

CONTINGENT PURCHASE AGREEMENT

THIS AGREEMENT ("**Agreement**") is entered into as of this ____ day of _____, 2018 by and between CITY OF RIALTO, a California general law city (the "**City**"), and LEWIS-HILLWOOD RIALTO COMPANY, LLC, a Delaware limited liability company ("**LHR**"). The City and Buyer hereby agree as follows:

RECITALS

A. The City and LHR have previously entered into that certain Area A Contract of Sale dated January 10, 2017 (the "**Area A Contract**"), whereby the City has granted LHR the option to purchase certain property located in the City of Rialto, County of Riverside, State of California ("**Area A**").

B. LHR has exercised its option to acquire certain property in Area A, as more particularly set forth in Exhibit "A" attached hereto and incorporated herein by reference (the "**Hotel Parcel**"). LHR has also entered into that certain Purchase and Sale Agreement effective December 19, 2017, as amended from time to time (the "**PSA**"), for the simultaneous sale of the Hotel Parcel to DBA III, LLC, a California limited liability company ("**DBA**").

C. LHR is also currently working on obtaining entitlements to certain property in Area A which is adjacent to the Hotel Parcel, as more particularly set forth in Exhibit "B" attached hereto and incorporated herein by reference (the "**Adjacent Parcel**"), with the intent of acquiring the Adjacent Parcel from the City in the next six months.

D. In conjunction with the sale of the Hotel Parcel to DBA, and in order to facilitate the development of both the Hotel Parcel and the Adjacent Parcel, LHR wishes to create certain easements for access and for landscaping between the Hotel Parcel and the Adjacent Parcel.

E. This Agreement is made in conjunction with the following concurrent agreements: (1) "Easement" between City, as grantor, and DBA, as grantee (the "**Beneficial Easement Agreement**"); and (2) "Easement" between DBA, as grantor, and City, as grantee (the "**Access Easement Agreement**"). The Beneficial Easement Agreement and the Access Easement Agreement are incorporated herein by reference (the Beneficial Easement Agreement and the Access Easement Agreement are hereinafter referred to, collectively, as the "**Easement Agreements**").

F. The Beneficial Easement Agreement creates (i) an exclusive access easement for the benefit of the Hotel Parcel over that portion of the Adjacent Parcel as more particularly set forth in Exhibit "C" attached hereto and incorporated herein by reference (the "**Exclusive Access Easement**"); (ii) a non-exclusive access easement for the benefit of the Hotel Parcel over that portion of the Adjacent Parcel as more particularly set forth in Exhibit "D" attached hereto and incorporated herein by reference (the "**Shared Access Easement**"); and (iii) an exclusive landscaping easement for the benefit of the Hotel Parcel over that portion of the Adjacent Parcel

as more particularly set forth in Exhibit "E" attached hereto and incorporated herein by reference (the "**Landscaping Easement**").

G. In order to induce City to enter into the Easement Agreements with DBA, LHR has offered (i) to be responsible for any obligations of the City under the Easement Agreements, and (ii) to exercise LHR's option with respect to, and to acquire in fee, that portion of the Adjacent Parcel that contains the Exclusive Access Easement, the Shared Access Easement and the Landscaping Easement within six months.

H. The Parties now desire to enter into this Agreement to set forth the terms and conditions of the agreement between the Parties with respect to City's execution of the Easement Agreements.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and in consideration of other valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. LHR to Assume Obligations of City. From and after the date hereof, and continuing so long as the Adjacent Parcel is owned by the City, LHR shall be responsible for the performance of any obligations imposed on the City and arising under the Easement Agreements, including, but not limited to, any obligation to construct, repair, replace, or maintain any improvements, or to reimburse any other party for such work, or any obligation to provide insurance, or to indemnify any other party, as may be required pursuant to the Easement Agreements.

2. Mechanic's Liens. So long as the Adjacent Parcel is owned by the City, LHR shall keep the area within the Exclusive Access Easement, the Shared Access Easement and the Landscaping Easement free and clear of any mechanics' liens or materialmen's liens.

3. LHR to Indemnify City. LHR hereby agrees that it shall indemnify, defend and hold harmless the City, and City's appointed and elected officials, and agents from and against any and all third-party claims, proceedings, lawsuits, liabilities, damages, injuries, deaths, losses, fines, penalties, judgments, and liens (including mechanic's and materialman's liens) that arise out of the use of the Exclusive Landscape Easement Area, the Exclusive Access Easement Area, and the Shared Access Easement Area and/or the improvements thereon by LHR.

