

173

353790

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: Tract 25737-1

RECEIVED FOR RECORD
AT 8:30 O'CLOCK

OCT 11 1991

Recorded in Official Records
of Riverside County, California

W. J. [Signature]
Recorder
Fees \$ [Signature]

12088

AVIGATION EASEMENT

WHEREAS RMR HOMES, a California limited partnership, 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 Oct. 1 1991

RMR HOMES, a California limited partnership
By: MENARD & SHAFER, a general partnership

By Raymond E. Menard
RAYMOND E. MENARD, general partner

By Ronald G. Shafer
RONALD G. SHAFER, general partner

John Woodell
RECORDED AS TO POINT

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 10/11/91

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

1795u/a

EXHIBIT "A"
LEGAL DESCRIPTION
TRACT 25737-1 AVIGATION EASEMENT

PARCEL 4 OF PARCEL MAP BOOK 13/67 AND PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF TRACT 3054 AS RECORDED IN MAP BOOK 53, PAGE 70, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE, S 89 37'30" W, 527.81 FEET TO THE MOST NORTHEASTERLY CORNER OF TRACT 4670 AS RECORDED IN MAP BOOK 77, PAGES 14 AND 15, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE, S 00 09'00" W ALONG THE EASTERLY LINE OF SAID TRACT 4670, 490.91 FEET; THENCE, N 89 38'15" E, 264.00 FEET; THENCE, N 00 09'00" E, 30.97 FEET; THENCE, N 89 37'30" E, 68.95 FEET TO THE MOST NORTHWESTERLY CORNER OF A PARCEL MAP RECORDED IN BOOK 13, PAGE 67, OF PARCEL MAPS; THENCE CONTINUING ALONG SAID NORTHERLY LINE, N 00 09'00" E, 194.80 FEET TO THE MOST NORTHEASTERLY CORNER OF SAID PARCEL MAP, SAID CORNER ALSO BEING ON THE WESTERLY LINE OF SAID TRACT 3054; THENCE, N 00 09'30" E ALONG SAID WESTERLY LINE OF SAID TRACT 3054, 141.91 FEET; THENCE, N 89 37'30" E, 10.00 FEET; THENCE, N 00 09'30" E, 22.00 FEET; THENCE, N 44 51'52" W, 14.14 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT 3054; THENCE, N 00 09'30" E ALONG SAID WESTERLY LINE, 286.00 FEET TO THE POINT OF BEGINNING.

DESCRIPTION APPROVAL 2/28/91
Walter R. Ayer by _____
SURVEYOR, CITY OF RIVERSIDE



James Kaviani

Attached for clarity
P Hedge
City of Riverside

EXHIBIT "A"
LEGAL DESCRIPTION
TRACT 25737-1 AVIGATION EASEMENT

RECURRING MEMO: Legibility of writing.
Typing of Printing UNSATISFACTORY
In this document when received for Record.

