

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

652



FROM: Economic Development Agency

SUBMITTAL DATE:
February 16, 2011

SUBJECT: Resolution No. 2011-021, Notice of Intention to Convey Real Property Interests in Property Located East of Lime Street & West of Highway 91, between 9th & 12th Streets in the City of Riverside, California; Possession & Use Agreement with Riverside County Transportation Commission.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2011-021, Notice of Intention to Convey a Real Property Interests located east of Lime Street & west of Highway 91, Between 9th & 12th Streets in the City of Riverside, California, consisting of portions of Assessor's Parcel Numbers 215-120-006, 215-310-006, & 215-132-001 through 008, by Grant Deed, Easement Deeds and Temporary Construction Easement Deed to the Riverside County Transportation Commission; and
2. Direct the Clerk of the Board to give notice pursuant to Government Code Section 6061; and

(Continued)

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/11

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY:

County Executive Office Signature Jennifer L. Sargent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended and is set for Tuesday, March 29, 2011.

Ayes: Buster, Tavaglione, Stone and Ashley
 Nays: None
 Absent: Benoit
 Date: March 1, 2011
 xc: EDA, E.O., RCTC, COB

Kecia Harper-Ihem
 Clerk of the Board
 By:
 Deputy

Prev. Agn. Ref.: | **District:** 2 | **Agenda Number:** 3.41

FORM APPROVED COUNTY COUNSEL
 BY: *Synthia M. Gunzel* 2-23-11
 SYNTHIA M. GUNZEL
 DATE: *2-23-11*
 DEPARTMENTAL CONCURRENCE

Dept't Recomm.: Consent Policy Policy
 Per Exec. Ofc.: Consent Policy Policy

RECOMMENDED MOTION: (Continued)

3. Approve the Possession & Use Agreement between the County of Riverside and the Riverside County Transportation Commission for the right to possess and use the real property, identified as Assessor Parcel Numbers 215-120-006, 215-310-006, & 215-132-001 through -008.

BACKGROUND:

The Riverside County Transportation Commission (RCTC) is the lead agency on a multitude of highway improvement projects in Riverside County, including the SR-91 HOV project, which is intended to add high occupancy vehicle (HOV) lanes to Highway 91 from Adams Street to the 60/91/215 interchange, in both directions. The project will also improve ramps, bridges and freeway access, and it will close a six mile HOV gap. Included in this project is replacement of the westbound 9th Street onramp in downtown Riverside with a new westbound onramp at 10th Street that would cut through the existing County employee parking lots situated across Lime Street from the County Administrative Center.

The onramp relocation would necessitate temporary closure of portions of the County employee parking lots for varying time intervals as RCTC's contractors completely rebuild the redesigned parking lots. The lots currently provide parking stalls for 336 vehicles. The project would be phased in three stages; during which the number of available stalls would never dip below 200. At the end of the project, the redesigned parking lot would contain 362 parking stalls. The anticipated duration of the project is 18 months. RCTC shall provide for replacement parking and transportation, if necessary, to the reasonable satisfaction of the County, on an interim basis.

Pursuant to Government Code Section 25365, the County may convey or exchange interests in real property belonging to the County to another public agency, upon the terms and conditions as are agreed upon and without complying with any other provisions of the Government Code, if the property or interest therein is not required for County use.

On December 16, 2010, RCTC presented a revised offer to the County of Riverside to purchase various fee and easement interests, along with temporary construction easements. The amount of the offer is \$1,702,000.00. In addition, the County will bear no expense in reconstruction of the parking lots. At the end of the construction period, RCTC will arrange for the State of California to convey fee simple title to that portion of the existing 9th Street onramp that will no longer be required for use by commuters. This land has been appraised at \$464,500.00.

The County intends to convey to the Riverside County Transportation Commission District, by Grant Deed, Easement Deeds and Temporary Construction Easement Deed, fee, easement and temporary construction easement interests in real property located in the City of Riverside, located east of Lime Street & west of Highway 91, Between 9th & 12th Streets in the City of Riverside, California, consisting of portions of Assessor's Parcel No. 215-310-006, 215-132-001 through 008 & 215-120-006 as depicted on Exhibit A (aerial image) and more particularly described in Exhibit B-1, B-2, C-1, C-2, D-1, D-2, E-1 and E-2, legal descriptions and depictions, attached to Resolution Number 2011-021.

(Continued)

BACKGROUND: (Continued)

Real Estate Division staff labor, County Counsel review and TLMA Survey Review costs will be withheld from the escrow process. The estimated costs are \$150,000. The remainder of the proceeds will be directed to the general fund.

In the interim, in order for RCTC to obtain Caltrans right of way certification, staff recommends that County enter into the Possession & Use Agreement ("Agreement"), which will protect the project funding and enable construction bidding to begin while the property acquisition details are finalized. RCTC does possess the power to acquire real property by condemnation; however, this acquisition is proceeding as a voluntary transaction. Some of these terms and conditions contained within the Possession and Use Agreement are in the event that the parties cannot reach an agreement within 180 days of the execution thereof. This Possession & Use Agreement grants an irrevocable right to RCTC to possess and use the described real property, waives notice required by Code of Civil Procedure Section 1240.235 and not challenge RCTC's right to take such property in an eminent domain action to further its SR-91 HOV project. It is anticipated that the parties will conclude the negotiations and the purchase and sale of the real property will be completed voluntarily.

This resolution has been reviewed and approved by County Counsel as to legal form.

Attachments to Resolution Number 2011-021:

- Exhibit A, Aerial Image
- Exhibit B-1, Legal Description of the Fee Property
- Exhibit B-2, Depiction of the Fee Property
- Exhibit C-1, Legal Description of the Aerial Easement Property
- Exhibit C-2, Depiction of the Aerial Easement Property
- Exhibit D-1, Legal Description of the TCE Property
- Exhibit D-2, Depiction of the TCE Property
- Exhibit E-1, Legal Description of the Permanent Easement Property
- Exhibit E-2, Depiction of the Permanent Easement Property

1 BOARD OF SUPERVISORS

COUNTY OF RIVERSIDE

2
3 RESOLUTION NO. 2011-021
4

5 NOTICE OF INTENTION TO CONVEY REAL PROPERTY INTERESTS LOCATED
6 EAST OF LIME STREET & WEST OF STATE HIGHWAY 91, BETWEEN 9TH & 12TH
7 STREETS IN THE CITY OF RIVERSIDE, CALIFORNIA
8 TO THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION
9 PORTIONS OF ASSESSOR'S PARCEL NUMBERS 215-120-006, 215-310-006, &
10 215-132-001 THROUGH -008, COLLECTIVELY BY GRANT DEED, EASEMENT
11 DEEDS AND TEMPORARY CONSTRUCTION EASEMENT DEED
12

13 WHEREAS, County of Riverside owns that certain real property in fee with
14 improved parking lots thereon ("Property"), in the City of Riverside, east of Lime Street
15 and west of Highway 91 between 9th and 12th Streets, more commonly known as
16 Assessor Parcel Numbers 215-120-006, 215-310-006, & 215-132-001 through 008.

17 WHEREAS, the Riverside County Transportation Commission (RCTC) desires
18 to purchase and requires varying interests in portions of this Property for its SR-91
19 High-Occupancy Vehicle Lane Project; now, therefore,

20 BE IT RESOLVED, DETERMINED AND ORDERED that the Riverside County
21 Board of Supervisors has determined that this Property is no longer required for use by
22 the County and hereby declares this land to be surplus.

23 BE IT RESOLVED, DETERMINED AND ORDERED and NOTICE IS HEREBY
24 GIVEN by the Board of Supervisors of the County of Riverside, California, in regular
25 session assembled on March 1, 2011, intends to convey on or after March 29, 2011 to
26 the RCTC, the following described real property: Certain real property located in the
27 City of Riverside, State of California, identified by and as Assessor Parcel Numbers
28 215-120-006, 215-310-006, & 215-132-001 through 008, more particularly described

FORM APPROVED COUNTY COUNSEL
BY: *Sybil M. Gunzel* DATE: *2-23-11*
SYBIL M. GUNZEL

1 and depicted in Exhibits B-1, B-2, C-1, C-2, D-1, D-2, E-1, and E-2, legal descriptions
2 and depictions, attached hereto and made a part hereof. The terms and conditions of
3 the proposed conveyance are as follows: The Riverside County Transportation
4 Commission shall pay \$1,702,000.00 to County of Riverside for the described real
5 property interests, which includes fee simple, permanent aerial easement, permanent
6 right of way easement and temporary construction easement interests.

7 BE IT FURTHER RESOLVED AND DETERMINED that the Clerk of the Board of
8 Supervisors is directed to give notice hereof as provided in Section 6061 of the
9 Government Code.

