

Wm. Arad. Meyer
DEPUTY CITY ATTORNEY

5855

EASEMENT

LOS ANGELES & SALT LAKE RAILROAD COMPANY and its lessee, UNION PACIFIC RAILROAD COMPANY, corporations of the State of Utah, hereinafter collectively called "Railroad Company," for a valuable consideration, do hereby grant unto CITY OF RIVERSIDE, a municipal corporation of the State of California, hereinafter called "City," an easement and right of way for a twenty-four (24) inch v.c. pipeline for sanitary sewer purposes upon and across the following parcel or parcels of land:

That certain strip of land, 10.00 feet in width, situate in the City of Riverside, County of Riverside, State of California, being all that portion of Lot 193 of the "Lands of the Southern California Colony Association" as per map recorded in Book 7, page 3 of Maps, records of San Bernardino County, California, within that certain strip of land, 220.00 feet in width, described in deed to San Pedro, Los Angeles & Salt Lake Railroad Company, recorded in Book 123, page 214 of Deeds, records of Riverside County, the southwesterly and southerly line of said 10.00 foot strip being more particularly described as follows:

Commencing at a point in the center line of Olivewood Avenue, 66.00 feet wide, distant thereon, S. 29° 00' W. 294.70 feet from the center line of Brook Street, 50.00 feet wide, as said streets are shown on map of Cuttle and Wilson's Subdivision, recorded in Book 11, page 45 of Maps, records of San Bernardino County; thence leaving said center line of Olivewood Avenue, S. 18° 36' 10" E. 507.08 feet; thence S. 41° 22' 30" E. 117.00 feet to a point in the northwesterly line of said strip of land, 220.00 feet in width, said point being the True Point of Beginning; thence S. 41° 22' 30" E. 170.00 feet to a point on a circular curve from which the center bears N. 35° 30' E. 40.00 feet; thence southeasterly, easterly and northeasterly along said curve, an arc distance of 39.10 feet; thence tangent to said curve, N. 69° 30' E. 43.00 feet, more or less, to the southeasterly line of said strip of land, 220.00 feet in width.

DESCRIPTION APPROVAL

1.

by *Ernest A. Smith* 3.12.46 by *WHP*
Surveyor

RECORDED *June 17, 1966*
BOOK _____ PAGE _____
OFFICIAL RECORDS, INC. CO.
INSTRUMENT NO. 63132

AM 2/18

5855

63132

63132

The northeasterly and northerly line of said 10.00 foot strip to be shortened or prolonged so as to terminate in the northwesterly and southeasterly lines of said strip of land, 220.00 feet in width.

TOGETHER with the right to enter upon and to pass and repass over and along said parcel of land and to deposit machinery, tools, implements and other materials thereon by the City, its officers, agents and employees, and by persons under contract with it and their employees, whenever and wherever necessary for the purpose of constructing, maintaining and operating any works for said purposes for which this easement is granted, which said works are hereinafter referred to as the "pipeline."

This grant is subject and subordinate to the prior and continuing right and obligation of the Railroad Company, its successors or assigns, to use and maintain its entire railroad right of way and property in performance of its public duty as a common carrier, and is also subject to the right and power of the Railroad Company, its successors or assigns in interest or ownership of the said railroad right of way and property, to construct, maintain, use and operate on the present or other grade, existing or additional railroad tracks and appurtenances thereto, including water and fuel pipelines and conduits and telegraph, telephone, signal, power and other electric lines, and other railroad facilities and structures of any kind upon, along or across any or all parts of said land described above, all or any of which may be freely done at any time or times by the Railroad Company, or its successors and assigns, without liability to the City or to anyone else for compensation or

63132

damage; provided that said pipeline shall not be interfered with except as necessary during work on said railroad and appurtenances.

The Railroad Company also reserves the right to itself, its successors and assigns, to use and to permit others to use the land described above for any purpose not inconsistent with the easement herein granted.

