

FIRST AMENDMENT TO ACQUISITION AGREEMENT

WHEREAS, San Bernardino County Flood Control District (“Grantor”) and San Bernardino County (Grantee) have heretofore entered into that certain Acquisition Agreement dated November 19, 2024 (“Acquisition Agreement”), which agreement sets forth the terms and conditions under which the Grantee would acquire certain real property rights, comprised of two easement totaling approximately 62,599 square feet and a temporary construction easement totaling approximately 70,762 square feet over a portion of real property owned by the Grantor located in an unincorporated area of Apple Valley, CA (commonly known as Assessor’s Parcel Numbers (APN) 0433-014-04-0000 and 0438-165-26-0000) (“Grantor Property”) for the Project, as defined in the Acquisition Agreement; and

WHEREAS, in accordance with the Acquisition Agreement, on November 19, 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, 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 two new Temporary Construction Easement for approximately 70,762 total 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 a new form of Temporary Construction Easement as set forth in the attached Attachment “2-A”, which is 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 and the Grantee agree to amend the Acquisition Agreement as follows:

1. Notwithstanding anything to the contrary in the Acquisition Agreement, including but not limited to Section 12, Grantor hereby agrees to execute a new Temporary Construction Easement for approximately 70,762 total 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. For avoidance of doubt, this First Amendment does not change nor affect the Existing Easement that was executed by the Grantor on November 19, 2024.

3. 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: San Bernardino County Flood Control District

By _____
Dawn Rowe, Chair, Board of Supervisors

Date

GRANTEE: San Bernardino County

By _____
Dawn Rowe, Chair, Board of Supervisors

Date

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

A.P.N. 0433-014-04 (ptn)

**TEMPORARY
CONSTRUCTION EASEMENT**DOCUMENT TRANSFER TAX \$
0.00

Dept. Code : 11700 (Transportation)

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

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.

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

Dawn Rowe
Chair, Board of Supervisors

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: 30
Geo Index: 4154 : Sect. 30 Quad.: 2
Road Name(s) : Rock Springs Road
Project: Rock Springs Road Bridge Over
The Mojave River
Work Order No. : H15087
Parcel No. (s) : TCE-2
A.P.N. (s) : 0433-014-04 (ptn)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE**Not Applicable**

Name

Street Address

City & State

ACKNOWLEDGEMENT

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 _____)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

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. 0438-165-26 (ptn)

**TEMPORARY
CONSTRUCTION EASEMENT**

DOCUMENT TRANSFER TAX \$ 0.00

Dept. Code: 11700 (Transportation)

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

hereby GRANT(S) to SAN BERNARDINO COUNTY, a body corporate and politic of the State of California, a Temporary Construction Easement for the 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.

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

Dawn Rowe
Chair, Board of Supervisors

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: 4154 Sect.: 19 Quad.: 4

Road Name(s): Rock Springs Road

Project: Rock Springs Road Bridge Over
The Mojave River

Work Order No.: H15087

Parcel No. (s): TCE-3

A.P.N. (s): 0438-165-26 (ptn)

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE

Not Applicable

Name

Street Address

City & State

ACKNOWLEDGEMENT

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 _____)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

T4N, R3W, SEC 30 S.B.M.
Rock Springs Road
Right-of-Way Acquisition
H15087 - TCE-2
APN 0433-014-04

EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT

That portion of a parcel, said parcel described as:

