

COMMONWEALTH LAND TITLE CO.

RECORDED IN OFFICIAL RECORDS

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

MAY 31 1990 AT 8:00 AM

SAN BERNARDINO COUNTY, CALIF.

City Clerk's Office
City of Riverside
City Hall, 3900 Main Street
Riverside, CA 92522

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**FIRST AMENDMENT TO
GRANT OF EASEMENTS AND DECLARATION
OF COVENANTS**

This First Amendment to Grant of Easements and Declaration of Covenants ("First Amendment") is made this 16th day of January, 1990, ~~December, 1989~~, by and between SIMCHOWITZ-W NO. 1, a California limited partnership ("SW"), CITY OF RIVERSIDE, a Municipal corporation ("City") and SP COMMERCIAL DEVELOPMENT, a California limited partnership ("SPCD") to be effective upon the date of its recordation.

WHEREAS, a GRANT OF EASEMENTS AND DECLARATION OF COVENANTS (herein "Declaration") entered into between City and SW was recorded in the official records of the County of San Bernardino on March 22, 1989, as Document No. 89-102307;

WHEREAS, SW and City desire to change the location of certain easements described in the Declaration, and SPCD has agreed to grant such relocated easements over land owned by SPCD;

WHEREAS, SPCD is seized in fee simple of that real property which is described on Exhibit "I" attached hereto and incorporated herein by reference ("SPCD Servient Tenement")

NOW, this indenture witnesseth as follows:

1. Quitclaim of Original Easements.

For and in consideration of the grant of easements by SPCD hereinafter set forth, City does hereby abandon, relinquish and quitclaim to SW all of the City's right, title and interest in and to any and all easements heretofore reserved or granted to City by SW pursuant to the Declaration, and concurrently with the execution of this First Amendment, City covenants and agrees to execute and deliver to SW a deed, in recordable form, quitclaiming and conveying to SW all of City's right, title and interest in and to said easements and rights, but reserving to the City its other rights under the Declaration.

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2. *Grant of Replacement Easements.*

SPCD does hereby grant to City:

(a) A perpetual and non-exclusive easement ("Well Easement") over and across the land described as Parcel B ("Parcel B") on Exhibit II and shown on the drawing marked Exhibit III (both of which exhibits are attached hereto and incorporated herein by reference) for the purposes of (i) installing, constructing, operating and maintaining pipelines for the transmission of water, and (ii) digging, drilling, installing, erecting, operation and maintaining water wells.

(b) A perpetual and non-exclusive easement ("Well Maintenance Easement") over and across the land described as Parcel A ("Parcel A") on Exhibit II and shown on the drawing marked Exhibit III for the purpose of temporary placement of equipment and materials necessary to dig, drill, install, erect, operate and maintain pipelines, water wells and all appurtenances thereto including power lines, on Parcel B.

(c) A perpetual and non-exclusive easement ("Pipeline Easement") over, under and across the land described as Parcel C (herein "Parcel C") on Exhibit II and shown on the drawing marked Exhibit III for the purposes of transmitting water and installing, constructing, operating and maintaining pipelines, conduits and appurtenances for the transmission of water and electrical energy, together with an easement for ingress to Parcel B.

3. *Amendment of Section 3.*

3.1 Section 3(a) of the Declaration is amended in its entirety to state as follows:

"(a) Within 24 months of the effective date of this First Amendment, SW covenants and agrees to construct and install a 16" pipeline from a point within Parcel B as determined by City running as follows: (i) easterly along Parcel C to the public right of way designated Sunset Drive as shown on Exhibit III, (ii) northerly along Sunset Drive to Caroline Street, and (iii) then easterly along Caroline Street terminating near the existing 30-inch waterline at the intersection of Caroline Street and Waterman Avenue. The specifications and construction of the pipeline to be installed by SW shall be subject to approval of the Riverside Public Utilities Department (which approval shall not be unreasonably withheld) and shall be installed in conformance with the City of Riverside Standard Specifications."