In consideration of the foregoing grant, the City hereby agrees that before the City Engineer shall place his approval upon plans and specifications for any construction work or improvement to be done pursuant to this easement, the said plans and specifications shall be submitted to the Railroad Company for a period of fifteen (15) days for the purpose of allowing the Railroad Company to examine the same and to make any suggestions which it may desire in connection therewith.

The City agrees to construct, maintain and operate said pipeline in such manner that it will not interfere in any way whatsoever with the operations of the Railroad Company, its successors or assigns, and that the location of said pipeline and all work in connection with the construction, maintenance and operation shall be done in a first-class, workmanlike manner.

The City agrees that upon completion of any work in connection with said pipeline, as much as possible of the earth excavated from the trenches thereof shall be thrown back into the trenches, and the remainder shall be removed from the premises or spread out evenly and smoothly over the surface of the

63132

ground, and that all of said backfilling shall be thoroughly packed so that the ground will not sink or cave in after said backfilling is completed.

The grant hereby made is upon the further condition that the land described above shall at all times be used by the City for the purpose stated herein, and for none other; provided further that if at any time such use shall be abandoned or discontinued, all rights and privileges hereby granted shall be forfeited and said easement shall be terminated, and the Railroad Company, its successors and assigns, shall be restored to its former estate in said premises.

This easement is subject to all valid existing contracts, easements, licenses, leases, liens or encumbrances which may affect the property, and the word "grant" as used herein shall not be construed as a covenant against the existence of any thereof.

IN WITNESS WHEREOF, the parties hereto have caused this easement to be executed this 30th day of MARCH, 1966.

LOS ANGELES & SALT LAKE RAILROAD COMPANY
UNION PACIFIC RAILROAD COMPANY

By J. J. Medina
Vice President

CITY OF RIVERSIDE
By Gene L. ...
Mayor



CONSENT TO RECORDATION

THIS IS TO CERTIFY that the interest in real property conveyed by the Deed or Grant dated 3-30-66
From: Los Angeles & Salt Lake R.R. Co.
For: Por. Lot 193, M.C.A. Lands

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,

Dated 6-17-66 L. H. Hailley
Property Management Officer

Return Deed to: Office of City Clerk
Riverside, California

63132

63132

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS:

On May 16, 1966, before, the undersigned, a Notary Public in and for said County and State, personally appeared F. J. Melia, known to me to be ~~data~~ Vice President, and F. D. Cope, known to me to be Assistant Secretary, of the corporations that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the corporations therein named, and acknowledged to me that each such corporation executed the within Instrument pursuant to its bylaws or a resolution of its board of directors.

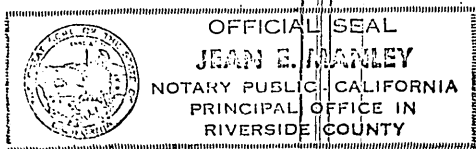
WITNESS my hand and official seal.

