

DOC # 2004-0560150

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Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder

When recorded mail to:

City Clerk's Office
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522



FREE RECORDING

This instrument is for the benefit of the City of Riverside and is entitled to be recorded without fee (Government Code §6103)

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FOR RECORDER'S OFFICE USE ONLY

Project: P03-1481 & RZ-019-012
Arlington & Valencia
A.P.N. POR. 227-251-012 & 013

D - 15335



AVIGATION EASEMENT
(RIVERSIDE MUNICIPAL AIRPORT)

WHEREAS MICHAEL P. BOYKO and DIANE M. ELLER-BOYKO, husband and wife as joint tenants, hereinafter referred to as the "Grantor", is/are the owner(s) in fee of that certain real property situated in the City of Riverside, County of Riverside, State of California, described in Exhibit "A", attached hereto and incorporated herein by this reference, hereinafter called "the property of the Grantor "; and

WHEREAS the property of the Grantor is located within the Airport Influence Area for the Riverside Municipal Airport operated by the City of Riverside; and

WHEREAS the Grantor has sought approval from the City of Riverside for the development of the property of the Grantor by the project above-referenced; and

WHEREAS the City of Riverside has conditioned the approval of such project by requiring the granting of an avigation easement over the property of the Grantor;

NOW, THEREFORE FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GRANTOR does hereby grant to the CITY OF RIVERSIDE, a municipal corporation of the State of California, hereinafter referred to as "Grantee", its successors and



assigns, for the use and benefit of the public, a perpetual easement and right of flight appurtenant to the Riverside Municipal Airport for the passage of aircraft by whomsoever owned and operated in the airspace above the surface of the property of the Grantor as described in said Exhibit "A", together with the right to cause in said airspace such noise, sound or shock waves, vibrations, dust, smoke, odors, fumes, fuel particles and other related conditions that may be inherent in the operation of aircraft landing at, taking off from or operating at or on the Riverside Municipal Airport. "Aircraft" is defined for the purposes of this instrument as any contrivance now known or hereinafter invented, used or designed for navigation of or flight in the air.

Grantor hereby acknowledges that the Riverside Municipal Airport is an operating airport subject to increases in the intensity of use and operation, including present and future noise, sound or shock waves, vibrations, dust, smoke, odors, fumes, and fuel particles and related conditions, and Grantor hereby fully waives, remises and releases any right or cause of action which Grantor may now or in the future have against Grantee, its successors and assigns, due to such noise, sound or shock waves, vibrations, dust, smoke, odors, fumes, fuel particles and other related conditions that may be caused by the operation of aircraft landing at or taking off from, or operating at or on the Riverside Municipal Airport. Said waiver and release shall include, but not be limited to, claims known or unknown for damages for physical or emotional injuries, discomfort, inconvenience, property damage, interference with use and enjoyment of property, diminution of property values, nuisance or inverse condemnation or for injunctive or other extraordinary or equitable relief.


Grantor, on the behalf of Grantor and the successors and assigns of Grantor, agrees not to construct or permit the construction or growth of any structure, tree or other object that obstructs or interferes with the use of the rights herein granted or that creates electrical interference with radio communication between any installation at the Riverside Municipal

Airport and aircraft, or to cause difficulty for pilots to distinguish between airport lights and other lights or to impair visibility in the vicinity of the Riverside Municipal Airport, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said Riverside Municipal Airport.

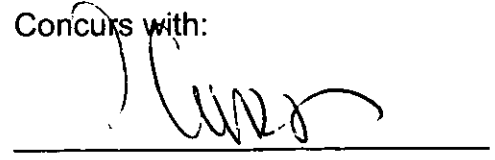
The foregoing grant of easement shall not be considered as otherwise prohibiting the use of the property of the Grantor for any lawful purpose below minimum flight altitudes for aircraft presently authorized or hereafter authorized by the appropriate federal or state authority, provided all applicable federal, state and local regulations pertaining to height restrictions are adhered to.

IT IS UNDERSTOOD AND AGREED that this easement and the rights and restrictions herein created shall run with the land and shall be binding upon the Grantor and the heirs, administrators, executors, successors and assigns of Grantor.

