

DOC # 2010-0364139

08/04/2010 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



PLEASE COMPLETE THIS INFORMATION  
RECORDING REQUESTED BY

Colleen J. Nicol, MMC

AND WHEN RECORDED MAIL TO

City Clerk, City of Riverside  
3900 Main St, Riverside, CA 92522

FREE RECORDING-  
Exempt Pursuant to  
Government Code S6103

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Space above this line for recorder's use only

Memorandum of Easement

D- 16186



Title of Document

TRA: \_\_\_\_\_

DTT: 0.00 \_\_\_\_\_

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3:00 Additional Recording Fee Applies)

WHEN RECORDED MAIL TO:

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**Memorandum of Easement**

**THIS MEMORANDUM OF EASEMENT** is hereby executed this 26<sup>th</sup> day of JANUARY, 2010, by and between **BNSF RAILWAY COMPANY**, a Delaware corporation ("**Grantor**"), whose address for purposes of this instrument is 2500 Lou Menk Drive, Fort Worth, Texas 76131, and **THE CITY OF RIVERSIDE**, a California Charter City and Municipal Corporation ("**Grantee**"), whose address for purposes of this instrument is 3900 Main Street, 4<sup>th</sup> Floor, Riverside, California 92522, which terms "**Grantor**" and "**Grantee**" shall include, wherever the context permits or requires, singular or plural, and the heirs, legal representatives, successors and assigns of the respective parties:

**WITNESSETH:**

**WHEREAS**, Grantor owns or controls certain real property situated in Riverside County, California as described on **Exhibit "A"** attached hereto and incorporated herein by reference (the "**Premises**");

**WHEREAS**, Grantor and Grantee entered into an Easement Agreement, dated JANUARY 26, 2010, (the "**Easement Agreement**") which set forth, among other things, the terms of an easement granted by Grantor to Grantee over and across the Premises (the "**Easement**"); and

**WHEREAS**, Grantor and Grantee desire to memorialize the terms and conditions of the Easement Agreement of record.

For valuable consideration the receipt and sufficiency of which are hereby acknowledged, Grantor does grant unto Grantee and Grantee does hereby accept from Grantor the Easement over and across the Premises.

The term of the Easement, unless sooner terminated under provisions of the Easement Agreement, shall be perpetual. Provisions regulating the use and purposes to which the Easement shall be limited, are set forth in detail in the Easement Agreement and Grantor and Grantee agree to abide by the terms of the Easement Agreement.

All the terms, conditions, provisions and covenants of the Easement Agreement are incorporated herein by this reference for all purposes as though written out at length herein, and both the Easement Agreement and this Memorandum of Easement shall be deemed to constitute a single instrument or document. This Memorandum of Easement is not intended to amend, modify, supplement, or supersede any of the provisions of the Easement Agreement and, to the extent there may be any conflict or inconsistency between the Easement Agreement or this Memorandum of Easement, the Easement Agreement shall control.



IN WITNESS WHEREOF, Grantor and Grantee have executed this Memorandum of Easement to as of the date and year first above written.

GRANTOR:

BNSF RAILWAY COMPANY, a Delaware corporation

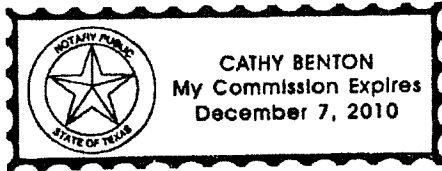
By: [Signature]  
Name: Dalen E. Wintermute  
Title: Manager-Land Revenue Management

STATE OF TEXAS

§  
§  
§

COUNTY OF TARRANT

On this 26<sup>th</sup> day of January, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Dalen E. Wintermute, known to me to be Manager-Land Revenue Management, of the corporation that executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same.



[Signature]  
Notary's Signature  
My Commission Expires: 12-07-2010

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**GRANTEE:**  
**THE CITY OF RIVERSIDE**  
a California Charter City and Municipal Corporation

By: Belinda J. Graham  
Name: Belinda J. Graham  
Title: Assistant City Manager

Attest: [Signature]  
City Clerk

[Signature]  
City Attorney

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, by \_\_\_\_\_ (name) as \_\_\_\_\_ (title) of \_\_\_\_\_, a \_\_\_\_\_.

Notary Public  
(Seal)  
My appointment expires: \_\_\_\_\_

*attached*

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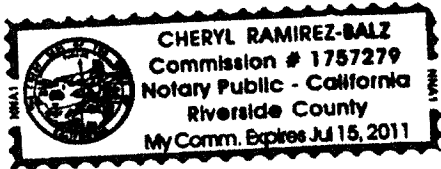
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Riverside

On December 24, 2009 before me, Cheryl Ramirez Balz Notary Public

personally appeared Belinda J. Graham and Colleen J. Nicol



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature [Handwritten Signature]

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Memorandum of Execution

Document Date: December 24, 2009 Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

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88/04/2010 08:08:08  
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EXHIBIT "A"

PARCEL A

A PARCEL OF LAND IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, BEING A PORTION OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY'S 100 FOOT WIDE RIGHT OF WAY IN LOTS 1 AND 2 OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF COLUMBIA AVENUE AS SHOWN ON "MAP OF ORANGE GROWERS BANK ADDITION," RECORDED IN BOOK 2 OF MAPS, PAGE 40, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITH THE SOUTHEASTERLY LINE OF SAID 100 FOOT WIDE RIGHT OF WAY;

