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THIS INDENTURE, made this 1th day of February, 1958, by and between SOUTHERN PACIFIC COMPANY, a corporation of the State of Delaware, herein called "Railroad," and CITY OF RIVERSIDE, a municipal corporation of the State of California, herein called "City";

## WITNESSETH:

1. Railroad does hereby grant to City the right to construct, reconstruct, maintain and use a street and drainage structures upon and in that certain parcel of land situate, lying and being in the northwest quarter of Section 24, Township 2 South, Range 5 West, San Bernardino Base and Meridian, City of Riverside, County of Riverside, State of California, being the southerly 11 feet of the lands described in the deeds to the Southern Pacific Company, recorded March 13, 1928, in Deed Book 755, page 181, and in Deed Book 755, page 184, in the Office of the Recorder of said County, and more particularly described as follows:

BEGINNING at the southwest corner of the land described in said deed recorded in Deed Book 755, page 184; thence North  $89^{\circ} 14'$  East, along the northerly line of Third Street (66 feet wide) formerly Blaine Street, a distance of 795.9 feet to the southeast corner of the land described in said deed recorded in Deed Book 755, page 181; thence North  $0^{\circ} 46'$  West, along the easterly line of last said land, 11 feet to a point in a line parallel with and distant northerly 11 feet measured at right angles from said line of Third Street; thence South  $89^{\circ} 14'$  West, along said parallel line, 795.9 feet to a point in the westerly line of said land described in said deed recorded in Deed Book 755, page 184; thence South  $0^{\circ} 46'$  East, along said westerly line, 11 feet to the point of beginning, containing an area of 8755 square feet, more or less.

Railroad also grants to City the right to construct, reconstruct, maintain and use a 51-inch diameter pipe line for drainage purposes upon that certain parcel of land situate, lying and being in the northwest quarter of Section 24, Township 2 South, Range 5 West, San Bernardino Base and Meridian, in the City of Riverside, County of Riverside, State of California, and more particularly

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Recorded April 11, 1958  
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Res. No. 8086

APPROVED AS TO DESCRIPTION

J. F. Martinek

Director of Public Works

By Assistant City Engineer

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described as follows:

BEGINNING at the point of intersection of the West line of land described in that certain deed to Southern Pacific Company, recorded March 13, 1928 in Deed Book 755, Page 184, in the office of the recorder of said County with a line parallel with and distant 11 feet northerly, measured at right angles, from the South line thereof; thence North  $0^{\circ} 46'$  West along said West line and the northerly prolongation thereof, 835.64 feet; thence North  $52^{\circ} 51'$  West, 25 feet to a point in the northwesterly line of land described in deed to said Company, recorded March 13, 1928 in Deed Book 755, Page 181; thence northeasterly along last said line, being also along the arc of a compound curve to the right, 10 feet to a point in a line parallel with and distant northeasterly 10 feet, measured at right angles, from the above described course having a bearing and distance of "North  $52^{\circ} 51'$  West, 25 feet"; thence North  $52^{\circ} 51'$  West along the northwesterly prolongation of last said parallel line, 17 feet, more or less, to a point, distant 12.5' southeasterly, measured radially, from the center line of Southern Pacific Company's main track (Riverside Branch); thence northeasterly in direct line, 20 feet, more or less, to a point distant 12.5 feet southeasterly, measured radially, from said center line; thence South  $52^{\circ} 51'$  East, 17 feet, more or less, to a point in said northwesterly line of land described in said deed recorded in Deed Book 755, Page 181; thence northeasterly along last said line, being also along said compound curve to the right, 30 feet to a point in a line parallel with and distant easterly 20 feet, measured at right angles, from said West line and the northerly prolongation thereof; thence South  $0^{\circ} 46'$  East along last said parallel line, 850 feet; thence South  $45^{\circ} 46'$  East, 42.42 feet to a point in said parallel line, distant northerly 11 feet, measured at right angles, from said South line, and also distant thereon North  $89^{\circ} 14'$  East, 50 feet from the point of beginning; thence South  $89^{\circ} 14'$  West along last said parallel line, 50 feet to the point of beginning, containing an area of 0.43 of an acre, more or less.

Said street, said drainage structures and said pipe line are hereinafter collectively and severally referred to as "structure".

2. This grant is made subject and subordinate to the prior and continuing right and obligation of Railroad, its successors and assigns, to use said 0.43 of an acre parcel of land in the performance of its duty as a common carrier, and for that purpose there is reserved unto Railroad, its successors and assigns, the right (consistent with the rights herein granted) to construct, reconstruct, maintain and use existing and future railroad tracks, facilities and appurtenances and existing and future transportation, communication and pipe line facilities and appurtenances in, upon, over, under,

across and along said 0.43 of an acre parcel of land.

3. This grant is made subject to all licenses, leases, easements, restrictions, conditions, covenants, encumbrances, liens and claims of title which may affect said property and the word GRANT as used herein shall not be construed as a covenant against the existence of any thereof.

4. The rights herein granted to City shall lapse and become void if the construction of said structure upon said property is not commenced within one (1) year from the date first herein written.

5. City, its agents and employees, shall have the privilege of entry on said property for the purpose of constructing, reconstructing, maintaining and making necessary repairs to said structure. City agrees to keep said property in a good and safe condition free from waste, so far as affected by City's operations, to the satisfaction of Railroad. If City fails to keep said property in a good and safe condition free from waste, then Railroad may perform the necessary work at the expense of City, which expense City agrees to pay to Railroad upon demand.

