

ENCROACHMENT PERMIT

The CITY OF RIVERSIDE, a municipal corporation, hereby grants to ROBERT W. CHRISTENSEN, HELEN F. CHRISTENSEN, JOHN D. HAMNER, VERA M. HAMNER, CURTIS P. PILCHER, LEONA F. PILCHER, JERALD JACK ABRAHAM, FLORA SUSAN ABRAHAM, and J. EDWARD LAMAR, 3839 Van Buren Boulevard, Riverside, California 92503, their heirs and assigns, hereinafter referred to as "Permittee", permission to use and occupy the following described property in accordance with the terms set forth herein:

The southwesterly 15.00 feet of Lot 25 in Block 12 of the VILLAGE OF ARLINGTON, per map on file in Book 1 of Maps, at page 62 thereof, records of Riverside County, California, being also a portion of the Public Right of Way within Van Buren Boulevard between Hayes Street and Miller Street per deed recorded October 24, 1975, as Instrument No. 131925, Official Records of said County.

1. The Permittee shall use and occupy the described property only in the manner and for the purposes as follows: maintenance of an existing stucco building and an existing 6-foot chain link fence encroaching into the easterly right of way of said Van Buren Boulevard as shown on Exhibit "A" attached hereto and made a part of this document.

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 on the described property. 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. Notwithstanding any other provision of this permit, the City of Riverside shall not revoke the permissions herein granted at any time during which the described property is occupied by the presently existing stucco building and 6-foot chain link fence or during a time measured by lives in being plus twenty-one years, whichever time is the shorter, unless in consideration of such revocation the City shall pay to the Permittee an amount equal to seventy percent (70%) of the reasonable costs to relocate, or demolish and reconstruct, whichever is less costly, any portion of said existing improvements necessitated by such revocation. Prior to any such relocation or demolition and reconstruction, the Permittee shall submit to the City all plans, specifications, bids and proposals necessary for the City to determine the reasonable costs for both alternatives. The City shall give notice to the Permittee of the alternative which in the opinion of the City is the less costly and the estimated cost thereof. In the event the Permittee determines to proceed under the alternative other than that indicated by the City, the City shall make payment to the Permittee in an amount equal to seventy percent (70%) of the estimated cost of the alternative recommended by the City as the less costly or seventy percent (70%) of the actual costs of the alternative chosen by Permittee, whichever is less. Prior to commencing any such relocation or demolition and reconstruction, the Permittee shall obtain at least three bids for each such alternative. The City shall have the right to inspect all bills, invoices and records reasonably required by the City to support Permittee's request for reimbursement pursuant to this paragraph.

5. 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, except the right of claim, loss, damage or action against the City of Riverside arising out of or resulting from the failure of said City to fulfill the terms of Paragraph 4 above.

6. Finding and determination by the City Council of the City of Riverside that the Permittee, or their heirs and assigns or successors in interest, are in default of the terms hereunder shall be cause for revocation.

7. 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.

8. This permit supersedes the Encroachment Permit dated February 10, 1976 issued to Robert W. Christensen, Helen F. Christensen, John D. Hamner, Vera M. Hamner, Curtis P. Pilcher, Leona F. Pilcher, Jerald Jack Abraham, Flora Susan Abraham, and J. Edward Lamar, and the Compensation Agreement between the City and Jerald Jack Abraham et al. dated February 10, 1976, attached thereto as Exhibit B.

DATED: Oct. 7, 1976

CITY OF RIVERSIDE, a municipal corporation

By [Signature] Mayor

Attest [Signature] City Clerk

The Permittee hereby accepts the encroachment permit set forth above and agrees to be bound by and comply with said permit. The Permittee further agrees that the Encroachment Permit dated February 10, 1976 issued by the City to the Permittees and the Compensation Agreement between the City and Jerald Jack Abraham, et al. dated February 10, 1976 attached thereto as Exhibit B is hereby superseded by this encroachment permit.