THENCE SOUTH 34°58'30" WEST (BEARING ASSUMED FOR PURPOSE OF THIS DESCRIPTION) ALONG SAID SOUTHEASTERLY LINE, 60.965 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT SOUTHERLY 50.00 FEET, MEASURED AT RIGHT ANGLES, FROM SAID CENTERLINE;

THENCE NORTH 89°55'30" WEST ALONG SAID PARALLEL LINE, 121.93 FEET TO A POINT IN THE NORTHWESTERLY LINE OF SAID 100-FOOT WIDE RIGHT OF WAY;

THENCE NORTH 34°58'30" EAST ALONG SAID NORTHWESTERLY LINE, 121.93 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT NORTHERLY 50.00 FEET, MEASURED AT RIGHT ANGLES, FROM SAID CENTERLINE;

THENCE SOUTH 89°55'30" EAST ALONG LAST SAID PARALLEL LINE, 121.93 FEET TO A POINT IN SAID SOUTHEASTERLY LINE;

THENCE SOUTH 34°58'30" WEST ALONG SAID SOUTHEASTERLY LINE, 60.965 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 0.28 OF AN ACRE, MORE OR LESS.

PARCEL B

TWO PARCELS OF LAND IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA BEING THOSE PORTIONS OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY'S 100-FOOT WIDE PROPERTY IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

PARCEL NO. B-1

THAT PORTION OF THAT CERTAIN 100-FOOT WIDE STRIP OF LAND DESCRIBED IN DEED TO THE RIVERSIDE, SANTA ANA AND LOS ANGELES RAILWAY COMPANY (PREDECESSOR IN INTEREST TO FIRST SAID RAILWAY COMPANY)

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88/94/2010 08:06R  
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160486

RECORDED MAY 12, 1886, IN BOOK 46 OF DEEDS, PAGE 368, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF SAID 100-FOOT WIDE STRIP OF LAND, SAID POINT BEING THE SOUTHEASTERLY CORNER OF THAT CERTAIN 0.28 ACRE PARCEL OF LAND DESCRIBED IN DEED TO THE COUNTY OF RIVERSIDE RECORDED NOVEMBER 8, 1967, AS INSTRUMENT NUMBER 98471, RECORDS OF FIRST SAID COUNTY;

THENCE NORTH 89°55'30" WEST ALONG THE SOUTHERLY LINE OF SAID 0.28 ACRE PARCEL OF LAND, 121.93 FEET TO A POINT IN THE NORTHWESTERLY LINE OF SAID 100-FOOT WIDE STRIP OF LAND;

THENCE SOUTH 34°58'30" WEST ALONG SAID NORTHWESTERLY LINE, 6.10 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT SOUTHERLY 5.00 FEET, MEASURED AT RIGHT ANGLES, FROM SAID SOUTHERLY LINE AND ITS WESTERLY PROLONGATION;

THENCE SOUTH 89°55'30" EAST ALONG SAID PARALLEL LINE, 121.93 FEET TO A POINT IN SAID SOUTHEASTERLY LINE;

THENCE NORTH 34°58'30" EAST ALONG SAID SOUTHEASTERLY LINE, 6.10 FEET TO A POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 0.014 OF AN ACRE, MORE OR LESS.

PARCEL NO. B-2

THAT PORTION OF THAT CERTAIN 100-FOOT WIDE STRIP OF LAND DESCRIBED IN DEED TO THE RIVERSIDE, SANTA ANA AND LOS ANGELES RAILWAY COMPANY (PREDECESSOR IN INTEREST TO FIRST SAID RAILWAY COMPANY) RECORDED JUNE 14, 1886, IN BOOK 48 OF DEEDS; PAGE 27, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF SAID 100-FOOT WIDE STRIP OF LAND, SAID POINT BEING THE NORTHEASTERLY CORNER OF THAT CERTAIN 0.28 ACRE PARCEL OF LAND DESCRIBED IN DEED TO THE COUNTY OF RIVERSIDE, RECORDED NOVEMBER 8, 1967, AS INSTRUMENT NUMBER 98471, RECORDS OF FIRST SAID COUNTY;

THENCE NORTH 89°55'30" WEST ALONG THE NORTHERLY LINE OF SAID 0.28 ACRE PARCEL OF LAND, 121.93 FEET TO A POINT IN THE NORTHWESTERLY LINE OF SAID 100-FOOT WIDE STRIP OF LAND;

THENCE NORTH 34°58'30" EAST ALONG SAID NORTHWESTERLY LINE, 6.10 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT NORTHERLY 5.00 FEET MEASURED AT RIGHT ANGLES FROM SAID NORTHERLY LINE;

THENCE SOUTH 89°55'30" EAST ALONG SAID PARALLEL LINE; 121.93 FEET TO A

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POINT IN SAID SOUTHEASTERLY LINE;

THENCE SOUTH 34°58'30" WEST ALONG SAID SOUTHEASTERLY LINE, 6.10 FEET  
TO POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 0.014 OF AN ACRE, MORE OR LESS.

DESCRIPTION APPROVAL:

By: K. Stewart / 1/19/2007  
DATE

FOR: MARK S. BROWN  
CITY SURVEYOR

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08/04/2010 08:00A  
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LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P O Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

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"Approved as to Form  
City Attorney's Office  
By (Richard A. Milligan)  
Deputy City Attorney"

City of Riverside California  
Incorporated 1888

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Date: 2/2/10  
Signature: Susan Allen  
Print Name: Susan Allen

