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11/16/2005 08:00A Fee:NC

Page 1 of 7

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder

When recorded mail to:

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

CITY OF RIVERSIDE
CITY CLERK'S OFFICE



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: P04-0992 Lot Line Adjustment
A.P.N. 230-051-001 & 002

D - 15596



AVIGATION EASEMENT
(RIVERSIDE MUNICIPAL AIRPORT)

WHEREAS CAROL A. ODOM, Trustee of The CAROL A. ODOM TRUST, dated August 17, 1989, 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 10/7/05

**CAROL A. ODOM, Trustee of The
CAROL A. ODOM TRUST, dated August
17, 1989**

Carol A. Odom Trustee
CAROL A. ODOM, Trustee

Concurs with:

M. K. [Signature]
Airport Director



2005-0950994
11/16/2005 09:00A
3 of 7

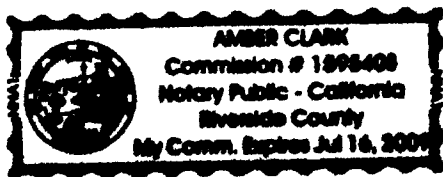
GENERAL ACKNOWLEDGEMENT

State of California California
County of Orange } ss

On October 7, 2005, before me Amber Clark Notary Public
(date) (name)

a Notary Public in and for said State, personally appeared
Carol A Odom
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.

Amber Clark
Signature

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

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

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

**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. 21027 of said City Council adopted September 6, 2005, and the grantee consents to recordation thereof by its duly authorized officer.

Dated 10/25/05

CITY OF RIVERSIDE

By Amelia M. Vailani



LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

<http://riverside.asrclkrec.com>

NOTARY CLARITY

Under the provisions of Government Code 27361.7, I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: AMBER CLARK

Commission #: 1595408

Place of Execution: RIVERSIDE

Date Commission Expires: 7-16-09

Date: 11-16-05

Signature: M J Lewis

Print Name: M J LEWIS



EXHIBIT "A"

MAGNOLIA & MADISON
LOT LINE MERGER
P04-0992

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

Lot 1 *TOGETHER WITH* Lot 2, all in Block A of Stearns Tract, as shown by map on file in
Book 20, Page 89 of Maps, records of Riverside County, California:

EXCEPTING THEREFROM that portion of said Lot 1, lying northerly and northeasterly of the
following described line:

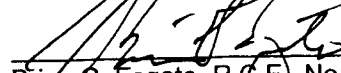
COMMENCING at the most easterly corner of said Lot 1;

THENCE along the southeasterly line of said Lot 1, South 56°00'00" West, 4.00 feet to a line
that is parallel with and distant 44.00 feet southwesterly, as measured at right angles, from
the centerline of Madison Street as shown by said map, and the POINT OF BEGINNING of
the line to be described;

THENCE along said parallel line, North 34°00'00" West, 132.00 feet;

THENCE North 73°24'02" West, a distance of 36.24 feet to a point in the northwesterly line
of said Lot 1, and the END of this line description.


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



Brian G. Esgate, R.C.E. No. 21884 10/01/2005
License Expires 9-30-2007 Date



DESCRIPTION APPROVAL:

BY:  10/5/05

DATE

FOR: MARK B. BROWN
CITY SURVEYOR



2005-0950994
11/16/2005 08:00A
6 of 7



MAGNOLIA

AVE.