10 ROLL CALL:

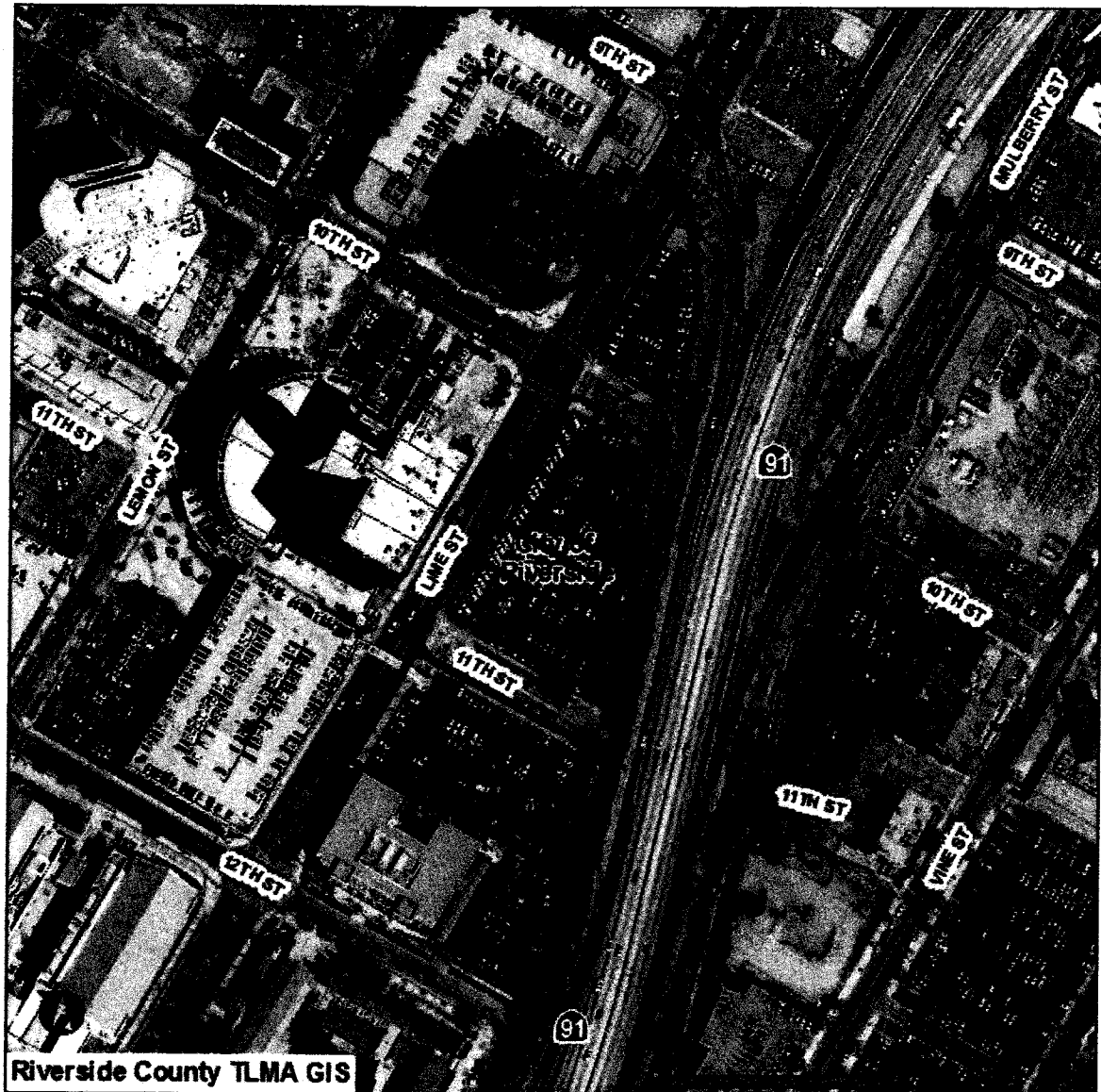
11 Ayes: Buster, Tavaglione, Stone and Ashley
12 Nays: None
13 Absent: Benoit

14 The foregoing is certified to be a true copy of a resolution duly
15 adopted by said Board of Supervisors on the date therein set forth.

16 KECIA HARPER-IHEM, Clerk of said Board

17 By: _____
18 Deputy

EXHIBIT "A"



Selected parcel(s):

215-120-006 215-132-001 215-132-002 215-132-003 215-132-004 215-132-005 215-132-006
215-132-007 215-132-008 215-310-006

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Tue Feb 15 15:48:54 2011

Version 101221

SR-91 HOV

EXHIBIT "B-1"

LEGAL DESCRIPTION OF THE FEE PROPERTY

"Attached"

Exhibit "B-1"

That portion of Block 11, Range 3, Map of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map on file in Book 7, page 17 of Maps, Records of San Bernardino County, California, more particularly described as follows:

BEGINNING at a point on the northeasterly line of said Block 11, Range 3, said point being distant South 60°15'55" East, 262.59 feet from the northerly corner of said Block 11, Range 3; thence along said northeasterly line, South 60°15'55" East, 18.06 feet to the westerly line of that land conveyed to the City of Riverside as Parcel 1 in a Director's deed recorded June 28, 1960 as Instrument No. 57118, Official Records of Riverside County; thence along said westerly line South 14°16'39" West, 163.45 feet to the northeasterly boundary of that certain parcel of land conveyed to the Riverside County Public Authority, by deed recorded November 18, 1997 as Instrument No. 422307, Official Records of Riverside County; thence along said boundary, North 60°14'40" West, 1.61 feet; thence leaving said boundary North 14°52'16" East, 60.91 feet; thence North 5°30'39" East, 108.20 feet to the **POINT OF BEGINNING**.

TOGETHER with that portion of the underlying fee interest, if any, appurtenant to the above-described property in and to Eleventh Street (33.00 feet half width) lying easterly of the northerly prolongation of the westerly line of said property to the northeasterly line of Eleventh Street.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantees any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Divide distances shown by 0.9999727 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____

Professional Land Surveyor

Date: _____

Nov. 26, 2008



That portion of Block 10, Range 3, Map of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map on file in Book 7, page 17 of Maps, Records of San Bernardino County, of the lands described in a deed to the County of Riverside, recorded October 30, 1975 as Instrument No. 134114 and in a Final Order of Condemnation, recorded November 15, 1974 as Instrument No. 147445, both of Official Records of Riverside County, more particularly described as follows:

COMMENCING at the westerly corner of said Block 10, Range 3; thence along the southwesterly line of said Block 10, Range 3 as shown on said Map, South 60°15'55" East, 26.11 feet to the **POINT OF BEGINNING**; thence leaving said southwesterly line, North 7°50'47" West, 14.94 feet; thence North 33°01'00" East, 123.35 feet; thence (Course "A") North 33°01'00" East, 33.93 feet; thence (Course "B") North 29°43'57" East, 86.52 feet; thence (Course "C") South 60°15'54" East, 49.24 feet; thence (Course "D") South 0°15'04" East, 52.94 feet; thence (Course "E") North 89°27'14" East, 2.00 feet; thence (Course "F") South 13°45'32" East, 51.36 feet; thence (Course "G") South 0°15'06" East, 40.20 feet to the beginning of a curve concave westerly having a radius of 2166.50 feet; thence (Course "H") southerly along said curve through a central angle of 2°55'23" an arc distance of 110.53 feet; thence (Course "I") South 3°40'14" West, 46.04 feet to said southwesterly line of said Block 10, Range 3; thence along said southwesterly line of said Block 10, Range 3, South 60°15'55" East, 30.55 feet to the easterly boundary of said Final Order of Condemnation; thence along said easterly boundary North 14°16'39" East, 71.29 feet; thence continuing along said easterly boundary and the easterly boundary of said deed, North 12°07'21" East, 274.73 feet to the northeasterly line of said Block 10, Range 3 as shown on said Map; thence along said northeasterly line of Block 10, Range 3, North 60°14'35" West, 143.26 feet to the easterly boundary of that certain parcel of land described as Parcel 3 in a Final Order of Condemnation, recorded October 6, 1972 as Instrument No. 134217, Official Records of Riverside County and the beginning of a non-tangent curve concave southeasterly having a radius of 20.50 feet, a radial line bears North 17°09'48" West; thence Southwesterly along last said boundary and last said curve through a central angle of 43°06'11" an arc distance of 15.42; thence continuing along last said easterly boundary and the easterly boundary of that certain parcel of land described as Parcel 1 in a Final Order of Condemnation, recorded January 27, 1972 as Instrument No. 11500, Official Records of Riverside County, South 29°44'01" West, 305.62 feet to the beginning of a curve concave southeasterly having a radius of 20.50 feet; thence southwesterly along last said curve and last said easterly boundary through a central angle of 32°25'50" and arc distance of 11.60 feet to said southwesterly line of said Block 10, Range 3; thence along said southwesterly line of said Block 10, Range 3, South 60°15'55" East, 11.41 feet to the **POINT OF BEGINNING**.

TOGETHER with underlying fee interest, if any, contiguous to the above-described property in and to Eleventh Street (33.00 feet half width) lying easterly of the following described line:

(Continued)

BEGINNING at the southerly terminus of the above described (Course "I"); thence along the southerly prolongation of said (Course "I"), South 3°40'14" West, 29.48 feet; thence South 5°30'39" West, 43.34 feet to the southwesterly line of said Eleventh Street.

ALSO TOGETHER with underlying fee interest, if any, contiguous to the above-described property in and to the south half of Tenth Street (66.00 feet wide) lying easterly of the following described line:

BEGINNING at a point on the above described northeasterly line of Block 10, Range 3, said point being distant South 60°14'35" East, 136.64 feet from the northerly corner of said Block 10, Range 3, and the beginning of a non-tangent curve concave southeasterly having a radius of 2101.50 feet, a radial line bears North 69°03'07" West; thence northeasterly along said curve through a central angle of 1°49'00" an arc distance of 66.63 feet to the northeasterly line of said Tenth Street.

ALSO TOGETHER with underlying fee interest, if any, contiguous to the above-described property in and to the south half of Tenth Street (66.00 feet wide) lying westerly of the following described line:

BEGINNING at a point on the above described northeasterly line of Block 10, Range 3, said point being distant South 60°14'35" East, 97.49 feet from the northerly corner of said Block 10, Range 3, and the beginning of a non-tangent curve concave southwesterly having a radius of 366.00 feet, a radial line bears North 78°48'46" East; thence northwesterly along said curve through a central angle of 10°02'08" an arc distance of 64.11 feet; thence North 3°15'41" West, 25.63 feet to the northeasterly line of said Tenth Street.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said freeway and along Courses A, B, C, D, E, F, G, H and I.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Divide distances shown by 0.9999727 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: Trent E. Lenfestey
Professional Land Surveyor

Date: Nov. 26 2008



Those portions of Block 9, Range 3, Map of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map on file in Book 7, page 17 of Maps in the Office of the County Recorder of San Bernardino County, of that certain parcel of land described in a deed to the County of Riverside recorded May 30, 1986 as Document No. 1986.124987, Official records of Riverside County, more particularly described as follows:

PARCEL 20432-1

BEGINNING at a point on the southwesterly line of said Block 9, Range 3, distant thereon, South $60^{\circ}14'35''$ East, 37.53 feet from the most westerly corner of said Block 9; thence (*Course "A"*) North $3^{\circ}15'41''$ West, 19.35 feet to a line which is parallel with and distant 60.00 feet southeasterly as measured a right angles from the centerline of Lime Street; thence (*Course "B"*) along said parallel line North $29^{\circ}43'25''$ East, 120.00 feet; thence continuing along said parallel line North $29^{\circ}43'25''$ East, 88.65 feet to the easterly boundary of said deed; thence along said boundary the following five (5) courses, (1) North $8^{\circ}58'21''$ West, 11.19 feet; thence (2) North $60^{\circ}16'24''$ West, 3.00 feet; thence (3) South $29^{\circ}43'25''$ West, 218.61 feet to the beginning of a curve concave easterly having a radius of 15.00 feet; thence (4) southeasterly along said curve through a central angle of $89^{\circ}58'00''$ an arc distance of 23.55 feet; thence (5) South $60^{\circ}14'35''$ East, 5.54 feet to the **POINT OF BEGINNING**.

