

103627

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: PMW-3-901  
5846 Jasmine Street

RECEIVED FOR RECORD  
Min. Past *[Signature]* M.

MAR 29 1991

Recorded in Official Records  
of Riverside County, California

*[Signature]*  
Recorder  
Fees \$ *[Signature]*

12931

AVIGATION EASEMENT

WHEREAS HARVEY LEE NADIG as sole surviving trustee for the NADIG FAMILY TRUST under Trust Agreement dated July 16, 1985, 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 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.

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 3/28/91

  
 HARVEY LEE NADIG, trustee

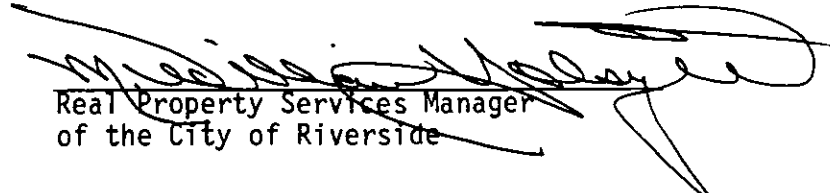
APPROVED AS TO FORM

  
 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.

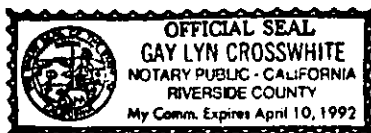
Dated March 29, 1991

  
 Real Property Services Manager  
 of the City of Riverside

STATE OF CALIFORNIA )  
 COUNTY OF RIVERSIDE ) ss.

On this 28th day of March, 1991,  
 before me, the undersigned a Notary Public in and for said  
 State, personally appeared HARVEY LEE NADIG, personally  
 known to me (or proved to me on the basis of satisfactory  
 evidence) to be the person who executed the within  
 instrument, and known to me to be the sole surviving Trustee  
 of the NADIG FAMILY TRUST, and acknowledged to me that he  
 executed the within instrument in his capacity as Trustee  
 of said Trust.

WITNESS my hand and official seal.



Gay Lyn Crosswhite  
 Notary Public in and for said State

EXHIBIT "A"PARCEL 1

PORTIONS OF LOTS 12 AND 13 IN BLOCK 11 OF RIVERVIEW ADDITION TRACT NO. 3, AS SHOWN BY MAP ON FILE IN BOOK 7 OF MAPS, AT PAGE 5 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

TOGETHER WITH THAT PORTION OF AN ALLEY VACATED BY RESOLUTION NO. 9615, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, RECORDED FEBRUARY 7, 1963, AS INSTRUMENT NO. 13383, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT 13, SAID POINT BEING THE POINT OF INTERSECTION WITH A LINE PARALLEL WITH AND DISTANT 33.00 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF JASMINE STREET, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE CITY OF RIVERSIDE BY DEED RECORDED JANUARY 22, 1971, AS INSTRUMENT NO. 7005, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE SOUTH 89° 57' 08" EAST, ALONG THE NORTHERLY LINE OF SAID LOT 13 AND THE EASTERLY PROLONGATION THEREOF, A DISTANCE OF 142.00 FEET TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF SAID VACATED ALLEY;

THENCE SOUTH 00° 02' 52" WEST, ALONG THE CENTERLINE OF SAID VACATED ALLEY, A DISTANCE OF 100.00 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 12;

THENCE NORTH 89° 58' 08" WEST, ALONG LAST MENTIONED EASTERLY PROLONGATION AND ALONG THE SOUTHERLY LINE OF SAID LOT 12, A DISTANCE OF 142.00 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO THE CITY OF RIVERSIDE;

THENCE NORTH 00° 02' 52" EAST, ALONG LAST MENTIONED EASTERLY LINE AND ALONG SAID LINE BEING PARALLEL WITH AND DISTANT 33.00 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF JASMINE STREET, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2

PORTIONS OF LOTS 10 AND 11 IN BLOCK 11 OF RIVERVIEW ADDITION, TRACT NO. 3 AS SHOWN BY MAP ON FILE IN BOOK 7 OF MAPS, AT PAGE 5 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

TOGETHER WITH THAT PORTION OF AN ALLEY VACATED BY RESOLUTION NO. 9615, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, RECORDED FEBRUARY 7, 1963, AS INSTRUMENT NO. 13383, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT 11, SAID POINT BEING THE POINT OF INTERSECTION WITH THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE CITY OF RIVERSIDE BY DEED RECORDED JANUARY 22, 1971, AS INSTRUMENT NO. 7005, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, SAID POINT ALSO BEING ON A LINE PARALLEL WITH AND DISTANT 33.00 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF JASMINE STREET;

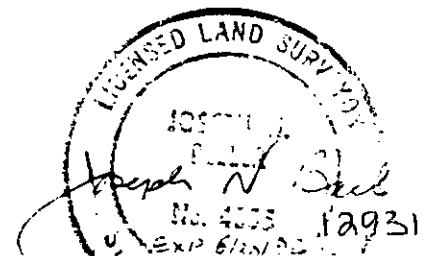
THENCE SOUTH  $89^{\circ} 57' 08''$  EAST, ALONG THE NORTHERLY LINE OF SAID LOT 11 AND THE EASTERLY PROLONGATION THEREOF, A DISTANCE OF 142.00 FEET TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF SAID VACATED ALLEY;

