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Recording Requested By  
CHICAGO TITLE COMPANY



RECEIVED FOR RECORD  
AT 8:00 O'CLOCK

When Recorded Mail To:

City Clerk  
City of Riverside  
City Hall, 3900 Main Street  
Riverside, California 92522

MAY - 2 1995

Recorded in Official Records  
of Riverside County, California

Recorder   
Fees \$ 

FREE RECORDING

This instrument is for the benefit  
of the City of Riverside and is  
entitled to be recorded without fee.  
(Government Code §6103)

FOR RECORDER'S OFFICE USE ONLY

Project: PD-001-945  
Ben Lomond Wy. & Lake St

AVIGATION EASEMENT

WHEREAS ITT COMMERCIAL FINANCE CORPORATION, a Nevada 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

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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.

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 Grantor and the heirs, administrators, executors, successors and assigns of Grantor.

Dated 2/7/95

ITT COMMERCIAL FINANCE CORPORATION, a Nevada corporation

By [Signature]

Title VICE PRESIDENT

By MICHAEL G. ROWAN

Title \_\_\_\_\_

APPROVED AS TO FORM

[Signature]  
ASST. CITY ATTORNEY  
2/13/95

**GENERAL ACKNOWLEDGEMENT**

State of California }  
County of \_\_\_\_\_ } ss

On \_\_\_\_\_, before me \_\_\_\_\_  
(date) (name)

a Notary Public in and for said State, personally appeared

\_\_\_\_\_  
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.

\_\_\_\_\_  
Signature

**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:


\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF ACCEPTANCE  
(Government Code Section 27281)**

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 2/13/95

**CITY OF RIVERSIDE**



Real Property Services Manager  
of the City of Riverside

*See Attached: CA.  
All Purpose  
Acknowledgment*

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On February 9, 1995 before me, Ruthann Bellino, Notary Public

DATE

NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Michael G. Rowan

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.

Ruthann Bellino

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER

V.P.

TITLE(S)

- PARTNER(S)  LIMITED
- GENERAL

- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

DESCRIPTION OF ATTACHED DOCUMENT

Aviation Easement

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

(ITRES/CA) ITICMF

SIGNER(S) OTHER THAN NAMED ABOVE

## EXHIBIT "A"

That portion of Lots 22 and 23 of Bixmill Tract, as shown by map on file in Book 16, Pages 28 through 30 of Maps, records of Riverside County, California, described as follows:

BEGINNING at the southwesterly corner of Lot 53 of Arlington North Subdivision Unit No. 1, as shown by map on file in Book 26, Pages 38 through 40 of Maps, records of said Riverside County;

THENCE South  $79^{\circ}26'$  East, along the southerly line of said Arlington North Subdivision Unit No. 1, a distance of 395.52 feet to an angle point in the southerly line of Lot 59 of said Arlington North Subdivision Unit No. 1;

THENCE South  $89^{\circ}30'$  East, continuing along said southerly line of Arlington North Subdivision Unit No. 1, a distance of 124.08 feet to the westerly line of Lake Street, as shown by said map of Arlington North Subdivision Unit No. 1;

THENCE South  $2^{\circ}58'$  West, along said westerly line of Lake Street, a distance of 297.12 feet to the beginning of a curve concave northwesterly and having a radius of 20.00 feet;

THENCE southerly to the right along said curve through a central angle of  $87^{\circ}32'$  an arc length of 30.55 feet to the end of said curve; the end of said curve also being on the northerly line of Arlington Avenue, as shown by said map of Arlington North Subdivision Unit No. 1;

THENCE North  $89^{\circ}30'$  West, along said northerly line of Arlington Avenue, a distance of 460.74 feet to the beginning of a curve concave northeasterly and having a radius of 20.00 feet; the beginning of said curve also being the southeasterly corner of Lot B, Ben Lomond Way (formerly Delmar Rd), of said Arlington North Subdivision Unit No. 1;

THENCE westerly to the right along said last mentioned curve through a central angle of  $90^{\circ}$  an arc length of 31.42 feet to the end of said curve; the end of said curve also being on the easterly line of said Ben Lomond Way;

THENCE North  $0^{\circ}30'$  East, along said easterly line of said Ben Lomond Way, a distance of 365.12 feet to the POINT OF BEGINNING;

EXCEPTING THEREFROM that portion lying easterly of the westerly line of the land described in deed to Saturn Auto Services, a California corporation, by document recorded May 8, 1962, as Instrument No. 42855 of Official Records of said Riverside County;

ALSO EXCEPTING THEREFROM that portion described in deed to the City of Riverside

by document recorded August 6, 1971, as Instrument No. 88497 of Official Records of said Riverside County;

ALSO EXCEPTING THEREFROM that portion described in deed to the City of Riverside by document recorded 5-2-95, as Instrument No. 137859 of Official Records of said Riverside County.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.



Mark S. Brown 2/6/95 Prep. MB  
Mark S. Brown, L.S. 5655 Date  
License Expires 9/30/95

