

DOC # 2009-0546628

10/22/2009 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



When recorded mail to:

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

FREE RECORDING

This instrument is for the benefit of the City of Riverside and is entitled to be recorded without fee (Government Code §6103)

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FOR RECORDER'S OFFICE USE ONLY

Project: Magnolia Avenue Underpass
POR. A.P.N. 225-052-005

DX - 1504

NON-EXCLUSIVE ACCESS EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the **CITY OF RIVERSIDE**, a municipal corporation of the State of California, as Grantor, grants to EDWARD JEZBERA, JR., a married man as his sole and separate property, as Grantee, his successors, assigns, invitees, agents, employees, persons under contract with him, lessees, tenants, and occupants, a non-exclusive access easement and right-of-way for ingress, egress, and the maneuvering of motor vehicles from Magnolia Avenue, over that portion of the real property described in Exhibit "A" attached hereto and incorporated herein by this reference, located in the City of Riverside, County of Riverside, State of California, for the benefit of that certain real property described in Exhibit "B" attached hereto and incorporated herein by this reference.

The rights of this Non-Exclusive Access Easement may be enforced by EDWARD JEZBERA, JR., a married man as his sole and separate property, as Grantee, his successors, assigns, invitees, agents, employees, persons under contract with him, lessees, tenants, and occupants of any portion of that certain real property described in Exhibit "B" attached hereto and incorporated herein by this reference.

Should Grantor convey its ownership rights of the Exhibit "A" real property to a third party not affiliated with Grantor, and should EDWARD JEZBERA, JR., a married man as his sole and separate property, as Grantee, his successors, assigns, invitees, agents, employees, persons under contract with him, lessees, tenants, and occupants of any portion of that certain real property described in Exhibit "B" attached hereto and incorporated herein by this reference bring any action to enforce any term of this Non-Exclusive Access Easement against said third party, its successors, assigns, invitees, agents, employees, persons under contract with them, lessees, tenants and occupants, the prevailing party shall be entitled to costs and reasonable attorney's fees.

The rights and obligations set forth in this Non-Exclusive Access Easement shall run with the land and shall inure to the benefit of and bind the successive owners of that portion of the real property described in Exhibit "A" attached hereto and incorporated herein by this reference. In the event that portion of the real property described in Exhibit "A" attached hereto and incorporated herein by this reference and that certain real property described in Exhibit "B" attached hereto and incorporated herein by this reference come under one ownership, which ownership is other than Grantor, this Non-Exclusive Access Easement shall not be extinguished by merger but shall continue as established herein.



Dated October 15, 2009

CITY OF RIVERSIDE, a municipal Corporation of the State of California

By: *Colleen J. Nicol*

By: *Belinda J. Graham*

Print Name: Colleen J. Nicol

Print Name: Belinda J. Graham

Title: City Clerk

Title: Assistant City Manager

APPROVED AS TO FORM
Sherry R. Morton
SUPERVISING DEPUTY CITY ATTORNEY

ACKNOWLEDGEMENT

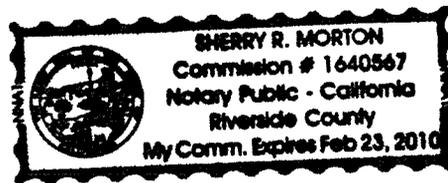
State of California, }
County of Riverside } ss

On October 15, 2009 before me Sherry R. Morton, Notary Public personally appeared Belinda J. Graham 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.

Sherry R. Morton
Notary Signature



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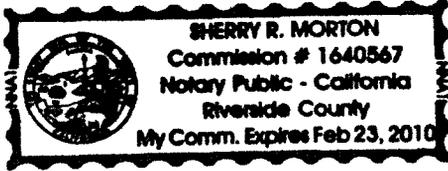
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside }

On October 19, 2009 before me, Sherry R. Morton, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Colleen J. Nicol
Name(s) of Signer(s)



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/hers/their authorized capacity(ies), and that by his/hers/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 Sherry R. Morton
Signature of Notary Public

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 _____

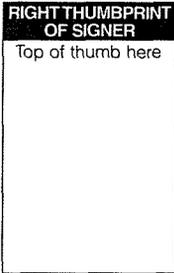
Document Date _____ Number of Pages _____

Signer(s) Other Than Named Above _____

Capacity(ies) Claimed by Signer(s)

Signer's Name _____

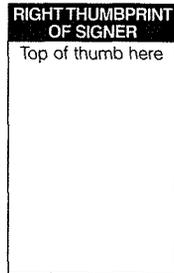
- Individual
- Corporate Officer — Title(s) _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other _____