TOGETHER with underlying fee interest, if any, appurtenant to the above-described property in and to Tenth Street (33.00 feet half width) lying westerly of the following described line:

BEGINNING at the southerly terminus of the above described Course "A"; thence South $3^{\circ}15'41''$ East, 25.63 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 366.00 feet, a radial line bears North $68^{\circ}46'38''$ East; thence southeasterly along said non-tangent curve through a central angle of $10^{\circ}02'08''$ an arc distance of 64.11 feet to the southwesterly line of said Tenth Street.

PARCEL 20432-2

BEGINNING at a point on the southwesterly line of said Block 9, Range 3, distant thereon, South $60^{\circ}14'35''$ East, 127.51 feet from the most westerly corner of said Block 9, Range 3, said point being on a non-tangent curve concave southeasterly having a radius of 2101.50 feet a radial line bears North $67^{\circ}14'06''$ West; thence northeasterly along said non-tangent curve through a central angle of $1^{\circ}33'09''$ an arc distance of 56.95 feet to the easterly boundary of said Document No. 1986.124987, said easterly boundary also being the westerly right of way of State Route 91; thence along said easterly boundary South $12^{\circ}07'21''$ West, 59.40 feet to said southwesterly line of said Block 9, Range 3; thence North $60^{\circ}14'35''$ West, 11.83 feet to the **POINT OF BEGINNING**.

(Continued)

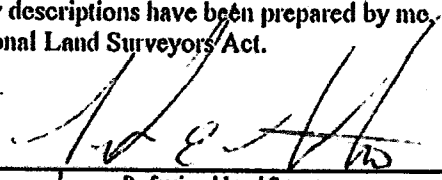
TOGETHER with underlying fee interest, if any, appurtenant to the above-described property in and to Tenth Street (33.00 feet half width) lying easterly of the southerly continuation of the westerly non-tangent curve of said property to the southwesterly line of said Tenth Street.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway and along above described courses "A" and "B".

The bearings and distances used in the above descriptions are based on the California Coordinate System of 1983, Zone 6. Divide distances shown by 0.9999727 to obtain ground level distances.

This real property descriptions have been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____



Professional Land Surveyor

Date: _____

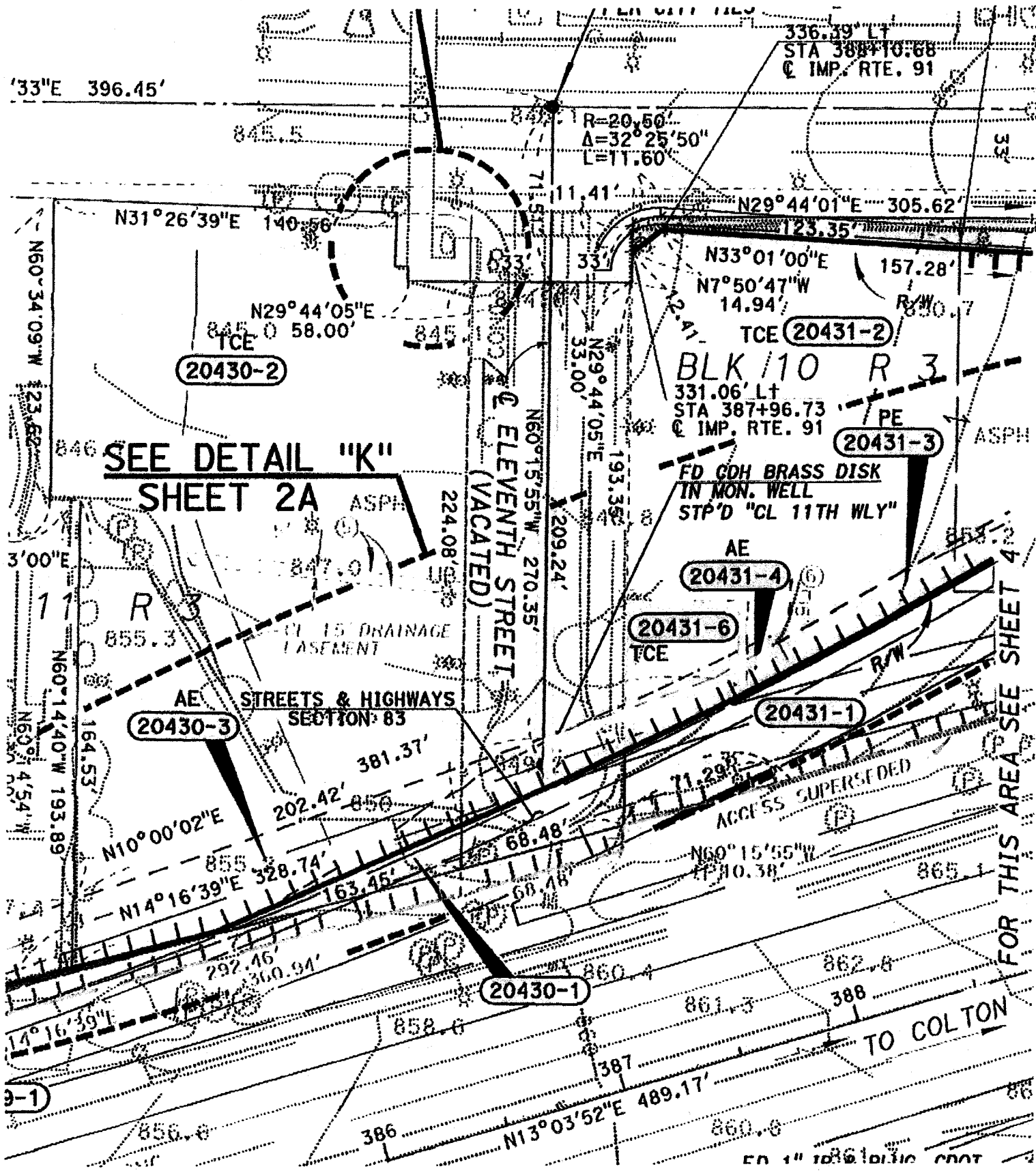
Nov. 24, 2008



EXHIBIT "B-2"

DEPICTION OF THE FEE PROPERTY

"Attached"



SEE DETAIL "K"
SHEET 2A

ELEVENTH STREET
(VACATED)

STREETS & HIGHWAYS
SECTION 83

FD CDH BRASS DISK
IN MON. WELL
STP'D "CL 11TH WLY"

ACCESS SUPERSEDED

TO COLTON

FOR THIS AREA SEE SHEET 4

20430-2

20430-3

20430-1

20431-4

20431-6

20431-1

20431-3

20431-2

BLK 10 R 3

331.06' Lt
STA 387+96.73
@ IMP. RTE. 91

336.39' Lt
STA 388+10.68
@ IMP. RTE. 91

'33"E 396.45'

N31°26'39"E 140.56'

N29°44'05"E 58.00'

N33°01'00"E 157.28'

N7°50'47"W 14.94'

N10°00'02"E

N14°16'39"E 328.74'

N14°16'39"E

N13°03'52"E 489.17'

3'00"E

110

N60°14'40"W 193.89'

N60°14'40"W 193.89'

N60°14'40"W 193.89'

N60°14'40"W 193.89'

N60°14'40"W 193.89'

N60°14'40"W 193.89'

R=20.50'
Δ=32°25'50"
L=11.60'

11.41

33'

33.00'

35.00'

35.00'

35.00'

35.00'

35.00'

35.00'

35.00'

35.00'

35.00'

35.00'

35.00'

35.00'

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35.00'

35.00'

N29°44'01"E 305.62'

N29°44'05"E 270.35'

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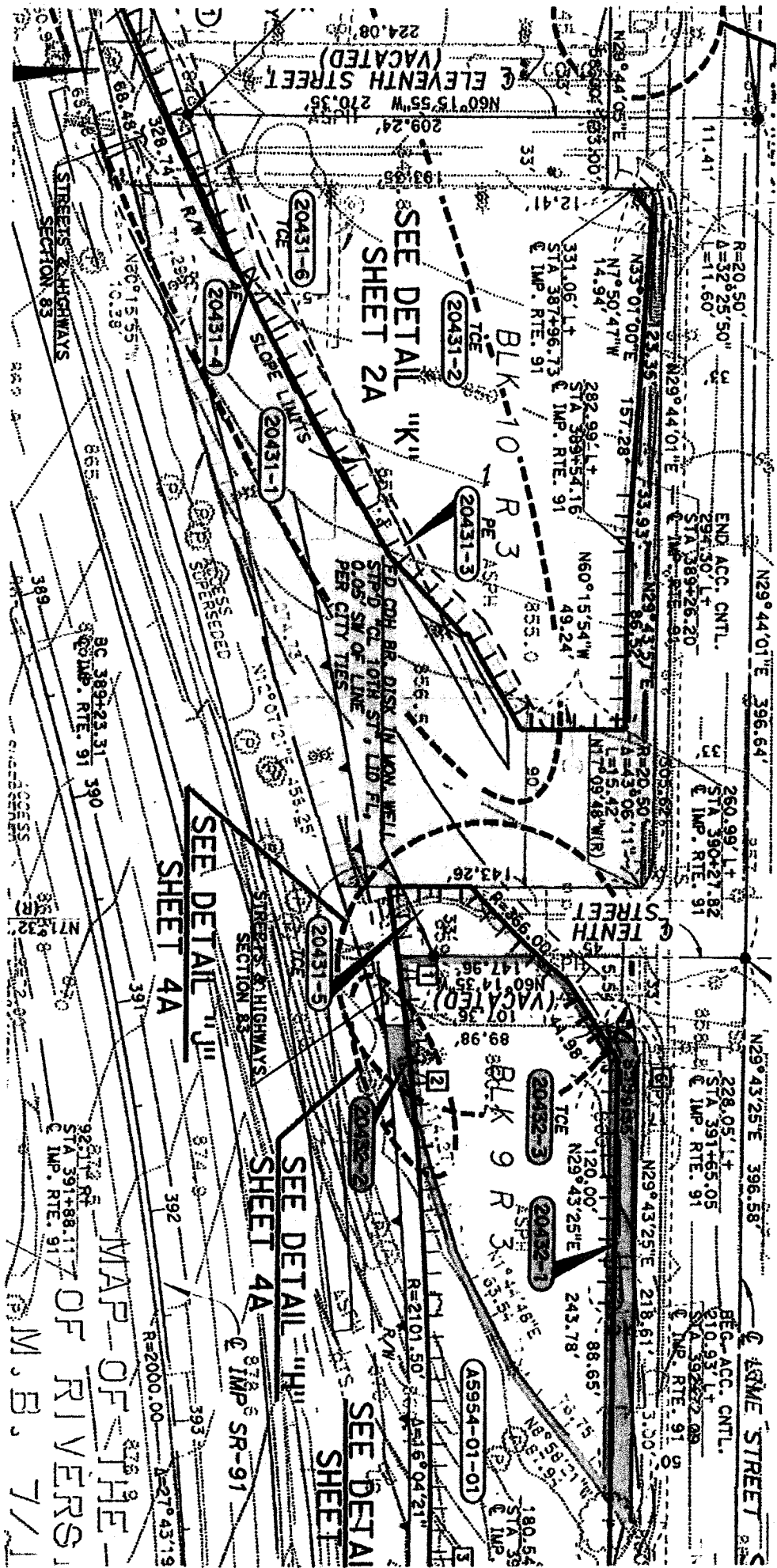
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N29°44'05"E 270.35'

