

Res. # 4436
B-1017
Page - 237

COPY

1 EASEMENT, Made this 17th day of June, 1948,
 2 from THE ATCHISON, TOPEKA AND SANTA FE
 3 RAILWAY COMPANY, a Kansas corporation, hereinafter
 4 called "Santa Fe", first party, to the CITY OF
 5 RIVERSIDE, a California municipal corporation,
 6 hereinafter called "City", second party,
 7 IN CONSIDERATION of the sum of Ten Dollars (\$10), lawful
 8 money of the United States of America, Santa Fe hereby gives to
 9 the City a right of way easement for the construction, maintenance,
 10 operation, inspection, repair and reconstruction of a sanitary
 11 sewer line through, under and across that certain real property
 12 situate in the City of Riverside, County of Riverside, State of
 13 California, described as follows:

14 A ten (10) foot wide strip of land over that portion of
 15 Lot 192 "Lands of Southern California Colony Association" as per map
 16 recorded in Book 7, page 3, of Maps in the office of the County
 17 Recorder of San Bernardino County, California, and over that portion
 18 of Lot 62 "Division B" of "Hall's Addition" as per map recorded in
 19 Book 9, page 2, of Maps in said Recorder's Office of San Bernardino
 20 County; included within the easterly and westerly boundary lines of
 21 the right of way of The Atchison, Topeka and Santa Fe Railway Com-
 22 pany through said lots.

23 Said ten (10) foot wide strip of land being located and des-
 24 cribed by its center line as follows:

25 Beginning at a point in the center line of Olivewood Avenue,
 26 a 66 ft. street, that is South 29° 00' West 294.70 ft. measured
 27 along said center line from the intersection of said Olivewood
 28 Avenue and Brook Street as said streets are shown on a map of
 29 "Cuttle and Wilson's Subdivision" as recorded in Book 11, page 45,
 30 of Maps, in the Office of the County Recorder of San Bernardino
 31 County, California; thence South 18° 36' 10" East 507.08 feet;
 32 thence South 41° 22' 30" East 422.92 feet; thence North 59° 08' 10"
 East 236.49 feet; thence North 19° 53' 30" East 116.18 feet; thence
 South 73° 05' 10" East 227.16 feet.

Said above described course of South 73° 05' 10" East 227.16
 feet passes through the existing 16' x 16' x 127' concrete bridge
 "G-11" of said The Atchison, Topeka and Santa Fe Railway Company at
 said Railway Engineer's Station of 576 plus 60.00.

EXCEPTING AND RESERVING THE RIGHT, TO BE EXERCISED BY Santa
 Fe and by any others who have obtained or may obtain permission or
 authority from Santa Fe so to do, (a) to operate, maintain, renew
 and/or relocate any and all existing railroad track or tracks,

1 bridges, wires, pipes and other facilities of like character upon,
2 over or under the surface of the premises hereinabove described;
3 and (b) from time to time to construct, operate, maintain, renew,
4 and/or relocate additional facilities of the same character upon,
5 over or under the surface of said premises, without in any instance
6 being required to obtain the consent of the City, the same as if
7 this easement had not been executed.

8 TO HAVE AND TO HOLD the above described easement unto the
9 City solely for sewer line purposes so long as said premises shall
10 be so used, together with the right to enter upon and to pass and
11 repass over and along said premises for the purpose of constructing,
12 maintaining, operating, inspecting and repairing said sewer line,
13 subject, however, to all valid and existing contracts, leases,
14 licenses, easements and encumbrances which may in any wise affect
15 the said premises, and subject also to the express conditions sub-
16 sequent following:

17 (a) That the City will restore and replace the surface
18 of the ground and improvements over the aforesaid premises and
19 will repair any and all damage to the property of Santa Fe above
20 or adjoining the said premises which is injured or damaged in
21 the construction or maintenance of said sewer line.

22 (b) That said sanitary sewer line shall be constructed of
23 ten (10) inch case iron pipe, encased in concrete, and shall be
24 constructed and thereafter maintained in a manner which will not
25 interfere with the operation of the Santa Fe's trains, locomotives,
26 motors or cars.

27 (c) That the City will at all times keep said sewer line
28 in good condition and repair, and should it fail to do so, will
29 permit Santa Fe to make such repairs under the direction of its
30 Chief Engineer as he may deem necessary for the preservation of
31 Santa Fe's property, and in such event the City shall refund to
32 Santa Fe the amount expended therefor.

1 (d) That the City will adequately protect said sewer line
2 placed upon, through and across the hereinabove described land, as
3 and when needed, to permit Santa Fe to lay, maintain, relocate and
4 operate railroad tracks and facilities upon, along and/or across
5 said land.

6 (e) That at all times during the progress of the work of
7 constructing said sewer line the City will permit a representative
8 of Santa Fe to inspect such work, and that such work shall be done
9 in a manner satisfactory to such representative, and so as not to
10 cause any damage to Santa Fe's facilities, and that the type of
11 such construction shall be subject to the approval of the Chief
12 Engineer of Santa Fe.

13 (f) That if the premises hereinabove described, or any
14 portion thereof, shall cease to be used for the purposes above
15 stated, or upon the breach of any of the conditions herein set
16 forth, then and in that event the easement hereby given shall cease
17 and determine, as to such portion or portions, in the case of non-
18 user, and in its entirety in the case of breach of any other con-
19 dition herein stated, and Santa Fe, its successors and assigns,
20 may re-enter thereon and resume possession thereof the same as
21 though this easement had not been executed.

22 All of the conditions herein contained shall be binding
23 upon the successors and assigns of the City and shall inure to the
24 benefit of the successors and assigns of Santa Fe.

25 IN WITNESS WHEREOF Santa Fe has duly executed this instru-
26 ment the day and year first above written.

27
28 THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY,

29 By /s/ R. G. Rydin
30 Its Vice-President

31 ATTEST:

32 A. O. Appel (?)
Its Assistant Secretary

1 STATE OF ILLINOIS)
2 COUNTY OF COOK) ss.

3 On this 2nd day of August in the year one thousand nine
4 hundred and forty-eight, before me, George E. Andersen, a Notary
5 Public in and for said County of Cook, State of Illinois, person-
6 ally appeared R. G. Rydin, known to me to be the Vice President of
7 the corporation that executed the within and foregoing instrument,
8 and known to me to be one of the persons who executed said instrum-
9 ent on behalf of the corporation therein named, and acknowledged to
10 me that such corporation executed the same.

11 IN WITNESS WHEREOF I have hereunto set my hand and affixed
12 my official seal in said County the day and year in this certificate
13 first above written.

14 (SEAL) /s/George E. Andersen
15 Notary Public in and for said
16 County of Cook
State of Illinois

17 STATE OF CALIFORNIA)
18 County of Los Angeles) ss.

19 On this 7th day of August in the year one thousand nine
20 hundred and forty-eight, before me, S. A. Forrester, a Notary
21 Public in and for said County of Los Angeles, State of California,
22 personally appeared A. O. Appel (?), known to me to be the Asst.
23 Secretary of the corporation that executed the within and foregoing
24 instrument, and known to me to be one of the persons who executed
25 said instrument on behalf of the corporation therein named, and
26 acknowledged to me that such corporation executed the same.

27 IN WITNESS WHEREOF I have hereunto set my hand and affixed
28 my official seal in said County the day and year in this certificate
29 first above written.

30 (SEAL) /s/ S. A. Forrester
31 Notary Public in and for said
32 County of Los Angeles
State of California

2011