

166325

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: 10073 Gould Street
Building Permit
A.P.N. 150-110-032

RECEIVED FOR RECORD
AT 1:00 O'CLOCK

MAY - 7 1992

Recorded in Official Records
of Riverside County, California
W. J. [Signature] Recorder
Fees \$

13252

AVIGATION EASEMENT

WHEREAS CLARENCE J. MACK and AGRAPHINE A. MACK, Trustees of the Mack Family Trust dated June 9, 1988, 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:

Lot 9 in Block 41 of La Granada, as shown by map on file in Book 12, Pages 42 through 51 of Maps, records of Riverside County, California;

EXCEPTING THEREFROM that portion of said Lot, described as follows:

BEGINNING at the southeast corner of said Lot;

THENCE westerly along the southerly line of said Lot, a distance of 118 feet;

THENCE northerly parallel with the easterly line of said Lot, to a point on the northerly line of said Lot;

THENCE easterly along said northerly line to the northeast corner of said Lot;

THENCE southerly along said easterly line to the POINT OF BEGINNING;

ALSO EXCEPTING THEREFROM that portion of said Lot, as conveyed to the City of Riverside by deed recorded February 18, 1977, as Instrument No. 28185 of Official Records of said Riverside County.

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

DESCRIPTION APPROVAL 5/4/92
 George P. Hutchinson, Jr.
 SURVEYOR, CITY OF RIVERSIDE

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 5-4-92

CLARENCE J. MACK and AGRAPHINE
A. MACK, Trustees of the Mack
Family Trust dated June 9, 1988

Clarence J. Mack
CLARENCE J. MACK, Trustee

Agraphine A. Mack
AGRAPHINE A. MACK, Trustee

APPROVED AS TO FORM

Carolyn Confer 5/4/92
CAROLYN CONFER
ASSISTANT 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, California, 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 May 7, 1992

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

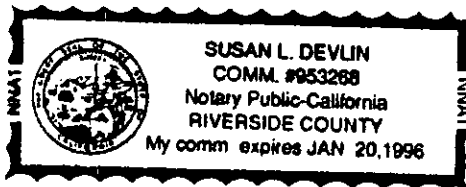
MACK.AE/a

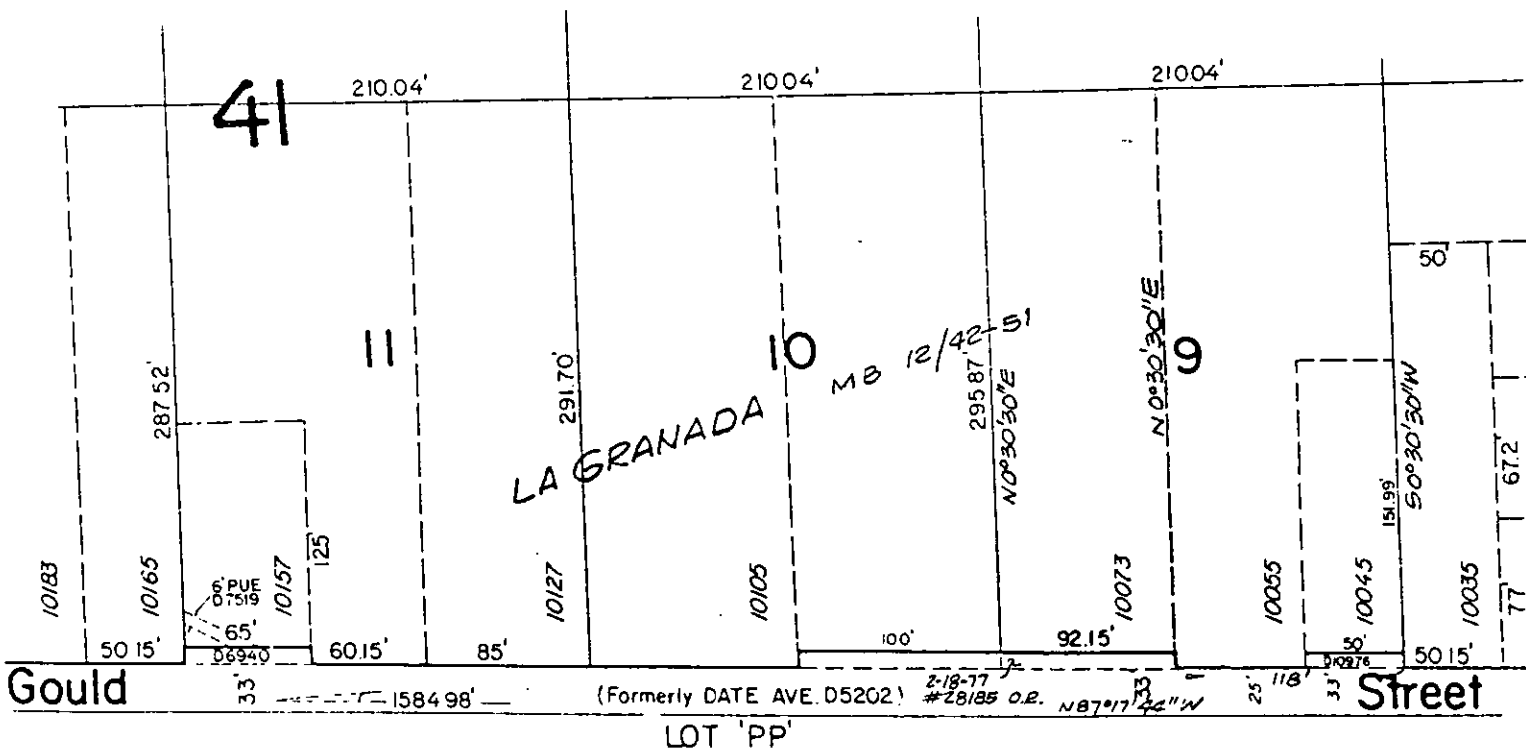
STATE OF CALIFORNIA)
COUNTY OF Riverside) ss.

On this 4th day of May, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared CLARENCE J. MACK and AGRAPHINE A. MACK, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed the within instrument, and known to me to be the Trustees of the Mack Family Trust dated June 9, 1988, and acknowledged to me that they executed the within instrument in their capacity as trustees of said trust.

Witness my hand and official seal.

Susan L. Devlin
Notary Public in and for said State





• 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

6/10-1

SCALE: 1" = 100'

DRAWN BY KGS DATE 4/30/92

SUBJECT 10073 GOULD ST. - AVIG. EASE.