N29°44'05"E 270.35'



ELEVENTH STREET (VACATED)
 N60°15'55"W 210.35'
 209.24'

SEE DETAIL "K"
 SHEET 2A

BLK-10 R 3
 PE ASPH

SEE DETAIL "J"
 SHEET 4A

SEE DETAIL "H"
 SHEET 4A

SEE DETAIL SHEET

MAP OF THE
 OF RIVERS
 M. B. 7/1

END ACC. CNTL.
 STA 389+26.20
 C IMP. RTE. 91

260.99' Lt
 STA 390+27.82
 C IMP. RTE. 91

228.05' Lt
 STA 391+65.05
 C IMP. RTE. 91

BEG. ACC. CNTL.
 STA 392+00.00
 C IMP. RTE. 91

SEE DETAIL "K"
 SEE DETAIL "J"
 SEE DETAIL "H"
 SEE DETAIL SHEET

STREETS & HIGHWAYS
 SECTION 83

STREETS & HIGHWAYS
 SECTION 83

STREETS & HIGHWAYS
 SECTION 83

STREETS & HIGHWAYS
 SECTION 83

BC 389+23.31
 390
 C IMP. RTE. 91

389
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EXHIBIT "C-1"

LEGAL DESCRIPTION OF THE AERIAL EASEMENT PROPERTY

"Attached"

Exhibit "C-1"

Those portions of Block 11, Range 3, and Eleventh Street, Map of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map on file in Book 7, page 17 of Maps, Records of San Bernardino County, California, more particularly described as follows:

BEGINNING at a point on the northeasterly line of said Block 11, Range 3, as shown on said Map, said point being distant South 60°15'55" East, 262.59 feet from the northerly corner of said Block 11, Range 3; thence North 5°30'39" East, 36.19 feet to a line parallel with and 33.00 feet northeasterly measured at right angles from said northeasterly line of said Block 10, Range 3, said parallel line also being the centerline of said Eleventh Street; thence along said parallel line, North 60°15'55" West, 21.24 feet; thence South 10°00'02" West, 202.42 feet to the northeasterly boundary of that certain parcel of land conveyed to the Riverside County Public Authority, by deed recorded November 18, 1997 as Instrument No. 422307, Official Records of Riverside County; thence along said northeasterly boundary, South 60°14'40" East, 27.76 feet; thence North 14°52'16" East, 60.91 feet; thence North 5°30'39" East, 108.20 feet to the **POINT OF BEGINNING**.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Divide distances shown by 0.9999727 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____

Professional Land Surveyor

Date: Nov. 26, 2008



ALSO, TOGETHER with non-exclusive right of access to the aerial easement hereinabove described for the purpose of inspection, maintaining, retrofitting and repairing said freeway structures and for inspecting the uses made of the land under the aerial easement by way of such roads or passageways as may now or hereafter exist on owner's remaining property; provided, however, that State's exercise of such right of access shall not unreasonably interfere with owner's use of such roads or passageways.

RESERVING unto owner, its successors and assigns, lessees and licensees all rights in and to the airspace at an elevation higher than a plane parallel with and 9 meters above the roadway surface of said freeway structure as originally constructed, provided, that the use of such space shall not interfere with the enjoyment, safety and compatibility of said aerial easement, provided further, that owner, its lessees and/or licensees shall first secure such encroachment permits as may be required by law, which permits shall not be unreasonably withheld. Encroachment permits issued to owner or its subsidiaries or affiliated companies, shall have designated across the face thereof "For Notice of Record Purposes Only"; provided however, that in case of any subsequent conveyance by owner, its subsidiaries or affiliated companies, such facilities and installations shall be subject to a standard encroachment permit.

ALSO RESERVING unto owner, its successors and assigns, the general right to use and enjoy the area of land under the aerial easement hereinabove described. The general right to use and enjoy said land by owner, its successors and assigns, shall however, be subject to the following limitations and conditions:

1. No use may be made of the area of land under the aerial easement hereinabove described which would impair the full use and safety of said freeway structure, or would otherwise interfere with the free flow of traffic thereon or would unreasonably impair the maintenance thereof.
2. No use may be made of the area of land under said aerial easement hereinabove described for the manufacture or storage of flammable, volatile, explosive or corrosive substances, and such substances shall not be brought onto said land except in such quantities as are normally required for the maintenance operations of occupants of said land and except as may be transported by rail or pipelines. Installation of any pipelines carrying volatile substances shall have the written approval of the State as to the safety and compatibility with freeway purposes and such discretion shall not be exercised in a capricious or arbitrary manner. The use of any such substances shall be in conformance with all applicable code requirements.
3. No hazardous or unreasonably objectionable smoke, fumes, vapors, dust or odors shall be permitted, which would adversely affect the use or maintenance of said freeway or the traveling public thereon.
4. No building of combustible construction shall hereafter be constructed on the area of land under the aerial easement hereinabove described. The State shall be given the opportunity to review and approve plans for any construction within said aerial easement area 60 days prior to said construction. No buildings, no permanent structures, and no advertising displays, may be constructed within 2.5 meters of the undersides nor within 4.5 meters (measured horizontally) of the sides of said freeway structure without the express written approval of the State. The State shall have the discretion to determine whether such proposed construction will be inimical to or incompatible with the full enjoyment of the public rights in the freeway or against the public interest, but such discretion shall not be exercised in a capricious or arbitrary manner.

EXCEPTING AND RESERVING THEREFROM all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within the area of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefor and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than the area of land hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of said land, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells, or mines, without, however, the right to drill, mine, explore and operate through the surface or the upper 30.5 meters of the subsurface of said land or otherwise in such manner as to endanger the safety of any highway that may be constructed on said land.

Those portions of Block 10, Range 3, and Eleventh Street, Map of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map on file in Book 7, page 17 of Maps, Records of San Bernardino County, more particularly described as follows:

BEGINNING at a point on the southwesterly line of said Block 10, Range 3, said point being distant South 60°15'55" East, 231.86 feet from the westerly corner of said Block 10, Range 3; thence South 3°40'14" West, 29.48 feet; thence South 5°30'39" West, 7.15 feet to a line parallel with and 33.00 feet southwesterly measured at right angles from said southwesterly line of said Block 10, Range 3, said parallel line also being the centerline of said Eleventh Street; thence along said parallel line, North 60°15'55" West, 21.24 feet; thence North 10°00'02" East, 73.59 feet; thence North 0°14'57" West, 30.05 feet; thence North 89°43'37" East, 12.53 feet to the beginning of a non-tangent curve concave westerly having a radius of 2166.50 feet, a radial line bears South 88°08'21" East; thence southerly along said curve through a central angle of 0°48'38" an arc distance of 30.65 feet; thence South 3°40'14" West, 46.04 feet to the **POINT OF BEGINNING**.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Divide distances shown by 0.9999727 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____

Professional Land Surveyor

Date: _____

Trent E. Lenfestey
OCT. 5, 2009



ALSO, TOGETHER with non-exclusive right of access to the aerial easement hereinabove described for the purpose of inspection, maintaining, retrofitting and repairing said freeway structures and for inspecting the uses made of the land under the aerial easement by way of such roads or passageways as may now or hereafter exist on owner's remaining property; provided, however, that State's exercise of such right of access shall not unreasonably interfere with owner's use of such roads or passageways.

RESERVING unto owner, its successors and assigns, lessees and licensees all rights in and to the airspace at an elevation higher than a plane parallel with and 9 meters above the roadway surface of said freeway structure as originally constructed, provided, that the use of such space shall not interfere with the enjoyment, safety and compatibility of said aerial easement, provided further, that owner, its lessees and/or licensees shall first secure such encroachment permits as may be required by law, which permits shall not be unreasonably withheld. Encroachment permits issued to owner or its subsidiaries or affiliated companies, shall have designated across the face thereof "For Notice of Record Purposes Only"; provided however, that in case of any subsequent conveyance by owner, its subsidiaries or affiliated companies, such facilities and installations shall be subject to a standard encroachment permit.

ALSO RESERVING unto owner, its successors and assigns, the general right to use and enjoy the area of land under the aerial easement hereinabove described. The general right to use and enjoy said land by owner, its successors and assigns, shall however, be subject to the following limitations and conditions:

1. No use may be made of the area of land under the aerial easement hereinabove described which would impair the full use and safety of said freeway structure, or would otherwise interfere with the free flow of traffic thereon or would unreasonably impair the maintenance thereof.
2. No use may be made of the area of land under said aerial easement hereinabove described for the manufacture or storage of flammable, volatile, explosive or corrosive substances, and such substances shall not be brought onto said land except in such quantities as are normally required for the maintenance operations of occupants of said land and except as may be transported by rail or pipelines. Installation of any pipelines carrying volatile substances shall have the written approval of the State as to the safety and compatibility with freeway purposes and such discretion shall not be exercised in a capricious or arbitrary manner. The use of any such substances shall be in conformance with all applicable code requirements.
3. No hazardous or unreasonably objectionable smoke, fumes, vapors, dust or odors shall be permitted, which would adversely affect the use or maintenance of said freeway or the traveling public thereon.
4. No building of combustible construction shall hereafter be constructed on the area of land under the aerial easement hereinabove described. The State shall be given the opportunity to review and approve plans for any construction within said aerial easement area 60 days prior to said construction. No buildings, no permanent structures, and no advertising displays, may be constructed within 2.5 meters of the undersides nor within 4.5 meters (measured horizontally) of the sides of said freeway structure without the express written approval of the State. The State shall have the discretion to determine whether such proposed construction will be inimical to or incompatible with the full enjoyment of the public rights in the freeway or against the public interest, but such discretion shall not be exercised in a capricious or arbitrary manner.

