

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

DEPARTMENT OF WATER RESOURCES

Division of Engineering
Real Estate Branch
1416 9th Street, Room 425
Sacramento, CA 95814

Certified to be a TRUE copy of
document recorded 9/26/11
INSTRUMENT NO. 2011-402992
Book _____ Page _____
SAN BERNARDINO COUNTY RECORDS
Fidelity National Title By FEA

APN 0168-351-05

SPACE ABOVE THE LINE FOR RECORDER'S USE

EASEMENT

(CORPORATION TO STATE)

EAST BRANCH EXTENSION - PHASE II
Project MENTONE PIPELINE PROJECT

R&T 11922, Governmental agency
acquiring title

Parcel No. EBX-10 UNITS A, B & C
V-9A-05

CITY OF REDLANDS, a municipal corporation, GRANTS to the STATE OF CALIFORNIA, its successors or assigns, hereinafter called STATE, EASEMENTS for pipeline and construction purposes over, on, under, and across that certain real property in the City of Redlands, County of San Bernardino, State of California, identified in the records of the Department of Water Resources as:

<u>DWR Parcel No.</u>	<u>Area</u>	<u>Estate</u>
EBX-10 UNIT A	1.47 acres	Permanent Pipeline Easement
EBX-10 UNIT B	0.37 acre	Temporary Construction Easement
EBX-10 UNIT C	1.52 acres	Temporary Construction Easement

(In the event of any discrepancy between the above identification and the real property described herein, the real property described will control.)

DWR 620-CP-STATE (Rev. 05/08)

THIS CA GOVT CODE 27383
ALLOWS US TO RECORD OUR
DOCUMENTS FOR FREE

APR 20 2011

A. STATE's rights in the easement parcel(s):

(1) STATE is granted a Permanent Non-Exclusive Pipeline and Drainage Easement over, under, across, and through the easement parcel(s) as described herein. Said grant includes the right to construct, lay, operate, patrol, maintain, repair, reconstruct, modify, alter, enlarge, add to, relay, remove, and replace a subsurface pipeline or pipelines for transportation of water, together with all fixtures, communications, data or control facilities, and any other devices or appurtenances, either above or below the ground surface, used or useful with respect to said pipeline that STATE may wish to construct or permit to be constructed.

(2) STATE is further granted the right to discharge water into any and all streams or natural channels traversed by said pipeline or pipelines, all the right of access over, ingress to and egress from and along the easement parcel(s) and on, over, and across drives and roadways which now exist or which may hereafter be constructed thereon and the use of which is reasonably necessary to accomplish STATE's purposes.

(3) It is expressly understood and agreed that GRANTOR , their successors or assigns, do not have the right to any use of the easement parcel(s) that is inconsistent with the uses granted to STATE herein. Inconsistent uses include, but are not limited to, the following:

- (a) Erection or construction of buildings or other structures;
- (b) Drilling or excavation, or operation of mines in or through the upper 300 feet of the subsurface;
- (c) Use of explosives;
- (d) Planting of trees;
- (e) Erection or construction of solid property or field barriers, such as rock, cinder block or concrete walls;
- (f) Erection or construction of cross fencing within said easement parcel(s) without including vehicular access gates therein, or the provision of reasonable alternative vehicular access to the STATE.

(4) It is expressly understood and agreed that GRANTOR , their successors or assigns, have the right to make any use of the easement parcel(s) except those uses that are inconsistent with uses granted to STATE herein. However, GRANTOR shall notify STATE prior to any such use and pursuant to State Water Code Section 12899 shall submit their plans to STATE for review and allow STATE 30 days to comment on the intended use.

Permitted uses of the easement parcel(s) requiring notification include, but are not limited to, the following:

- (a) Construction of roadways (other than dirt or gravel roads), installation of above ground, surface or subsurface utilities, or making any other surface or subsurface alterations or improvements;
 - (b) Planting of vineyards;
 - (c) Erection or construction of fencing of any kind or nature not prohibited in Paragraph A(3) above;
 - (d) Alteration of the ground surface elevation by more than 12 inches.
- (5) It is expressly understood and agreed that GRANTOR , their successors or assigns have the right to grant any easement or license, or permit any encroachment of any kind whatsoever in or over the easement parcel(s), provided that the use does not interfere with the STATE'S rights as described in Paragraphs A(1) and A(2) above, and as limited and qualified by Paragraphs A(3) and A(4). It is further expressly understood and agreed that use of the easement parcel by third persons is subject to issuance of an encroachment permit by STATE.

