

309659

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: 3642 Madison Street
Building Permit
A.P.N. 230-054-008

RECEIVED FOR RECORD
AT 8:30 O'CLOCK A.M.

SEP - 6 1991

Recorded in Official Records
of Riverside County, California

W. J. [Signature]
Recorder
Fees \$

13055

AVIGATION EASEMENT

WHEREAS MODESTO R. ESCALERA and CHRISTINA M. ESCALERA, 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:

The southeast 121 feet of the northeast 170 feet of the northwest 132 feet of the southeast one-half of Lot 8 in Block 21 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;

EXCEPTING THEREFROM that portion of said southeasterly one-half of Lot 8, described as follows:

BEGINNING at the intersection of the northeasterly prolongation of the southeasterly line of Delaware Street (66 feet wide) with the southwesterly line of Madison Street (80 feet wide) as shown by map of Oak Manor No. 5, on file in Book 29, Page 64 of Maps, records of Riverside County, California;

THENCE South 56° 00' 40" West, along said northeasterly prolongation of said southeasterly line and along said southeasterly line, a distance of 27.00 feet;

THENCE South 82° 59' 10" East, a distance of 30.48 feet to a line parallel with and distant 44.00 feet southwesterly, as measured at right angles, from the centerline of Madison Street as shown by said Map of Oak Manor No. 5;

THENCE South 34° 00' 00" East, along said parallel line, a distance of 101.00 feet to the northwesterly line of that certain parcel of land conveyed to Fred Rabbideau, et ux., by deed recorded May 3, 1946, in Book 745, Page 249, et seq., of Official Records of said Riverside County;

THENCE North 56° 00' 40" East, along said northwesterly line, a distance of 4.00 feet to said southwesterly line of Madison Street;

THENCE North 34° 00' 00" West, along said southwesterly line, a distance of 121.00 feet to the POINT OF BEGINNING.

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 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 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.

DESCRIPTION APPROVAL 9/4/91
 George P. Hutchinson by KGP
 SURVEYOR, CITY OF RIVERSIDE

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 8-30-91

Modesto R. Escalera
MODESTO R. ESCALERA

Christina M. Escalera
CHRISTINA M. ESCALERA

CONSENT TO RECORDATION

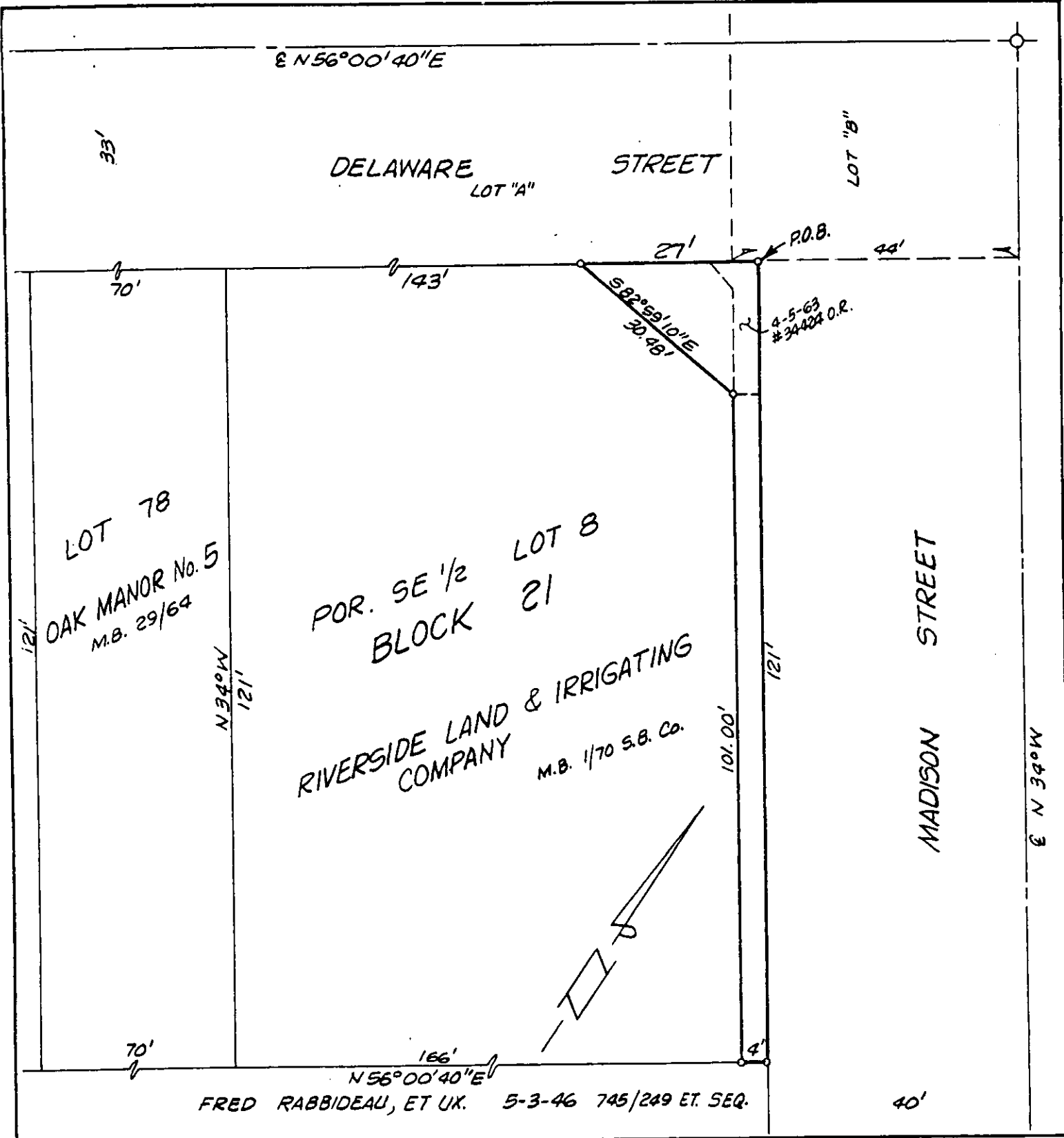
THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the City of Riverside, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City Council of said City pursuant to authority conferred by Resolution No. 14883 of said City Council adopted January 25, 1983, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated Dec. 6, 1991

[Signature]
Real Property Services Manager
of the City of Riverside

1765u/a

[Signature]



• 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 <u>1</u> OF <u>1</u>	5/28-3
SCALE: 1" = 20'	DRAWN BY <u>KGS</u> DATE <u>8/14/91</u>	SUBJECT <u>3642 MADISON ST.</u>