3.1 Section 3(b) of the Declaration is amended in its entirety to state as follows:

"(b) On or before May 1, 1991, SW shall install a subsurface drainage line discharging water from Parcel B to either (i) a public storm drain (not now in existence) which is planned to be installed on Redlands Boulevard and extending to the corner of Caroline Street and Sunset Drive depicted on Exhibit III, or (ii) along a route (herein "Discharge Route") commencing with Parcel B, then easterly along Parcel C, then southerly along Sunset Drive to Caroline Street, then westerly to that certain 36-foot wide public street right of way dedicated by SPCD or an affiliate thereof in connection with execution of this First Amendment and located as set forth on Exhibit IV attached hereto and incorporated herein by reference, and thence southerly along the 36-foot wide street so dedicated, and discharging into the 42 inch drainage line within adjacent City property on which the Stewart Intake is located. SW may select the location of the drainage line however, if the proposed storm drain is not completed in sufficient time for SW to meet the May 1, 1991 construction completion deadline, the drainage line shall be constructed along the Discharge Route. The drainage line shall be capable of safely disposing of 3,000 gallons per minute of well blow-off without creating damage or nuisance. Such drain line shall be 18-inches in diameter and shall be subject to approval of the Riverside Public Utilities Department, which approval will not be unreasonable withheld.

3.2 Section 3(d) of the Declaration is amended in its entirety to state as follows:

"(d) SPCD accepts and agrees that no structure shall be erected, or trees planted, on Parcels A, B, or C other than those constructed by the City in connection with the development of ground water."

3.3 Section 3(e) of the Declaration is amended in its entirety to state as follows:

"(e) SW, and SPCD in connection with Parcels A, B, and C, agree not to engage in activities which are in violation of the Guidelines for Construction in the Vicinity of Water Supply Wells issued by the Public Utilities Department of City, a copy of which is attached as Exhibit "6" to the Declaration."

3.4 Section 3(f) of the Declaration is amended in its entirety to state as follows:

"(f) SPCD may use the areas of Parcels A, B, and C which are not required for water production facilities for parking, driveways and landscaped areas devoted to grass, flowers and small shrubs."

3.5 Section 3(g) of the Declaration is amended in its entirety to state as follows:

"(g) SW and SPCD, and their successors and assigns, shall cooperate with City in obtaining any required environmental approval for construction of future water wells from the City of San Bernardino or any other appropriate agency or body with jurisdiction thereover. In addition, any lessee or sublessee of SW or SPCD with respect to the Dominant and Servient Tenements or the SPCD Servient Tenement or any property adjacent thereto owned or controlled by SW, SPCD or an affiliate thereof shall execute a written lease agreement containing a provision requiring such tenant or subtenant to consent and cooperate with the obtaining of any environmental approvals necessary for drilling or operation of water wells within Parcel B."

Except as expressly amended above, the terms and provisions of the Declaration shall remain in full force and effect.

"CITY"

CITY OF RIVERSIDE, a Municipal corporation

By: *Ed Brown*

Mayor

"SW"

SIMCHOWITZ-W NO. 1, a California limited partnership

By: THE SIMCHOWITZ CORPORATION,
its General Partner

By: *Patricia Owen*

Its: *Vice President*
and Asst. Secretary

LEGAL DESCRIPTION

PARCELS 1, 2 AND 3 OF PARCEL MAP NO. 11148, AS SHOWN BY MAP ON FILE IN BOOK 135, PAGES 30 AND 31 OF PARCEL MAPS, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA;

EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL 3, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHEASTERLY CORNER OF SAID PARCEL 3;

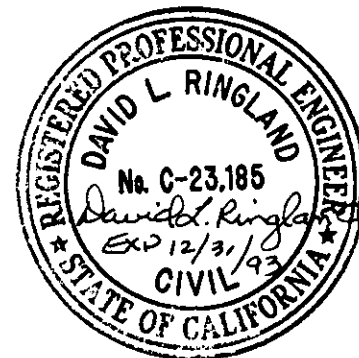
THENCE SOUTH 89°47'54" WEST, ALONG THE SOUTH LINE OF SAID PARCEL 3, A DISTANCE OF 520.17 FEET TO THE SOUTHERLY PROLONGATION OF THE EAST LINE OF PARCEL 4 OF PARCEL MAP 10423, AS SHOWN BY MAP ON FILE IN BOOK 114, PAGES 3 AND 4 OF PARCEL MAPS, RECORDS OF SAID SAN BERNARDINO COUNTY; SAID EAST LINE ALSO BEING A PORTION OF THE EAST LINE OF SAID PARCEL 3;

