

DOC # 2011-0108342

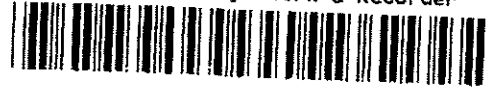
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Recorded in Official Records  
County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



When recorded mail to:

City Clerk's Office  
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)

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Riverside						T:	CTY	UNI	509

FOR RECORDER'S OFFICE USE ONLY

Project: P09-0142  
A.P.N. 189-140-008 &-009  
Address: N.W. Corner Payton and Jurupa

**D- 16538**



**AVIGATION EASEMENT  
(RIVERSIDE MUNICIPAL AIRPORT)**

WHEREAS JMC-IV Real Estate Company, a Georgia general partnership, hereinafter referred to as the "Grantor", is/are the owner(s) 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 property of the Grantor"; and

WHEREAS the property of the Grantor 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 property of the Grantor by the project above-referenced; and

WHEREAS the Riverside County Airport Land Use Commission has conditioned the approval of such project by requiring the granting of an avigation easement over the property of the Grantor;

NOW, THEREFORE FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GRANTOR does hereby grant to the CITY OF RIVERSIDE, a California



charter city and municipal corporation, 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 property of the Grantor 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 property of the Grantor 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 12/13/10

JMC-IV Real Estate Company, a Georgia general partnership

BY: TC REAL ESTATE HOLDINGS, L.L.C.;  
a Delaware limited liability company  
Its: General Partner

BY: ACC FAMILY PARTNERSHIP L.P.;  
a Delaware limited partnership  
Its: Manager

BY: KTVU-ACC, INC,  
a Delaware corporation  
Its: Sole General Partner

By: Fred H Beerman  
Fred H Beerman, Secretary

Concurs with: Mark A. Rely  
Airport Director

State of California Georgia

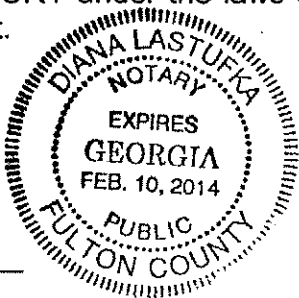
County of Fulton } ss

On 12-13-10, before me, Diana Lastufka

personally appeared Fred H. Beerman who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Diana Lastufka  
Notary Signature

**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, a California charter city and 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. 21027 of said City Council adopted September 6, 2005, and the grantee consents to recordation thereof by its duly authorized officer.

DATED 3/8/11

CITY OF RIVERSIDE

By: Danna Worn

APPROVED AS TO FORM:

[Signature]  
Name:  
Deputy City Attorney

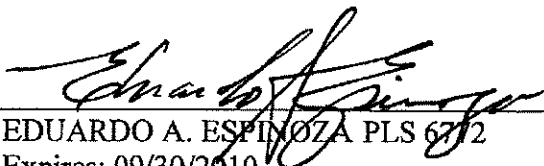


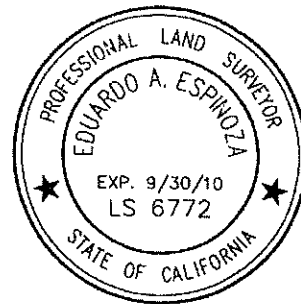
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**EXHIBIT A**

**Parcel A**

All of Parcels 1 and 2 of Parcel Map No. 14425, as shown by Map on file in Book 78, pages 2 and 3 of Parcel Maps, Records Riverside County, California.

  
EDUARDO A. ESPINOZA PLS 6772  
Expires: 09/30/2010



DESCRIPTION APPROVAL  
  
MARK S. BROWN CITY SURVEYOR  
DATE 10/5/2010



# EXHIBIT "B" LOT CONSOLIDATION

APN 189-120-008

APN 189-150-001

APN 189-150-010

APN 189-160-011

PAYTON AVENUE

N 89°27'13" W, 252.81'

33'

719.80'

7375.00'

PARCEL 2

PARCEL MAP NO. 14425  
BOOK 78,  
PAGES 2 & 3 R.C.R.

PARCEL A

EXISTING 6' PUBLIC UTILITY EASEMENT

33'

344.80'

N 0°28'17" E

PARCEL 1

N 49°10'15" W, 35.24'

S 83°20'17" W, 226.95'

714.11'

374.67'

339.44'

N 0°31'57" E

50'±

JURUPA AVENUE



Scale : 1" = 100'

OWNER: JMC-IV REAL ESTATE COMPANY  
C/O MANHEIM AUTO AUCTIONS  
6205 PEACHTREE DUNWOODY ROAD  
ATLANTA, GA 30328

PREPARED BY:  
LARS ANDERSEN & ASSOCIATES, INC.  
4694 W. JACQUELYN AVENUE  
FRESNO, CA. 93722  
PHONE: (559) 276-2790  
FAX: (559) 276-0850



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