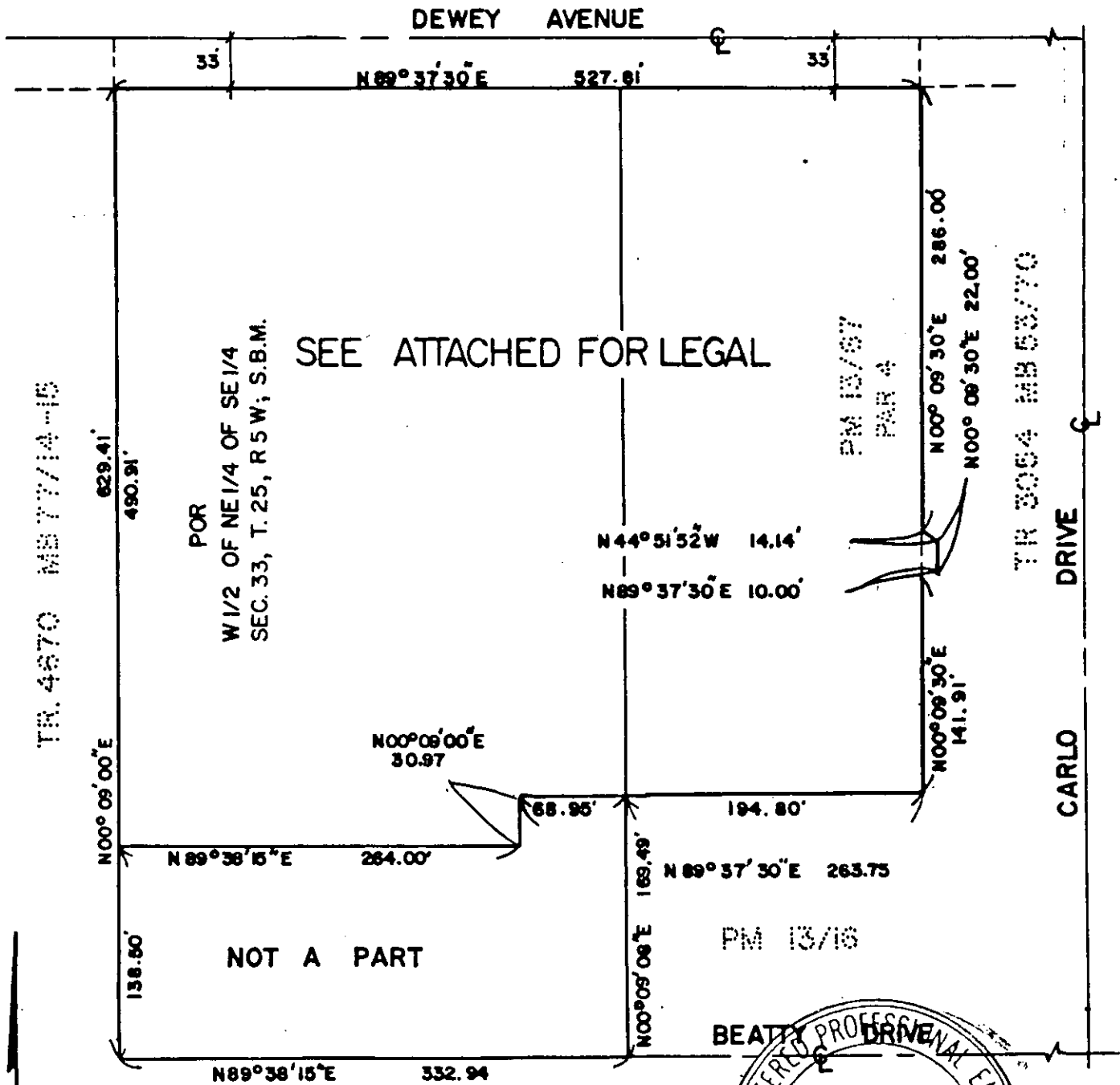
PARCEL 4 OF PARCEL MAP BOOK 13/67 AND PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF TRACT 3054 AS RECORDED IN MAP BOOK 53, PAGE 70, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE, S 89 37'30" W, 527.81 FEET TO THE MOST NORTHEASTERLY CORNER OF TRACT 4670 AS RECORDED IN MAP BOOK 77, PAGES 14 AND 15, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE, S 00 09'00" W ALONG THE EASTERLY LINE OF SAID TRACT 4670, 490.91 FEET; THENCE, N 89 38'15" E, 264.00 FEET; THENCE, N 00 09'00" E, 30.97 FEET; THENCE, N 89 37'30" E, 68.95 FEET TO THE MOST NORTHWESTERLY CORNER OF A PARCEL MAP RECORDED IN BOOK 13, PAGE 67, OF PARCEL MAPS; THENCE CONTINUING ALONG SAID NORTHERLY LINE, N 00 09'00" E, 194.80 FEET TO THE MOST NORTHEASTERLY CORNER OF SAID PARCEL MAP, SAID CORNER ALSO BEING ON THE WESTERLY LINE OF SAID TRACT 3054; THENCE, N 00 09'30" E ALONG SAID WESTERLY LINE OF SAID TRACT 3054, 141.91 FEET; THENCE, N 89 37'30" E, 10.01 FEET; THENCE, N 00 09'00" E, 32.00 FEET; THENCE, N 44 51'52" W, 14.14 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT 3054; THENCE, N 00 09'00" E ALONG SAID WESTERLY LINE, 266.00 FEET TO THE POINT OF BEGINNING.

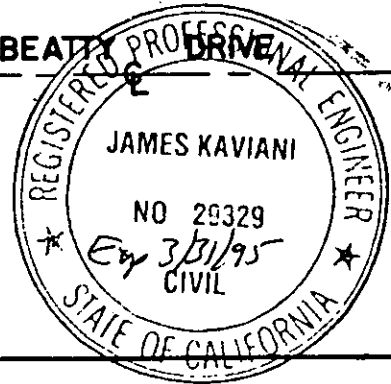
DESCRIPTION APPROVAL 9/28/91
Walter R. Ayre by _____
SURVEYOR, CITY OF RIVERSIDE



James Kaviani



James Kaviani



• 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 DESCRIPTION THEREIN.

SHEET 1 OF 1

413

SCALE: 1"=100'

DRAWN BY VCI DATE

SUBJECT TENTATIVE TRACT 25737-1-1

13088