B. GRANTOR's rights with respect to use of the easement parcel(s):

GRANTOR , their successors or assigns, retain all aspects of fee ownership and the right to make all uses of the easement parcel(s), including, but not limited to, access, ingress, and egress over, through, and across said easement parcel(s) and to and from adjoining parcels, that do not unreasonably interfere with STATE's rights as described in Paragraphs A(1) and A(2) above, and as limited and qualified by Paragraphs A(3), A(4), and A(5) above.

STATE shall not unreasonably withhold an encroachment permit from third persons or unreasonably object to any use of the easement parcel by GRANTOR under Paragraph A(4) above, or approval under Paragraph A(5) above, so long as any proposed activity, construction, or improvement is designed in accordance with generally accepted engineering principles and practices for the protection of STATE's facilities and STATE's rights as granted herein.

EBX-10

Those portions of the North half of the North half of Section 22, Township 1 South, Range 2 West, S.B.M., County of San Bernardino, State of California, and those portions of the **Parcel** described in the **CORPORATION GRANT DEED**, recorded October 8, 1951, in Book 2834, Page 215, Official Records of said County, described as follows:

UNIT A

A perpetual easement and right of way to construct, lay, operate, maintain and from time to time at any time reconstruct, modify, alter, enlarge, add to, relay, remove and replace one or more pipelines for transportation of water, and all fixtures devices, incidents and appurtenances used or useful in operation of said pipeline or pipelines over, through, under and across said **Parcel**, described as follows:

COMMENCING at a found 2-inch CALTRANS brass cap in well, as shown on **CORNER RECORD 06 0842**, filed January 16, 2007, in the Office of the San Bernardino County Surveyor, accepted in lieu of a 3/4-inch iron pipe as shown on the **MAP** for **TRACT NO. 2875**, filed March 30, 1949, in Book 45 of Maps, Pages 48-50, San Bernardino County Recorder, which bears South 00° 06' 45" West 1314.25 feet from a found 2-inch iron pipe with brass cap, marking the Northwest corner of said Section 22, as shown on the **RECORD OF SURVEY**, filed September 18, 1981, in Book 44 of Records of Survey, Pages 20-21, San Bernardino County Recorder; thence along the West line of said North half of the North half, North 00° 06' 45" East 589.85 feet to a point hereinafter referred to as POINT "H" and Point of Beginning;

THENCE FROM SAID POINT OF BEGINNING the following 5 courses:

- (1) Continuing along said West line North 00° 06' 45" East 60.01 feet;
- (2) Leaving said West line North 88° 53' 44" East 655.79 feet to the Southerly boundary of the land described as **PARCEL NO. 13**, in the **FINAL ORDER OF CONDEMNATION**, recorded May 27, 1968 in Book 7047, Page 430, of said Official Records;
- (3) Along said Southerly boundary South 86° 45' 47" East 1013.71 feet;
- (4) Leaving said Southerly boundary North 88° 25' 23" West 357.79 feet; and
- (5) South 88° 53' 44" West 1310.47 feet to the Point of Beginning.

Containing 1.48 acres, more or less.

UNIT B

A temporary easement and right of way for the purpose of moving and/or maneuvering construction equipment and vehicles, the temporary storage of pipe, equipment, and materials necessary for laying a pipeline, together with the equipment used in the digging of trenches and other earthwork, pertinent to said pipeline, the

temporary storage of spoil or excavated material during the period of the laying, relaying, installing, and removing of said pipeline and related construction work, and any other operations necessary and appurtenant to the construction of said pipeline, over, through, and across said **Parcel**, described as follows:

COMMENCING at the hereinabove designated POINT "H";
thence along the West line of said North half of the North half, North 00° 06' 45"
East 60.01 feet to the Point of Beginning;

THENCE FROM SAID POINT OF BEGINNING the following 4 courses:

- (1) Continuing along said West line North 00° 06' 45" East 45.01 feet;
- (2) Leaving said West line North 88° 53' 44" East 62.07 feet to the Southerly boundary of the land described as **PARCEL NO. 13**, as described in the hereinabove described UNIT A;
- (3) Along said Southerly boundary South 86° 45' 47" East 594.48 feet to the Northerly sideline of said UNIT A; and
- (4) Leaving said Northerly boundary along said Northerly sideline, South 88° 53' 44" West 655.79 feet to the Point of Beginning.

