

WHEN RECORDED MAIL NO:

CITY CLERK
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)

Project: Building Permit for
5870 Arlington Avenue
Riverside, California

268909

RECEIVED FOR RECORD
Min. Past 2 o'clock

JUL 2 0 1990
Filed in Official Records
of Riverside County, California
RECORDED
Fees \$

12749

AVIGATION EASEMENT

WHEREAS ROBERT J. NORTON, a married man as his sole and separate property, hereinafter called the "Grantor", is the owner 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 Grantor's property"; and

WHEREAS the Grantor's property 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 Grantor's property 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 Grantor's property;

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 Grantor's property described hereinabove, 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 caused by 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.

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: *July 12, 1990*

Robert J. Norton

 ROBERT J. NORTON

As the spouse of Robert J. Norton, I hereby consent to and join in the granting of the above avigation easement.

Rita E. Norton

BP/2587A/jm
 7/11/90

APPROVED AS TO FORM

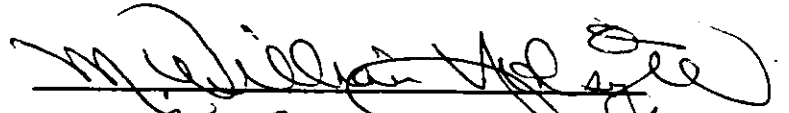
[Signature]

 ASST. CITY ATTORNEY

CONSENT TO RECORDATION

THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the City of Riverside, 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. 14883 of said City Council adopted January 25, 1983, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated: *July 30, 1990*



Title *Real Property Services Manager*



EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL AFTER TRANSACTION

PARCEL 1

THAT PORTION OF LOTS 3 AND 4 IN BLOCK 6 OF THE LANDS OF THE RIVERSIDE LAND AND IRRIGATING COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 70 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 4, 15.98 FEET SOUTHWESTERLY FROM THE MOST EASTERLY CORNER OF SAID LOT 4;
 THENCE NORTH 0 DEGREES 5' WEST, 350.31 FEET TO THE SOUTHERLY LINE OF ARLINGTON AVENUE AS NOW WIDENED;
 THENCE WESTERLY ON THE SAID SOUTHERLY LINE OF ARLINGTON AVENUE, 60 FEET;
 THENCE SOUTH 0 DEGREES 5' EAST TO THE SOUTHEASTERLY LINE OF SAID LOT 4;
 THENCE NORTHEASTERLY ON SAID SOUTHEASTERLY LINE OF SAID LOT 4 TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THAT PORTION OF SAID LAND GRANTED TO THE CITY OF RIVERSIDE BY A DEED RECORDED SEPTEMBER 13, 1963 AS INSTRUMENT NO. 96854 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

TOGETHER WITH:

THE WEST 72.5 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

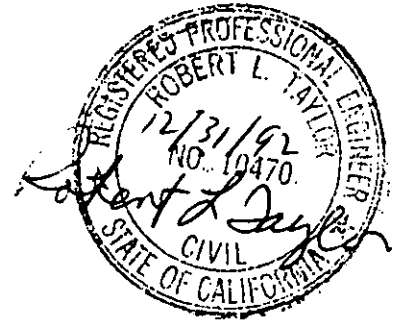
THAT PORTION OF LOTS 3 AND 4 IN BLOCK 6 OF THE LANDS OF THE RIVERSIDE LAND AND IRRIGATING COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 1, PAGE 70 OF MAPS, SAN BERNARDINO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF THAT CERTAIN PARCEL CONVEYED TO J.W. BAILEY BY DEED RECORDED APRIL 9, 1913 IN BOOK 373, PAGE 334 OF DEEDS, RIVERSIDE COUNTY RECORDS; THENCE SOUTHERLY 13 FEET TO THE PRESENT SOUTHERLY LINE OF ARLINGTON AVENUE FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG THE EASTERLY LINE OF THE ABOVE MENTIONED PARCEL, 253.38 FEET TO THE SOUTHERLY LINE OF LOT 3 IN BLOCK 6 ABOVE DESCRIBED; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 3, 158.58 FEET TO THE SOUTHWESTERLY CORNER THEREOF; THENCE CONTINUING WESTERLY 15.78 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 4 IN SAID BLOCK 6; THENCE NORTHERLY AND PARALLEL TO THE EASTERLY LINE OF THE HEREIN DESCRIBED PARCEL TO THE SOUTHERLY LINE OF ARLINGTON AVENUE; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF ARLINGTON AVENUE, 145 FEET TO THE POINT OF BEGINNING.