THENCE SOUTH  $00^{\circ} 02' 52''$  WEST, ALONG THE CENTERLINE OF SAID VACATED ALLEY, A DISTANCE OF 94.24 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, SAID NORTHERLY RIGHT OF WAY LINE ALSO BEING THE NORTHERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE UNITED STATES OF AMERICA BY DEED RECORDED MARCH 30, 1943, AS INSTRUMENT NO. 2065, IN BOOK 574 OF DEEDS, AT PAGE 274 THEREOF, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, SAID POINT OF INTERSECTION BEING IN A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 741.78 FEET, A RADIAL LINE AT SAID POINT OF INTERSECTION BEARS SOUTH  $12^{\circ} 55' 44''$  WEST;

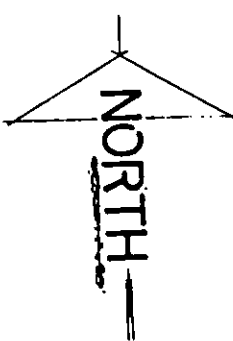
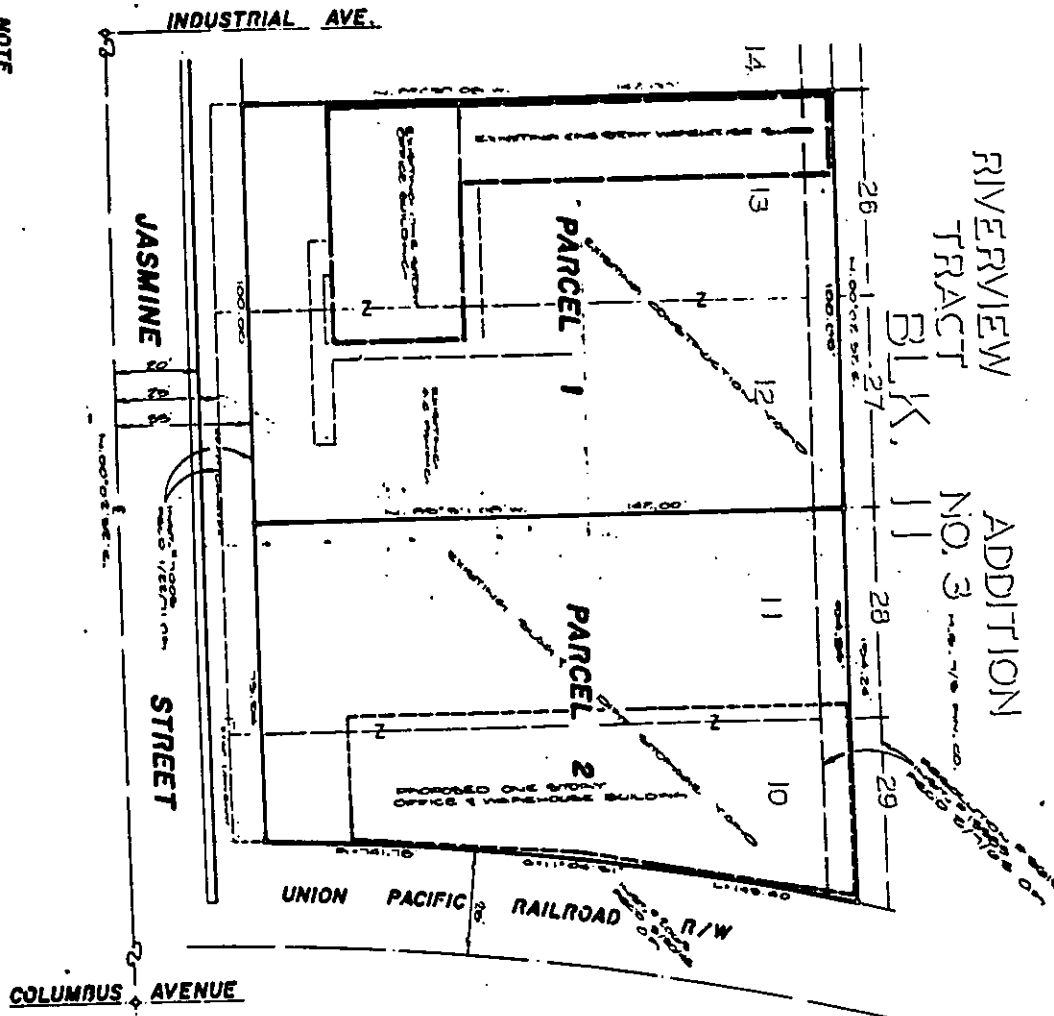
THENCE WESTERLY, ALONG LAST MENTIONED NORTHERLY LINE AND SAID CURVE HAVING A RADIUS OF 741.78 FEET, THROUGH A CENTRAL ANGLE OF  $11^{\circ} 04' 34''$ , AN ARC LENGTH OF 143.40 FEET TO THE POINT OF INTERSECTION WITH SAID LINE BEING PARALLEL WITH AND DISTANT 33.00 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF SAID JASMINE STREET, A RADIAL LINE AT SAID POINT OF INTERSECTION BEARS SOUTH  $01^{\circ} 51' 10''$  WEST;

THENCE NORTH  $00^{\circ} 02' 52''$  EAST, ALONG LAST MENTIONED PARALLEL LINE AND ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO THE CITY OF RIVERSIDE, A DISTANCE OF 75.94 FEET TO THE POINT OF BEGINNING.

DESCRIPTION APPROVAL 2/19/91  
*George P. Hutchinson* by *L. L.*  
 SURVEYOR, CITY OF RIVERSIDE



NOTE  
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.



• 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

4/4

SCALE: 1" = N.T.S.

DRAWN BY ENG. DATE 2/15/91

SUBJECT PM W-3-901-NAVIGATION EASEMENT