4. Obligation to Purchase. The City and LHR hereby agree that, in the event that the Adjacent Parcel has not been acquired from the City on or before the date that established within the Schedule of Performance for the Area A Contract or such longer period as the City approves, then LHR shall be deemed to have exercised its option under the Area A Contract to acquire the land that lies within the Exclusive Landscape Easement Area, the Exclusive Access Easement Area, and the Shared Access Easement Area (collectively, the "**Acquisition Property**"), and LHR shall promptly and diligently proceed with the acquisition of the fee interest in the Acquisition Property pursuant to the terms of the Area A Contract. The Parties agree that under the Area A Contract, the size of the Acquisition Property is 14,600 square feet, and the purchase price is \$8.50 per square foot, so the total purchase price for the Acquisition Property shall be

One Hundred Twenty-Four Thousand One Hundred Dollars (\$124,100). The City hereby acknowledges that it waives the "Minimum Development Parcel" size requirements under the Area A Contract, and approves the acquisition of the Acquisition Property.

5. Communication and Notices. Any notice, demand or communication required hereunder shall be delivered to the parties pursuant to Section 5.01 in the Area A Contract.

6. Entire Agreement. This Agreement reflects the entire agreement between the Parties concerning the subject matter hereof and shall supersede all prior or contemporaneous oral or written understandings, statements, representations, or promises between the parties.

7. Successors and Assigns. This Agreement shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

8. Governing Law. This Agreement and any dispute arising hereunder shall be governed by California law.

9. Counterparts. This Agreement may be executed in any number of counterparts, each of which when executed shall be deemed an original, but all of which together shall constitute one and the same instrument.

[Signatures Begin on Following Page]

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year first set forth above.

"City"

CITY OF RIALTO, a California general law city

Date: _____

By: _____

City Administrator

ATTEST:

By: _____
Barbara A. McGee, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: _____
Fred Galante, City Attorney

[Signatures Continued on Following Page]

“LHR”

LEWIS-HILLWOOD RIALTO COMPANY, LLC,
a Delaware limited liability company

By: LEWIS-RIALTO COMPANY, LLC,
a Delaware limited liability company
Its Managing Member

By: LEWIS MANAGEMENT CORP.,
a Delaware corporation
its sole member

By: _____
Printed Name: _____
Title: _____

By: HGI CA INVESTORS, L.P.,
a California limited partnership
A Member

By: HGI GP, LLC,
a Texas limited liability company
its general partner

By: _____
Printed Name: _____
Title: _____

Exhibit "A"
Legal Description of Hotel Parcel

THAT PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT TOWNSHIP PLAT APPROVED BY THE SURVEYOR GENERAL, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EASTERLY LINE OF SAID NORTHEAST 1/4 OF SECTION 33, ALSO BEING THE CENTERLINE OF LINDEN AVENUE, SAID POINT BEING DISTANT THEREON SOUTH 00° 17' 49" EAST 531.05 FEET MEASURED ALONG SAID EASTERLY LINE FROM THE NORTHEAST CORNER OF SAID NORTHEAST 1/4 OF SECTION 33;

THENCE SOUTH 89° 41' 09" WEST 43.67 FEET TO A POINT ON THE WESTERLY LINE OF LINDEN AVENUE AS DEDICATED PER DOCUMENT RECORDED JULY 28, 2016 AS DOCUMENT NO. 2016-0303163 OF OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE SOUTH 89° 41' 09" WEST 78.55 FEET;

THENCE NORTH 00° 18' 51" WEST 30.63 FEET;

THENCE SOUTH 89° 41' 09" WEST 365.03 FEET;

THENCE NORTH 00° 01' 30" EAST 98.11 FEET;

THENCE NORTH 17° 31' 20" WEST 25.76 FEET;

THENCE NORTH 00° 19' 57" WEST 142.85 FEET TO A POINT IN THE SOUTHERLY LINE OF RENAISSANCE PARKWAY, SAID SOUTHERLY LINE BEING PARALLEL AND CONCENTRIC WITH AND DISTANT SOUTHERLY 54.00 FEET MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF RENAISSANCE PARKWAY AS SHOWN ON RECORD OF SURVEY 08-088, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP FILED BOOK 140, PAGES 35 THROUGH 51, INCLUSIVE, OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 1750.63 FEET, A RADIAL LINE TO THE BEGINNING OF SAID NON-TANGENT CURVE BEARS NORTH 05° 09' 02" WEST;

THENCE EASTERLY ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 04° 50' 58", AN ARC LENGTH OF 148.17 FEET;

THENCE CONTINUING EASTERLY ALONG SAID PARALLEL LINE, NORTH 89° 41' 56" EAST 280.54 FEET;

THENCE SOUTH 45° 08' 39" EAST 28.21 FEET TO A LINE PARALLEL WITH AND DISTANT WESTERLY 46.00 FEET MEASURED AT RIGHT ANGLES FROM SAID EASTERLY LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33;

THENCE SOUTHERLY ALONG LAST MENTIONED PARALLEL LINE AND SAID WESTERLY LINE OF LINDEN AVENUE, SOUTH 00° 17' 49" EAST 180.24 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 1500.00 FEET;

THENCE SOUTHERLY ALONG SAID WESTERLY LINE AND SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF $01^{\circ} 39' 34''$, AN ARC LENGTH OF 43.44 FEET;

THENCE CONTINUING SOUTHERLY ALONG SAID WESTERLY LINE, SOUTH $01^{\circ} 57' 22''$ EAST 58.71 FEET TO THE **POINT OF BEGINNING**.