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 _____



DX 1504

EXHIBIT "A"

Access Easement

POR. A P.N 225-052-005

That certain real property in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of the Northeast Quarter of the Northwest Quarter of Section 34, Township 2 South, Range 5 West, San Bernardino Meridian, as shown by United States Government Survey, and being that portion of Lot 12 of Assessor's Map No 4, on file in Book 1, Page 4 of Assessor's Maps, records of Riverside County, California, described as follows:

COMMENCING at the most northerly corner of said Lot 12;

THENCE South 27°30'00" West, along the northwesterly line of said Lot 12, a distance of 11.51 feet to the POINT OF BEGINNING of the parcel of land being described;

THENCE continuing along said northwesterly line of Lot 12, South 27°30'00" West, a distance of 28.06 feet to the beginning of a non-tangent curve concaving northeasterly, having a radius of 145.00 feet and to which the radius bears North 23°45'09" East,

THENCE southeasterly to the left along said curve through a central angle of 6°43'04" an arc length of 17.00 feet to the end of said curve,

THENCE South 72°57'55" East, along a line tangent to the end of said curve, a distance of 31.00 feet to the beginning of a tangent curve concaving southwesterly and having a radius of 115.00 feet;

THENCE southeasterly to the right along said last mentioned curve through a central angle of 10°27'55" an arc length of 21.00 feet to a line parallel with the northeasterly line of said Lot 12;

THENCE South 62°30'00" East, along said parallel line, a distance of 77.00 feet;

THENCE North 73°23'57" East, a distance of 43.00 feet to said northeasterly line,

THENCE North 62°30'00" West, along said northeasterly line, a distance of 108.90 feet,

THENCE South 27°30'00" West, at right angle to said northeasterly line, a distance of 1.84 feet to the beginning of a non-tangent curve concaving southwesterly, having a radius of 144.00 feet and to which the radius bears South 26°55'20" West,

THENCE northwesterly to the left along said last mentioned curve through a central angle of 9°56'50" an arc length of 25.00 feet to the end of said curve;



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THENCE North 73°01'30" West, along a line tangent to the end of said last mentioned curve, a distance of 31.00 feet to the beginning of a tangent curve concaving northeasterly and having a radius of 119.00 feet;

THENCE northwesterly to the right along said last mentioned curve through a central angle of 5°46'40" an arc length of 12 00 feet to the POINT OF BEGINNING.

Area – 4702 square feet, more or less.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.



Mark S. Brown, L.S. 5655
License Expires 9/30/09

4/30/09 Date
Prep. *Kg*



225-052-004 ACCESS ESMT LEGAL DOC



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EXHIBIT "B"

Parent Parcel
6168 Magnolia Avenue

That certain real property in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of the Northeast Quarter of the Northwest Quarter of Fractional Section 34, Township 2 South, Range 5 West, San Bernardino Meridian, as shown by United States Government Survey, lying easterly of the southeasterly line of Magnolia Avenue, described as follows.

BEGINNING at a point on the southeasterly line of Magnolia Avenue, South 27°30' West, 535 85 feet from the intersection of said southeasterly line with the east line of said Northeast Quarter of the Northwest Quarter of said Fractional Section;

THENCE South 27°30' West, along said southeasterly line of Magnolia Avenue, 50 feet;

THENCE South 62°30' East, 306 51 feet to the east line of said Northeast Quarter of the Northwest Quarter;

THENCE North 0°07' West, along said east line of the Northeast Quarter of the Northwest Quarter, 56 55 feet,

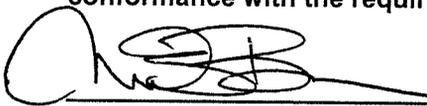
THENCE North 62°30' West, 280.35 feet to the POINT OF BEGINNING;

EXCEPTING THEREFROM the easterly 12 50 feet conveyed to the City of Riverside for Public Street and Alley purposes by deed recorded November 10, 1949, in Book 1122, Page 481 of Official Records of Riverside County, California;

Said property is also shown as portion of Lot 11 of Assessor's Map No 4, on file in Book 1, Page 4 of Assessor's Maps, records of Riverside County, California.