6. City shall perform, or cause to be performed, the work of installing approximately 1,625 feet of the 51-inch diameter pipe line in the location shown by dashed red line on the print of Railroad's Yuma Division Drawing B-552, Sheet No. 4 of 4, Revised July 18, 1957, attached and made a part hereof, and shall place all available excess material from the excavation for said pipe line in the existing drainage ditch, shown as the "Ottawa Storm Drain" on said drawing, or shall stockpile such material on Railroad's property. ~~IF SO REQUESTED BY~~

~~RAILROAD~~

Railroad agrees to reimburse City for two-thirds (2/3) of the actual cost and expense incurred by City in the installation of said pipe line and the placing of said material; provided the plans for and construction details of said work shall be subject to the prior approval of Railroad, and that City permits Railroad to review all

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bids submitted for such work and City's award of the contract there-  
for is approved by Railroad in advance.

7. Should City, its successors or assigns, at any time  
abandon the use of said property or any part thereof, or fail at  
any time to use the same for the purpose contemplated herein for a  
continuous period of one (1) year, the right hereby given shall cease  
to the extent of the use so abandoned or discontinued, and Railroad  
shall at once have the right, in addition to but not in qualification  
of the rights hereinabove reserved, to resume exclusive possession  
of said property or the part thereof the use of which is so dis-  
continued or abandoned.

Upon termination of the rights and privileges hereby granted,  
City, at its own cost and expense, agrees to remove said structure  
from said property and restore said property as nearly as practicable  
to the same state and condition in which it existed prior to the  
construction of said structure. Should City in such event fail,  
neglect or refuse to remove said structure and restore said property,  
such removal and restoration may be performed by Railroad at the ex-  
pense of City, which expense City agrees to pay to Railroad upon demand.

8. Railroad hereby permits City to use the 30 foot wide  
strip of land in the location shown within red lines on the attached  
print of said Drawing B-552 for construction purposes in connection  
with the installation of said pipe line. The permission herein given  
shall terminate upon completion of such installation work.

9. This indenture shall inure to the benefit of and be binding  
upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these

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presents to be executed in duplicate as of the day and year first herein written.

SOUTHERN PACIFIC COMPANY,

By J. W. Corbett  
Vice President

Attest: T. F. Ryan  
Assistant Secretary

This Document  
APPROVED AS TO FORM

Albert H. Ford  
City Attorney  
Riverside, California

CITY OF RIVERSIDE,

By E. V. Dales  
Mayor

W. G. Waite  
Clerk

STATE OF CALIFORNIA, )  
City and County of San Francisco ) ss.

On this 11<sup>th</sup> day of March in the year One Thousand Nine Hundred and Fifty 51st  
before me, MILO J. PUIZINA, a Notary Public in and for the City and County of San Francisco, State of California, personally appeared  
(65 Market St.)

J. W. Corbett and T. F. Ryan, known to me to be the Vice President and Assistant Secretary, respectively, of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed it on behalf of the corporation therein named and they acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the City and County of San Francisco, the day and year in this certificate first above written.

Milo J. Puzina

Corporation Notary Public in and for the City and County of San Francisco, State of California.

STATE OF CALIFORNIA ) ss  
COUNTY OF RIVERSIDE )

On this 4<sup>th</sup> day of February, 1958, before me,  
ALBERT H. FORD, a Notary Public in and for said County and State,  
personally appeared E. V. DALES, Mayor, and W. G. WAITE, City Clerk  
of the City of Riverside, California, the municipal corporation  
described in and which executed the within instrument, and acknowledged  
to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
my official seal, the day and year in this certificate first above  
written.

Albert H. Ford  
Notary Public in and for the County  
of Riverside, State of California

My Commission Expires July 8, 1958

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*D. P. [unclear]  
Jerry*

*n* *D*  
FEB 7 - 1958

RESOLUTION NO. 8086

DEPT OF PUBLIC WORKS

RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF RIVERSIDE, CALIFORNIA, ACCEPTING AN EASEMENT.

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BE IT RESOLVED, that an Easement, dated February 4, 1958, executed by the Southern Pacific Company, granting to the City of Riverside, a municipal corporation, the right to construct, reconstruct, maintain and use a street and drainage structures upon and in that certain parcel of land situate lying and being in the northwest  $\frac{1}{4}$  of Section 24, Township 2 South, Range 5 West, S8B&M, City of Riverside, County of Riverside, State of California, being the southerly 11 feet of the lands described in the Deeds to the Southern Pacific Company recorded March 13, 1928, in Deed Book 755, Page 181, and in Deed Book 755, Page 184, in the Office of the Recorder of said County, being more particularly described in said Easement, be, and the same is hereby, officially accepted.

ADOPTED by the City Council, signed by the Mayor and attested by the City Clerk this 4th day of February, 1958.

*E. J. Sales*

Mayor of the City of Riverside

ATTEST:

*[Signature]*

City Clerk of the City of Riverside

I, W. G. Waite, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted by the City Council of said City, at its meeting held on the 4th day of February, 1958, by the following vote:

Ayes: Councilmen Backstrand, Bergin, Bonnett, Johnson, O'Neill, Smutz and Voris.

Noes: None.

Absent: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this 4th day of February, 1958.

*[Signature]*

City Clerk of the City of Riverside.