

267759

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-26-901  
Magnolia Avenue between  
Donald Ave. and Stotts St.

RECEIVED FOR RECORD  
Min. Past 1 o'clock P.M.

AUG - 5 1991

Recorded in Official Records  
of Riverside County, California

Recorded  
Fees \$

13030

AVIGATION EASEMENT

WHEREAS STATER BROS. MARKETS, a California corporation, 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,

13030

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, in compliance with applicable city, state and federal laws and regulations pertaining to the operation of aircraft. "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, in compliance with applicable city, state and federal laws and regulations pertaining to the operation of aircraft. 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.

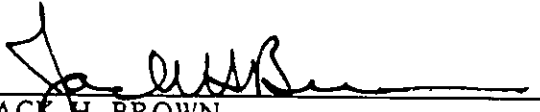
Grantor, on the behalf of Grantor and the successors and assigns of Grantor, agrees not to construct or permit the construction or growth of any structure, tree or other object that obstructs or interferes with the use of the rights herein granted or that creates electrical interference with radio communication between any installation at the Riverside Municipal Airport and aircraft, or to cause difficulty for pilots to distinguish

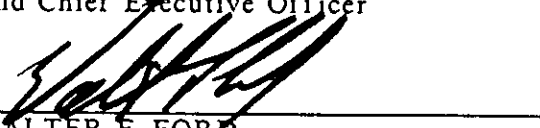
between airport lights and other lights or in impair visibility in the vicinity of the Riverside Municipal Airport, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said Riverside Municipal Airport.

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: 7/31/91

STATER BROS. MARKETS,  
a California corporation

By   
JACK H. BROWN  
Chairman of the Board, President  
and Chief Executive Officer

By   
WALTER F. FORD  
Vice President - Real Estate

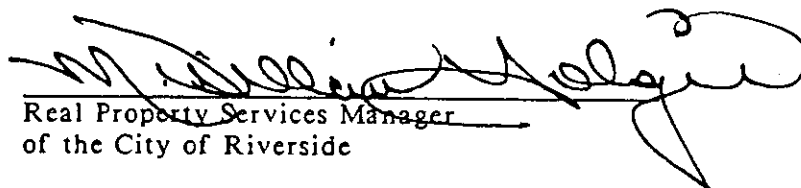
APPROVED AS TO FORM  
Robert A. Sams 8/1  
ASST. CITY ATTORNEY

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

August 5, 1991

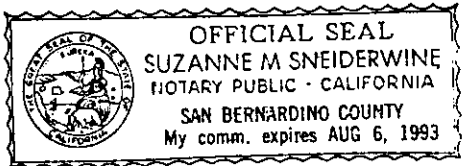
  
Real Property Services Manager  
of the City of Riverside

STATE OF CALIFORNIA )  
 )  
COUNTY OF SAN BERNARDINO ) ss.

On July 31, 1991, before me, a Notary Public in and for said State, personally appeared, JACK H. BROWN personally known to me (or proved to me on the basis of satisfactory evidence) to be Chairman of the Board, President and Chief Executive Officer, and WALTER F. FORD, personally known to me (or proved to me on the basis of satisfactory evidence) to be Vice President Real Estate, of STATER BROS. MARKETS, the California corporation that executed the within instrument, and personally known to me, (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed the within instrument on behalf of the said corporation, and acknowledged to me that such corporation executed the same pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

*Suzanne M. Sneiderwine*



APPROVED AS TO FORM  
*Robert A. Lewis 811*  
ASST. CITY ATTORNEY

## EXHIBIT "A"

LOTS 1, 2, 3, AND 4 OF DONALD AVENUE EXTENSION TRACT AS SHOWN BY MAP ON FILE IN BOOK 25 OF MAPS, AT PAGES 98 AND 99 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, TOGETHER WITH PARCEL 2 OF RECORD OF SURVEY ON FILE IN BOOK 31 OF RECORD OF SURVEYS, AT PAGE 23 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, AND A PORTION OF LOT 36 IN BLOCK 12 OF THE VILLAGE OF ARLINGTON, AS SHOWN BY MAP ON FILE IN BOOK 1 OF MAPS, AT PAGE 62 THEREOF, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 4, SAID MOST NORTHERLY CORNER ALSO BEING THE MOST EASTERLY CORNER OF LOT 5 OF SAID DONALD AVENUE EXTENSION TRACT;

THENCE SOUTH 33° 57' 00" EAST, ALONG THE NORTHEASTERLY LINE OF SAID LOTS 4, 3, 2, AND 1, A DISTANCE OF 352.20 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 1, SAID CORNER BEING ON A LINE PARALLEL WITH AND DISTANT 66.00 FEET NORTHWESTERLY, AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF MAGNOLIA AVENUE;

THENCE SOUTH 56° 00' 00" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1, LOT 36, AND SAID PARALLEL LINE, A DISTANCE OF 264.00 FEET TO THE MOST EASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE CITY OF RIVERSIDE BY DEED RECORDED APRIL 24, 1953, IN BOOK 1465, AT PAGE 231, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE NORTH 33° 57' 00" WEST, ALONG THE NORTHEASTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO THE CITY OF RIVERSIDE, A DISTANCE OF 314.70 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 1 OF SAID RECORD OF SURVEY ON FILE IN BOOK 31 OF RECORD OF SURVEYS, AT PAGE 23 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE NORTH 56° 00' 00" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 1, A DISTANCE OF 116.50 FEET TO THE MOST EASTERLY CORNER THEREOF, SAID CORNER ALSO BEING ON THE SOUTHWESTERLY LINE OF SAID LOT 4;

THENCE NORTH 33° 57' 00" WEST, ALONG LAST MENTIONED SOUTHWESTERLY LINE, A DISTANCE OF 37.50 FEET TO THE MOST SOUTHERLY CORNER OF LOT 5 OF SAID DONALD AVENUE EXTENSION TRACT;

THENCE NORTH 56° 00' 00" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 5 AND THE NORTHWESTERLY LINE OF SAID LOT 4, A DISTANCE OF 147.50 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF RIVERSIDE BY DEED RECORDED MAY 10, 1991, AS INSTRUMENT NO. 157528, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 1.967 ACRES.

DESCRIPTION APPROVAL 7/29/91  
*George P. Hutchins*  
 SURVEYOR, CITY OF RIVERSIDE