Exhibit "B"
Legal Description of Adjacent Parcel

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO GOVERNMENT TOWNSHIP PLAT, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EASTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 33, ALSO BEING THE CENTERLINE OF LINDEN AVENUE, SAID POINT BEING DISTANT THEREON SOUTH 00° 17' 49" EAST 531.05 FEET MEASURED ALONG SAID EASTERLY LINE FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 33;

THENCE SOUTH 89° 41' 09" WEST 43.67 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 89° 41' 09" WEST 78.55 FEET;

THENCE NORTH 00° 18' 51" WEST 30.63 FEET;

THENCE SOUTH 89° 41' 09" WEST 365.03 FEET;

THENCE NORTH 00° 01' 30" EAST 98.11 FEET;

THENCE NORTH 17° 31' 20" WEST 25.76 FEET;

THENCE NORTH 00° 19' 57" WEST 142.85 FEET TO A POINT IN THE SOUTHERLY LINE OF RENAISSANCE PARKWAY, SAID SOUTHERLY LINE BEING PARALLEL AND CONCENTRIC WITH AND DISTANT SOUTHERLY 54.00 FEET MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF RENAISSANCE PARKWAY AS SHOWN ON RECORD OF SURVEY 08-088, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP FILED BOOK 140, PAGES 35 THROUGH 51, INCLUSIVE, OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 1750.63 FEET, A RADIAL LINE TO THE BEGINNING OF SAID NON-TANGENT CURVE BEARS NORTH 05° 09' 02" WEST;

THENCE WESTERLY ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 11° 42' 49", AN ARC LENGTH OF 357.90 FEET;

THENCE SOUTH 73° 08' 09" WEST 654.05 FEET TO THE BEGINNING OF TANGENT CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 1858.63 FEET;

THENCE WESTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 16° 34' 05", AN ARC LENGTH OF 537.46 FEET;

THENCE SOUTH 89° 42' 14" WEST 573.55 FEET;

THENCE SOUTH 51° 01' 06" WEST 32.03 FEET TO A LINE PARALLEL WITH DISTANT EASTERLY 42.00 FEET MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTHERLY ALONG SAID PARALLEL LINE, SOUTH 00° 20' 18" EAST 388.95 FEET TO THE SOUTHERLY LINE OF PARCEL 2 OF PARCEL MAP NO. 11101, IN SAID CITY,

COUNTY AND STATE, AS PER MAP FILED IN BOOK 136, PAGE 34 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE EASTERLY ALONG SAID SOUTHERLY LINE AND ITS EASTERLY PROLONGATION NORTH 89° 40' 42" EAST 1279.32 FEET;

THENCE NORTH 00° 19' 03" WEST 47.64 FEET TO THE SOUTHERLY LINE OF THE NORTH 263.79 FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER;

THENCE EASTERLY ALONG LAST MENTIONED SOUTHERLY LINE, NORTH 89° 41' 09" EAST 1281.34 FEET TO THE WESTERLY LINE OF LINDEN AVENUE AS DEDICATED PER GRANT OF RIGHT OF WAY RECORDED JULY 28, 2016 AS DOCUMENT NO. 2016-0303163 OF OFFICIAL RECORDS OF SAID COUNTY;

THENCE NORTHERLY ALONG SAID WESTERLY LINE OF LINDEN AVENUE, NORTH 00° 17' 49" WEST 246.07 FEET TO THE BEGINNING OF TANGENT CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 1489.00 FEET;

THENCE CONTINUING NORTHERLY ALONG SAID WESTERLY LINE OF LINDEN AVENUE AND SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 01° 39' 33", AN ARC LENGTH OF 43.12 FEET;

THENCE CONTINUING NORTHERLY ALONG SAID WESTERLY LINE OF LINDEN AVENUE, NORTH 01° 57' 22" WEST 105.24 FEET TO THE **POINT OF BEGINNING**.