[Signature]  
ROBERT W. CHRISTENSEN

[Signature]  
HELEN F. CHRISTENSEN

[Signature]  
JOHN D. HAMNER

[Signature]  
VERA M. HAMNER

[Signature]  
CURTIS P. PILCHER

[Signature]  
LEONA F. PILCHER

[Signature]  
JERALD JACK ABRAHAM

[Signature]  
FLORA SUSAN ABRAHAM

[Signature]  
J. EDWARD LAMAR

APPROVED AS TO CONTENT

[Signature]  
Department Head

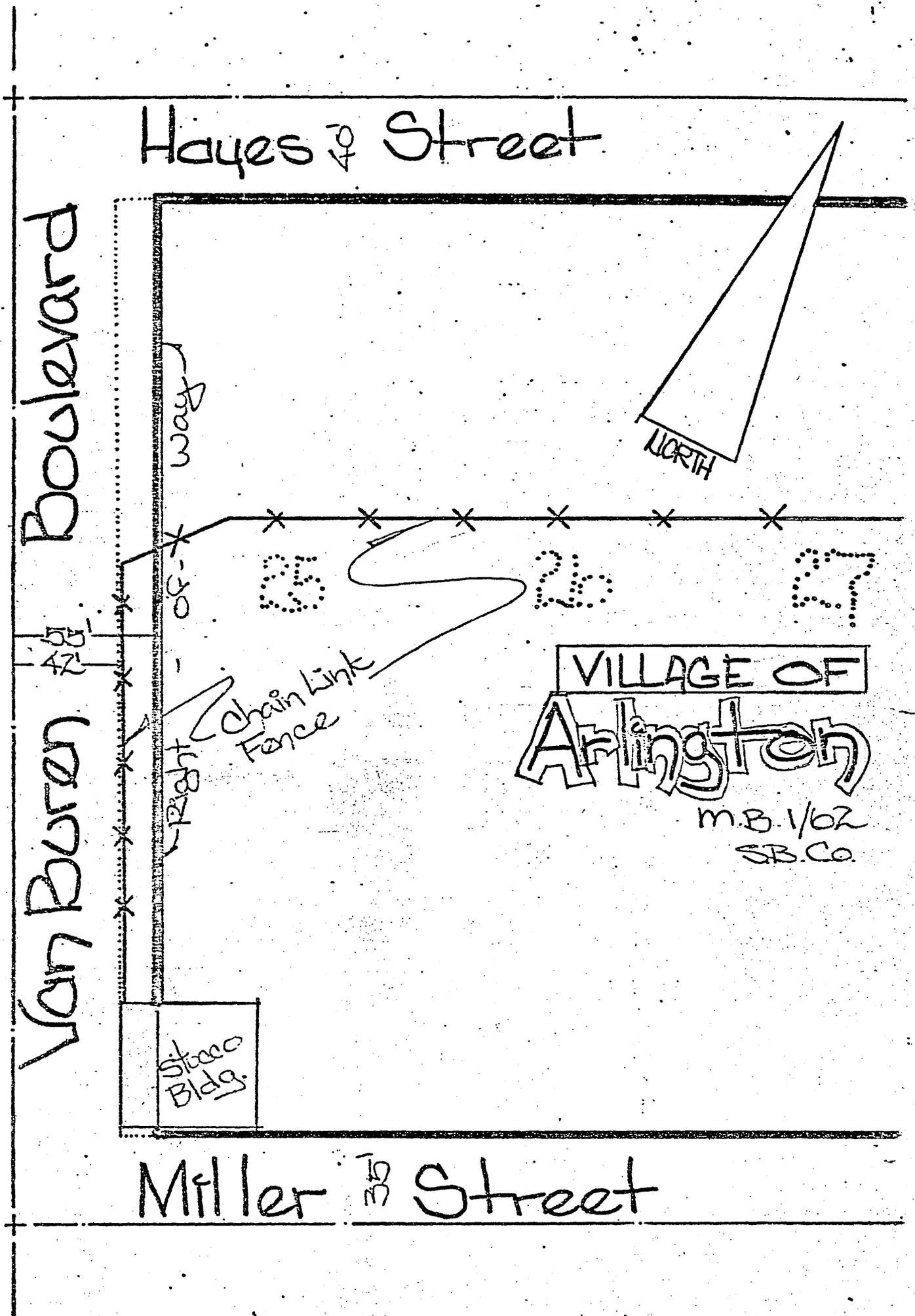
APPROVED AS TO FORM

[Signature]  
City Attorney

CITY MANAGER APPROVAL

[Signature]  
City Manager

EXHIBIT 'A'



