

267059

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)

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

JUN 30 1994

Recorded in Official Records
of Riverside County, California

Recorder

Fees \$

FOR RECORDER'S OFFICE USE ONLY

Project: PMW-9-934, C-12-934
R-9-934
A.P.N. 190-322-003 & 004

AVIGATION EASEMENT

WHEREAS GINO FORLIN and ALICE FORLIN, husband and wife as joint tenants, 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 in Exhibit "A", attached hereto and incorporated herein by this reference, 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 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.

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.

The foregoing grant of easement shall not be considered as otherwise prohibiting the use of the Grantor's property for any lawful purpose below minimum flight altitudes for aircraft presently authorized or hereafter authorized by the appropriate federal or state authority, provided all applicable federal, state and local regulations pertaining to height restrictions are adhered to.

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

June 29-94



GINO FORLIN



ALICE FORLIN

GENERAL ACKNOWLEDGEMENT

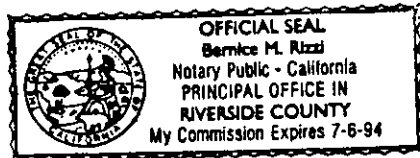
State of California }
County of Riverside }ss

On 6-29-94, before me Bernice M. Rizzi
(date) (name)

a Notary Public in and for said State, personally appeared

Gino & Alice Forlin
Name(s) of Signer(s)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Bernice M. Rizzi
Signature
Bernice M. Rizzi

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- () Corporate Officer(s)

Title _____

Title _____

- () Guardian/Conservator
- Individual(s)
- () Trustee(s)
- () Other

- () Partner(s)
- () General
- () Limited

The party(ies) executing this document is/are representing:

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. 18233 of said City Council adopted May 11, 1993, and the grantee consents to recordation thereof by its duly authorized officer.

Dated 6/30/94 _____

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

WORREL.AVG

APPROVED AS TO FORM
[Signature]
ASST. CITY ATTORNEY

PARCEL 1:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, 388.5 FEET WESTERLY FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION;

THENCE WESTERLY ON THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, 255 FEET TO THE EASTERLY LINE OF PHOENIX AVENUE, 50 FEET IN WIDTH;

THENCE NORTHERLY ON THE EASTERLY LINE OF SAID PHOENIX AVENUE, 213 FEET;

THENCE EASTERLY, PARALLEL WITH THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, 255 FEET TO A POINT 388.5 FEET WESTERLY FROM AND MEASURED AT RIGHT ANGLES TO THE EASTERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32;

THENCE SOUTHERLY 213 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH ALL THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF PHOENIX AVENUE, 50 FEET IN WIDTH, 213 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID SECTION 32;

THENCE NORTHERLY, ON THE EASTERLY LINE OF PHOENIX AVENUE, 463.5 FEET MORE OR LESS, TO THE NORTHERLY LINE OF THE SOUTHERLY 16.5 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32;

THENCE EASTERLY, ALONG SAID LAST MENTIONED NORTHERLY LINE, 255 FEET;

THENCE SOUTHERLY, AND PARALLEL WITH THE EASTERLY LINE OF PHOENIX AVENUE, 463.5 FEET, MORE OR LESS, TO A LINE THAT IS PARALLEL WITH THE SOUTHERLY LINE OF SAID SECTION 32, AND PASSES THROUGH THE POINT OF BEGINNING;

THENCE WESTERLY ALONG SAID LAST MENTIONED PARALLEL LINE, 255 FEET TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THE NORTHERLY 382.5 FEET THEREOF;

EXCEPTING ALSO THEREFROM THAT PORTION IN ARLINGTON AVENUE;

EXCEPTING ALSO THEREFROM THAT PORTION LYING EASTERLY OF A LINE PARALLEL WITH AND DISTANT EASTERLY 180.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF PHOENIX AVENUE;

EXCEPTING ALSO THEREFROM THAT PORTION LYING WESTERLY OF A LINE PARALLEL WITH AND DISTANT EASTERLY 33.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF PHOENIX AVENUE.

PARCEL 2:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, 388.5 FEET WESTERLY FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION;

THENCE WESTERLY ON THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, 255 FEET TO THE EASTERLY LINE OF PHOENIX AVENUE, 50 FEET IN WIDTH;

THENCE NORTHERLY ON THE EASTERLY LINE OF SAID PHOENIX AVENUE, 213 FEET;

THENCE EASTERLY, PARALLEL WITH THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, 255 FEET TO A POINT 388.5 FEET WESTERLY FROM AND MEASURED AT RIGHT ANGLES TO THE EASTERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32;

THENCE SOUTHERLY 213 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH ALL THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF PHOENIX AVENUE, 50 FEET IN WIDTH, 213 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID SECTION 32;

THENCE NORTHERLY, ON THE EASTERLY LINE OF PHOENIX AVENUE, 463.5 FEET MORE OR LESS, TO THE NORTHERLY LINE OF THE SOUTHERLY 16.5 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 32;

THENCE EASTERLY, ALONG SAID LAST MENTIONED NORTHERLY LINE, 255 FEET;

THENCE SOUTHERLY, AND PARALLEL WITH THE EASTERLY LINE OF PHOENIX AVENUE, 463.5 FEET, MORE OR LESS, TO A LINE THAT IS PARALLEL WITH THE SOUTHERLY LINE OF SAID SECTION 32, AND PASSES THROUGH THE POINT OF BEGINNING;