Exhibit "C"
Legal Description of the Exclusive Access Easement

THAT PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT TOWNSHIP PLAT APPROVED BY THE SURVEYOR GENERAL, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EASTERLY LINE OF SAID NORTHEAST 1/4 OF SECTION 33, ALSO BEING THE CENTERLINE OF LINDEN AVENUE, SAID POINT BEING DISTANT THEREON SOUTH 00° 17' 49" EAST 531.05 FEET MEASURED ALONG SAID EASTERLY LINE FROM THE NORTHEAST CORNER OF SAID NORTHEAST 1/4 OF SECTION 33;

THENCE SOUTH 89° 41' 09" WEST 122.22 FEET;

THENCE NORTH 00° 18' 51" WEST 30.63 FEET;

THENCE SOUTH 89° 41' 09" WEST 365.03 FEET;

THENCE NORTH 00° 01' 30" EAST 98.11 FEET;

THENCE NORTH 17° 31' 20" WEST 25.76 FEET TO A COURSE HEREINAFTER REFERRED TO AS **COURSE "A"**;

THENCE NORTHERLY ALONG AFOREMENTIONED **COURSE "A"**, NORTH 00° 19' 57" WEST 142.85 FEET TO A LINE PARALLEL WITH AND DISTANT SOUTHERLY 54.00 FEET, MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF RENAISSANCE PARKWAY (FORMERLY KNOWN AS "EASTON STREET"), AS DESCRIBED IN GRANT DEED TO THE STATE OF CALIFORNIA, RECORDED JUNE 12, 2008 AS DOCUMENT NO. 2008-0268512 OF OFFICIAL RECORDS AND SHOWN IN RECORD OF SURVEY 08-088, RECORDED IN BOOK 140, PAGES 35 THROUGH 51, INCLUSIVE OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE SOUTHERLY ALONG AFOREMENTIONED **COURSE "A"**, SOUTH 00° 19' 57" EAST 28.66 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTHERLY ALONG AFOREMENTIONED **COURSE "A"**, SOUTH 00° 19' 57" EAST 26.04 FEET;

THENCE SOUTH 84° 23' 36" WEST 17.57 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 61.50 FEET;

THENCE WESTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 30° 02' 07", AN ARC LENGTH OF 32.24 FEET TO A COURSE HEREINAFTER REFERRED TO AS **COURSE "B"**;

THENCE SOUTHWESTERLY ALONG AFOREMENTIONED **COURSE "B"** SOUTH 54° 21' 29" WEST 37.73 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 30.00 FEET;

THENCE WESTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 96° 48' 35", AN ARC LENGTH OF 50.69 FEET;

THENCE NORTH 28° 49' 56" WEST 7.43 FEET TO THE BEGINNING OF A TANGENT CURVE,

CONCAVE EASTERLY AND HAVING A RADIUS OF 40.00 FEET;

THENCE NORTHERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 20° 00' 28", AN ARC LENGTH OF 13.97 FEET;

THENCE NORTH 08° 49' 27" WEST 11.65 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 45.00 FEET;

THENCE NORTHWESTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 43° 35' 09", AN ARC LENGTH OF 34.23 FEET TO THE BEGINNING OF A NON-TANGENT CURVE SOUTHERLY HAVING A RADIUS OF 1750.63 FEET, A RADIAL LINE BEARS NORTH 10° 02' 55" WEST TO THE BEGINNING OF SAID NON-TANGENT CURVE, SAID NON-TANGENT CURVE BEING THE AFOREMENTIONED PARALLEL LINE, BEING 54.00 FEET SOUTHERLY FROM SAID CENTERLINE OF RENAISSANCE PARKWAY;

THENCE EASTERLY ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 02° 26' 55", AN ARC LENGTH OF 74.81 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 45.00 FEET, A RADIAL LINE BEARS NORTH 55° 14' 18" WEST TO THE BEGINNING OF SAID NON-TANGENT CURVE;

THENCE SOUTHERLY ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 43° 35' 09", AN ARC LENGTH OF 34.23 FEET;

THENCE SOUTH 08° 49' 27" EAST 1.75 FEET TO A POINT HEREINAFTER REFERRED TO AS **POINT "A"**, SAID POINT ALSO BEING THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 10.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 117° 17' 13", AN ARC LENGTH OF 20.47 FEET;

THENCE NORTH 53° 53' 20" EAST 3.62 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 88.00 FEET;

THENCE EASTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 30° 43' 11", AN ARC LENGTH OF 47.18 FEET;

THENCE NORTH 84° 36' 31" EAST 19.56 FEET TO THE **POINT OF BEGINNING**.

EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED LYING WESTERLY OF THE FOLLOWING 3 COURSES:

1. BEGINNING AT AFOREMENTIONED **POINT "A"**, THENCE SOUTH 08° 49' 27" EAST 5.26 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 50.00 FEET
2. THENCE SOUTHEASTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 38° 27' 40", AN ARC LENGTH OF 33.56 FEET;
3. THENCE SOUTH 47° 17' 07" EAST 3.24 FEET TO THE AFOREMENTIONED **COURSE "B"**

CONTAINING: 2,098 SQUARE FEET OR 0.048 ACRES MORE OR LESS.