• CITY OF RIVERSIDE, CALIFORNIA •

SHEET 1 OF 1 5/17

SCALE 1" = 20' DRAWN BY [Signature] DATE 10/30/75 SUBJECT: Encroachment Permit - [Signature]

ENCROACHMENT PERMIT

Pursuant to Resolution No. 11065 of the City of Riverside, permission is hereby granted to Robert W. Christensen, Helen F. Christensen, John D. Hamner, Vera M. Hamner, Curtis P. Pilcher, Leona F. Pilcher, Jerald Jack Abraham, Flora Susan Abraham, J. Edward Lamar - 3839 Van Buren Boulevard, Arlington, California 92503

their heirs and assigns, hereinafter referred to as "Permittee" to use and occupy the following described property: the southwesterly 15.00 feet of Lot 25 in Block 12 of the VILLAGE OF ARLINGTON, per map on file in Book 1 of Maps, at page 62 thereof, records of Riverside County, California, being also a portion of the Public Right of Way within Van Buren Boulevard between Hayes Street and Miller Street per deed recorded October 24, 1975, as Instrument No. 131925, Official Records of said County,

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: maintenance of an existing stucco building encroaching 13.00 feet and an existing 6 foot chain link fence encroaching 14.5 feet into the easterly right of way of said Van Buren Boulevard as shown on Exhibit "A" attached hereto and made a part of this document.

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. The City may cause the revocation of this encroachment permit only in the event the City elects to widen Van Buren Boulevard. Upon the expiration or revocation, in the event that said expiration or revocation is required in order for the City to widen Van Buren Boulevard, compensation will be made by the City to the Permittee, their heirs or assigns, for the removal of said improvements and/or obstructions in full accordance with the Compensation Agreement between City and Permittee appended to this agreement as Exhibit B and incorporated herein.

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, except the right of claim, loss, damage or action against the City of Riverside arising out of or resulting from the failure of said City to fulfill the terms of Exhibit B 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: February 10, 1976

CITY OF RIVERSIDE, a municipal corporation

By [Signature] Mayor

Attest Alice A. Hare City Clerk

The foregoing is accepted by:

[Signature]  
(Signature(s) of Permittee)

