

GRANT OF EASEMENT

THE CITY OF RIVERSIDE

THIS AGREEMENT, made on 28TH day of MAY, 1962, by THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, a public corporation of the State of California, hereinafter referred to as "Metropolitan", and the CITY OF RIVERSIDE, a municipal corporation, hereinafter referred to as the "City",

WITNESSETH:

RECITALS

WHEREAS, Metropolitan is the owner of certain real property designated herein as Parcel 1400-22-3, as described in recorded as Document No. 1170 on November 25, 1935, in 259, page 265, of Official Records, in the office of the Recorder of the County of Riverside, described as follows:

That portion of the northeasterly rectangular 305 feet of Lot 2 in Block 7 of the lands of the Riverside Land and Irrigating Company, in the City of Riverside, as shown by Map recorded in Book 1, page 70 of Maps, San Bernardino County Records, lying west of a line parallel to and distant 100 feet easterly, measured at right angles, from the last named course in the following described survey line:

Beginning at a point in the center line of California Avenue, 30 feet wide, distant thereon 1736.48 feet southwesterly from the intersection thereof with the center line of Adams Street, 60 feet wide; thence North 15° 43' 20" West 1580.36 feet to an angle point; thence North 16° 27' 04" West 1291.44 feet to a point in the center line of Colorado Avenue, distant thereon 837.72 feet southwesterly from the intersection thereof with the center line of said Adams Street; and

WHEREAS, Metropolitan is the owner of certain real property situate in the County of Riverside, State of California, designated herein as Parcel 1400-22-7, as described in deeds recorded as Document Nos. 3388 and 3389 on July 15, 1938, in Book 284, pages 572 and 573, of Official Records in the office of the Recorder of the County of Riverside, described as follows:

That portion of the northeasterly 50 feet of the southwesterly 355 feet of Lot 2 in Block 7 of the lands of the Riverside Land and Irrigating Company, in the City of Riverside, as shown by map recorded in Book 1, page 70 of Maps, San Bernardino County Records, lying east of a line parallel to and distant 100 feet westerly, measured at right angles, from said last named course in the survey line described hereinbefore in Parcel 1400-22-3; and

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WHEREAS, Metropolitan is the owner of certain real property situate in the County of Riverside, State of California, designated herein as Parcel 1400-22-11; as described in deed recorded as Document No. 721 on November 15, 1935, in Book 259, page 152, of Official Records in the office of the Recorder of the County of Riverside, described as follows:

That triangular portion of the westerly 305 feet of Lot 2 in Block 7 of the lands of the Riverside Land and Irrigating Company, in the City of Riverside, as shown by map recorded in Book 1, page 70 of Maps, San Bernardino County Records, lying east of a line parallel to and distant 100 feet westerly, measured at right angles, from said last named course in the survey line described hereinbefore in Parcel 1400-22-3; and

WHEREAS, Metropolitan is the owner of certain real property designated herein as Parcel 1400-22-18, as described in deed recorded as Document No. 641 on March 12, 1936, in Book 268, page 491, of Official Records of the County of Riverside, described as follows:

The southwesterly rectangular five (5) acres of Lot 7 in Block 7 of the lands of the Riverside Land and Irrigating Company, in Riverside County, California, as shown by map recorded in Book 1, page 70 of Maps, San Bernardino County Records.

Excepting therefrom that portion described in deed recorded on October 16, 1959, in Book 2564, page 236, of Official Records of the County of Riverside, described as follows:

Beginning at the most southerly corner of said Lot 7; thence North $34^{\circ} 00' 25''$ West along the southwesterly line of said Lot 7 a distance of 31.24 feet; thence North $73^{\circ} 36' 00''$ East a distance of 49.67 feet; thence North $16^{\circ} 24' 00''$ West a distance of 15.00 feet; thence North $73^{\circ} 36' 00''$ East a distance of 66.00 feet; thence South $16^{\circ} 24' 00''$ East a distance of 11.08 feet to a point in the southeasterly line of said Lot 7; thence South $56^{\circ} 00' 00''$ West along said southeasterly line a distance of 111.45 feet to the point of beginning.

WHEREAS, City has requested an easement for a water line along said Metropolitan's Upper Feeder fee owned right of way between Raintree Avenue and Colorado Avenue;

NOW, THEREFORE,

FOR A VALUABLE CONSIDERATION, The Metropolitan Water District of Southern California hereby grants to the City of Riverside a right of way easement to construct, maintain, and operate a water line upon a strip of land 10 feet wide, located in the City of Riverside, California, within the boundaries of Metropolitan's fee owned right of way (designated in the Recitals herein as Parcels 1400-22-3, 7, 11, and 18), the easterly line of said strip of land 10 feet wide, being parallel with and

15 feet westerly measured at right angles from the following described survey line also described hereinbefore in Parcel 1400-22-3:

Beginning at a point in the center line of California Avenue, 80 feet wide, distant thereon 1736.48 feet southwesterly from the intersection thereof with the center line of Adams Street, 80 feet wide; thence North 15° 43' 20" West 1580.36 feet to an angle point in said survey line; thence North 16° 27' 04" West 1291.44 feet to a point in the center line of Colorado Avenue, distant thereon 837.72 feet southwesterly from the intersection thereof with the center line of said Adams Street.

Containing 0.31 acres, more or less.