EXCEPTING AND RESERVING THEREFROM all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights, and other hydrocarbons by whatsoever name known that may be within the area of land hereinabove described, together with the perpetual right of drilling, mining, exploring and operating therefor and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than the area of land hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of said land, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells, or mines, without, however, the right to drill, mine, explore and operate through the surface or the upper 30.5 meters of the subsurface of said land or otherwise in such manner as to endanger the safety of any highway that may be constructed on said land.

EXHIBIT "C-2"

DEPICTION OF THE AERIAL EASEMENT PROPERTY

"Attached"

EXHIBIT "D-1"

LEGAL DESCRIPTION OF THE TCE PROPERTY

"Attached"

Exhibit "D-1"

Those portions of Block 11, Range 3, and Eleventh Street, Map of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map on file in Book 7, page 17 of Maps, Records of San Bernardino County, California, more particularly described as follows:

BEGINNING at the intersection of the southwesterly line of said Eleventh Street (66.00 feet wide) as shown on said Map, with the most easterly corner of that certain easement as conveyed to the City of Riverside in a Grant of Easement recorded October 31, 1980 as Instrument No. 203848 of Official Records of Riverside County; thence along the southerly boundary of said easement the following four (4) courses, (1) South 29°44'05" West, 25.00 feet; thence (2) North 60°15'56" West, 6.00 feet; thence (3) South 29°44'05" West, 5.63 feet; thence (4) North 58°34'43" West, 21.90 feet to the easterly line of that certain easement as conveyed to the City of Riverside in a Grant of Easement recorded April 26, 1971 as Instrument No. 42966 of Official Records of Riverside County; thence along said easterly line South 31°26'39" West, 140.56 feet to the northerly boundary of that certain parcel of land conveyed to the Riverside County Public Authority, by deed recorded November 18, 1997 as Instrument No. 422307, Official records of Riverside County; thence along said northerly boundary the following three (3) courses, (1) South 60°34'09" East, 123.62 feet; thence (2) North 31°03'00" East, 12.36 feet; thence (3) South 60°14'40" East, 164.53 feet; thence North 10°00'02" East, 202.42 feet to a line parallel with and 33.00 feet northeasterly measured at right angles from said southwesterly line of Eleventh Street, said parallel line also being the centerline of said Eleventh Street; thence along said parallel line North 60°15'55" West, 188.00 feet; thence South 29°44'05" West, 33.00 feet to the **POINT OF BEGINNING**.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Divide distances shown by 0.9999727 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____

Professional Land Surveyor

Date: _____

Nov. 26, 2008



Those portions of Block 10, Range 3, and Eleventh Street, Map of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map on file in Book 7, page 17 of Maps, Records of San Bernardino County, more particularly described as follows:

COMMENCING at the westerly corner of said Block 10, Range 3; thence along the southwesterly line of said Block 10, Range 3 as shown on said Map, South 60°15'55" East, 26.11 feet to the **POINT OF BEGINNING**; thence leaving said southwesterly line, North 7°50'47" West, 14.94 feet; thence North 33°01'00" East, 157.28 feet; thence North 29°43'57" East, 86.52 feet; thence South 60°15'54" East, 37.69 feet; thence South 0°15'04" East, 60.19 feet; thence South 17°06'47" East, 34.47 feet; thence South 0°14'57" East, 165.56 feet; thence South 10°00'02" West, 73.59 feet to a line parallel with and 33.00 feet southwesterly measured at right angles from said southwesterly line of Block 10, said parallel line also being the centerline of said Eleventh Street; thence along said parallel line North 60°15'55" West, 188.00 feet; thence North 29°44'05" East, 33.00 feet to said southwesterly line of said Block 10; thence along said southwest line, North 60°15'55" West, 12.40 feet to the **POINT OF BEGINNING**.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Divide distances shown by 0.9999727 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: 
Professional Land Surveyor

Date: Nov. 26, 2008



That portion of Tenth Street, Map of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map on file in Book 7, page 17 of Maps, Records of San Bernardino County, more particularly described as follows:

COMMENCING at the northerly corner of Block 10, Range 3, as shown on said Map; thence along the northeasterly line of said Block 10, Range 3, South 60°14'35" East, 97.49 feet to the **POINT OF BEGINNING**; thence continuing along said northeasterly line, South 60°14'35" East, 39.15 feet to the beginning of a non-tangent curve concave southeasterly having a radius of 2101.50 feet, a radial line bears North 69°03'07" West; thence northeasterly along said non-tangent curve through a central angle of 0°54'34" an arc distance of 33.35 feet to a line parallel with and 33.00 feet northeasterly measured at right angles from said northeasterly line of Block 10, Range 3, said parallel line also being the centerline of said Tenth Street; thence along said parallel line North 60°14'35" West, 66.81 feet to the point of cusp of a non-tangent curve concave southwesterly having a radius of 366.00 feet, a radial line bears North 71°33'22" East; thence southeasterly along last said non-tangent curve through a central angle of 7°15'24" an arc distance of 46.36 feet to the **POINT OF BEGINNING**.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Divide distances shown by 0.9999727 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: 
Professional Land Surveyor

Date: Nov. 26, 2008



Those portions of Block 10, Range 3, and Eleventh Street, Map of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map on file in Book 7, page 17 of Maps, Records of San Bernardino County, more particularly described as follows:

COMMENCING at the westerly corner of said Block 10, Range 3; thence along the southwesterly line of said Block 10, Range 3 as shown on said Map, South 60°15'55" East, 169.52 feet to the **POINT OF BEGINNING**; thence leaving said southwesterly line, North 29°43'03" East, 49.84 feet; thence South 60°16'32" East, 37.77 feet to the beginning of a non-tangent curve concave westerly having a radius of 2166.50 feet, a radial line bears South 87°34'51" East; thence southerly along said curve through a central angle of 0°15'08" an arc distance of 9.53 feet; thence South 3°40'14" West, 46.04 feet to said southwesterly line; thence along said southwesterly line North 60°15'55" West, 62.34 feet to the **POINT OF BEGINNING**.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Divide distances shown by 0.9999727 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____

Trent E. Lenfestey
Professional Land Surveyor

Date: _____

10/05/2009



Those portions of Block 9, Range 3, and Tenth Street, Map of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map on file in Book 7, page 17 of Maps in the Office of the County Recorder of San Bernardino County, more particularly described as follows:

BEGINNING at a point on the southwesterly line of said Block 9, Range 3, distant thereon, South $60^{\circ}14'35''$ East, 37.53 feet from the most westerly corner of said Block 9; thence North $3^{\circ}15'41''$ West, 19.35 feet to a line parallel with and distant 60.00 feet southeasterly as measured a right angles from the centerline of Lime Street; thence along said parallel line North $29^{\circ}43'25''$ East, 208.65 feet to the easterly boundary of that certain parcel of land described in a Deed to the County of Riverside recorded May 30, 1986 as Document No. 124987, Official Records of Riverside County; thence along the said easterly boundary the following three (3) courses, (1) South $8^{\circ}58'21''$ East, 76.75 feet; thence (2) South $1^{\circ}44'48''$ West, 63.54 feet; thence (3) South $12^{\circ}07'21''$ West, 54.87 feet to the beginning of a non-tangent curve concave southeasterly having a radius of 2101.50 feet, a radial line bears North $65^{\circ}40'57''$ West; thence southwesterly along said non-tangent curve through a central angle of $2^{\circ}27'36''$ an arc distance of 90.23 feet to a line parallel with and distant 33.00 feet southwesterly as measured a right angles from said southwesterly line of Block 9, Range 3, said parallel line also being the centerline of said Tenth Street; thence along last said parallel line North $60^{\circ}14'35''$ West, 66.81 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 366.00 feet, a radial line bears North $78^{\circ}48'46''$ East; thence northwesterly along last said non-tangent curve through a central angle of $2^{\circ}46'44''$ an arc distance of 17.75 feet; thence North $3^{\circ}15'41''$ West, 25.63 feet to the **POINT OF BEGINNING**.

The bearings and distances used in the above descriptions are based on the California Coordinate System of 1983, Zone 6. Divide distances shown by 0.9999727 to obtain ground level distances.