SAID PROPERTY IS ALSO SHOWN ON RECORD OF SURVEY ON FILE IN BOOK

13, PAGE 3 OF RECORDS OF SURVEY, RIVERSIDE COUNTY RECORDS.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF RIVERSIDE BY DEED RECORDED AUGUST 30, 1985, AS INSTRUMENT NO. 196275 OF OFFICIAL RECORDS OF SAID RIVERSIDE COUNTY.



DESCRIPTION APPROVAL 9/7/89
George P. Hutchinson by F
SURVEYOR, CITY OF RIVERSIDE

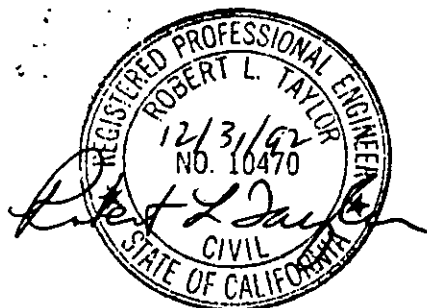


EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL AFTER TRANSACTION

PARCEL 2

THAT PORTION OF LOT 3 IN BLOCK 6 OF LANDS OF RIVERSIDE LAND AND IRRIGATING COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 70 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, PARTICULARLY DESCRIBED AS FOLLOW:

COMMENCING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT, 50 FEET SOUTHWESTERLY FROM THE MOST EASTERLY CORNER THEREOF; THENCE AT RIGHT ANGLE NORTHERLY TO THE NORTH LINE OF SAID LOT; THENCE WEST ALONG SAID NORTH LINE, 135 FEET FOR THE POINT OF BEGINNING;
 THENCE CONTINUING WEST ALONG SAID NORTH LINE, 100 FEET; THENCE AT RIGHT ANGLE SOUTH TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT;
 THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE OF THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND GRANTED TO HARRY H. GIDDINGS, ET UX, BY DEED RECORDED JULY 8, 1935 IN BOOK 242 PAGE 333 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;
 THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL OF LAND TO POINT OF BEGINNING;

EXCEPTING THEREFROM THAT PORTION THEREOF INCLUDED IN ARLINGTON AVENUE NOW WIDENED.

TOGETHER WITH:

ALL THAT PORTION OF LOT 3 IN BLOCK 6 OF THE LANDS OF THE RIVERSIDE LAND AND IRRIGATING COMPANY, AS SHOWN BY MAP ON FILE IN BOOK 1 PAGE 70 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 50 FEET SOUTHWESTERLY FROM THE EASTERLY CORNER OF SAID LOT; THENCE AT A RIGHT ANGLE NORTHERLY TO THE NORTH LINE OF SAID LOT 3;
 THENCE WEST ON SAID NORTH LINE OF SAID LOT, 235 FEET FOR THE POINT OF BEGINNING;
 THENCE CONTINUING WEST ON SAID NORTH LINE 95 FEET;
 THENCE AT RIGHT ANGLE SOUTHERLY 252 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT;
 THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT TO A POINT SOUTH OF THE POINT OF BEGINNING, SAID POINT BEING MEASURED ON A LINE DRAWN AT RIGHT ANGLE TO THE NORTH LINE OF SAID LOT;
 THENCE NORTH ON SAID LINE TO THE POINT OF BEGINNING: BEING THE WESTERLY 95 FEET OF THE LAND CONVEYED TO MAUD R. GIDDINGS, BY DEED RECORDED SEPTEMBER 10, 1927 IN BOOK 728 PAGE 577 OF DEEDS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPTING THEREFROM THAT PORTION THEREOF AS CONVEYED TO THE CITY OF RIVERSIDE BY DEED DATED NOVEMBER 23, 1943, AND RECORDED NOVEMBER 30, 1943 IN BOOK 603 PAGE 346 AND BY DEED RECORDED SEPTEMBER 13, 1963 AS INSTRUMENT NO. 96855 ALL OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

DESCRIPTION APPROVAL 9/7/89
George P. Hitchcock
 SURVEYOR, CITY OF RIVERSIDE