

FIRST AMENDMENT TO ACQUISITION AGREEMENT

WHEREAS, Angiely Goodman, a married woman as her sole and separate property, and Deborah Lamb (collectively, "Grantor"), the San Bernardino County Flood Control District ("District"), and San Bernardino County (Grantee) have heretofore entered into that certain Acquisition Agreement dated November 26, 2024 ("Acquisition Agreement"), which agreement sets forth the terms and conditions under which the Grantee would acquire certain real property rights, comprised of an easement of approximately 20,420 square feet and a temporary construction easement of approximately 2,932 square feet over a portion of real property owned by the Grantor located at 9470 Sunset View Road, Apple Valley, CA 92308 (commonly known as Assessor's Parcel Number (APN) 0438-165-27-0000) ("Grantor Property") and the District would grant to the Grantor a non-exclusive access easement of approximately 3,003 square feet ("Access Easement") over a portion real property commonly known as APN 0433-014-07-0000 to be acquired by the Grantee for the District ("Access Property") for the Project, as defined in the Acquisition Agreement; and

WHEREAS, in accordance with the Acquisition Agreement, on November 21, 2024, the Grantor executed a Grant of Easement ("Existing Easement") and a Temporary Construction Easement for a three-year period commencing on July 1, 2025 and expiring on the earlier of Project completion or June 30, 2028 ("Existing TCE") for the respective portions of the Grantor Property; and

WHEREAS, the District's execution of the Access Easement to Grantor over a portion of the Access Property is pending the Grantee's acquisition of the Access Property for the District; and

WHEREAS, due to a change in the Project schedule, the parties seek to amend the Acquisition Agreement to: (i) provide for the Grantee's acquisition of a new Temporary Construction Easement for approximately 2,932 square feet over a portion of the Grantor Property for a revised three-year period, commencing on February 7, 2025 and expiring on the earlier of Project completion or February 6, 2028, at no additional cost to the Grantee, which will replace the Existing TCE; and (ii) add new forms of Temporary Construction Easement and the Easement Deed (Access) as set forth in the attached Attachment "2-A" and Attachment "2-B", which are incorporated herein by reference, and shall be executed in accordance with the Acquisition Agreement, as amended.

Now, THEREFORE, by reasons of the foregoing, which are incorporated herein by reference, effective as the date the last of the parties executes this First Amendment, the Grantor, the Grantee, and the District agree to amend the Acquisition Agreement as follows:

1. Notwithstanding anything to the contrary in the Acquisition Agreement, including but not limited to Sections 1 and 10, Grantor hereby agrees to execute a new Temporary Construction Easement for approximately 2,932 square feet over a portion of the Grantor Property for a revised three-year period, commencing on February 7, 2025 and expiring on February 6, 2028, in substantially the form attached as Attachment "2-A" to this First Amendment, which shall replace the Existing TCE.

2. Based on consideration received by the District from the Grantee and subject to the Grantee's acquisition of the Access Property for District, District agrees to execute an Access Easement over a portion of the Access Property in substantially the form attached as Attachment "2-B" to this First Amendment, which Access Easement is appurtenant to the Grantor Property, as legally described in Attachment "2-C" and shall be for the benefit of the Grantor and any subsequent fee owner of the Grantor Property.

3. For avoidance of doubt, this First Amendment does not change nor affect the Existing Easement that was executed by the Grantor on November 21, 2024.

4. All other terms and conditions of the Acquisition Agreement remain unchanged. In the event of any conflict between the Acquisition Agreement and this First Amendment, the terms of this First Amendment shall control.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the date and year set forth below.

GRANTOR:

By _____
Angiely Goodman, a married woman
as her sole and separate property

Date

By _____
Deborah Lamb

Date

GRANTEE: San Bernardino County

By _____ Date _____
Terry W. Thompson, Director
Real Estate Services Department

DISTRICT: San Bernardino County Flood Control District

By _____ Date _____
Terry W. Thompson, Director
Real Estate Services Department

ATTACHMENT "2-A"

FORM OF REPLACEMENT TEMPORARY CONSTRUCTION EASEMENT

(see following page)

RECORDING REQUESTED BY:

San Bernardino County
Department of Public Works
825 East Third Street, Room 204
San Bernardino, CA 92415-0835

WHEN RECORDED MAIL TO:

Same as above

RECORDER:

Record without fee subject to Govt. Code 6103
Recordation required to complete chain of title

UNINCORPORATED AREA	TEMPORARY CONSTRUCTION EASEMENT	DOCUMENT TRANSFER TAX \$ 0.00
A.P.N. 0438-165-27 (ptn)		Dept. Code: 11700 (Transportation)

Angiely Goodman, a married woman as her sole and separate property
and Deborah Lamb,

hereby GRANT(S) to SAN BERNARDINO COUNTY, a body corporate and politic of the State of California, a TEMPORARY CONSTRUCTION EASEMENT for construction purposes over, under, and across the following described real property in said County:

SEE EXHIBIT "A" LEGAL DESCRIPTION AND EXHIBIT "B" PLAT ATTACHED.

This Temporary Construction Easement shall remain in effect for a period not to exceed 36 months, commencing on February 7, 2025, and terminating upon completion of the project known as Rock Springs Road Bridge Over the Mojave River Project, or no later than February 6, 2028.