This real property descriptions have been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____

Professional Land Surveyor

Date: _____

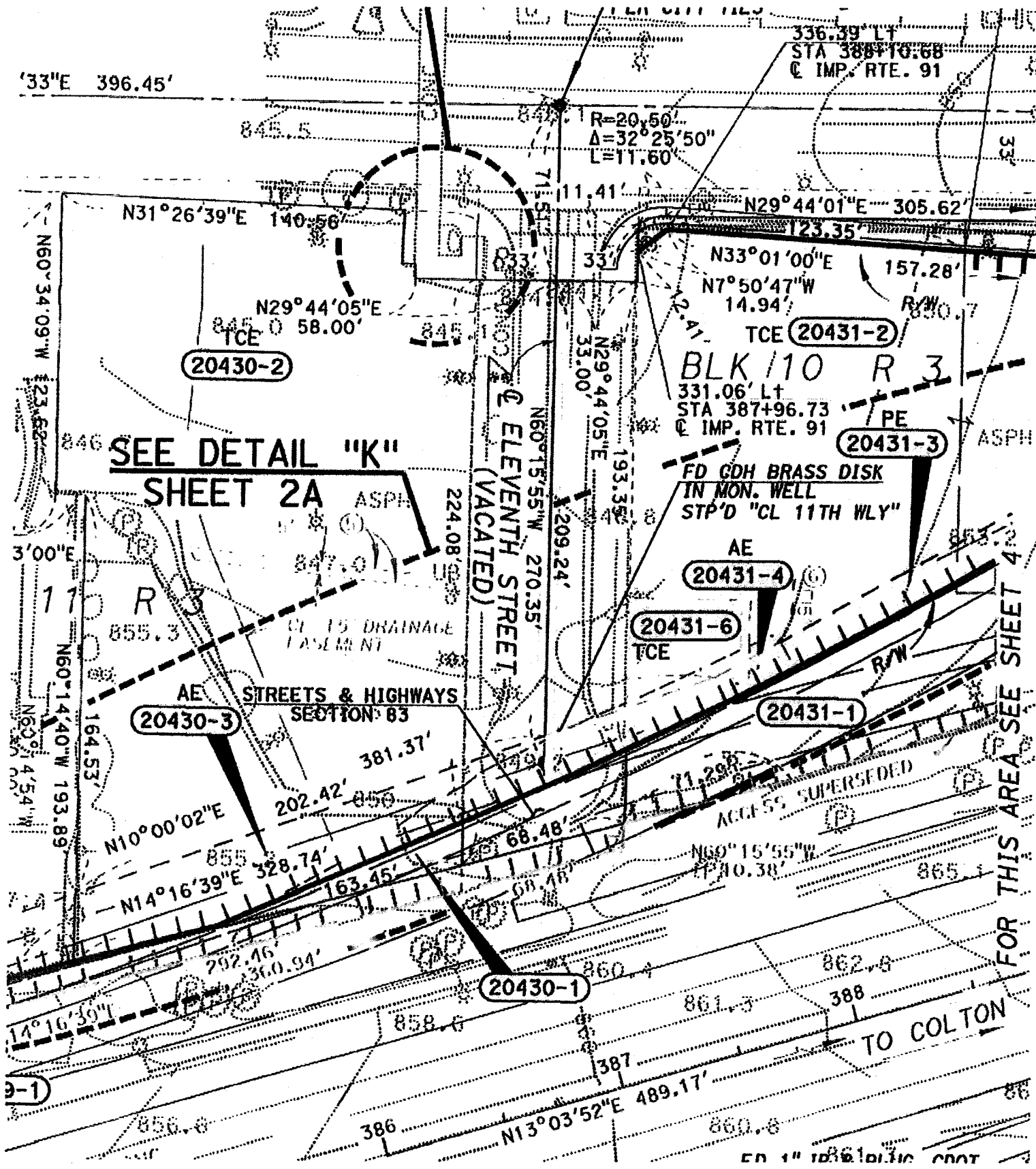
Nov. 24, 2008



EXHIBIT "D-2"

DEPICTION OF THE TCE PROPERTY

"Attached"



FOR THIS AREA SEE SHEET

TO COLTON

EN 11 108610110 CONT

EXHIBIT "E-1"

LEGAL DESCRIPTION OF THE PERMANENT EASEMENT PROPERTY

"Attached"

Exhibit "E-1"

An easement for ingress and egress for structural maintenance and appurtenances thereto upon, over and across that portion of Block 10, Range 3, Map of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map on file in Book 7, page 17 of Maps, Records of San Bernardino County, more particularly described as follows:

COMMENCING at the westerly corner of said Block 10, Range 3 as shown on said Map; thence along the southwesterly line of said Block 10, Range 3, South 60°15'55" East, 231.86 feet; thence North 3°40'14" East, 75.52 feet to the beginning of a non-tangent curve concave westerly having a radius of 2166.50 feet, a radial line bears South 87°19'43" East; thence northerly along said curve through a central angle of 0°48'38" an arc distance of 30.65 feet to the POINT OF BEGINNING; thence continuing northerly along said curve through a central angle of 2°06'45" an arc distance of 79.88 feet; thence North 0°15'06" West, 40.20 feet; thence North 13°45'32" West, 51.36 feet; thence South 89°27'14" West, 2.00 feet; thence North 0°15'04" West, 52.94 feet; thence North 60°15'54" West, 11.55 feet; thence South 0°15'04" East, 60.19 feet; thence South 17°06'47" East, 34.47 feet; thence South 0°14'57" East, 135.52 feet; thence North 89°43'37" East, 12.53 feet to the POINT OF BEGINNING.

The bearings and distances used in the above description are based on the California Coordinate System of 1983, Zone 6. Divide distances shown by 0.9999727 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

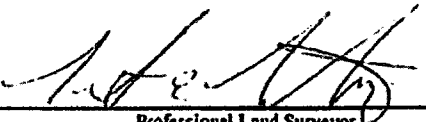
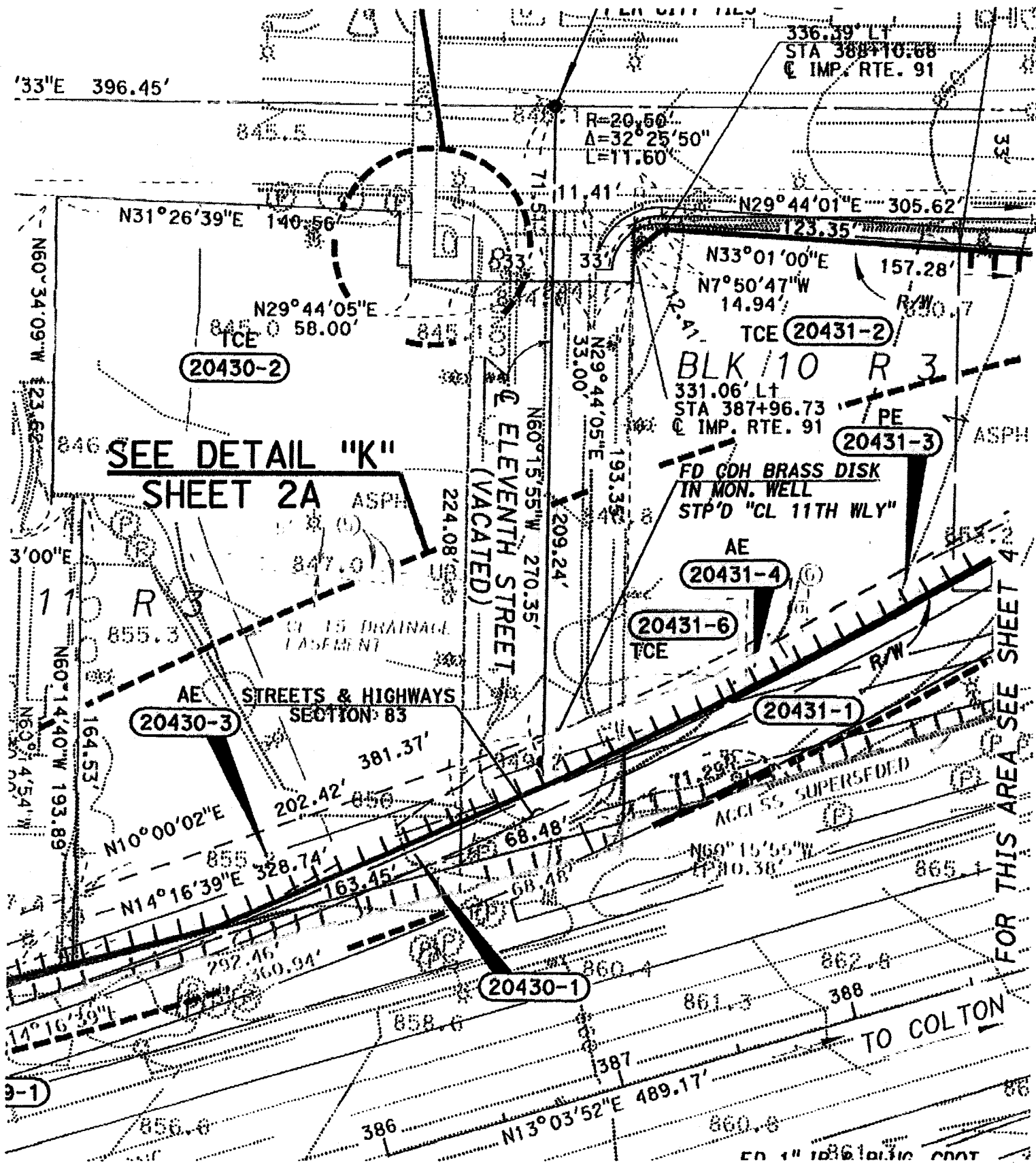
Signature: 
Professional Land Surveyor
Date: 10/05/2009



EXHIBIT "E-2"

DEPICTION OF THE PERMANENT EASEMENT PROPERTY

"Attached"



SEE DETAIL "K"
SHEET 2A

BLK 10 R 3
TCE (20431-2)
TCE (20431-3)

FD CDH BRASS DISK
IN MON. WELL
STP'D "CL 11TH WLY"

AE STREETS & HIGHWAYS
SECTION 83
TCE (20430-3)

TCE (20431-6)

TCE (20431-1)

TCE (20430-1)

FOR THIS AREA SEE SHEETS

TO COLTON

EN 1" = 100' PLAIN COPY

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank You

Possession & Use Agreement
RCTC-County of Riverside

PROJECT: State Route 91 HOV
APN: 215-120-006
215-132-001 through -008
215-310-006
CALTRANS NO: 20430, 20431
and 20432
FEDERAL ID NO: 33-0072823

**AGREEMENT
FOR POSSESSION AND USE**

This AGREEMENT FOR POSSESSION AND USE ("Agreement") is made this _____ day of _____, 2011, by the **RIVERSIDE COUNTY TRANSPORTATION COMMISSION, a public agency of the State of California**, hereinafter referred to as "RCTC," and the COUNTY OF RIVERSIDE, a Political Subdivision of the State of California, hereinafter referred to as "Owner."

It is hereby agreed by and between the parties that the RCTC requires immediate possession of the Owner's real property to construct a State highway project. The Owner's property is legally described in attached Exhibit "A," and has been designated as Parcel 215-120-006, 215-132-001 through 008 and 215-310-006, hereinafter referred to as "Parcel." The Parcel is required for the purpose of constructing a portion of State Highway Route 91. The purpose of this Agreement is to allow RCTC to proceed with the construction of its State highway project without delay.

It is agreed by the parties that any delay in the start of construction of this project is contrary to the public interest. It is the intent of this agreement to offer fair-market compensation to the Owner for permission to enter the Parcel and construct the project. RCTC has made a firm written offer to pay the total sum of \$1,702,000.00 to the Owner and any other persons having an interest in the Parcel which is located in the County of Riverside, State of California.