F. D. Cope
Notary Public in and for said
County and State

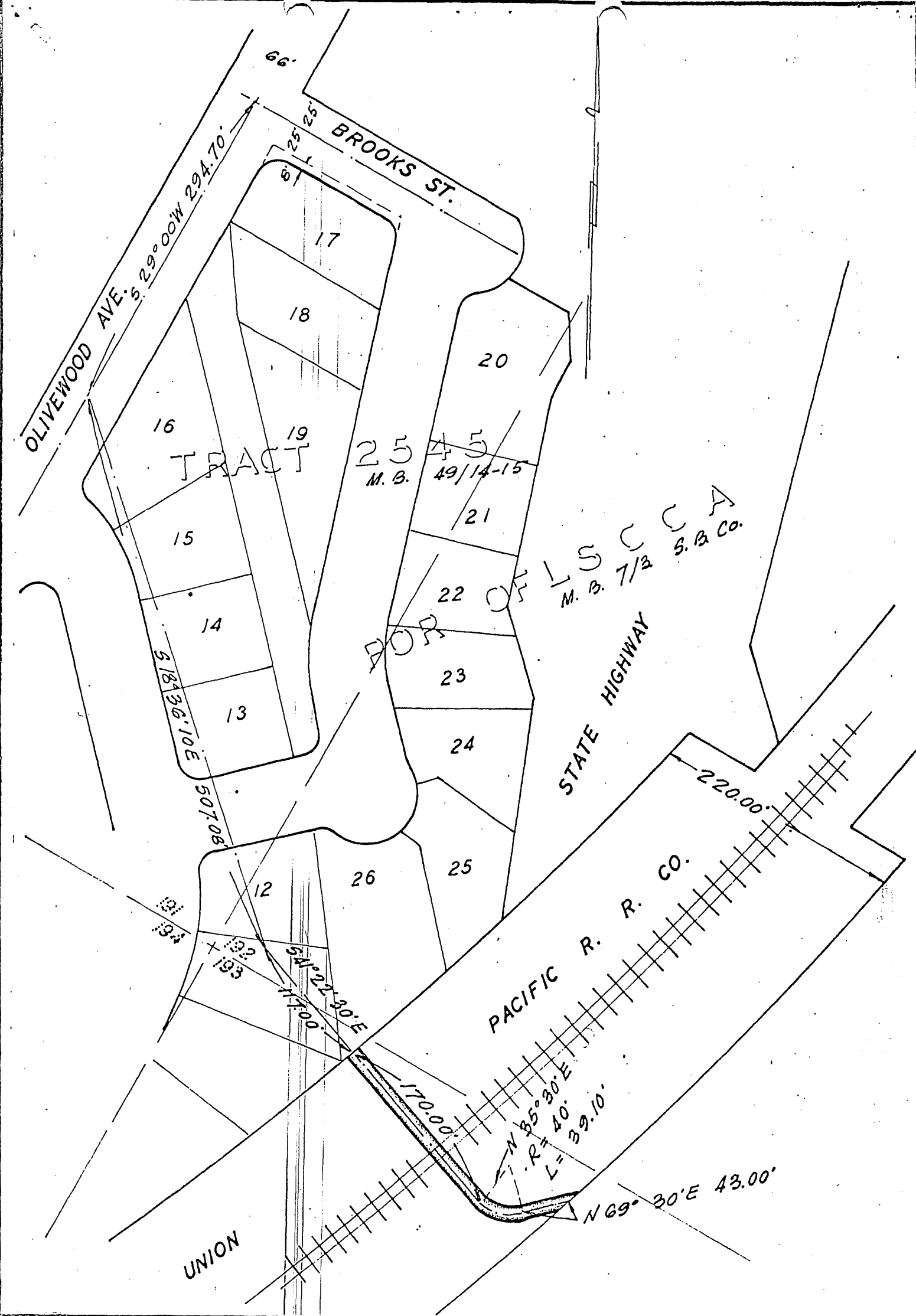
STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) SS

On this 30th day of March 19 66, before me Jean E. Manley a Notary Public in and for said County and State, personally appeared BEN H. LEWIS, Mayor, and VIRGINIA J. STROHECKER, 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.



Jean E. Manley
Jean E. Manley
Notary Public in and for the County of
Riverside, State of California
JEAN E. MANLEY
My Commission Expires January 3, 1969



CITY OF RIVERSIDE, CALIFORNIA

PLAT OF PARCEL(S) DESCRIBED
IN THE ATTACHED DOCUMENT

This plat is solely an aid in locating the parcel(s) described in the attached document. It is not a part of the written description therein.

5855

SCALE: 1" = 100'

DRAWN 3/17/66 BY G.S.

SUBJECT VICTORIA TRUNK SEWER.

2/18

63132

Microfilm recording from microfiche, Book and page no longer assigned. Identity by document number and year of filing.

RECEIVED FOR RECORD
JUN 17 1966

3 Min. Past 3 o'clock P M

At Request of

[Signature]

Recorded in Official Records
of Riverside County, California

W. W. D. [Signature]

FEE \$ [Signature] Recorder

INDEXED

5855