THAT PORTION OF GOVERNMENT LOT 1, IN THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 3 WEST, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND APPROVED BY THE SURVEYOR GENERAL MARCH 19, 1856, LYING WITHIN AND EASTERLY FROM A 1000 FOOT WIDE STRIP OF LAND, THE CENTERLINE OF SAID STRIP DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN NORTH LINE OF SAID SECTION 30, DISTANT ALONG SAID NORTH LINE, SOUTH 88° 04' 20" WEST, 2661.61 FEET FROM A 2-INCH PIPE WITH BRASS CAP MARKING THE NORTHEAST CORNER OF SAID SECTION 30; THENCE SOUTH 05° 04' 25" WEST, 679.42 FEET; THENCE SOUTHWESTERLY 2033.41 FEET ALONG A TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 8000 FEET AND A CENTRAL ANGLE OF 14° 33' 48" TO THE POINT OF TERMINATION IN SOUTH LINE OF THE NORTH HALF OF SAID SECTION 30, SAID POINT OF TERMINATION BEING DISTANT ALONG SAID SOUTH LINE, SOUTH 88° 04' 56" WEST, 618.13 FEET FROM A 1-INCH IRON PIPE MARKING THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 30.

Said portion described as follows:

Parcel "A" (Rock Springs Road)

Commencing at the northeast corner of the Northwest quarter of Section 30, Township 4 North, Range 3 West, as shown on said map, said section corner being the POINT OF COMMENCEMENT;

thence South 88° 45' 56" West, a distance of 23.45 feet, to a point along the northerly line of said Section 30, said point being the POINT OF BEGINNING;

thence South 74° 47' 03" West, a distance of 395.14 feet;

thence South 83° 20' 52" West, a distance of 134.20, to a point on the westerly line of said parcel;

thence North 05° 46' 01" East, a distance of 31.92, to a point along said westerly line of said parcel;

thence North 86° 24' 23" East, a distance of 53.00 feet;

thence North 81° 58' 54" East, a distance of 137.78 feet to a point along the northerly line of said Section 30;

T4N, R3W, SEC 30 S.B.M.
Rock Springs Road
Right-of-Way Acquisition
H15087 - TCE-2
APN 0433-014-04

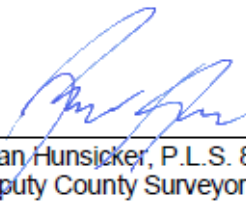
thence North 88° 45' 56" East, a distance of 257.87 feet along said Section 30 to the
POINT OF BEGINNING.

Described portion of land contains 23,514.00 square feet more or less.

Attached hereto is a plat labeled Exhibit "B" and by this reference made a part hereof.

This legal description was prepared by me or under my direction.

By:


