

When Recorded Mail To:

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

DOC # 1999-407576

09/10/1999 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



FREE RECORDING

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

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Project: LL-043-989
Industrial Avenue and Jasmine Street
A.P.N. 189-051-007

D - [unclear]



AVIGATION EASEMENT

WHEREAS TOMMY V. THOMAS and MARTHA D. THOMAS, 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.



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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 8-19-99


TOMMY V. THOMAS


MARTHA D. THOMAS



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GENERAL ACKNOWLEDGEMENT

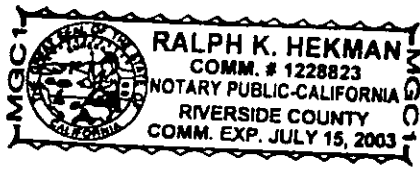
State of California }
County of RIVERSIDE } ss

On 8/19/99, before me Ralph K. Hekman
(date) (name)

a Notary Public in and for said State, personally appeared

Tommy V. Thomas & MARTHA D. THOMAS
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.

Ralph K. Hekman
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 9/8/99

CITY OF RIVERSIDE

[Signature]

Real Property Services Manager
of the City of Riverside

APPROVED AS TO FORM
[Signature] 8/25/99
CAROLYN CONFER
ASSISTANT CITY ATTORNEY

LL43989T.AVG



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EXHIBIT "A"

THOMAS PARCEL

LEGAL DESCRIPTION

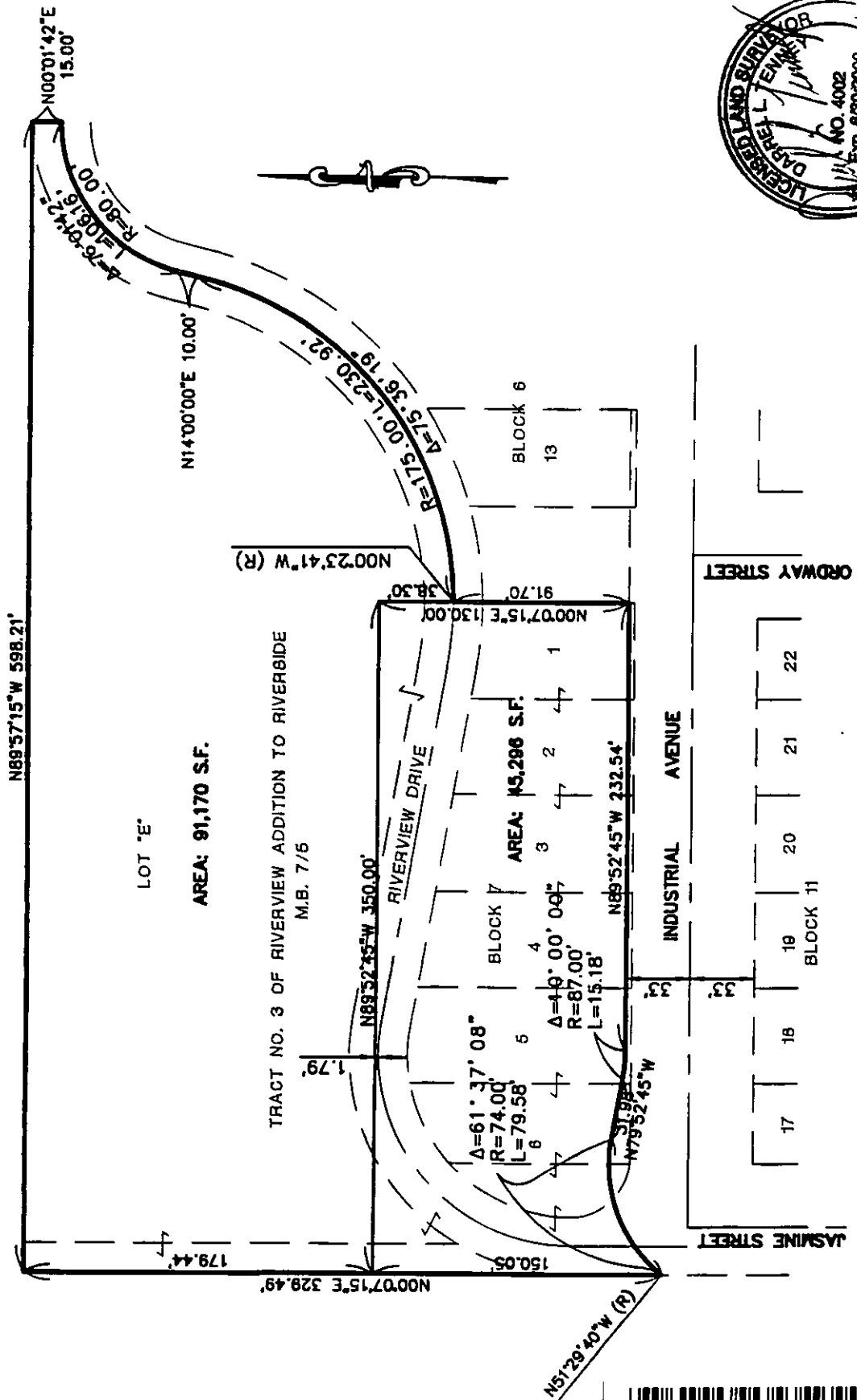
PARCEL "1"

THAT PORTION OF LOT "E" AND A PORTION OF RIVERVIEW DRIVE OF TRACT NO. 3 OF RIVERVIEW ADDITION TO RIVERSIDE, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS RECORDED BOOK 7, PAGE 5 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT "E" OF SAID TRACT NO. 3; THENCE, SOUTH 89°57'15" EAST, ALONG THE NORTH LINE OF SAID LOT "E", 598.21 FEET TO THE NORTHEAST CORNER OF SAID LOT "E"; THENCE, SOUTH 00°01'42" WEST, A DISTANCE OF 15.00 FEET TO THE BEGINNING OF A 80.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE, WESTERLY AND SOUTHWESTERLY, ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 76°01'42", AN ARC DISTANCE OF 106.16 FEET; THENCE, SOUTH 14°00'00" WEST, A DISTANCE OF 10.00 FEET TO THE BEGINNING OF A TANGENT 175.00 FOOT RADIUS CURVE; THENCE, ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 75°36'19", AN ARC DISTANCE OF 230.92 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EAST LINE OF LOT 1 OF BLOCK 7 OF SAID TRACT NO. 3, THE PRECEDING 3 COURSES BEING ALONG THE CENTERLINE OF SAID RIVERVIEW DRIVE; THENCE, NORTH 00°07'15" EAST, ALONG SAID PROLONGATION, 38.30 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 163.00 FEET NORTHERLY OF AND PARALLEL TO THE CENTERLINE OF INDUSTRIAL AVENUE AS SHOWN ON SAID TRACT; THENCE NORTH 89°52'45" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 350.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT "E"; THENCE NORTH 00°17'15" EAST, ALONG SAID WEST LINE OF SAID LOT "E", A DISTANCE OF 179.44 FEET TO THE POINT OF BEGINNING.

DESCRIPTION APPROVAL *[Signature]*
[Signature] by *[Signature]*
SURVEYOR, CITY OF RIVERSIDE





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.

THE CORNERSTONE GROUP
 CIVIL ENGINEERING, PLANNING, LAND SURVEYING
 1485 SPRUCE STREET, SUITE 7
 RIVERSIDE, CALIFORNIA, 92507
 (909) 342-0056 FAX (909) 342-0288

LL-043-989 AVIG. ESMT.
 THOMAS

26/5+6

J.N. 3688

SCALE: 1"=80'

26/5+6



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