Exhibit "D"
Legal Description of the Shared Access Easement

THAT PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT TOWNSHIP PLAT APPROVED BY THE SURVEYOR GENERAL, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EASTERLY LINE OF SAID NORTHEAST 1/4 OF SECTION 33, ALSO BEING THE CENTERLINE OF LINDEN AVENUE, SAID POINT BEING DISTANT THEREON SOUTH 00° 17' 49" EAST 531.05 FEET MEASURED ALONG SAID EASTERLY LINE FROM THE NORTHEAST CORNER OF SAID NORTHEAST 1/4 OF SECTION 33;

THENCE SOUTH 89° 41' 09" WEST 122.22 FEET;

THENCE NORTH 00° 18' 51" WEST 30.63 FEET;

THENCE SOUTH 89° 41' 09" WEST 365.03 FEET;

THENCE NORTH 00° 01' 30" EAST 98.11 FEET;

THENCE NORTH 17° 31' 20" WEST 25.76 FEET TO A COURSE HEREINAFTER REFERRED TO AS **COURSE "A"**;

THENCE NORTHERLY ALONG AFOREMENTIONED **COURSE "A"**, NORTH 00° 19' 57" WEST 142.85 FEET TO A LINE PARALLEL WITH AND DISTANT SOUTHERLY 54.00 FEET, MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF RENAISSANCE PARKWAY (FORMERLY KNOWN AS "EASTON STREET"), AS DESCRIBED IN GRANT DEED TO THE STATE OF CALIFORNIA, RECORDED JUNE 12, 2008 AS DOCUMENT NO. 2008-0268512 OF OFFICIAL RECORDS AND SHOWN IN RECORD OF SURVEY 08-088, RECORDED IN BOOK 140, PAGES 35 THROUGH 51, INCLUSIVE OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE SOUTHERLY ALONG AFOREMENTIONED **COURSE "A"**, SOUTH 00° 19' 57" EAST 28.66 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTHERLY ALONG AFOREMENTIONED **COURSE "A"**, SOUTH 00° 19' 57" EAST 26.04 FEET;

THENCE SOUTH 84° 23' 36" WEST 17.57 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 61.50 FEET;

THENCE WESTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 30° 02' 07", AN ARC LENGTH OF 32.24 FEET TO A COURSE HEREINAFTER REFERRED TO AS **COURSE "B"**;

THENCE SOUTHWESTERLY ALONG AFOREMENTIONED **COURSE "B"** SOUTH 54° 21' 29" WEST 37.73 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 30.00 FEET;

THENCE WESTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 96° 48' 35", AN ARC LENGTH OF 50.69 FEET;

THENCE NORTH 28° 49' 56" WEST 7.43 FEET TO THE BEGINNING OF A TANGENT CURVE,

CONCAVE EASTERLY AND HAVING A RADIUS OF 40.00 FEET;

THENCE NORTHERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 20° 00' 28", AN ARC LENGTH OF 13.97 FEET;

THENCE NORTH 08° 49' 27" WEST 11.65 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 45.00 FEET;

THENCE NORTHWESTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 43° 35' 09", AN ARC LENGTH OF 34.23 FEET TO THE BEGINNING OF A NON-TANGENT CURVE SOUTHERLY HAVING A RADIUS OF 1750.63 FEET, A RADIAL LINE BEARS NORTH 10° 02' 55" WEST TO THE BEGINNING OF SAID NON-TANGENT CURVE, SAID NON-TANGENT CURVE BEING THE AFOREMENTIONED PARALLEL LINE, BEING 54.00 FEET SOUTHERLY FROM SAID CENTERLINE OF RENAISSANCE PARKWAY;

THENCE EASTERLY ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 02° 26' 55", AN ARC LENGTH OF 74.81 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 45.00 FEET, A RADIAL LINE BEARS NORTH 55° 14' 18" WEST TO THE BEGINNING OF SAID NON-TANGENT CURVE;

THENCE SOUTHERLY ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 43° 35' 09", AN ARC LENGTH OF 34.23 FEET;

THENCE SOUTH 08° 49' 27" EAST 1.75 FEET TO A POINT HEREINAFTER REFERRED TO AS **POINT "A"**, SAID POINT ALSO BEING THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 10.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 117° 17' 13", AN ARC LENGTH OF 20.47 FEET;

THENCE NORTH 53° 53' 20" EAST 3.62 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 88.00 FEET;

THENCE EASTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 30° 43' 11", AN ARC LENGTH OF 47.18 FEET;

THENCE NORTH 84° 36' 31" EAST 19.56 FEET TO THE **POINT OF BEGINNING**.

EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED LYING EASTERLY OF THE FOLLOWING 3 COURSES:

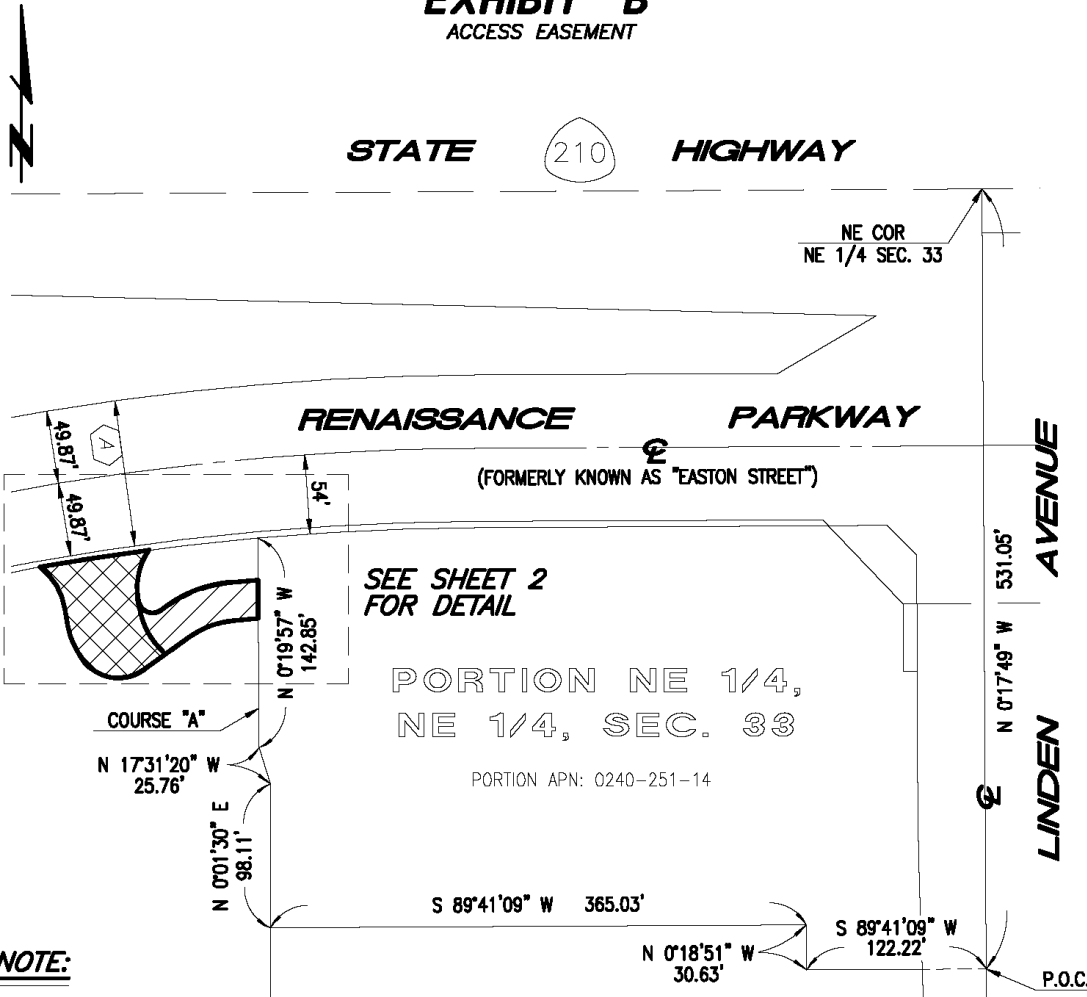
1. BEGINNING AT AFOREMENTIONED **POINT "A"**, THENCE SOUTH 08° 49' 27" EAST 5.26 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 50.00 FEET
2. THENCE SOUTHEASTERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 38° 27' 40", AN ARC LENGTH OF 33.56 FEET;
3. THENCE SOUTH 47° 17' 07" EAST 3.24 FEET TO THE AFOREMENTIONED **COURSE "B"**

CONTAINING: 4,280 SQUARE FEET OR 0.098 ACRES MORE OR LESS.