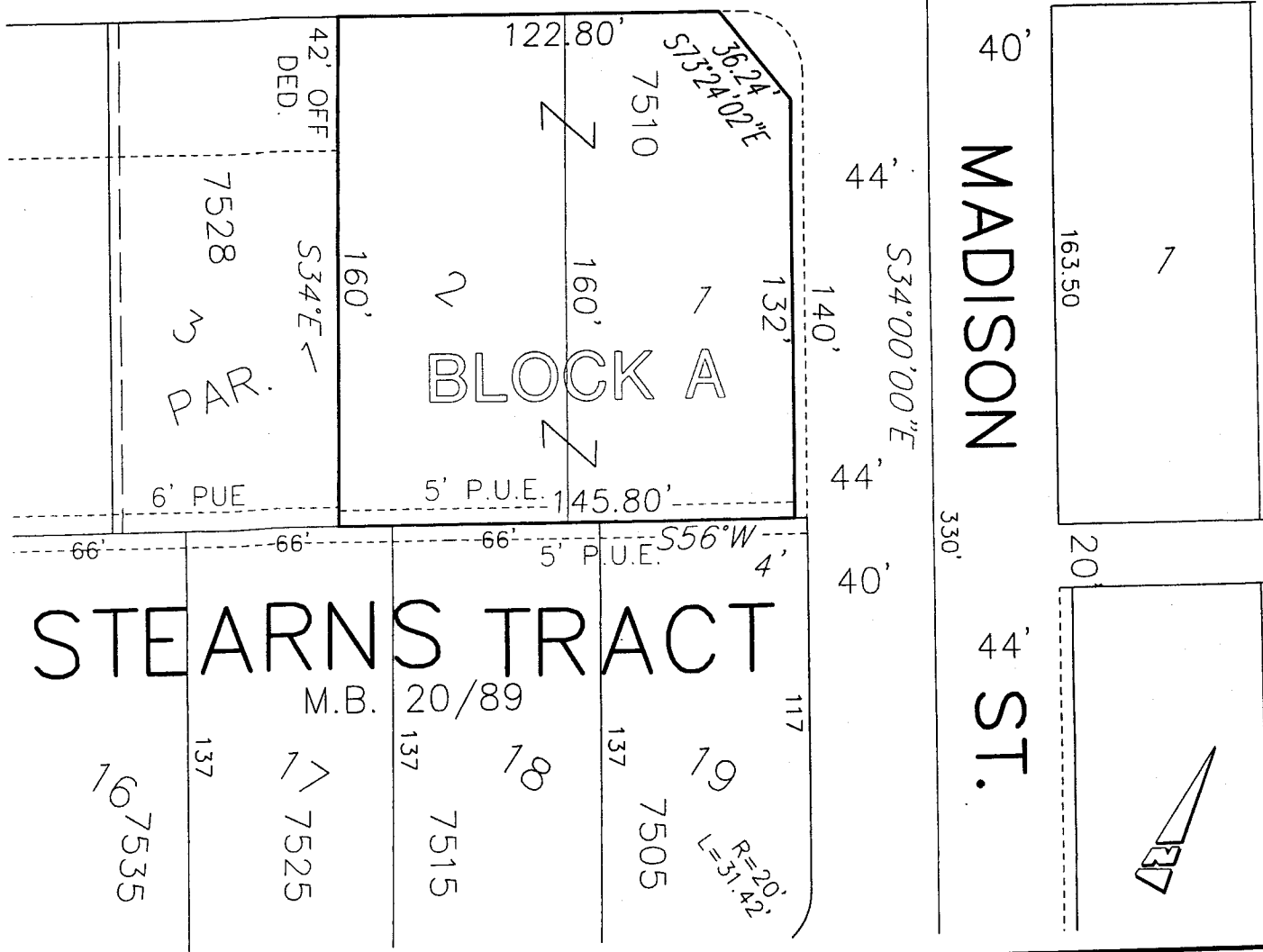
66'

66'

N56°00'00"E

66'

66'



STEARNS TRACT

M.B. 20/89

MADISON ST.



ESGATE ENGINEERING
 3351 PACHAPPA HILL
 RIVERSIDE, CALIFORNIA
 92506
 (909) 313-2058

PREPARED BY: [Signature] R.C.E. NO. 21884

DATE 10/01/2005

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

ODOM LLA 521648
SCALE: N.T.S. 531547
15596