

WHEN RECORDED MAIL TO:

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
5053, 5063 and 5073 Arlington Avenue
Riverside, California

RECEIVED FOR RECORD
AT 3:00 O'CLOCK P.M.

SEP 14 1990

Recorded in Official Records
of Riverside County, California

W. J. [Signature]
Recorder
Fees \$

12784

AVIGATION EASEMENT

WHEREAS CHARLES A. BEACH and TERESA BEACH also known as
TEREE PENNY-BEACH, husband and wife, and JOSEPH E. PENNY also known
as JOE E. PENNY, an unmarried man, all as joint tenants, hereinafter
called the "Grantors", are the owners in fee of that certain real
property situated in the City of Riverside, County of Riverside,
State of California, described as follows:

5053 Arlington Avenue

Lot 17 of Hardman Tract No. 5 as per map
recorded in Book 24, Page 59 of Maps, records
of Riverside County, California.

Excepting therefrom the Southerly four feet as
granted to the City of Riverside, a municipal
organization, by deed recorded April 7, 1961,
as Instrument No. 29772 of official records of
Riverside County, California.

5063 Arlington Avenue

Lot 18 of Hardman Tract No. 5 as shown by map
on file in Book 24, Page 59 of Maps, records of
Riverside County, California.

Excepting therefrom that portion conveyed to
the City of Riverside by deed recorded April 7,
1961, as Instrument No. 29768 of official
records of Riverside County, California.

343408

5073 Arlington Avenue

Lot 2 of Hardman Tract No. 5, as shown by map on file in Book 24, Page 59 of Maps, records of Riverside County, California.

Excepting therefrom that portion deeded to the City of Riverside by Grant Deed recorded October 27, 1961 as Instrument No. 92790, records of Riverside County, California.

hereinafter called "the Grantors' property"; and

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

WHEREAS the Grantor have sought approval from the City of Riverside for the development of the Grantors' 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 Grantors' property;

NOW, THEREFORE FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GRANTORS do 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 Grantors' 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.

Grantors hereby acknowledge 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 Grantors hereby fully waive, remise and release any right or cause of action which Grantors 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.

Grantors, on the behalf of Grantors and the successors and assigns of Grantor, agree 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 Grantors and the heirs, administrators, executors, successors and assigns of Grantors.

Dated: August 14, 1990

Charles A. Beach
CHARLES A. BEACH

Teresa Penny-Beach
TERESA BEACH also known as
TEREE PENNY-BEACH

Joseph E. Penny
JOSEPH E. PENNY also known as
JOE E. PENNY
Signed by Teresa Ann Penny-Beach
atly-in fact

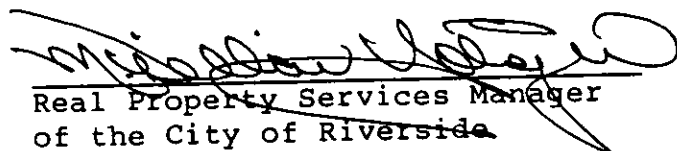
APPROVED AS TO FORM
John Wovell
CITY ATTORNEY

DESCRIPTION APPROVAL: 8, 9, 90
George P. Hutchinson
SURVEYOR, CITY OF RIVERSIDE

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: *September 14, 1990*


Real Property Services Manager
of the City of Riverside