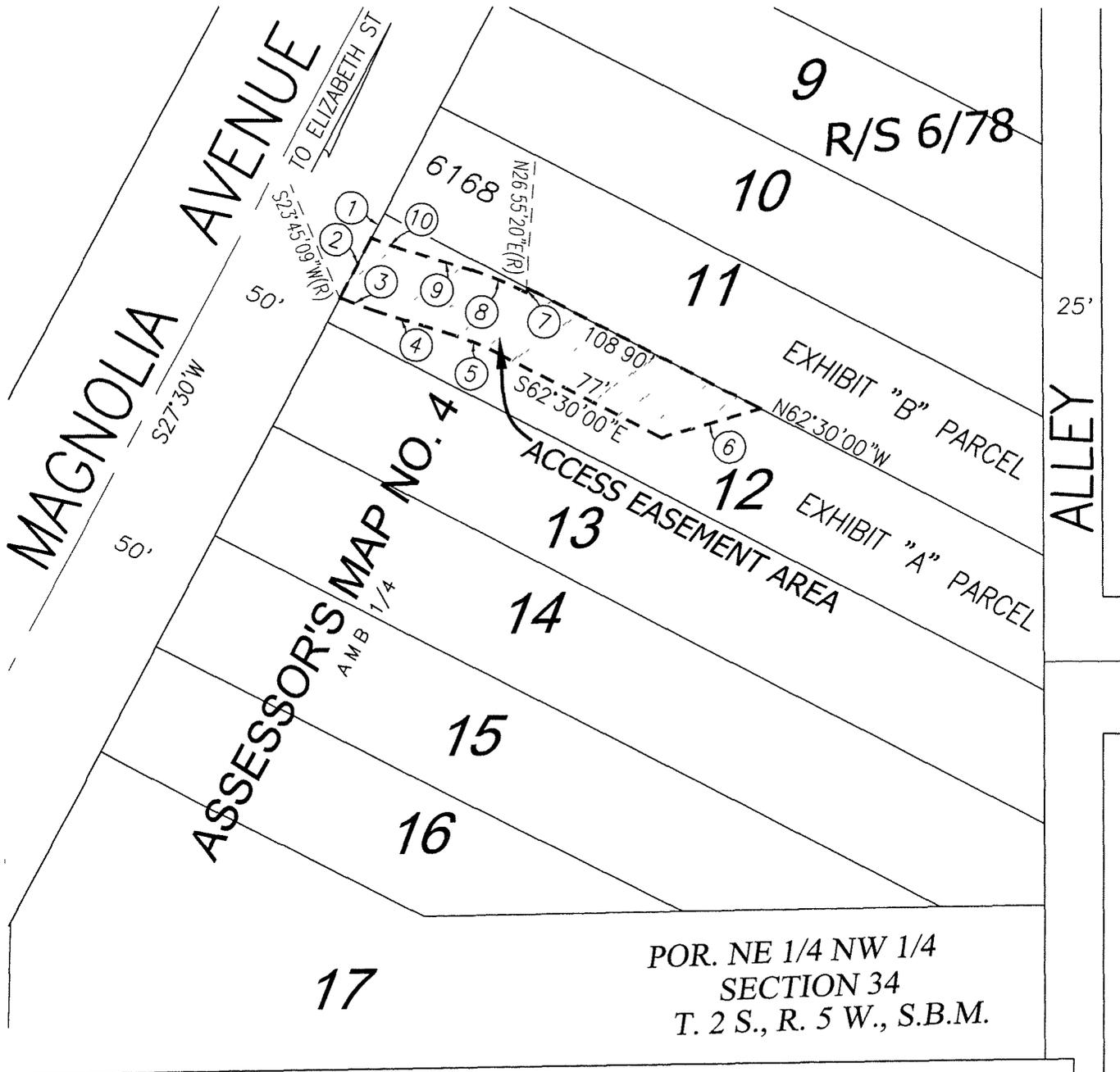
PARCEL NO. 225-052-004-8

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 4/30/09 Date Kop Prep.
Mark S. Brown, L.S. 5655
License Expires 9/30/09



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DATA TABLE

① S27°30'00"W 11 51'	⑥ N73°23'57"E 43'
② S27°30'00"W 28 06'	⑦ S27°30'00"W 1 84'
③ R=145' Δ=6°43'04' L=17'	⑧ R=144' Δ=9°56'50' L=25'
④ S72°57'55"E 31'	⑨ N73°01'30"E 31'
⑤ R=115' Δ=10°27'55' L=21'	⑩ R=119' Δ=5°46'40' L=12'



• CITY OF RIVERSIDE, CALIFORNIA •

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.

SHEET 1 OF 1

38-8

SCALE N T S

DRAWN BY Kgs DATE 4/20/09

SUBJECT. MAGNOLIA AVENUE UNDERPASS - ACCESS ESMT

DX1504