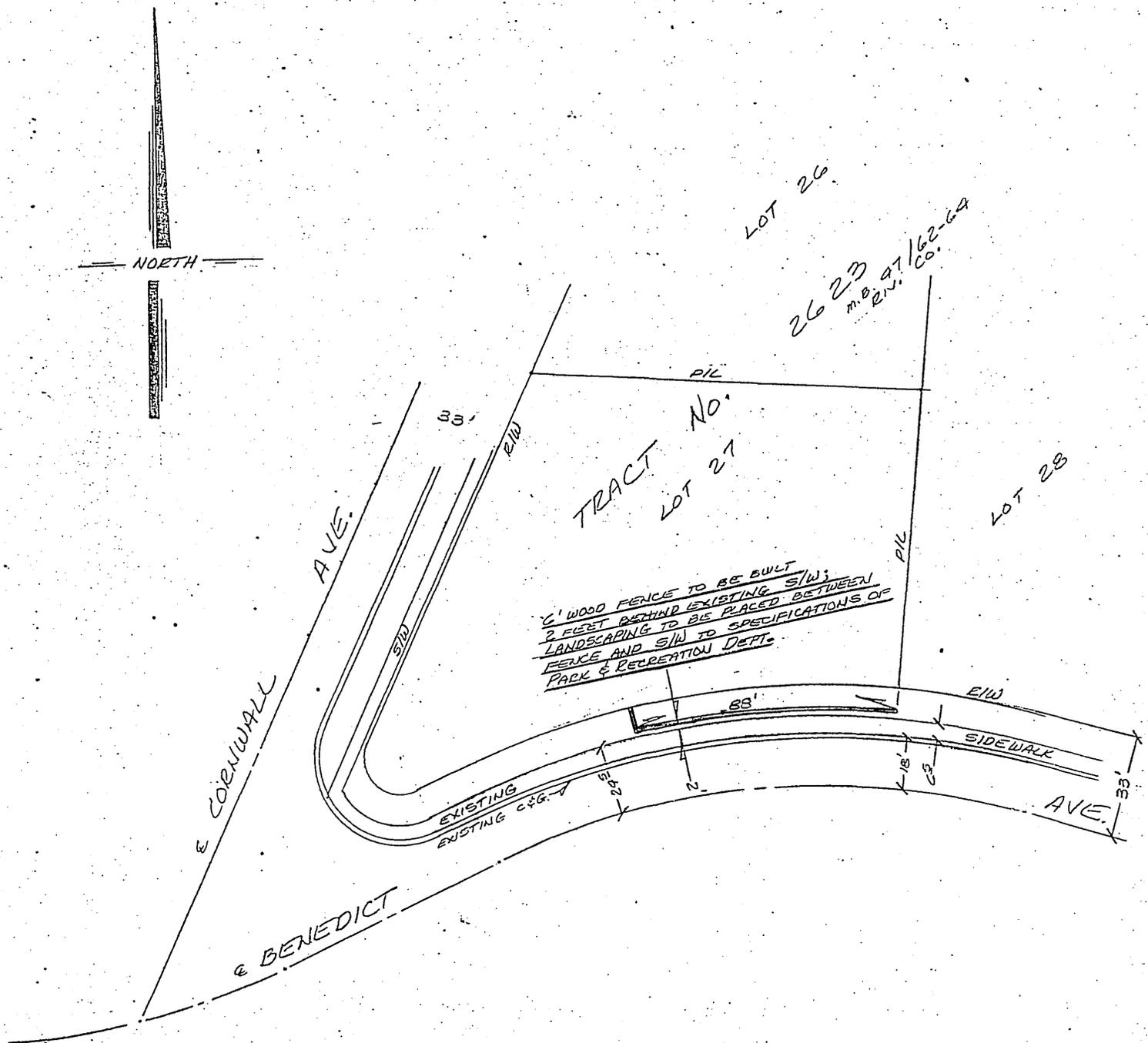
APPROVED AS TO FORM

[Signature]
City Attorney

CITY MANAGER APPROVAL

[Signature]
City Manager

EXHIBIT 'A'



REFERENCE: RIVERSIDE
CITY COUNCIL MINUTES
OF 8/13/74.

• CITY OF RIVERSIDE, CALIFORNIA •

SHEET 1 OF 1

4/40-2

SCALE: 1" = 50'

DRAWN BY WF DATE 8/15/74

SUBJECT: Encroachment Permit - 5608 COENWALL AVE.

477

CITY OF RIVERSIDE

COUNCILMEN

August 13, 1974

WARDS

WOLCOTT
MAYOR
ANDERSON
HARRIS
WANAMAKER
SCOTT
ABRAMS
MACOMBER

No. 12402 Declaring Its Intention to Approve an Amendment to Contract Between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Riverside, was presented; and the title having been read, and further reading waived by the unanimous consent of Councilmen present, was adopted.

Motion X
Second
All Ayes

The City Council recessed to 2:00 P.M., this date, at which time the City Council reconvened with all Members present except Councilman Wanamaker.

PARKING AUTHORITY

The City Council recessed as the City Council for the purpose of sitting as the Parking Authority of the City of Riverside.

Following the business acted upon by the Parking Authority of the City of Riverside, the meeting of the Parking Authority was adjourned, and the City Council reconvened as the City Council of the City of Riverside, and continued with the regular City Council Agenda.

Councilman Wanamaker entered during the meeting of the Parking Authority.

RIVERSIDE PARKING FACILITIES LEASE

Resolution No. 12403 of the City Council of the City of Riverside, California, Approving Amount of Base Rental Payable by the City Under That Certain Lease Entitled "Riverside Parking Facilities Lease" Dated August 15, 1974, was presented; and the title having been read, and further reading waived by the unanimous consent of Councilmen present, was adopted.

Motion
Second
All Ayes

Mayor Lewis excused himself, and Councilman Macomber, Mayor Pro Tempore, assumed the Chair and presided.

BEFORE THE CITY COUNCIL AT 2:00 P.M.

ENCROACHMENT PERMIT REQUEST - PETER J. HELLINGER

A request for an Encroachment Permit was presented from Peter J. Hellinger to maintain an existing 6-foot-high wooden fence encroaching into the public right of way on Benedict Avenue, on the northerly side of Benedict Avenue directly southerly of Lot 27 of Tract No. 2623; wherein permittee agrees to lower said 6-foot-high fence to 3 feet in height in the area noted on Exhibit A of the Permit; together with the recommendation from the Public Works Department that the Permit be issued. Following discussion with the Chief Public Works Engineer and Mr. Hellinger, motion was made to approve the recommendation of the Public Works Department, except that the entire fence be allowed to remain at six feet in height, as it now exists.

Motion
Second

Following further discussion with interested persons present, a substitute motion was made to grant the Encroachment Permit for the fence to be set back 3 feet from the sidewalk, and be allowed to remain six feet in height.

Motion
Second

An amendment was made to the substitute motion that the fence be placed two feet from the sidewalk, and that the planting of shrubs for landscaping be required in the two-foot area.

Motion
Second
Ayes
Noes

A roll call vote was then taken on the substitute motion, as amended.

Ayes
Noes