THENCE NORTH 0°12'11" WEST, ALONG SAID NORTHERLY PROLONGATION, A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 4; SAID CORNER ALSO BEING AN ANGLE POINT IN THE BOUNDARY OF SAID PARCEL 3;

THENCE NORTH 89°47'54" EAST, ALONG SAID BOUNDARY OF PARCEL 3, A DISTANCE OF 520.23 FEET TO WEST LINE OF WATERMAN AVENUE AS SHOWN BY SAID PARCEL MAP NO. 11148;

THENCE SOUTH 0°01'25" EAST, ALONG SAID WEST LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT "I"



DESCRIPTION APPROVAL 1/11/90
George P. Hutchinson by Kg
SURVEYOR, CITY OF RIVERSIDE

LEGAL DESCRIPTION
EASEMENT, WELL MAINTENANCE EASEMENT
AND PIPELINE EASEMENT

30-212037

THOSE PORTIONS OF PARCEL 1 OF PARCEL MAP NO. 11148, AS SHOWN BY MAP ON FILE IN BOOK 135, PAGES 30 AND 31 OF PARCEL MAPS, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A: (A WELL MAINTENANCE EASEMENT)

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 1;

THENCE SOUTH 89°47'49" WEST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 105.00 FEET;

THENCE SOUTH 0°01'09" EAST, ALONG A LINE PARALLEL TO THE CENTERLINE OF SUNSET DRIVE AS SHOWN BY SAID PARCEL MAP, A DISTANCE OF 125.00 FEET;

THENCE NORTH 89°47'49" EAST, ALONG A LINE PARALLEL TO SAID NORTH LINE, A DISTANCE OF 125.00 FEET TO THE EAST LINE OF SAID PARCEL 1;

THENCE NORTH 0°01'09" WEST, ALONG SAID EAST LINE, A DISTANCE OF 105.00 FEET TO AN ANGLE POINT IN SAID EAST LINE;

THENCE NORTH 45°06'40" WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 28.24 FEET TO THE POINT OF BEGINNING.

PARCEL B: (A WELL EASEMENT)

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL 1;

THENCE SOUTH 45°06'40" EAST, ALONG THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 28.24 FEET TO AN ANGLE POINT IN SAID EAST LINE;

THENCE SOUTH 0°01'09" EAST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 32.50 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A";

THENCE SOUTH 89°47'49" WEST, ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 47.50 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 0°01'09" WEST, ALONG A LINE PARALLEL TO THE CENTERLINE OF SUNSET DRIVE AS SHOWN BY SAID PARCEL MAP, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 89°47'49" WEST, ALONG A LINE PARALLEL TO SAID NORTH LINE, A DISTANCE OF 30.00 FEET;

THENCE SOUTH 0°01'09" EAST, ALONG A LINE PARALLEL TO SAID CENTERLINE, A DISTANCE OF 30.00 FEET;

THENCE NORTH 89°47'49" EAST, ALONG A LINE PARALLEL TO SAID NORTH LINE, A DISTANCE OF 30.00 FEET;

THENCE NORTH 0°01'09" WEST, ALONG A LINE PARALLEL TO SAID CENTERLINE, A DISTANCE OF 25.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL C: (A PIPELINE EASEMENT)

BEGINNING AT POINT "A" AS HEREINABOVE DESCRIBED IN PARCEL B;

THENCE SOUTH 89°47'49" WEST, ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 47.50 FEET;