It is understood that in the event the grantor(s) plan to sell, lease, or rent the grantor's property prior to the expiration date of this temporary construction easement, the grantor(s) shall inform, in writing, any and all parties involved in the sale, lease, or rental of this temporary construction easement and associated construction project.

This Temporary Construction Easement replaces and supersedes the Temporary Construction Easement executed by Grantor on November 21, 2024 for the temporary construction easement area described herein

Angiely Goodman, a married woman
as her sole and separate property

Date

Deborah Lamb

Date

This is to certify that the interest in real property conveyed by the within instrument to San Bernardino County, a body corporate and politic of the State of California, is hereby accepted by the undersigned officer/agent on behalf of the Board of Supervisors pursuant to authority conferred by resolution of the Board of Supervisors adopted on March 27, 2012 and the Grantee consents to recordation thereof by its duly authorized officer/agent.

By: _____ Date: _____

Terry W. Thompson, Director
Real Estate Services Department

Township: 4N Range: 3W Section: 19

Geo Index: N/A Sect.: 19 Quad.: 3

Road Name(s) : Rock Springs Road

Project: Rock Springs Road Bridge Over
The Mojave River

Work Order No.: H15087

Parcel No. (s): TCE-4

A.P.N. (s): 0438-165-27 (ptn)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE

Not Applicable

ATTACHMENT “2-B”

NEW ACCESS EASEMENT

(see following page)

RECORDING REQUESTED BY:

San Bernardino County
Department of Public Works
825 East Third Street, Room 204
San Bernardino, CA 92415-0835

WHEN RECORDED MAIL TO:

Same as above

RECORDER:

Record without fee subject to Govt. Code 6103
Recordation required to complete chain of title

UNINCORPORATED AREA

A.P.N. 0433-014-07 (ptn)

EASEMENT DEED (Access)

DOCUMENT TRANSFER TAX \$ 0.00

Dept. Code : 11600 (FCD)

San Bernardino County Flood Control District, a body corporate and politic of the State of California, ("District")

hereby GRANT(S) to Angiely Goodman, a married woman as her sole and separate property, and Deborah Lamb (collectively, "Grantees") a non-exclusive ACCESS EASEMENT for vehicular purposes of approximately 3,003 square feet over and across the following described District-owned real property (portion of Assessor's Parcel Number 0433-014-07-0000) in San Bernardino County, State of California:

See attached EXHIBIT "A-1" Legal Description and EXHIBIT "B-1" Plat

which easement is appurtenant to the adjacent real property (Assessor's Parcel Number 0438-165-27-0000), as described in the attached EXHIBIT "C-1", Legal Description, and for the benefit of Grantee and any subsequent fee owners of said adjacent real property.

San Bernardino County Flood Control District,
a body corporate and politic of the State of
California

By: Terry W. Thompson, Director
Real Estate Services Department

Date

Township: 4N Range: 3W Section: 19
Geo Index: N/A Sect.: 19 Quad.: 3
Road Name(s) : Rock Springs Road
Project: Rock Springs Road Bridge Over
The Mojave River
Work Order No. : H15087
Parcel No. (s) : TCE-4
A.P.N. (s) : 0438-165-27 (ptn)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE

Not Applicable

Name

Street Address

City & State

ATTACHMENT "2-C"

LEGAL DESCRIPTION OF GRANTOR PROPERTY

(see following page)

T4N, R3W, SEC 19 S.B.M.
Rock Springs Road
Right-of-Way
Acquisition H15087 -
E-4
APN 0438-165-27

EXHIBIT "C"

Restated as recorded in Document Number 2021-0540512. Recorded on December 02, 2021, In the County of San Bernardino, Records of said County.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

THE WESTERLY 1027.45 FEET AS MEASURED ALONG THE SOUTH LINE OF THAT PORTION OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF LYING SOUTH OF THE CENTERLINE OF THE COUNTY ROAD, AS IT EXISTED IN MAY 17, 1955.

EXCEPTING THEREFROM THAT PORTION GRANTED TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY BY DEED RECORDED OCTOBER 2, 1958 AS BOOK 4618, PAGE 407, OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

AN IRREGULAR SHAPED PARCEL OF LAND NEAR HESPERIA, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA. BEING ALL THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, LYING SOUTH OF THE CENTER LINE OF THE COUNTY ROAD, AS IT EXISTED ON MAY 17, 1955, AND WEST OF A LINE WHICH EXTENDS NORTHERLY AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 19, FROM A POINT DISTANT WESTERLY 2100 FEET (MEASURED ALONG THE SOUTH LINE) FROM THE SOUTHEAST CORNER OF SECTION 19.

ALSO EXCEPTING THEREFROM THAT PORTION OF LAND DESCRIBED AS FOLLOWS:

THE WEST 198 FEET OF THE EAST 1817 FEET AS MEASURED ALONG THE SOUTH BORDER OF THAT PORTION OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, LYING SOUTH OF THE CENTER LINE OF ROCK SPRINGS ROAD AS IT EXISTING ON MAY 17, 1955 AND LYING NORTHWEST OF THE SOUTHEAST CORNER.

Job No. H15087
Prepared by: GEG