SCALE: 1" = 100'

EXHIBIT "B"
ACCESS EASEMENT

SHEET 1 OF 2



NOTE:

(A) GRANT OF RIGHT-OF-WAY RECORDED
JULY 12, 2008 AS DOCUMENT NO.
2008-0268512 OF OFFICIAL RECORDS

LEGEND:



PARCEL A:
INDICATES ACCESS EASEMENT.
CONTAINS: 2,098 SQ. FT.
0.048 AC. ±



PARCEL B:
INDICATES ACCESS EASEMENT.
CONTAINS: 4,280 SQ. FT.
0.098 AC. ±

Last Update: 10/19/18
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Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

SURVEYOR:

PREPARED UNDER THE DIRECTION OF:

BRIAN L. THIENES
P.L.S. NO. 5750
REG. EXP. DEC. 31, 2019

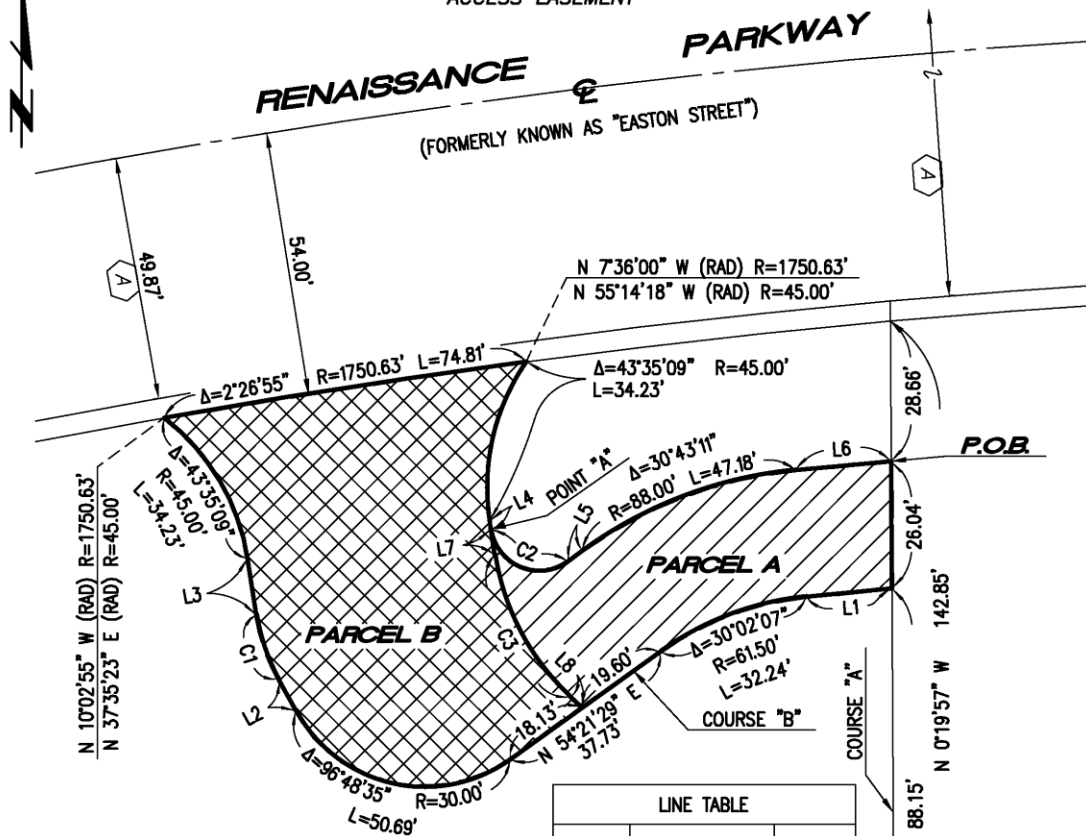
DATE



SCALE: 1" = 30'

EXHIBIT "B" ACCESS EASEMENT

SHEET 2 OF 2



PORTION NE 1/4,
NE 1/4, SEC. 33

NOTE: PORTION APN: 0240-251-14

(A) GRANT OF RIGHT-OF-WAY RECORDED
JULY 12, 2008 AS DOCUMENT NO.
2008-0268512 OF OFFICIAL RECORDS

LEGEND:



PARCEL A:
INDICATES ACCESS EASEMENT.
CONTAINS: 2,098 SQ. FT.
0.048 AC. ±



PARCEL B:
INDICATES ACCESS EASEMENT.
CONTAINS: 4,280 SQ. FT.
0.098 AC. ±

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LINE TABLE		
LINE #	BEARING	LENGTH
L1	S 84°23'36" W	17.57'
L2	S 28°49'56" E	7.43'
L3	S 8°49'27" E	11.65'
L4	N 8°49'27" W	1.75'
L5	S 53°53'20" W	3.62'
L6	S 84°36'31" W	19.56'
L7	N 8°49'27" W	5.26'
L8	S 47°17'07" E	3.24'

CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C1	20°00'28"	40.00'	13.97'
C2	117°17'13"	10.00'	20.47'
C3	38°27'40"	50.00'	33.56'