Dated 6/18/04


MICHAEL P. BOYKO


DIANE M. ELLER-BOYKO

Concurs with:


Airport Director



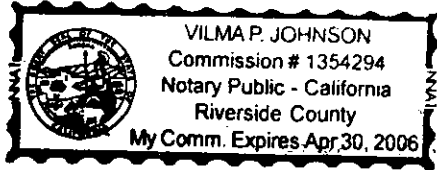
GENERAL ACKNOWLEDGEMENT

State of California
County of SAN BERNARDINO } ss

On JUNE 18, 2004, before me Vilma P. Johnson
(date) (name)

a Notary Public in and for said State, personally appeared
Michael P. Boyko and Diane M. Ellee-Boyko
Name(s) of Signer(s)

personally known to me - OR - 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.



WITNESS my hand and official seal.
[Signature]
Signature

CERTIFICATE OF ACCEPTANCE (Government Code Section 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the City of Riverside, California, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City Council of said City pursuant to authority conferred by Resolution No. 20534 of said City Council adopted September 23, 2003, and the grantee consents to recordation thereof by its duly authorized officer.

Dated 7/15/04

CITY OF RIVERSIDE
By [Signature]

BOYKO AVIG ESMT.DOC

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE
Administrative Services Manager

BY [Signature]
Deputy City Attorney

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- () Corporate Officer(s)
Title _____
- Title _____
- () Guardian/Conservator
- (x) Individual(s)
- () Trustee(s)
- () Other
- () Partner(s)
() General
() Limited

The party(ies) executing this document is/are representing:



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EXHIBIT "A"

That certain real property located in the City of Riverside, County of Riverside, State of California, described as follows:

PARCEL B

That portion of Parcel 1 of Parcel Map No. 16814, as shown by map on file in Book 86, Pages 32 and 33 of Parcel Maps, records of Riverside County, California, **TOGETHER WITH** those portions of Lots 5 and 6 in Block 17 of the Lands of the Riverside Land and Irrigating Co., as shown by map on file in Book 1, Page 70 of Maps, records of San Bernardino County, California, described as follows:

COMMENCING at the northeasterly corner of said Parcel 1;

THENCE South 0°17'24" East, along the easterly line of said Parcel 1, a distance of 5.00 feet to a line that is parallel with and distant 60.00 feet southerly, as measured at right angles, from the centerline of Arlington Avenue as shown by said Parcel Map No. 16814;

THENCE South 89°42'15" West, along said parallel line, a distance of 94.28 feet to the **POINT OF BEGINNING** of the parcel of land being described;

THENCE SOUTH, a distance of 139.81 feet;

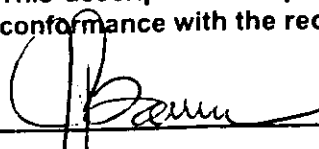
THENCE South 21°49'30" East, a distance of 39.25 feet;

THENCE South 68°10'30" West, a distance of 100.46 feet to a point in the westerly boundary of said Parcel 1, distant 118.45 feet southeasterly from the most northwesterly corner of said Parcel 1; said most northwesterly corner being shown as a tag R.C.E. 9876 in the face of a wall by said Parcel Map No. 16814;

THENCE North 21°49'30" West, a distance of 229.18 feet to said line that is parallel with and distant 60.00 feet southerly from the centerline of Arlington Avenue;

THENCE North 89°42'15" East, along said parallel line, a distance of 163.88 feet to the **POINT OF BEGINNING**.

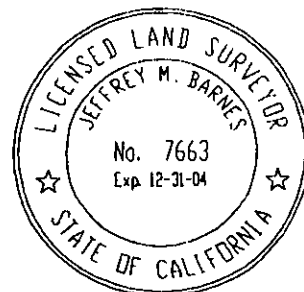
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.



