

ENCROACHMENT PERMIT

Pursuant to Resolution No. 11065 of the City of Riverside, permission is hereby granted to Fumio Fukaya and Nobuko Fukaya
6089 Windemere Way
Riverside, CA 92506

their heirs and assigns, hereinafter referred to as "Permittee" to use and occupy the following described property. All that portion of a ten foot public utilities easement adjacent to the west line of Lot 57, Tract 4111 as shown by map on file in Book 79 of Maps, Page 15 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: to construct and maintain a swimming pool encroaching into said easement a maximum of five feet; and decking encroaching into said easement a maximum of 9.5 feet, both shown on attached "Exhibit A" and made a part of this document.

1a. The Public Utilities Department shall not be held responsible for any 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: Aug. 3, 1977

CITY OF RIVERSIDE, a municipal corporation

By [Signature] Mayor

Attest [Signature] City Clerk

The foregoing is accepted by:

[Signature]
(Signature(s) of Permittee)

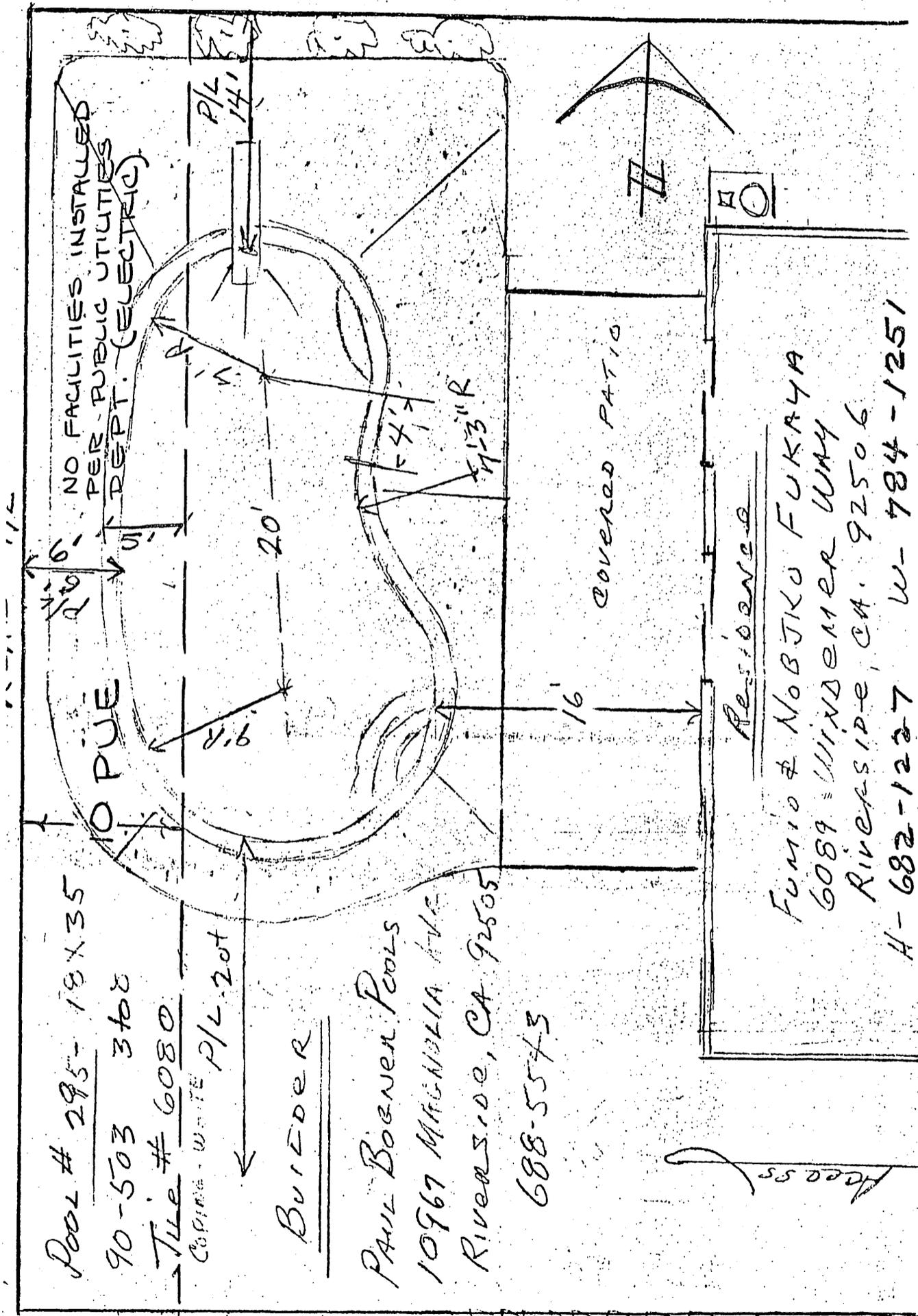
APPROVED AS TO CONTENT
[Signature] 7/27/77
Department Head

APPROVED AS TO FORM
[Signature]
City Attorney

CITY MANAGER APPROVAL
[Signature]
City Manager

EXHIBIT 'A'

ST. AUGUSTINE DRIVE



Pool # 295-18X35
 90-503 3400
 Trk # 6080
 Coping - white P/L 20'

BUILDER

PAUL BOENER POOLS
 10967 MIGNONIA AVE
 RIVERSIDE, CA 92505
 688-5543

Fumio & Nobuko Fukaya
 6089 WINDEMERE WAY
 RIVERSIDE, CA. 92506
 H-682-1227 W-784-1251

• CITY OF RIVERSIDE, CALIFORNIA •