Exhibit "E"
Legal Description of Landscaping Easement

THAT PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 1 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT TOWNSHIP PLAT APPROVED BY THE SURVEYOR GENERAL, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EASTERLY LINE OF SAID NORTHEAST 1/4 OF SECTION 33, ALSO BEING THE CENTERLINE OF LINDEN AVENUE, SAID POINT BEING DISTANT THEREON SOUTH 00° 17' 49" EAST 531.05 FEET MEASURED ALONG SAID EASTERLY LINE FROM THE NORTHEAST CORNER OF SAID NORTHEAST 1/4 OF SECTION 33;

THENCE SOUTH 89° 41' 09" WEST 122.22 FEET;

THENCE NORTH 00° 18' 51" WEST 25.77 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTHERLY, NORTH 00° 18' 51" WEST 4.85 FEET;

THENCE SOUTH 89° 41' 09" WEST 365.03 FEET;

THENCE NORTH 00° 01' 30" EAST 98.11 FEET;

THENCE NORTH 17° 31' 20" WEST 25.76 FEET;

THENCE NORTH 00° 19' 57" WEST 142.85 FEET TO A POINT IN THE SOUTHERLY LINE OF RENAISSANCE PARKWAY, SAID SOUTHERLY LINE BEING PARALLEL AND CONCENTRIC WITH AND DISTANT SOUTHERLY 54.00 FEET MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF RENAISSANCE PARKWAY AS SHOWN ON RECORD OF SURVEY 08-088, IN THE CITY OF RIALTO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP FILED BOOK 140, PAGES 35 THROUGH 51, INCLUSIVE, OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 1750.63 FEET, A RADIAL LINE TO THE BEGINNING OF SAID NON-TANGENT CURVE BEARS NORTH 05° 09' 02" WEST;

THENCE WESTERLY ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 02° 26' 58", AN ARC LENGTH OF 74.84 FEET TO THE BEGINNING OF NON-TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 45.00 FEET, A RADIAL LINE TO THE BEGINNING OF SAID NON-TANGENT CURVE BEARS NORTH 55° 14' 18" WEST;

THENCE SOUTHERLY ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 43° 35' 09", AN ARC LENGTH OF 34.23 FEET;

THENCE SOUTH 08° 49' 27" EAST 7.01 FEET TO THE BEGINNING OF TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 50.00 FEET;

THENCE SOUTHERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 38° 27' 40", AN ARC LENGTH OF 33.56 FEET;

THENCE SOUTH 47° 17' 07" EAST 49.55 FEET TO THE BEGINNING OF TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 99.00 FEET;

THENCE SOUTHERLY ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 46° 58' 16", AN ARC LENGTH OF 81.16 FEET;

THENCE SOUTH 00° 18' 51" EAST 82.73 FEET TO THE BEGINNING OF TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 5.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 91° 33' 20", AN ARC LENGTH OF 7.99 FEET;

*THENCE NORTH 89° 41' 09" EAST 365.02 FEET TO THE **POINT OF BEGINNING**.*

CONTAINING: 10,320 SQUARE FEET OR 0.237 ACRES, MORE OR LESS.

SCALE: 1" = XX'

SHEET 1 OF 1

EXHIBIT "B" PRIVATE LANDSCAPE EASEMENT

CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C1	2°26'58"	1750.63'	74.84'
C2	43°35'09"	45.00'	34.23'
C3	38°27'40"	50.00'	33.56'
C4	46°58'16"	99.00'	81.16'
C5	91°33'20"	5.00'	7.99'

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N 0°18'51" W	25.77'
L2	N 0°18'51" W	4.85'
L3	S 89°41'09" W	365.03'
L4	N 0°01'30" E	98.11'
L5	N 17°31'20" W	25.76'
L6	N 0°19'57" W	142.85'
L7	S 8°49'27" E	7.01'
L8	S 47°17'07" E	49.55'
L9	S 0°18'51" E	82.73'
L10	N 89°41'09" E	365.02'
L11	N 5°09'02" W	(RAD)
L12	N 55°14'18" W	(RAD)

RENAISSANCE

PARKWAY

AVENUE

LINDEN

STATE

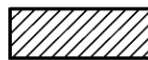
210

HIGHWAY

PORTION NE 1/4,
NE 1/4, SEC. 33

PORTION NE 1/4,
NE 1/4, SEC. 33

LEGEND:



INDICATES LANDSCAPE
EASEMENT.
CONTAINS: 10,320 SQ. FT.
0.237 AC. ±

SURVEYOR:

PREPARED UNDER THE DIRECTION OF:

BRIAN L. THIENES
P.L.S. NO. 5750
REG. EXP. DEC. 31, 2019

DATE



Last Update: 10/10/18
O:\3604\ESMT\LANDSCAPE-PRIVATE\3604_LS-PRIVATE.dwg

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