RECORDING REQUESTED BY
SAN BERNARDINO COUNTY
AND WHEN RECORDED MAIL DOCUMENT TO:

NAME DEPARTMENT OF PUBLIC WORKS

COUNTY SURVEYOR'S OFFICE

STREET ADDRESS

825 EAST THIRD STREET, ROOM 204

CITY, STATE & SAN BERNARDINO, CA 92415-0850 ZIP CODE

**RECORDER:** 

**EXEMPT RECORDING FEES PER GOVT. CODE 6103** 

SPACE ABOVE FOR RECORDER'S USE ONLY

# **GRANT OF EASEMENT**

(Please fill in document title(s) on this line)

4-

### Memorandum of Easement

THIS MEMORANDUM OF EASEMENT is hereby executed this <u>23rd</u> day of <u>September</u>, 2025, by and between BNSF RAILWAY COMPANY, a Delaware corporation ("Grantor"), whose address for purposes of this instrument is 2500 Lou Menk Drive, Fort Worth, Texas 76131, and COUNTY OF SAN BERNARDINO, a body corporate and politic of the State of California ("Grantee"), whose address for purposes of this instrument is 825 E. Third St., Rm. 204, San Bernardino, California 92415, which terms "Grantor" and "Grantee" shall include, wherever the context permits or requires, singular or plural, and the heirs, legal representatives, successors and assigns of the respective parties:

### WITNESSETH:

WHEREAS, Grantor owns or controls certain real property situated in San Bernardino County, California as described on <a href="Exhibit "A" attached hereto and incorporated herein by reference (the "Premises");</a>

WHEREAS, Grantor and Grantee desire to memorialize the terms and conditions of the Easement Agreement of record.

For valuable consideration the receipt and sufficiency of which are hereby acknowledged, Grantor does grant unto Grantee and Grantee does hereby accept from Grantor the Easement over and across the Premises.

The term of the Easement, unless sooner terminated under provisions of the Easement Agreement, shall be perpetual. Provisions regulating the use and purposes to which the Easement shall be limited, are set forth in detail in the Easement Agreement and Grantor and Grantee agree to abide by the terms of the Easement Agreement.

All the terms, conditions, provisions and covenants of the Easement Agreement are incorporated herein by this reference for all purposes as though written out at length herein, and both the Easement Agreement and this Memorandum of Easement shall be deemed to constitute a single instrument or document. This Memorandum of Easement is not intended to amend, modify, supplement, or supersede any of the provisions of the Easement Agreement and, to the extent there may be any conflict or inconsistency between the Easement Agreement or this Memorandum of Easement, the Easement Agreement shall control.

[Signature page follows]

IN WITNESS WHEREOF, Grantor and Grantee have executed this Memorandum of Easement to as of the date and year first above written.

### **GRANTOR:**

BNSF RAILWAY COMPANY, a Delaware corporation

Name: Cary Hutchings

Title:

Director Real Estate

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF TEXAS

COUNTY OF TARRANT

2025 before me, personally appeared Cary Hutchings, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Texas that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(AFFIX NOTARIAL SEAL)

**NOTARY PUBLIC** 

**RHONDA BURTON** Notary ID #3474626 My Commission Expires September 21, 2028

# GRANTEE: COUNTY OF SAN BERNARDINO, a body corporate and politic of the State of California By: Name: Title: A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

| STATE OF CALIFORNIA  | )  |  |                              |
|--|--|--|------------------------------|
| COUNTY OF SAN BERNARDING   | ) ss.<br>O )   |  |                              |
| On   | before me,   |  | , a notary public            |
| personally appeared  |  | and                                      | , who                        |
| the within instrument and acknowledge authorized capacity(ies), and that upon behalf of which the person(selection). I certify under PENALTY OF Paragraph is true and correct.  WITNESS my hand and official selection (AFFIX NOTARIAL SEAL) | by his/her/their signa<br>s) acted, executed the<br>ERJURY under the | ture(s) on the instrument<br>instrument. | the person(s), or the entity |
| (ATT DE TO THE OLD IL)   |  | NOT                                      | ARY PUBLIC                   |
|  | My ap  | pointment expires:                       |                              |

### Exhibit "A"

(Premises)

EXHIBIT "A" Legal Description

Easement for Public Street Legal Description,

containing 20,351 square feet or 0.467 acres more or less, consisting of one (1) page

Depicted on EXHIBIT "B", consisting of two (2) pages

### AND

EXHIBIT "A" Legal Description

Easement for Public Street Legal Description,

containing 6,248 square feet or 0.143 acres more or less, consisting of one (1) page

Depicted on EXHIBIT "B", consisting of two (2) pages



## ACCEPTANCE CERTIFICATE

| This is to certify that the interest in real property conveyed by the instrument within, to the San Bernardino County, a body corporate of the State of California, is hereby accepted by the Board of Supervisors pursuant to authority conferred by Board Agenda Item No |  |  |  |
|--|--|--|--|
| SAN BERNARDINO COUNTY  |  |  |  |
|  |  |  |  |
| Dawn Rowe, Chair, Board of Supervisors   |  |  |  |
| Dated:   |  |  |  |
| SIGNED AND CERTIFIED THAT A COPY OF THIS   |  |  |  |
| DOCUMENT HAS BEEN DELIVERED TO THE<br>CHAIRMAN OF THE BOARD  |  |  |  |
| Lynna Monell   |  |  |  |
| Clerk of the Board of Supervisors of the San Bernardino County   |  |  |  |
| By   |  |  |  |
| Deputy   |  |  |  |

# EXHIBIT "A"

# EASEMENT FOR PUBLIC STREET LEGAL DESCRIPTION

THAT PORTION OF LOTS 7 1/2 AND 8 OF THE SUBDIVISION OF THE BANDINI DONATION, IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 3, PAGE 24 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 8:

THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 8, SOUTH 86°39'21" WEST 331.67 FEET;

THENCE NORTHWESTERLY, CONTINUING ALONG SAID SOUTHERLY LINE, NORTH 87°06'45 WEST 50.27 FEET TO THE EASTERLY LINE OF THAT PARCEL OF LAND AS DESCRIBED IN DEED RECORDED JANUARY 8. 2003 AS DOCUMENT NO. 2003-0013038 OF OFFICIAL RECORDS OF SAID COUNTY:

THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE, NORTH 4°56'42" WEST 12.45 FEET;

THENCE SOUTH 87°19'05" EAST 38.03 FEET TO THE BEGINNING OF TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1355.00 FEET;

THENCE NORTHEASTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 15°47'14", AN ARC LENGTH OF 373.35 FEET;

THENCE NORTH 76°53'42" EAST 75.25 FEET;

THENCE SOUTH 13°06'18" EAST 20.91 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 7 1/2;

THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE, SOUTH 76°52'25" WEST 107.06 FEET TO THE **POINT OF BEGINNING.** 

CONTAINING: 6.248 SQUARE FEET OR 0.143 ACRES MORE OR LESS.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE IS MADE A PART HEREOF.

**SURVEYOR:** 

PREPARED UNDER THE DIRECTION OF:

DATE

OThienes Engineering, Inc., CIVIL ENGINEERING • LAND SURVEYING 14349 FIRESTONE BOULEVARD LA MIRADA, CALIFORNIA 90638 PH. (714)521–4811 FAX (714)521–4173

BRIAN L. THIENES P.L.S. NO. 5750

REG. EXP. DEC. 31, 2023





