

46119

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: COC-4-901

RECEIVED FOR RECORD
Mir. Past 3 o'clock M.

FEB - 8 1991

Recorded in Official Records of Riverside County, California

Recorder
Fees \$

AVIGATION EASEMENT

12891

WHEREAS FLOYD E. RILEY, a married man and MARCIA A. BAIR, a single woman, 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 in Exhibit "A", attached hereto and incorporated herein by this reference, 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 Grantors 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 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.

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 Grantors, 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 January 24, 1991

Floyd E. Riley
FLOYD E. RILEY
Marcia A. Bair
MARCIA A. BAIR

I, ANNE RILEY, spouse of FLOYD E. RILEY, join in the above conveyance and hereby waive any further requirement to join in the execution of any document required for this transaction, and further agree to execute a quitclaim deed of any interest I may have, if requested by the City of Riverside.

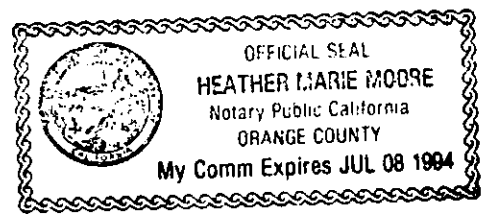
Dated: January 24, 1991

Anne Riley
ANNE RILEY

APPROVED AS TO FORM:
John Howell

CONSENT TO RECORDATION

STATE OF CALIFORNIA }
COUNTY OF Orange } ss.



On this 24th day of January, in the year 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared FLOYD E. RILEY - ANNE RILEY - MARCIA A. BAIR

are ~~personally known to me~~ ~~proved to me on the basis of satisfactory evidence~~ to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed it.

WITNESS my hand and official seal.
Heather Marie Moore
Notary Public in and for said State.

EXHIBIT "A"

THAT PORTION OF LOT 8 IN BLOCK 16 OF THE LANDS OF RIVERSIDE LAND AND IRRIGATING COMPANY, ON FILE IN BOOK 1 PAGE 70 OF MAPS, SAN BERNARDINO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

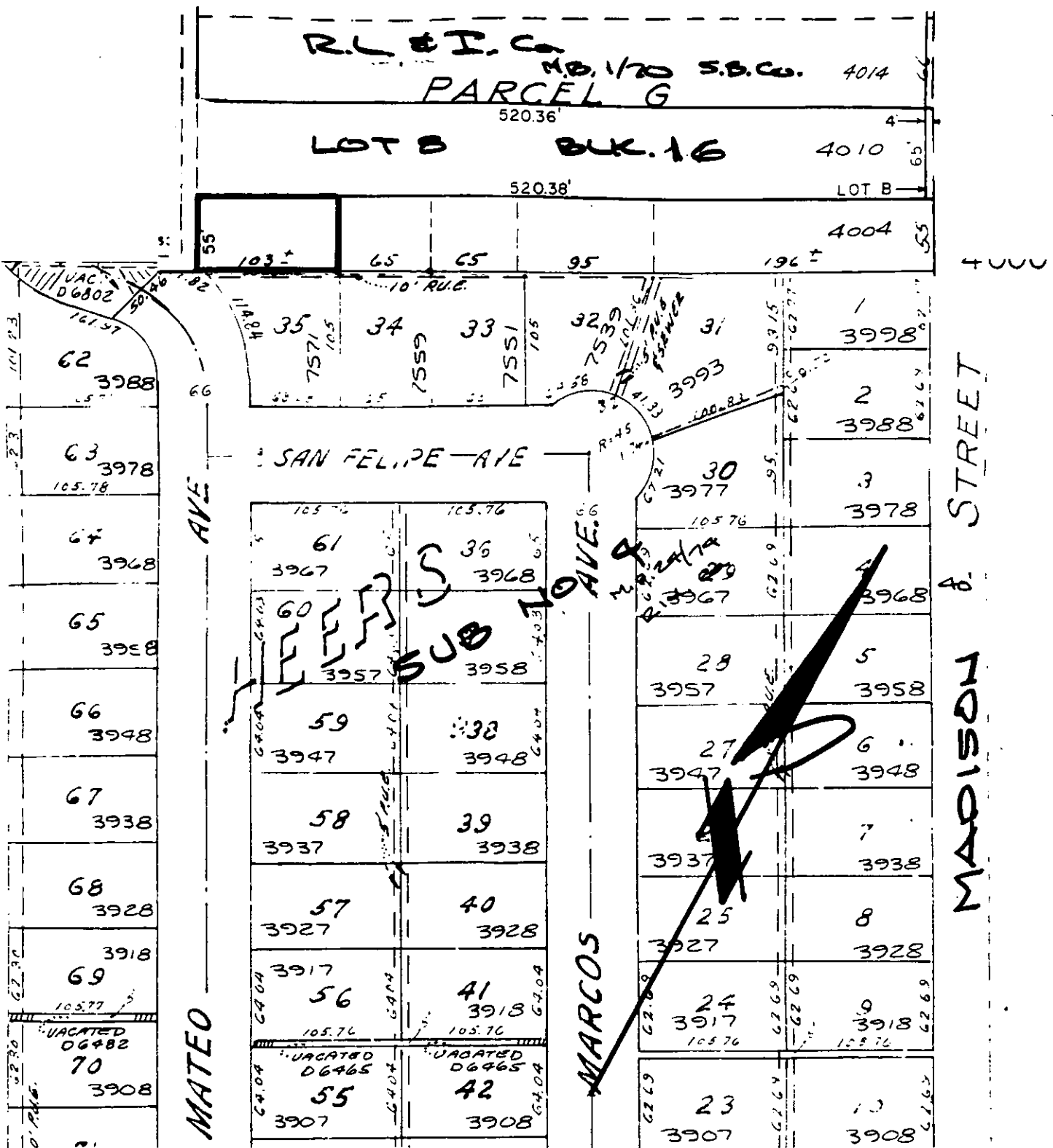
BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 35 OF HEERS SUBDIVISION NO. 4, AS SHOWN BY MAP ON FILE IN BOOK 24 PAGE 74 OF MAPS, RIVERSIDE COUNTY RECORDS;

THENCE NORTH 33°59'20" WEST, 55 FEET TO THE SOUTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO HARRY D. KRIZ AND MAJORIE KRIZ, HUSBAND AND WIFE, BY DEED RECORDED AUGUST 20, 1952, AS INSTRUMENT NO. 35560 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE SOUTHWESTERLY, ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL CONVEYED TO HARRY D. KRIZ, TO THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED D.T. RUSSELL BY DEED RECORDED APRIL 26, 1880, IN BOOK 22 OF DEEDS, PAGE 193, SAN BERNARDINO COUNTY RECORDS;

THENCE SOUTH 33°59'20" EAST, 55 FEET TO THE MOST WESTERLY CORNER OF LOT 35 OF HEERS SUBDIVISION NO. 4 ABOVE REFERRED TO;

THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 35, A DISTANCE OF 103.44 FEET TO THE POINT OF BEGINNING.

DESCRIPTION APPROVAL 11/14/91
George P. Hutchinson by *JF*
 SURVEYOR, CITY OF RIVERSIDE



• CITY OF RIVERSIDE, CALIFORNIA •

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

SHEET 1 OF 1 5/10

SCALE: 1" = NA DRAWN BY WF DATE 1/8/21 SUBJECT COC-9-201