In consideration of the sum to be paid to the Owner and any other consideration hereinafter set forth, RCTC and Owner agree as follows:

1. Owner hereby irrevocably grants to RCTC, its contractors, agents, and all others deemed necessary by RCTC, the irrevocable right to possession and use of the Parcel including the right to remove and dispose of improvements within the right of way. In consideration for this irrevocable grant of possession and use, RCTC will tender into escrow the sum of \$1,702,000.00. RCTC shall have the right to take possession of the Parcel on the date this sum is paid into escrow. Owner acknowledges that this sum represents the full amount of RCTC-approved appraisal of what is believed by RCTC to be just compensation owed for the acquisition of the Parcel. Owner waives any right to challenge RCTC's right to possess and use the Parcel in any subsequent eminent domain proceeding filed by RCTC.
2. This transaction will be handled through an escrow with Stewart Title their Escrow No. TBD. RCTC shall pay all escrow and recording fees incurred in

The power of eminent domain may be exercised to acquire property for a proposed project only if all of the following are established:

- (1) The public interest and necessity require the project.
 - (2) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
 - (3) The property sought to be acquired is necessary for the project.
 - (4) The offer required by Section 7267.2 of the Government Code has been made to the Owner or others of record. (If an offer has not been made, an appraisal will be prepared as soon as practicable and an offer made of the full amount of such appraisal.)
7. By granting this irrevocable right to possession and use of the parcels to RCTC, Owner agrees to the following: (1) Owner specifically waives the notice required by Code of Civil Procedure Section 1245.235 of the hearing of the matter referred to in Code of Civil Procedure Section 1240.030 and the adoption of the resolution of necessity by the RCTC's governing body authorizing the taking of the property described in Exhibit A; (2) Owner shall not object to the filing of an eminent domain proceeding to acquire the property described in Exhibit A; and (3) in any eminent domain action filed by RCTC to acquire the property described in Exhibit A, Owner shall not challenge RCTC's right to take such property, and the only issue shall be the amount of just compensation for the property.
 8. Owner agrees that in the event the ultimate amount of any settlement, award, or verdict is less than the total of the sums paid to and withdrawn by Owner, the Owner shall refund the difference including interest to RCTC.
 9. Owner expressly waives all claims and defenses in its favor in any subsequent eminent domain Proceeding Except a claim for greater compensation.
 10. In the event proceedings in eminent domain are begun, the date of valuation for determining the amount of just compensation for the Parcel shall be the date on which RCTC files the complaint in said proceeding.
 11. Compensation awarded in an eminent domain proceeding shall draw interest as prescribed at the apportionment rate calculated by the Controller as the rate of earnings by the Surplus Money Investment Fund for each six-month period. Owner shall be entitled to receive interest on any sum received as compensation for its interest in the Parcel, whether pursuant to this agreement, a subsequent settlement or court judgment, beginning on the date RCTC is authorized to take possession of the Parcel pursuant to this agreement and ending on the earliest of the following dates:
 - a. the date the amount placed into escrow by RCTC is paid to the Owner;

WHEN DOCUMENT IS FULLY EXECUTED RETURN

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

Possession & Use Agreement
RCTC-County of Riverside

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

COUNTY OF RIVERSIDE, a political
subdivision of the State of California

By: Bob Buster
Bob Buster, Chairman
Board of Supervisors

ATTEST:
Kecia Harper-Ihem
Clerk of the Board

By: Kecia Harper-Ihem
Deputy

(SEAL)

APPROVED AS TO FORM:
Pamela J. Walls
County Counsel

By: Synthia M. Gunzel
Synthia M. Gunzel
Deputy County Counsel

APPROVED AS TO FORM
BEST BEST & KRIEGER LLP

**RIVERSIDE COUNTY TRANSPORTATION
COMMISSION**

By: _____
Steven C. DeBaun, Counsel for
RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

By: _____
Anne Mayer
Executive Director

Thence South 60°51'12" East 165.00 feet on the Southwest line of the land so described to the most Southerly corner thereof;
Thence North 29°07'32" East 30.00 feet on the Southeast line of said land so described to the Northeast line of the land described in the Deed to Axel Nelson, et ux., recorded March 22, 1923 in Book 580, Page 183 of Deeds;
Thence South 60°51'12" East 46.91 feet on the Northeasterly line of said land of Nelson to the most Easterly angle point of the land described in the Deed to John L. McCoy, et ux., recorded March 16, 1955 as Instrument No. 17251, Official Records;
Thence South 11°30'57" West, 101.03 feet on the East line of last said land to an angle point therein;
Thence South 13°41'07" West 12.15 feet to the most Southerly corner of last said land;
Thence continuing South 13°41'07" West 59.41 feet to a point on the Northeasterly line of said 11th Street, North 60°51'12" West, 68.53 feet thereon from the intersection of said Northeast line with the Northwest line of Mulberry Street (66.00 feet wide) as shown on said Map;
Thence North 60°51'12" West 261.47 feet on said Northeasterly line to the Point of Beginning.

Except that portion conveyed to the City of Riverside for the widening of Lime Street by Final Order of Condemnation in Case No. 100048 of the Superior Court Condemnation in Case No. 100048 of the Superior County of the State of California for the County of Riverside, a Certified Copy of which was recorded on January 27, 1972, as Instrument No. 11500 of Official Records.

Parcel 3:

All that portion of Block 9, Range 3 of the Town of Riverside as shown by Map recorded in Book 7, Page 17 of Maps, Records of San Bernardino County, California, more particularly described as follows:

Beginning at a point in the Northeasterly line of Tenth Street distant thereon, South 60°14'50" East, 139.41 feet from the most Westerly corner of said Block 9, Range 3;
Thence North 12°07'03" East, 114.28 feet;
Thence North 1°44'33" East, 63.54 feet;
Thence North 8°58'36" West, 87.94 feet;
Thence North 60°15'03" West, 3.00 feet to a line which is parallel with and distant 17.00 feet Southeasterly as measured at right angle from the Northwesterly line of said Block 9, Range 3;
Thence South 29°44'03" West, along said parallel line 218.61 feet to the beginning of a tangent curve with a radius of 15.00 feet and concaving Easterly;
Thence Southwesterly to the left along said curve an arc length of 23.56 feet, through a central angle of 89°58'53" to said Northeasterly line of Tenth Street;
Thence South 60°14'50" East, along said Northeasterly line 107.41 feet to the Point of Beginning.

WHEN FORWARDED TO, FULLY EXECUTED RETURN

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1145, Riverside, Ca 92502-1147
Thank You

Possession & Use Agreement
RCTC-County of Riverside

PROJECT: State Route 91 HOV
APN: 215-120-006
215-132-001 through -008
215-310-006
CALTRANS NO: 20430, 20431
and 20432
FEDERAL ID NO: 33-0072823

**AGREEMENT
FOR POSSESSION AND USE**

This AGREEMENT FOR POSSESSION AND USE ("Agreement") is made this _____ day of _____, 2011, by the **RIVERSIDE COUNTY TRANSPORTATION COMMISSION, a public agency of the State of California**, hereinafter referred to as "RCTC," and the **COUNTY OF RIVERSIDE**, a Political Subdivision of the State of California, hereinafter referred to as "Owner."

It is hereby agreed by and between the parties that the RCTC requires immediate possession of the Owner's real property to construct a State highway project. The Owner's property is legally described in attached Exhibit "A," and has been designated as Parcel 215-120-006, 215-132-001 through 008 and 215-310-006, hereinafter referred to as "Parcel." The Parcel is required for the purpose of constructing a portion of State Highway Route 91. The purpose of this Agreement is to allow RCTC to proceed with the construction of its State highway project without delay.

It is agreed by the parties that any delay in the start of construction of this project is contrary to the public interest. It is the intent of this agreement to offer fair-market compensation to the Owner for permission to enter the Parcel and construct the project. RCTC has made a firm written offer to pay the total sum of \$1,702,000.00 to the Owner and any other persons having an interest in the Parcel which is located in the County of Riverside, State of California.

In consideration of the sum to be paid to the Owner and any other consideration hereinafter set forth, RCTC and Owner agree as follows:

1. Owner hereby irrevocably grants to RCTC, its contractors, agents, and all others deemed necessary by RCTC, the irrevocable right to possession and use of the Parcel including the right to remove and dispose of improvements within the right of way. In consideration for this irrevocable grant of possession and use, RCTC will tender into escrow the sum of \$1,702,000.00. RCTC shall have the right to take possession of the Parcel on the date this sum is paid into escrow. Owner acknowledges that this sum represents the full amount of RCTC-approved appraisal of what is believed by RCTC to be just compensation owed for the acquisition of the Parcel. Owner waives any right to challenge RCTC's right to possess and use the Parcel in any subsequent eminent domain proceeding filed by RCTC.
2. This transaction will be handled through an escrow with Stewart Title their Escrow No. TBD . RCTC shall pay all escrow and recording fees incurred in

this transaction. Owner shall be entitled to an interim disbursement of the sum referred to in paragraph 1 less any amounts payable to any other person having an interest in the Parcel. Any unearned rents will be prorated in escrow and RCTC will be credited with any outstanding security deposits. Owner shall not be entitled to receive any proceeds until:

- a. all holders of liens and encumbrances on the Parcel have received full payment for all principal and interest due to them and have executed reconveyance of their interests in the Parcel;
- b. all other parties having interests in the Parcel have received payment therefor or have consented to a payment to Owner, and;
- c. RCTC has acknowledged in writing that it concurs that all other parties having interests in the Parcel have received full payment or have consented to Owner's withdrawal.

This escrow shall remain open until either a settlement is reached, this agreement is terminated or a final order of condemnation under Section 1268.030 of the California Code of Civil Procedure is entered by the court. Any sum disbursed to Owner from this escrow shall be deducted from the ultimate amount received by Owner as a result of any settlement, award or verdict of just compensation for the Parcel.

