

GRANT OF EASEMENT

1400-23-3, 4, 6, & 7

THIS AGREEMENT, made on 26th day of June, 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",

CAC
MKA

APPROVED AS TO DESCRIPTION

By [Signature]
Public Utilities Director

W I T N E S S E T H:

APPROVED AS TO FORM

[Signature]
ASST. CITY ENGINEER

RECITALS

WHEREAS, Metropolitan is the owner of certain real property designated herein as Parcel 1400-23-3, as described in deed recorded December 27, 1935, in Book 260, page 582, of Official Records, in the office of the Recorder of the County of Riverside, State of California, described as follows:

That portion of Lot 16 in Block 4 of the lands of the Riverside Land and Irrigating Company, in the City of Riverside, County of Riverside, State of California, as shown on map recorded in Book 1, page 70 of Maps, in the office of the Recorder of the County of San Bernardino, State of California, lying westerly of a line parallel with and distant easterly 100 feet, measured at right angles, from the following described survey line:

Beginning at a point in the center line of Colorado Avenue, 80 feet wide, distant thereon 837.72 feet southwesterly from the intersection thereof with the center line of Adams Street, 80 feet wide; thence North 16° 27' 04" West, 670.16 feet, more or less, to a point in the center line of Arlington Avenue, 45 feet wide, said center line of Arlington Avenue being distant 25 feet southerly, measured at right angles, from the northerly line of said Avenue, said last named point being distant 759.97 feet westerly, along said center line of Arlington Avenue, 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 1400-23-4, as described in deed recorded December 27, 1935, in Book 262, page 368, of Official Records in the office of the Recorder of the County of Riverside, described as follows:

That portion of Lot 25 of Belmont Tract No. 1, in the City of Riverside, County of Riverside, State of California, as shown on map on file in the office of the Recorder of said County, in Book 14, page 32 of Maps, described as lying easterly of a line parallel with and distant 100 feet westerly, measured at right angles, from the survey line described hereinbefore in Parcel 1400-23-3; 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 1400-23-6, as described in deed recorded March 12, 1936, in Book 268, page 492, of Official Records in the office of the Recorder of the County of Riverside, described as follows:

That portion of Lot 20 of Belmont Tract No. 1, in the City of Riverside, County of Riverside, State of California, as shown on map on file in the office of the Recorder of said County, in Book 14, page 32 of Maps, described as lying easterly of a line parallel to and distant 100 feet westerly, measured at right angles, from the survey line described hereinbefore in Parcel 1400-23-3; and

WHEREAS, Metropolitan is the owner of certain real property situate in the County of Riverside, State of California, designated herein as Parcel 1400-23-7, as described in deed recorded September 26, 1935, in Book 254, page 275, of Official Records, in the office of the Recorder of the County of Riverside, described as follows:

All of Lot 18, and a portion of Lots 16, 17, and 19, in Belmont Tract No. 1, in the City of Riverside, as shown on map on file in the office of the Recorder of the County of Riverside, State of California, in Book 14, page 32 of Maps, said portion of Lots 16, 17, and 19 being that portion of said lots lying easterly of a line parallel with and distant 100 feet westerly, measured at right angles, from the survey line described hereinbefore in Parcel 1400-23-3.

WHEREAS, City has requested an easement for a water line along said Metropolitan's Upper Feeder fee owned right of way between Arlington 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 1400-23-3, 4, 6, and 7), 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 1400-23-3:

Beginning at a point in the center line of Colorado Avenue, 80 feet wide, distant thereon 837.72 feet southwesterly from the intersection thereof with the center line of Adams Street, 80 feet wide; thence North 16° 27' 04" West, 670.16 feet, more or less, to a point in the center line of Arlington Avenue, 45 feet wide, said center line of Arlington Avenue being distant 25 feet southerly, measured

at right angles, from the northerly line of said Avenue, said last named point being distant 759.97 feet westerly, along said center line of Arlington Avenue, from the intersection thereof with the center line of said Adams Street.

Containing 0.15 acre, 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:

By R.A. Skinner
General Manager and Chief Engineer

CSC
HCH

James J. Marquardt
Executive Secretary

CITY OF RIVERSIDE

APPROVED AS TO FORM AND EXECUTION
CHARLES C. COOPER, JR.
GENERAL COUNSEL

H. Kenneth Hutchinson
BY H. KENNETH HUTCHINSON
DEPUTY GENERAL COUNSEL

By E. J. Sales
Mayor

By Virginia J. Strohecker
City Clerk

By Jean W. Black
Deputy

PC 6/25/62

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS

On this 3rd day of July, 1962, before me, Paulina Jacobs, 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 herein named and acknowledged to me that d the same.

CONSENT TO RECORDATION

THIS IS TO CERTIFY that the interest in real property conveyed by the Deed or Grant dated 6-26-62 From Metropolitan Water Dist. of So. Cal. For Paul, Dot, R. D., R. D., & J. C. Jacobs, etc. to the City of Riverside, a municipal corporation, is hereby accepted for and on behalf of said City pursuant to Resolution of the City Council thereof recorded on 12-3-58 in Bk. 2374 O.R. pg. 339 Et Seq. Riverside County Records, and the Grantee hereby consents to recordation of this instrument through the undersigned.

Paulina Jacobs
PAULINA JACOBS
Notary Public in and for the County of Los Angeles, State of California.

My Commission Expires August 25, 1965

L. H. [Signature]
Property Enforcement Officer

WHEREAS, The Metropolitan Water District of Southern California, as part of the construction of the Upper Feeder pipe line, acquired in fee a right of way extending from Colorado Avenue on the south to Arlington Avenue on the north in the City of Riverside, California; and

WHEREAS, the City of Riverside has requested a 10-foot wide easement within Metropolitan's right of way Parcel Nos. 1400-23-3, 4, 6, & 7 for construction of a water line between Colorado Avenue and Arlington Avenue; and

WHEREAS, City has requested that the center line of said 10-foot wide easement be located 20 feet westerly of the center line of Metropolitan's Upper Feeder pipe line; and

WHEREAS, the location requested for the easement conforms to the location of the center line of an easement granted to the City, pursuant to Resolution 6014, for construction of the adjoining portion of the water line extending southerly from Colorado Avenue to Raintree Avenue; and

WHEREAS, Metropolitan's telephone line extending from Lake Mathews to the F. E. Waymouth Softening and Filtration Plant is located within Metropolitan's right of way; and

WHEREAS, in the event it will be necessary to relocate any of Metropolitan's telephone facilities as a result of the granting of an easement to the City, the cost of such relocation shall be paid by the City; and


WHEREAS, City has offered to pay \$325.00 for the easement; and

WHEREAS, the granting of said easement will not interfere with the Metropolitan's use of its 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 \$325.00, 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, 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 March 13, 1962.


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

JULY 27, 1962
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