SAID EASEMENT IS GRANTED BY METROPOLITAN AND ACCEPTED BY CITY, SUBJECT TO THE COVENANTS AND CONDITIONS HEREINAFTER SET FORTH:

1. Metropolitan reserves access rights to the above-described land and shall have the right to exercise such rights at any time.
2. City shall not commence construction or locate its water line or other facilities within the boundaries of said easement, until the size of its water line or other facilities have been approved in writing by Metropolitan's General Manager and Chief Engineer.
3. In the event that City shall abandon the use of said pipe line, all rights granted herein shall forthwith cease and terminate. Failure by City to use said pipe line for a period of six consecutive months shall constitute an abandonment of the easement granted herein.
4. City shall save harmless and indemnify Metropolitan, its officers, and employees from and against any and all loss, damage, liability, and costs, and expenses of any kind whatsoever, including attorneys' fees and expense of legal and other work by Metropolitan's officers or employees, which they or any of them may sustain, incur, or become liable for, directly or indirectly, and which, in any manner, arise out of this permit, or out of any action or omission by either party hereunder.
5. City shall not sell, transfer, or assign this easement and right of way, or any interest therein, without the written consent of Metropolitan having been first had and obtained.
6. In case of the failure or refusal of City to comply with and perform each and all of the terms, conditions, and covenants on its part herein contained, this easement shall, at the option of Metropolitan, cease and terminate, and Metropolitan shall have the right forthwith to remove City's pipe line or other facilities from the above-described land at the sole cost, expense and risk of City; which cost and expense City agrees to pay to Metropolitan upon demand.
7. All of the terms, covenants and conditions of this easement shall inure to the benefit of and be binding upon the successors and assigns of Metropolitan and City, respectively.

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

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

ATTEST:

(S) R. A. SKINNER
General Manager and Chief Engineer

JAMES J. MARQUARDT
Executive Secretary

CITY OF RIVERSIDE

JUNE 15, 1962

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(S) L. J. DALY
MAYOR

ATTEST
BY (S) [Signature]
CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss

On this 3/ day of MAY, 1962, before me, _____, a Notary Public in and for said County and State, personally appeared R. A. SKINNER, known to me to be the General Manager and Chief Engineer, and JAMES J. MARQUARDT, known to me to be the Executive Secretary, of The Metropolitan Water District of Southern California, the corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

(S) _____

Notary Public in and for the
County of Los Angeles, State
of California.

Vertical handwritten notes:
L. J. DALY
MAYOR
JUN 15 1962

RESOLUTION 6014

WHEREAS, the Board of Directors of The Metropolitan Water District of Southern California, at the meeting on October 10, 1961, authorized the General Manager and Chief Engineer to negotiate with the City of Riverside in regard to the City's request for grant of easement for construction of a 16-inch water line within the District's Upper Feeder fee owned right of way extending from Rainier Avenue to Colorado Avenue in the City of Riverside, California; and

WHEREAS, the City of Riverside has requested that the center line of the proposed 10-foot wide easement be located 20 feet westerly of the center line of a proposed 66-foot wide street, which street center line would be coincident with the center line of our District's Upper Feeder pipe line; and

WHEREAS, the proposed street conforms to the subdivision pattern which the City's Planning Department proposes to use in connection with the development of the area; and

WHEREAS, the granting of said easement will not interfere with the use by the District's right of way;

NOW, THEREFORE, BE IT RESOLVED, that the General Manager and Chief Engineer be authorized to execute a 10-foot wide pipe line easement in favor of the City of Riverside, for a consideration of \$750.00, said easement to be in form approved by the General Counsel, and that the Executive Secretary be authorized and directed to attest the signature of the General Manager and Chief Engineer thereon and to affix the corporate seal of the District thereto.

I HEREBY CERTIFY, that the foregoing is a full, true and correct copy of a Resolution adopted by the Board of Directors of THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, at its meeting held November 14, 1961.

(5) 1961 Nov 14 7:30 AM
Executive Secretary of
The Metropolitan Water District
of Southern California.

I HEREBY CERTIFY, that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held March 13, 1962.



James J. Marquardt
Executive Secretary of
The Metropolitan Water District
of Southern California.

WHEREAS, by Resolution 6014 dated November 14, 1961, your Board authorized the General Manager and Chief Engineer to execute a grant of easement conveying to the City of Riverside, for a consideration of \$750.00, a 10-foot wide easement for construction of a 16-inch water line within District's Upper Feeder fee-owned right of way extending from Raintree Avenue to Colorado Avenue in the City of Riverside; and

WHEREAS, the City of Riverside has advised the District that due to increased service requirements, it was necessary to redesign its water distribution system, and as redesigned, said system requires a pipe line of a larger diameter than the 16-inch diameter pipe line authorized in Resolution 6014, and the City has requested that said resolution be revised to authorize a pipe line of such increased size to be located within the boundaries of said easement; and

WHEREAS, the City of Riverside has requested that the center line for the proposed 10-foot wide easement be located 20 feet westerly of the center line of a proposed 66-foot wide street, which street center line would be coincident with the center line of the District's Upper Feeder pipe line;

NOW, THEREFORE, BE IT RESOLVED, that the General Manager and Chief Engineer be, and he hereby is, authorized to execute a 10-foot wide pipe line easement in favor of the City of Riverside for a consideration of \$750.00; that said easement shall be in form approved by the General Counsel; that the center line of said easement be located 20 feet westerly of the center line of a proposed 66-foot wide street, which street center line would be coincident with the center line of the District's Upper Feeder pipe line; that the size of the pipe line to be located within the boundaries of said easement shall be approved by the General Manager and Chief Engineer; that the Executive Secretary be authorized and directed to attest the signature of the General Manager and Chief Engineer thereon, and to affix the corporate seal of the District thereto;

BE IT FURTHER RESOLVED, that Resolution 6014 dated November 14, 1961, authorizing the execution of said grant of easement to the City of Riverside, as more particularly set forth in the first recital herein, is hereby rescinded.