3. On and after the date of execution of this agreement, Owner shall not voluntarily assign, sell, encumber or otherwise transfer all or any portion of its interest in the Parcel, or the larger parcel of which the Parcel is a part, without first obtaining the written consent of RCTC.
4. Owner agrees to pay when due all taxes, including prorated taxes for the current year, and special assessments due on the date RCTC takes possession of the Parcel.
5. This agreement is made with the understanding that RCTC will continue to negotiate in good faith with Owner to acquire its interest in the Parcel by direct purchase. It is further understood that in the event a settlement is not reached within 180 days of the execution of this Agreement, such failure will be an acknowledgment that the negotiations to acquire the Parcel have proved futile. On this date, RCTC shall begin timely preparations for the filing of a complaint in eminent domain to acquire title to the Parcel. If RCTC begins proceedings in eminent domain, it is understood and agreed that this agreement shall continue in effect until either a settlement is reached or a final order of condemnation under Section 1268.030 of the California Code of Civil Procedure is entered by the court.
6. Section 1245.235 of the Code of Civil Procedure requires RCTC, RCTC's governing body, to give each person whose property is to be acquired by eminent domain notice and a reasonable opportunity to appear before the RCTC's governing body and be heard on the matters referred to in Section 1240.030 of the Code of Civil Procedure, which provides:

The power of eminent domain may be exercised to acquire property for a proposed project only if all of the following are established:

- (1) The public interest and necessity require the project.
 - (2) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
 - (3) The property sought to be acquired is necessary for the project.
 - (4) The offer required by Section 7267.2 of the Government Code has been made to the Owner or others of record. (If an offer has not been made, an appraisal will be prepared as soon as practicable and an offer made of the full amount of such appraisal.)
7. By granting this irrevocable right to possession and use of the parcels to RCTC, Owner agrees to the following: (1) Owner specifically waives the notice required by Code of Civil Procedure Section 1245.235 of the hearing of the matter referred to in Code of Civil Procedure Section 1240.030 and the adoption of the resolution of necessity by the RCTC's governing body authorizing the taking of the property described in Exhibit A; (2) Owner shall not object to the filing of an eminent domain proceeding to acquire the property described in Exhibit A; and (3) in any eminent domain action filed by RCTC to acquire the property described in Exhibit A, Owner shall not challenge RCTC's right to take such property, and the only issue shall be the amount of just compensation for the property.
 8. Owner agrees that in the event the ultimate amount of any settlement, award, or verdict is less than the total of the sums paid to and withdrawn by Owner, the Owner shall refund the difference including interest to RCTC.
 9. Owner expressly waives all claims and defenses in its favor in any subsequent eminent domain Proceeding Except a claim for greater compensation.
 10. In the event proceedings in eminent domain are begun, the date of valuation for determining the amount of just compensation for the Parcel shall be the date on which RCTC files the complaint in said proceeding.
 11. Compensation awarded in an eminent domain proceeding shall draw interest as prescribed at the apportionment rate calculated by the Controller as the rate of earnings by the Surplus Money Investment Fund for each six-month period. Owner shall be entitled to receive interest on any sum received as compensation for its interest in the Parcel, whether pursuant to this agreement, a subsequent settlement or court judgment, beginning on the date RCTC is authorized to take possession of the Parcel pursuant to this agreement and ending on the earliest of the following dates:
 - a. the date the amount placed into escrow by RCTC is paid to the Owner;

- b. the date the amount is paid directly to the Owner, or;
 - c. the date the amount is deposited with the court as the award in a judgment in condemnation.
12. At any time after the commencement of the proceeding in eminent domain, RCTC reserves the right to abandon the proceeding in whole or in part.
13. If any hazardous materials are present on the Parcel on the date RCTC takes possession of the Parcel, Owner shall be responsible for and bear the entire cost of all removal, disposal, cleanup and decontamination which may be required because of these hazardous materials. Owner shall further hold RCTC, its officers and employees harmless from all responsibility, liability and claims for damages to persons or property resulting from the existence or use of hazardous materials which are present on the Parcel on the date RCTC takes possession under this agreement.
14. This agreement shall also extend to and bind the heirs, devisees, executors, administrators, legal representatives, successors and assigns of the parties.
15. RCTC shall record a memorandum of this agreement.

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[Signature Provisions on Following Page]

WHEN DOCUMENT IS FULLY EXECUTED RETURN

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

Possession & Use Agreement
RCTC-County of Riverside

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

COUNTY OF RIVERSIDE, a political
subdivision of the State of California

By: Bob Buster
Bob Buster, Chairman
Board of Supervisors

ATTEST:
Kecia Harper-Ihem
Clerk of the Board

By: Kecia Harper-Ihem
Deputy

(SEAL)

APPROVED AS TO FORM:
Pamela J. Walls
County Counsel

By: Synthia M. Gunzel
Synthia M. Gunzel
Deputy County Counsel

APPROVED AS TO FORM
BEST BEST & KRIEGER LLP

**RIVERSIDE COUNTY TRANSPORTATION
COMMISSION**

By: _____
Steven C. DeBaun, Counsel for
RIVERSIDE COUNTY
TRANSPORTATION COMMISSION

By: _____
Anne Mayer
Executive Director

EXHIBIT "A"

All that certain real property situated in the County of Riverside, State of California, described as follows:

Parcel 1:

That portion of Block 10, Range 3 of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, Map recorded in Book 7, Page 17 of Maps, in the Office of the County Recorder of San Bernardino County, California, described as follows:

Beginning at the intersection of the Northeast line of Eleventh Street, (66.00 feet wide) with the Southeast line of Lime Street (66.00 feet wide), as said streets are shown on said Map;

Thence North 29°43'33" East, 135.00 feet on said Southwest line of Lime Street; Thence South 60°15'06" East, 11.50 feet to a point in the Southeast line of the land described in Parcel 3 of the Final Order of Condemnation to the City of Riverside, Certified Copy of which was recorded October 6, 1972 as Instrument No. 134217 of Official Records; said point being the True Point of Beginning; Thence North 29°43'33" East, 180.99 feet on the Southeast lien of said Parcel 3 to the beginning of a curve therein, concave Southeasterly, of 20.50 feet radius; Thence Northeasterly 15.42 feet on said curve to the Southwest line of Tenth Street;

Thence South 60°14'50" East, 142.35 feet on said Southwest line to the East line of the land conveyed to Harry M. Gromer, et ux, by Deed from the State of California recorded March 16, 1955 as Instrument No. 17250 of Official Records; Thence South 12°07'03" West, 173.14 feet on said East line; Thence North 60°15'06" West, 46.76 feet; Thence South 29°43'33" West, 30.00 feet; Thence North 60°15'06" West, 153.50 feet to the True Point of Beginning.

Parcel 2:

That portion of Block 10, Range 3 of the Town of Riverside, in the City of Riverside, County of Riverside, State of California, as per Map recorded in Book 7, Page 17 of Maps, in the Office of the County Recorder of San Bernardino County, California, described as follows:

Beginning at the most Westerly corner of said Block 10, Range 3, said point being for the purpose of this description, the intersection of the Southeasterly line of Lime Street (66.00 feet wide) with the Northeasterly line of 11th Street (66.00 feet wide) as shown on said Map;

Thence North 29°07'32" East 135.00 feet on said Southeasterly line of Lime Street to the most Westerly corner of the land described in the Deed to J.F. Division, et al., recorded January 6, 1966 as Instrument No. 1801, Official Records;

Thence South 60°51'12" East 165.00 feet on the Southwest line of the land so described to the most Southerly corner thereof;
Thence North 29°07'32" East 30.00 feet on the Southeast line of said land so described to the Northeast line of the land described in the Deed to Axel Nelson, et ux., recorded March 22, 1923 in Book 580, Page 183 of Deeds;
Thence South 60°51'12" East 46.91 feet on the Northeasterly line of said land of Nelson to the most Easterly angle point of the land described in the Deed to John L. McCoy, et ux., recorded March 16, 1955 as Instrument No. 17251, Official Records;
Thence South 11°30'57" West, 101.03 feet on the East line of last said land to an angle point therein;
Thence South 13°41'07" West 12.15 feet to the most Southerly corner of last said land;
Thence continuing South 13°41'07" West 59.41 feet to a point on the Northeasterly line of said 11th Street, North 60°51'12" West, 68.53 feet thereon from the intersection of said Northeast line with the Northwest line of Mulberry Street (66.00 feet wide) as shown on said Map;
Thence North 60°51'12" West 261.47 feet on said Northeasterly line to the Point of Beginning.

Except that portion conveyed to the City of Riverside for the widening of Lime Street by Final Order of Condemnation in Case No. 100048 of the Superior Court Condemnation in Case No. 100048 of the Superior County of the State of California for the County of Riverside, a Certified Copy of which was recorded on January 27, 1972, as Instrument No. 11500 of Official Records.

Parcel 3:

All that portion of Block 9, Range 3 of the Town of Riverside as shown by Map recorded in Book 7, Page 17 of Maps, Records of San Bernardino County, California, more particularly described as follows:

Beginning at a point in the Northeasterly line of Tenth Street distant thereon, South 60°14'50" East, 139.41 feet from the most Westerly corner of said Block 9, Range 3;
Thence North 12°07'03" East, 114.28 feet;
Thence North 1°44'33" East, 63.54 feet;
Thence North 8°58'36" West, 87.94 feet;
Thence North 60°15'03" West, 3.00 feet to a line which is parallel with and distant 17.00 feet Southeasterly as measured at right angle from the Northwesterly line of said Block 9, Range 3;
Thence South 29°44'03" West, along said parallel line 218.61 feet to the beginning of a tangent curve with a radius of 15.00 feet and concaving Easterly;
Thence Southwesterly to the left along said curve an arc length of 23.56 feet, through a central angle of 89°58'53" to said Northeasterly line of Tenth Street;
Thence South 60°14'50" East, along said Northeasterly line 107.41 feet to the Point of Beginning.

Parcel 4:

That portion of Block 11, Range 3 of the Town of Riverside, as shown by Map recorded in Book 7, Page 17 of Maps, Records of San Bernardino County, lying Westerly of the West line of that certain strip of land described in Deed to the City of Riverside recorded June 28, 1960 in Book 2721, Page 328 as Instrument No. 57118 Official Records of Riverside County.

Excepting therefrom that portion conveyed to the Riverside County Public Financing Authority by Deed recorded November 18, 1997 as Instrument No. 97-422307 Official Records.

Also excepting therefrom any portion thereof included in that certain strip of land 15 feet in width, conveyed to the City of Riverside for Storm Water and Drainage Conduit, recorded March 3, 1915 in Book 414, Page 25 of Deeds, Records Riverside County.

Assessor's Parcel Number 215-310-006; 215-120-006; 215-132-001 through 008