

When Recorded Mail To:

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

RECEIVED FOR RECORD
AT 8:00AM

FEB 13 1998

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: LL-002-978

D-

AVIGATION EASEMENT

WHEREAS **DORIS JEAN BANOS** , 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.

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

1-28-98


DORIS JEAN BANOS

GENERAL ACKNOWLEDGEMENT

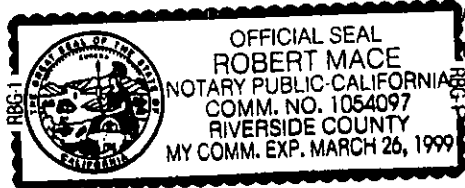
State of California }
County of RIVERSIDE } ss

On Jan 28 1998, before me Robert Mace
(date) (name)

a Notary Public in and for said State, personally appeared

DORIS JEAN BANOS
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

() 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 2/4/98

CITY OF RIVERSIDE

[Signature]

Real Property Services Manager
of the City of Riverside

APPROVED AS TO FORM
Carolyn Confer 1/29/98
CAROLYN CONFER
ASSISTANT CITY ATTORNEY

LL002-2.AVG

EXHIBIT A
LL-002-978 AVIGATION EASEMENT

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33 IN TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN AS SHOWN BY MAP ON FILE IN BOOK 2, PAGE 2, OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, 466.77 FEET WEST OF THE NORTHEAST QUARTER THEREOF, SAID POINT BEING THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO E.J. NEAL AND VELMA OPAL NEAL, HIS WIFE BY DEED RECORDED APRIL 22, 1940 IN BOOK 463 PAGE 32 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID PARCEL TO A POINT 295.00 FEET NORTHERLY OF THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33 FOR THE **TRUE POINT OF BEGINNING**;

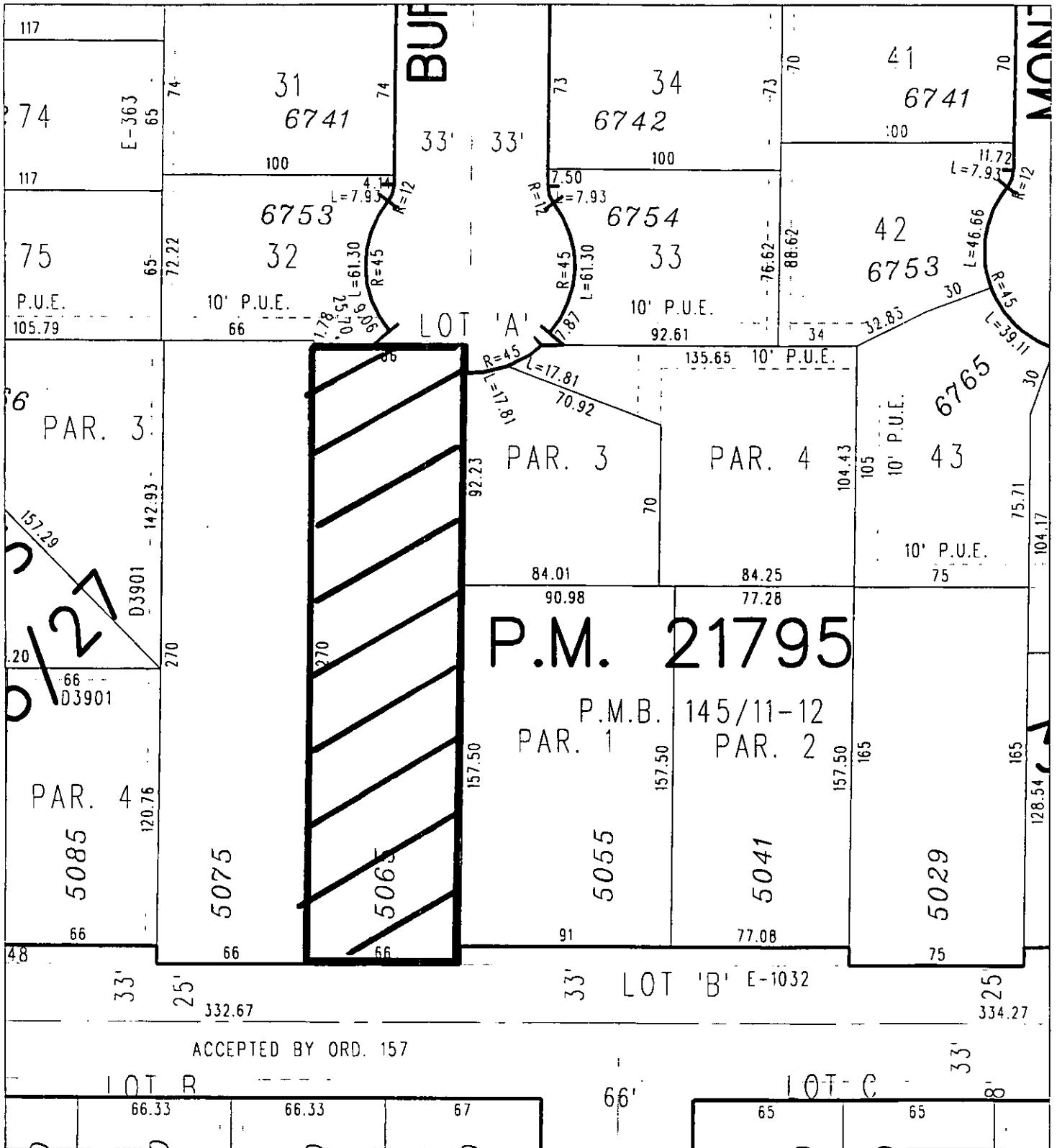
THENCE CONTINUING SOUTHERLY ALONG THE EASTERLY LINE OF SAID PARCEL CONVEYED TO E.J. NEAL AND WIFE, 295.00 FEET TO THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER;

THENCE EAST ALONG THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, 66.00 FEET;

THENCE NORTH 0°01' WEST 295.00 FEET, MORE OF LESS, TO THE SOUTHERLY LINE OF A CERTAIN PARCEL OF LAND CONVEYED TO JIM TOPHAM BY DEED RECORDED FEBRUARY 16, 1949 AS INSTRUMENT NO. 1766 ON THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY;

THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID PARCEL CONVEYED TO JIM TOPHAM, 66.00 FEET TO THE TRUE POINT OF BEGINNING.

DESCRIPTION APPROVED
12.5.97
[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 1 of 1



Scale: 1" = 100'

Drawn by: bmark

Date: 12/03/97

Subject: LL-002-978

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