JEFFREY M. BARNES, L.S. 7663
License Expires 12-31-2004

5/13/04

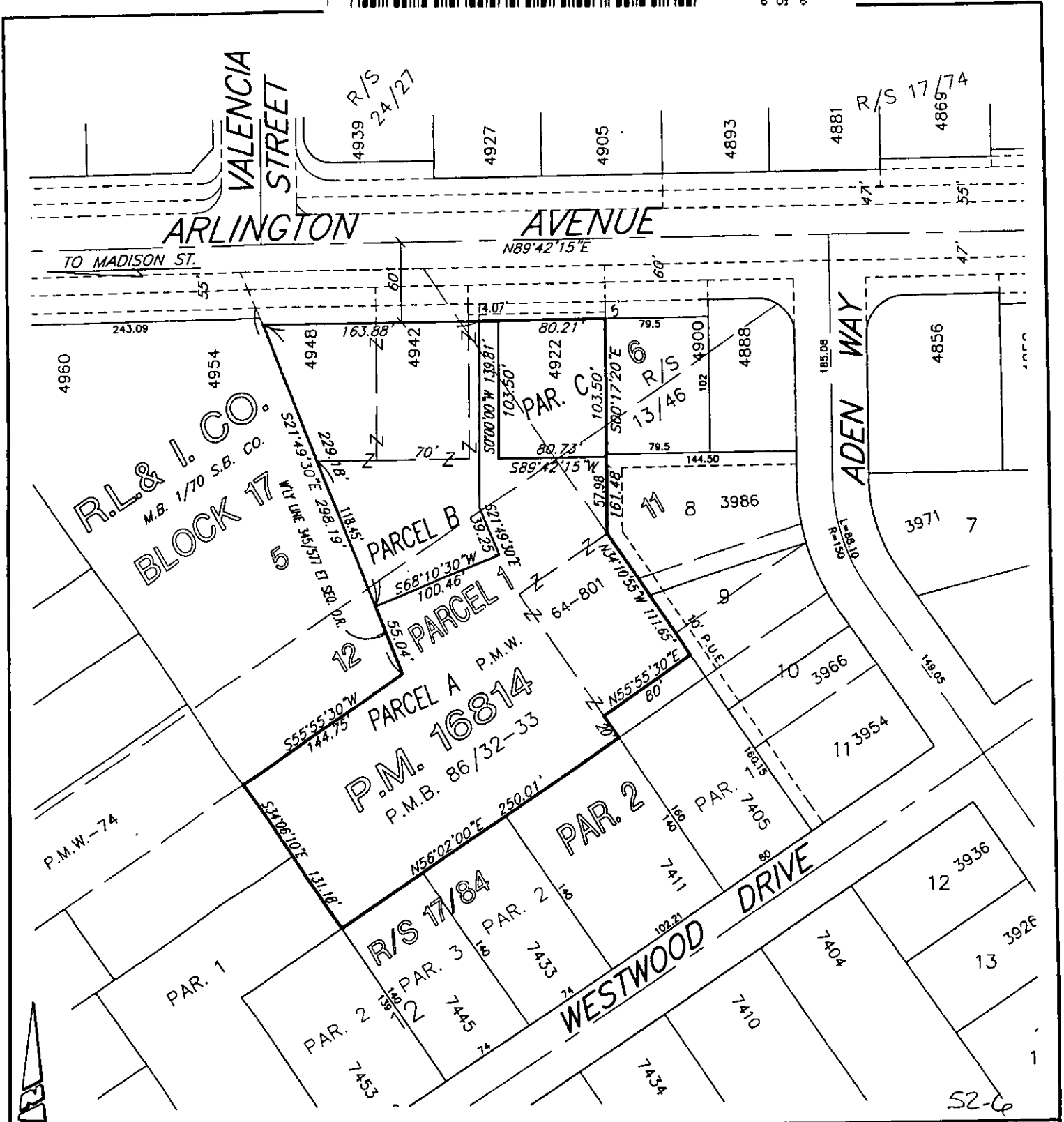
Date



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IW Consulting Engineers, Inc.

- Civil Engineering
- Surveying
- Land Planning

3544 University Avenue
 Riverside, CA 92501

Tel: 909.687.2929
 Fax: 909.687.2999

PROJECT: LOT LINE ADJUSTMENT SCALE: N.T.S.
 J.N. 127.001 BERNAL/BOYKO
 DRAWN BY: AW NOVEMBER 18, 2003

THIS PLAT IS SOLELY AN AID IN LOCATING THE
 PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT.
 IT IS NOT PART OF THE WRITTEN DESCRIPTION.

15335