

WHEN RECORDED MAIL TO:

CITY CLERK
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

RECEIVED FOR RECORD
AT 8:00AM

APR 20 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

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Project: **LL-005-978**
6782 ColumbusAve.

AVIGATION EASEMENT

WHEREAS **ROBERT MALCOLM and SARAH MALCOLM, husband and wife as community property**, 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 the 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 4-9-98

Robert Malcolm
ROBERT MALCOLM

Sarah Malcolm
SARAH MALCOLM

GENERAL ACKNOWLEDGEMENT

State of California
County of Riverside }^{ss}

On 4/9/98, before me Dana L. Lozano
(date) (name)

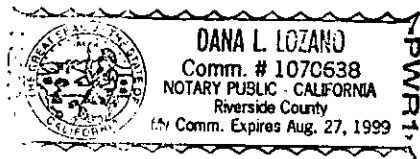
a Notary Public in and for said State, personally appeared

Robert + Sarah Malcolm
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.

Dana L. Lozano



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 4/15/98

Harold Head
Real Property Services Manager
of the City of Riverside

//005978.AVG

APPROVED AS TO FORM
Carolyn Confer 4/14/98
CAROLYN CONFER
ASSISTANT CITY ATTORNEY

EXHIBIT "A"

LL-005-978

6782 Columbus Ave.

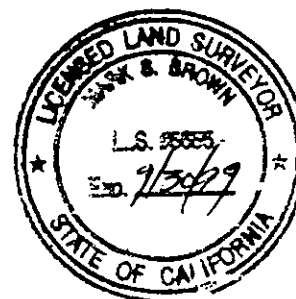
PARCEL 1

Lots 16, 17 and 18 in Block 19 of Tract No. 4 of the Riverview Addition to the City of Riverside, as shown by map recorded in Book 7, Page 6 of Maps, records of Riverside County, California, TOGETHER WITH the southwesterly 7.50 feet of the Alley (vacated) in said Block 19, lying between the northeasterly prolongation of the northwesterly line of said Lot 16 and the northeasterly prolongation of the southeasterly line of said Lot 18; said Alley was vacated by Ordinance 4995 of the City Council of the City of Riverside, recorded March 12, 1982 as Instrument No. 42872 of Official Records of said Riverside County, TOGETHER WITH that portion of said Lots 17 and 18 and Columbus Avenue vacated lying between the northeasterly line of Lot 17 and the southwesterly prolongation of the southeasterly line of said Lot 18; said portion of Lot 17 and 18 and Columbus Avenue was vacated by Ordinance 3658 of the City Council of the City of Riverside, recorded December 19, 1969, as Instrument No. 129526 of Official Records of said Riverside County;

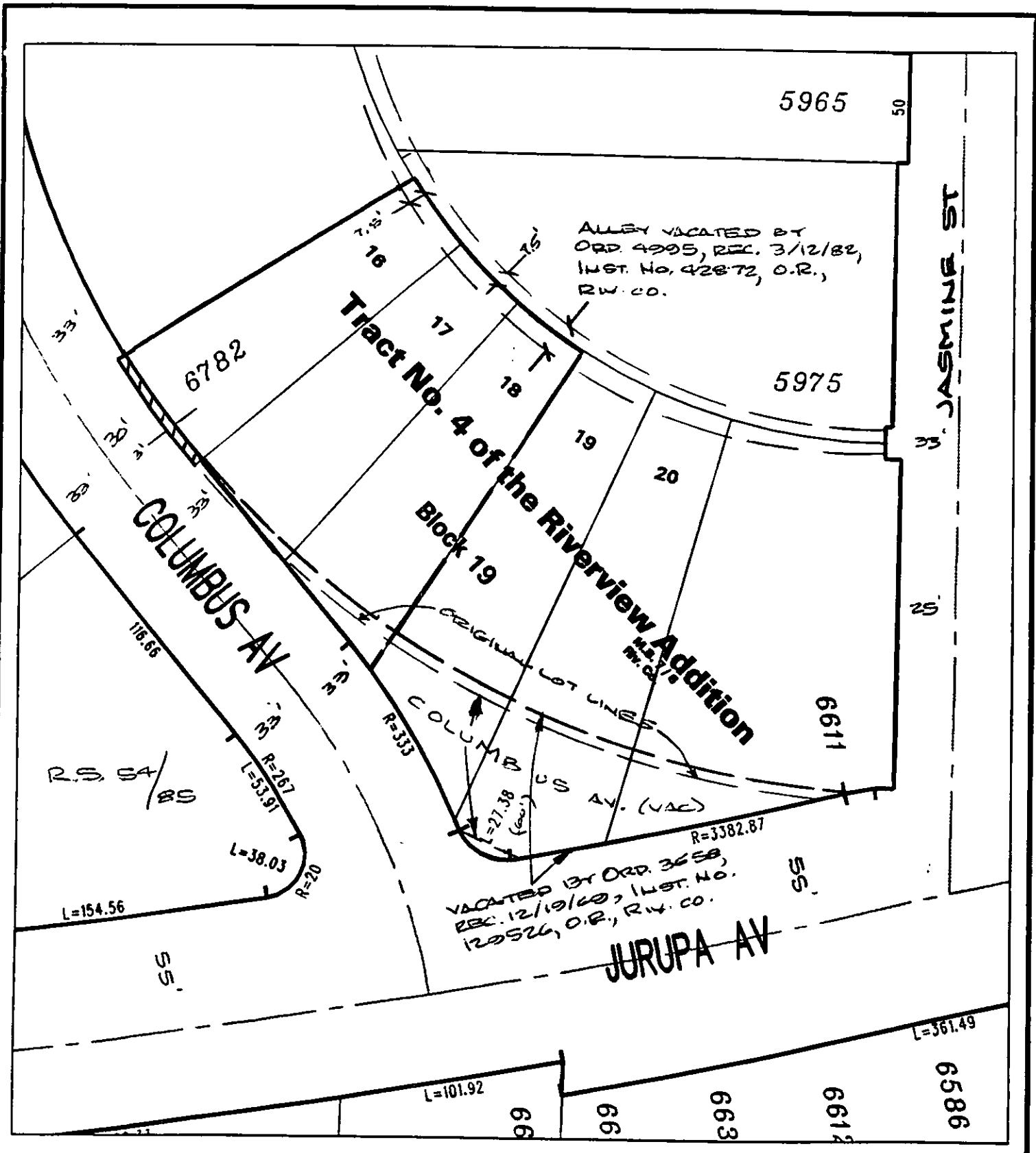
EXCEPTING therefrom the southwesterly 3.00 feet of said Lot 16 in Block 19.

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

Mark S. Brown 4/10/98 Prep. MB
 Mark S. Brown, L.S. 5655 Date
 License Expires 9/30/99



11005978.lgl



◆ 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" = 60'

Drawn by: fwally

Date: 04/03/98

Subject: LL-005-978.

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