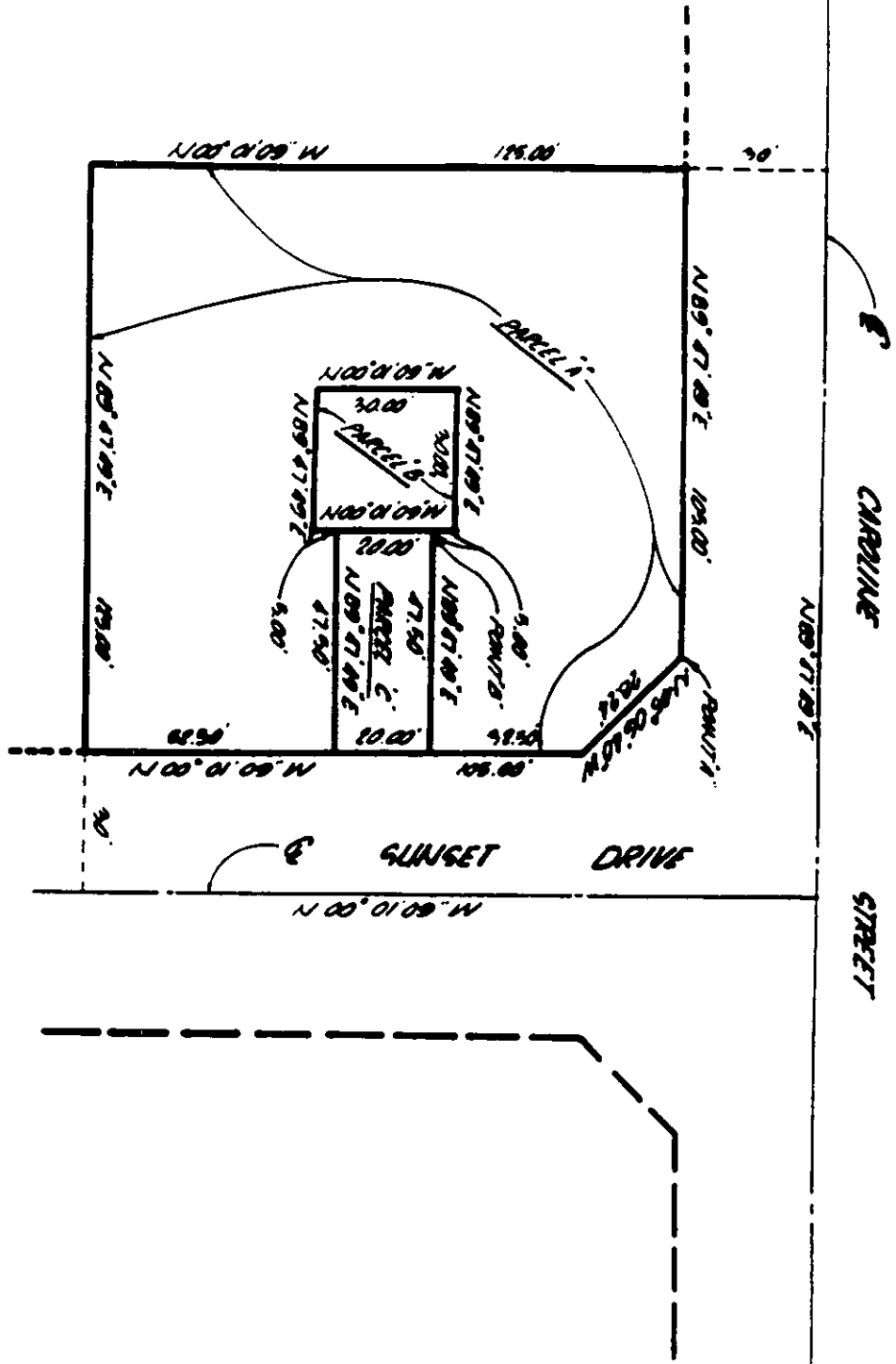
THENCE SOUTH 0°01'09" EAST, ALONG A LINE PARALLEL TO THE CENTERLINE OF SUNSET DRIVE AS SHOWN BY SAID PARCEL MAP, A DISTANCE OF 20.00 FEET;

THENCE NORTH 89°47'49" EAST, ALONG A LINE PARALLEL TO SAID NORTH LINE, A DISTANCE OF 47.50 FEET TO THE EAST LINE OF SAID PARCEL 1;

THENCE NORTH 0°01'09" WEST, ALONG SAID EAST LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