Ryan Hunsicker, P.L.S. 8302
Deputy County Surveyor

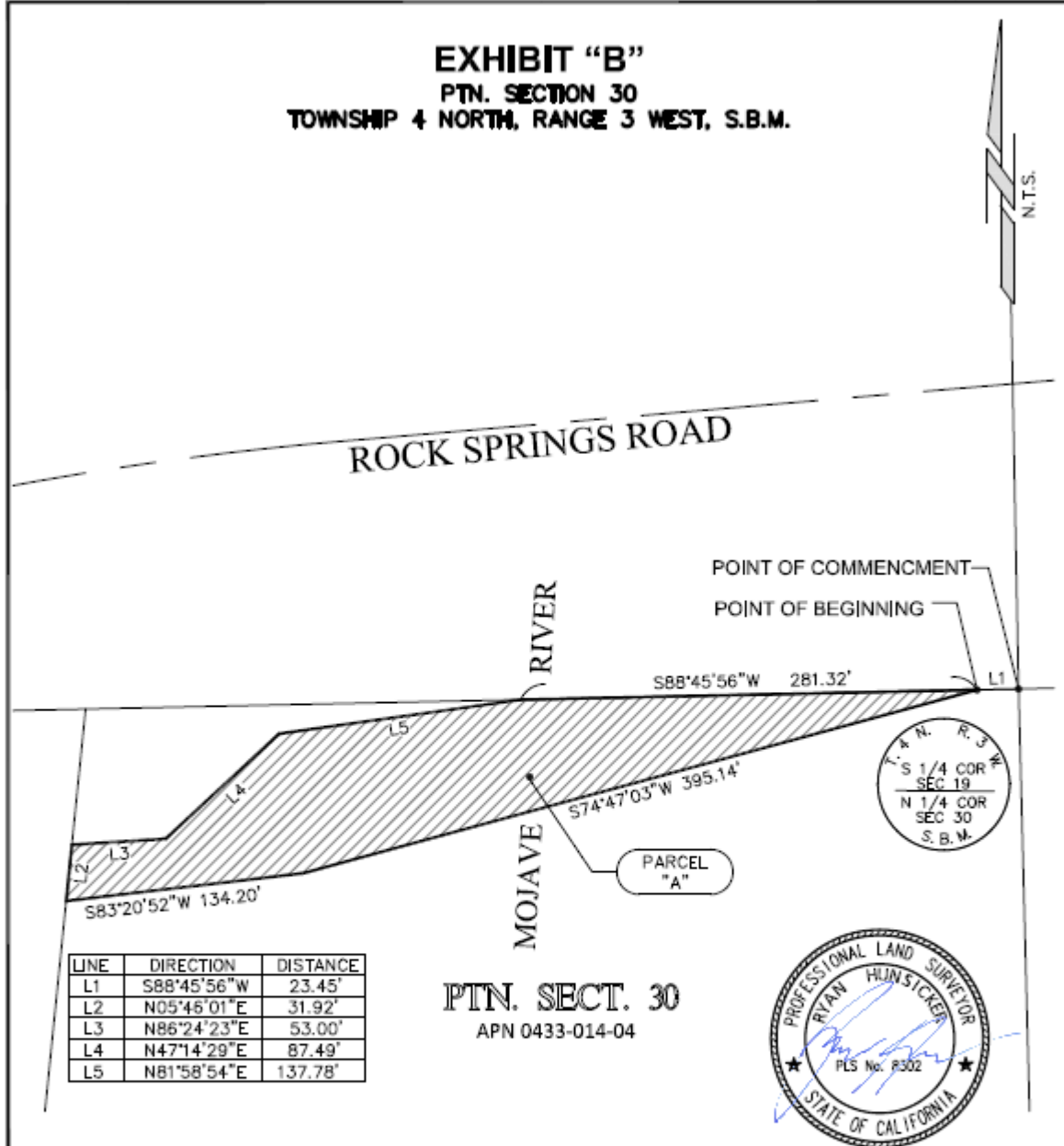
09/09/2023

Dated



Job No. H15087
Prepared by: GEG

EXHIBIT "B"
PTN. SECTION 30
TOWNSHIP 4 NORTH, RANGE 3 WEST, S.B.M.



NOTES:

THIS MAP HAS BEEN COMPILED FROM RECORD DATA AND OTHER AVAILABLE MATERIALS AND DOES NOT REPRESENT A FIELD SURVEY.



AREA OF TEMPORARY CONSTRUCTION EASEMENT FOR FUTURE ROAD IMPROVEMENTS: 23,474± sq. ft.

W.O. No.	Parcel No.	Owner
H15087	TCE-2	SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT

San Bernardino County
 Department of Public Works - Transportation

Right - of - Way Plat
ROCK SPRINGS ROAD
 AT
Mojave River
 APPLE VALLEY AREA

T4N, R3W, SEC 30 S.B.M.
Rock Springs Road
Right-of-Way Acquisition
H15087 - TCE-3
APN 0438-165-26

EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT

Those portions of a parcel, said parcel described as:

ALL OF THAT CERTAIN PARCEL OF LAND IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, IN DEED DATED SEPTEMBER 2, 1958 FROM JERRY H. YOCKY AND MARY L. YOCKY TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, RECORDED OCTOBER 2, 1958 IN BOOK 4618 OF OFFICIAL RECORDS AT PAGE 407 OF THE RECORDS OF SAID COUNTY, DESCRIBED IN SAID DEED FOR REFERENCE 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 BERNARDINO MERIDIAN, LYING SOUTH OF THE CENTERLINE 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 2100.00 FEET (MEASURED ALONG SAID SOUTH LINE) FROM THE SOUTHEAST CORNER OF SAID SECTION 19."