THENCE WESTERLY ALONG SAID LAST MENTIONED PARALLEL LINE, 255 FEET TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THE NORTHERLY 382.5 FEET THEREOF;

EXCEPTING ALSO THEREFROM THAT PORTION IN ARLINGTON AVENUE;

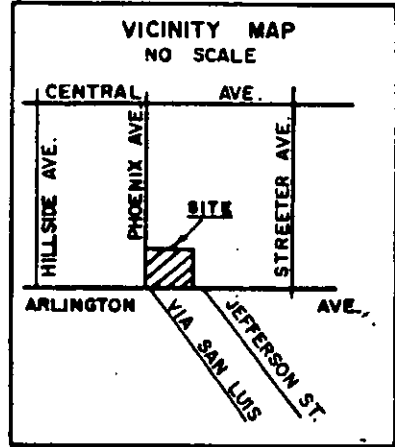
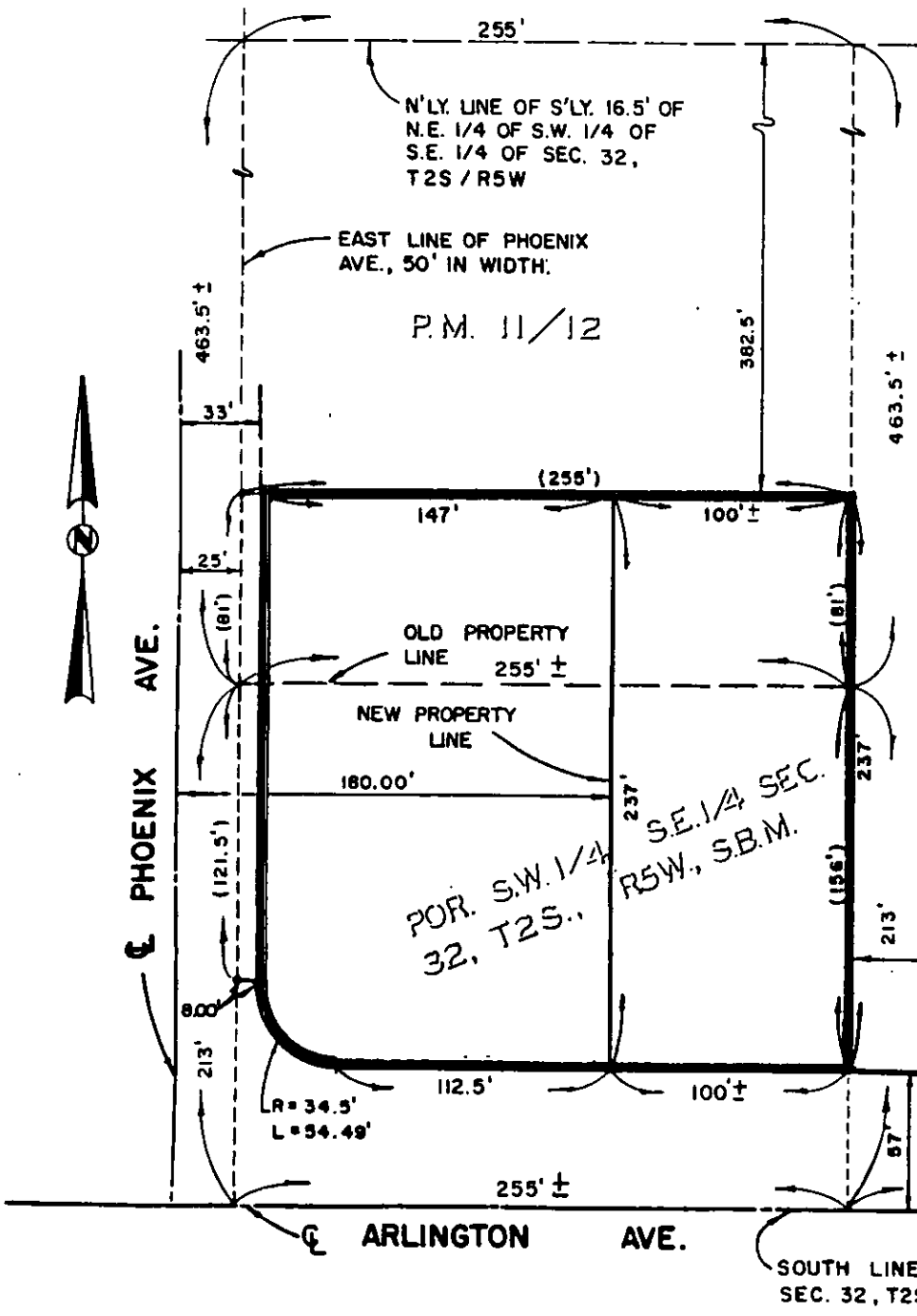
EXCEPTING ALSO THEREFROM THAT PORTION LYING WESTERLY OF A LINE PARALLEL WITH AND DISTANT EASTERLY 180.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF PHOENIX AVENUE.

Pursuant to Parcel Map Waiver Number PW-009-934
Legal Description Prepared by:

Bradley H. Worrel 6-14-94
BRADLEY H. WORREL, R.C.E. 33844
Exp. 6-30-94



DESCRIPTION APPROVAL *6/15/94*
M.S.P.
SURVEYOR, CITY OF RIVERSIDE by *KZ*



() CALCULATED PER EXIST. DEEDS

• 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

4/10-1

SCALE: 1" = N.T.S.

DRAWN BY BW DATE 6/14/94

SUBJECT PW-009-934 AVIGATION EASEMENT

13713