Containing 0.37 acre, more or less.

UNIT C

A temporary easement and right of way for the purpose of moving and/or maneuvering construction equipment and vehicles, the temporary storage of pipe, equipment, and materials necessary for laying a pipeline, together with the equipment used in the digging of trenches and other earthwork, pertinent to said pipeline, the temporary storage of spoil or excavated material during the period of the laying, relaying, installing, and removing of said pipeline and related construction work, and any other operations necessary and appurtenant to the construction of said pipeline, over, through, and across said **Parcel**, described as follows:

BEGINNING at the hereinabove designated POINT "H";
THENCE FROM SAID POINT OF BEGINNING the following 5 courses:

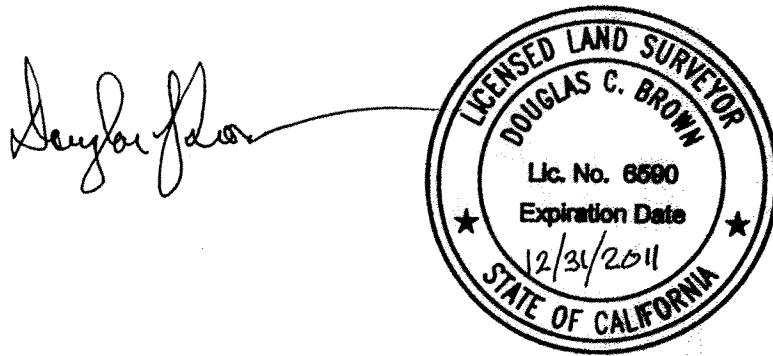
- (1) Leaving said West line of the North half of the North half along the Southerly sideline of the hereinabove described UNIT A, North 88° 53' 44" East 1310.47 feet;
- (2) Continuing South 88° 25' 23" East 357.79 feet to the Southerly boundary of **PARCEL NO. 13**, as described in said UNIT A;
- (3) Along said Southerly boundary South 86° 45' 47" East 294.22 feet to the Northerly boundary of the land described in the **GRANT DEED**, recorded September 25, 2002, as **Document No. 2002-0505642**;
- (4) Leaving said Southerly boundary along said Northerly boundary, South 88° 53' 07" West 1962.09 feet to said West line and a found 1-inch iron pipe, tagged "RCE 8591", accepted in lieu of a 3/4-inch iron pipe, tagged

"LS 2294", as shown on the map of **TRACT NO. 2875**, as described in the hereinabove described UNIT A and for marking the Northwest corner of the land described in said **GRANT DEED**; and

- (5) Leaving said Northerly boundary along said West line, North 00° 06' 45" East 39.96 feet to the Point of Beginning.

Containing 1.52 acres, more or less.

Bearings and distances used in the above descriptions are based on the California Coordinate System, CCS83, 1991.35, Zone 5.



IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed here unto, this _____ day of _____, 20____.

By Pete Aguilar, _____, Mayor
 By Sam Irwin, _____, Clerk

[CORPORATE SEAL]

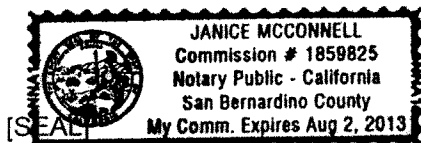
STATE OF CALIFORNIA

County of San Bernardino } SS

On May 24, 20 11, before me, Janice McConnell, Notary Public
 personally appeared Pete Aguilar and Sam Irwin
 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



Janice McConnell
 NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

This Is To Certify, That the State of California, grantee herein, acting by and through the Department of Water Resources, hereby accepts for public purposes the real property, or interest therein, described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of August, 20 11

[Signature]
 Director of Water Resources

By RICHARD SANCHEZ

CHIEF DIVISION OF ENGINEERING
 Attorney in Fact

ACKNOWLEDGMENT

State of California
County of Sacramento

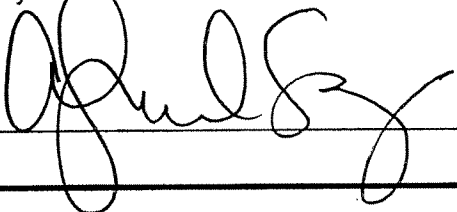
On August 1, 2011 before me, Alejandra Lopez, Notary Public
(insert name and title of the officer)

personally appeared ~~~~Richard Sanchez~~~~
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.

Signature



(Seal)