DESCRIPTION APPROVAL 11/11/90
by *David L. Ringland*
SURVEYOR, CITY OF RIVERSIDE



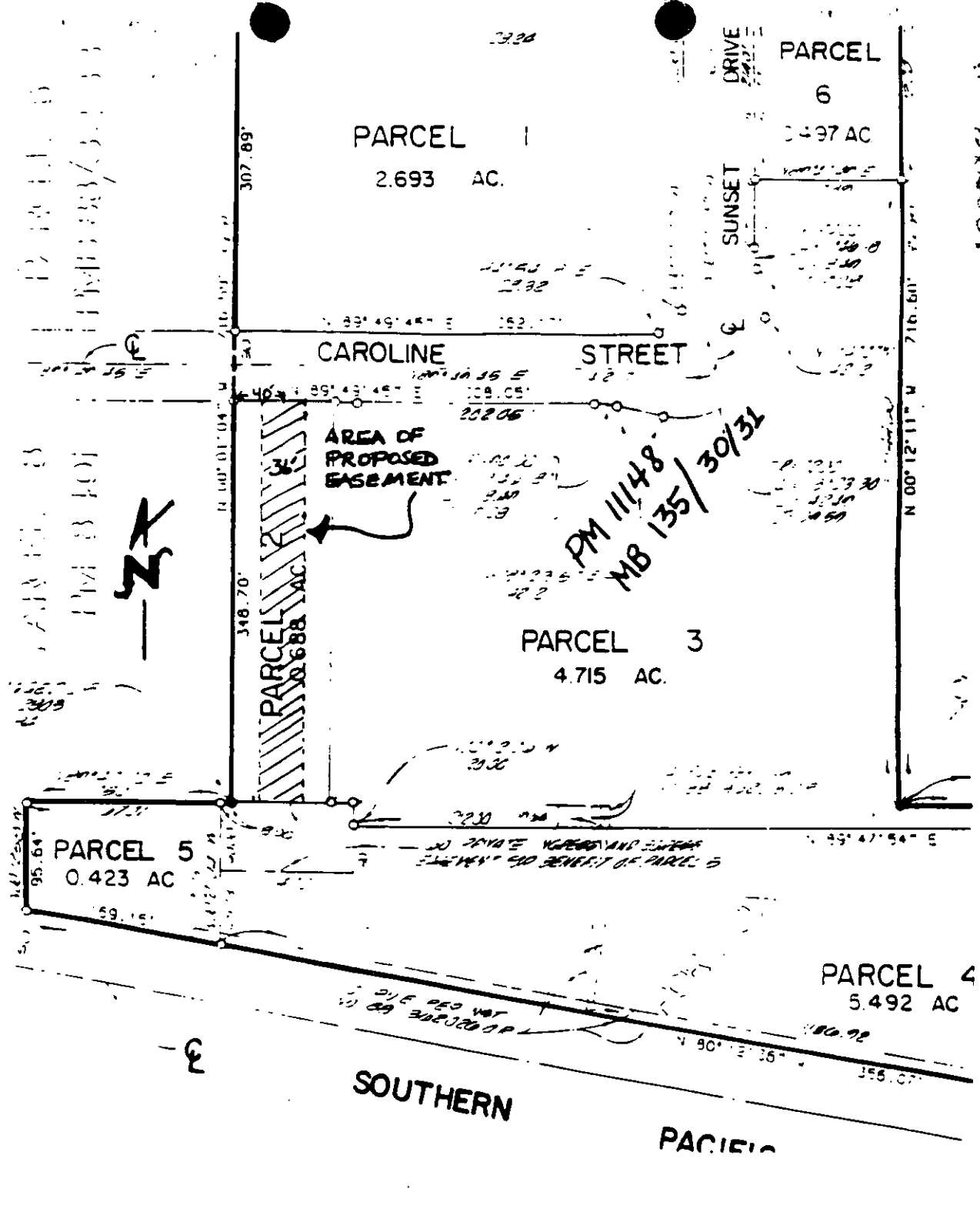


CO ENGINEERING
 Planning and Engineering
 10700 SUTTER AVENUE, SUITE 2, SAN BRAUNO, CA 94603
 (714) 834-8888



EXHIBIT "III"

15-02-1083



CITY OF SAN BERNARDINO

FILE NO.: 15.02-1083

EASEMENT FOR: STREET AND HIGHWAY PURPOSES

LOCATION: SOUTH OF CAROLINE STREET,
WEST OF WATERMAN AVENUE

EXHIBIT "IV"

17728