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED AS TO CONTENT

[Signature]  
Department Head

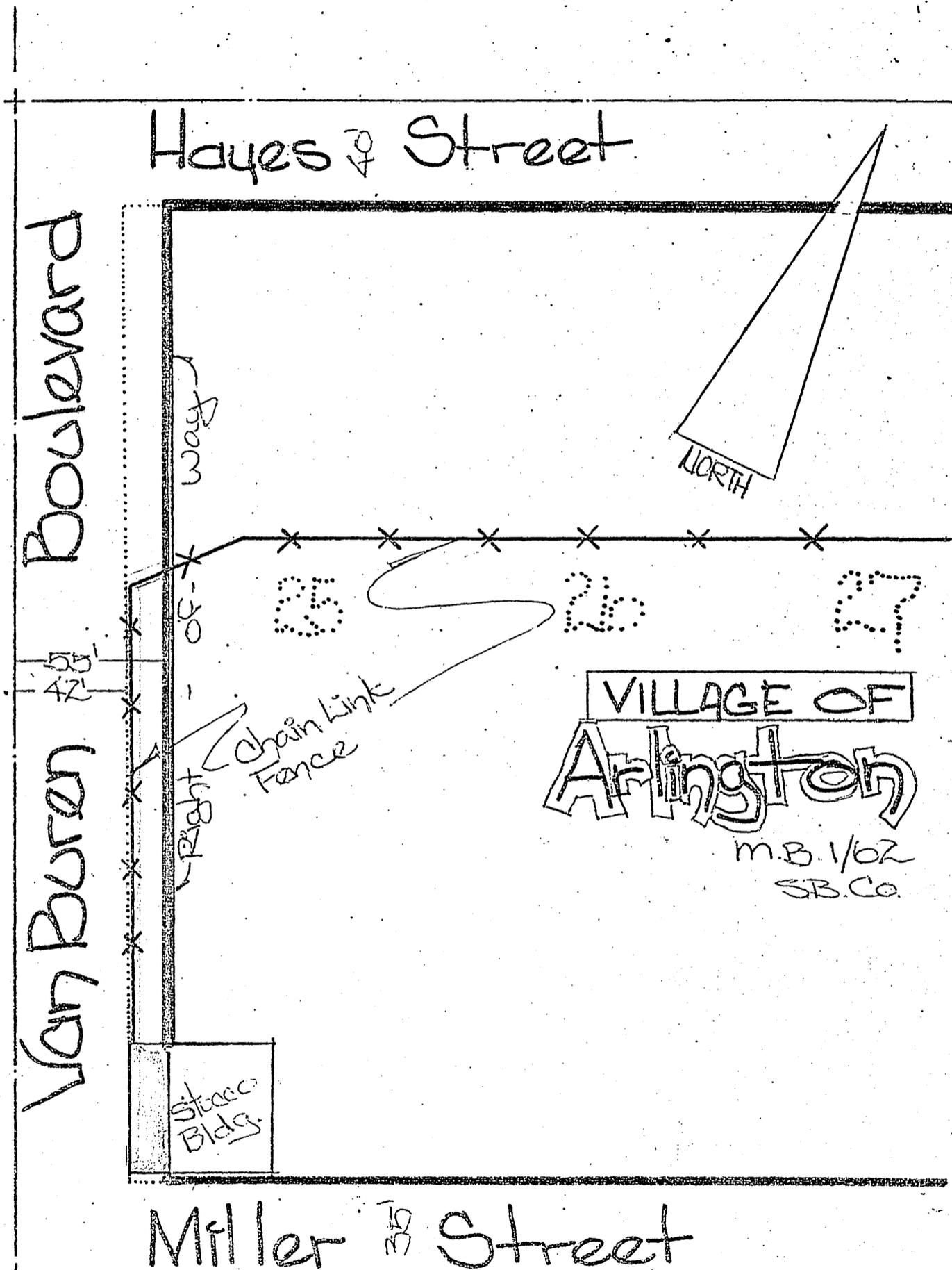
APPROVED AS TO FORM

[Signature]  
City Attorney

CITY MANAGER APPROVAL

[Signature]  
City Manager

EXHIBIT 'A'



• CITY OF RIVERSIDE, CALIFORNIA •

SHEET 1 OF 1

5/17

SCALE: 1" = 50'

DRAWN BY: V.D. DATE: 10/30/75

SUBJECT: Encroachment Permit - 3839 Van Buren

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COMPENSATION AGREEMENT

THIS AGREEMENT is made and entered into this 10th day of February, 1976, by and between the CITY OF RIVERSIDE, a municipal corporation, hereinafter referred to as the "City", and JERALD JACK ABRAHAM, ET AL, hereinafter referred to as "Permittee", address 3839 Van Buren Boulevard, Riverside, California.

The City and the Permittee hereby agree as follows:

1. In consideration of the dedication to the City by the Permittee of that property herein described as follows:

The southwesterly 15.00 feet of Lot 25 of Village of Arlington, in the City of Riverside, County of Riverside, State of California, as per map recorded in Book at page 62 of Maps, in the Office of the County Recorder of San Bernardino County, California.

City agrees that in the event the widening and improving of Van Buren Boulevard by City necessitates the removal or demolition of any improvements on the aforementioned dedicated property, City will at its own expense relocate, or demolish and reconstruct, whichever is less costly, any portion of said improvements.

2. The Permittee hereby grants the City the right of entry onto the aforementioned dedicated property for the purposes of widening Van Buren Boulevard, and the relocation, or the demolition and reconstruction, of any part of said existing improvements.

3. This agreement shall also apply to Permittee's heirs and assignees.

IN WITNESS WHEREOF the parties hereto have caused this compensation agreement to be duly executed on the day and year first above written.

JERALD JACK ABRAHAM, ET AL  
By Jerald J. Abraham  
Title Pres  
By Robert Kristensen  
Title \_\_\_\_\_

CITY OF RIVERSIDE, a  
municipal corporation  
By Samuel [Signature]  
Mayor  
Attest Alice A. [Signature]  
City Clerk

CITY ATTORNEY  
RIVERSIDE  
CALIFORNIA

APPROVED AS TO FORM  
John Woodlief  
CITY ATTORNEY