Said portions described as follows:

Parcel "A" (Rock Springs Road)

Commencing at the southeast corner of the southwest quarter of Section 19, Township 4 North, Range 3 West, said section corner being the POINT OF BEGINNING, said point also being the southwesterly corner of said parcel;

thence North 01° 06' 49" West, a distance of 44.40 feet, to a point along the westerly line of said parcel;

thence North 77° 45' 07" East, a distance of 111.60 feet;

thence North 77° 10' 33" East, a distance of 250.39 feet;

thence South 12° 49' 27" East, a distance of 31.20 feet;

thence North 77° 10' 33" East, a distance of 78.62 feet;

thence North 77° 50' 12" East, a distance of 101.95 feet; to a point on the easterly line of said parcel;

thence South 01° 14' 04" East, a distance of 120.58 feet, to the southeasterly corner of said parcel;

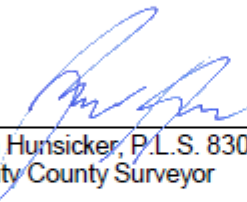
thence South 88° 45' 56" West, a distance of 538.31 feet, along the southerly line of said section 19, to the POINT OF BEGINNING.

T4N, R3W, SEC 30 S.B.M.
Rock Springs Road
Right-of-Way Acquisition
H15087 - TCE-3
APN 0438-165-26

Described portion of land contains 47,248 square feet more or less.

Attached hereto is a plat labeled Exhibit "B" and by this reference made a part hereof.

This legal description was prepared by me or under my direction.

By:  09/09/2023
Ryan Hunsicker, P.L.S. 8302 Dated
Deputy County Surveyor



Job No. H15087
Prepared by: GEG

EXHIBIT "B"
PTN. SECTION 19
TOWNSHIP 4 NORTH, RANGE 3 WEST, S.B.M.

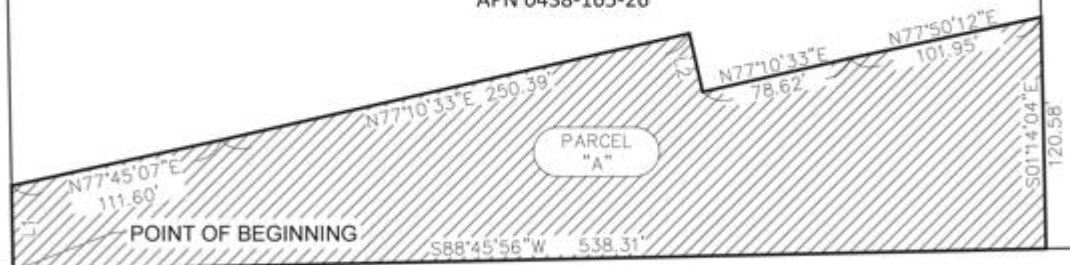


CL ATCHISON, TOPEKA AND SANTA FE RAILROAD




ROCK SPRINGS ROAD

PTN. SECT. 19
APN 0438-165-26



LINE	DIRECTION	DISTANCE
L1	N01°06'49" W	44.40'
L2	S12°49'27" E	31.20'

NOTES:
THIS MAP HAS BEEN COMPILED FROM RECORD DATA AND OTHER AVAILABLE MATERIALS AND DOES NOT REPRESENT A FIELD SURVEY.

 AREA OF TEMPORARY CONSTRUCTION EASEMENT FOR FUTURE ROAD IMPROVEMENTS: 47,248± sq. ft.

W.O. No.	Parcel No.	Owner
H15087	TCE-3	SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT

San Bernardino County
Department of Public Works - Transportation

Right - of - Way Plat
ROCK SPRINGS ROAD
AT
Mojave River
APPLE VALLEY AREA