186588

WHEN RECORDED MAIL TO:

CITY CLERK
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)

Project: PMW-35-901

RECEIVED FOR RECORD
AT 1:00 O'CLOCK

MAY 21 1992

Recorded in Official Records of Riverside County, California
Recorder
Fees $

13259

AVIGATION EASEMENT

WHEREAS COURTLAND SPARKUHL and JUDITH SPARKUHL, 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,

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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.

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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 MAY 6, 1992

COURTLAND SPARKUHL

JUDITH SPARKUHL

CONSENT TO RECORDATION

THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the City of Riverside, 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. 14883 of said City Council adopted January 25, 1983, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated May 21, 1992

Real Property Services Manager
of the City of Riverside

1852u/b

APPROVED AS TO FORM

CHIEF ASSISTANT CITY ATTORNEY

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EXHIBIT "A"

LEGAL DESCRIPTION FOR AVIGATION EASEMENT

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THAT PORTION OF LOT 7 IN BLOCK 21 OF LA GRANADA, AS SHOWN BY MAP ON FILE IN BOOK 12 OF MAPS, AT PAGES 42 THROUGH 51, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID LOT 7;

THENCE SOUTH 60°14'00" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT, A DISTANCE OF 17.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 42°53'14" EAST, PARALLEL WITH THE SOUTHWESTERLY LINE OF PARCEL 2 OF THAT CERTAIN PARCEL OF LAND CONVEYED TO HOWARD L. VALK, BY DEED RECORDED NOVEMBER 3, 1982, AS INSTRUMENT NO. 190683, OFFICIAL RECORDS OF SAID RIVERSIDE COUNTY, A DISTANCE OF 234.09 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 1 OF CERTIFICATE OF COMPLIANCE RECORDED FEBRUARY 19, 1991, AS INSTRUMENT NO. 54706, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE SOUTH 67°41'08" WEST, ON THE SOUTHWESTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID PARCEL 1, A DISTANCE OF 117.55 FEET TO SAID SOUTHWESTERLY LINE OF SAID PARCEL 2;

THENCE NORTH 42°53'14" WEST, ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 218.44 FEET TO SAID NORTHWESTERLY LINE OF SAID LOT 7;

THENCE NORTH 60°14'00" EAST, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 113.00 FEET TO SAID TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION AS CONVEYED TO THE CITY OF RIVERSIDE, BY DEED RECORDED SEPTEMBER 13, 1985, AS INSTRUMENT NO. 206925 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

11-7-91

GABRIEL D. YBARRA
L.S. 4343
REGISTRATION EXPIRES 6-30-92

LICENSED LAND SURVEYOR
GABRIEL D. YBARRA
No. 4343
STATE OF CALIFORNIA

DESCRIPTION APPROVAL 11/12/91
George P. Hutchinson by WF
SURVEYOR, CITY OF RIVERSIDE

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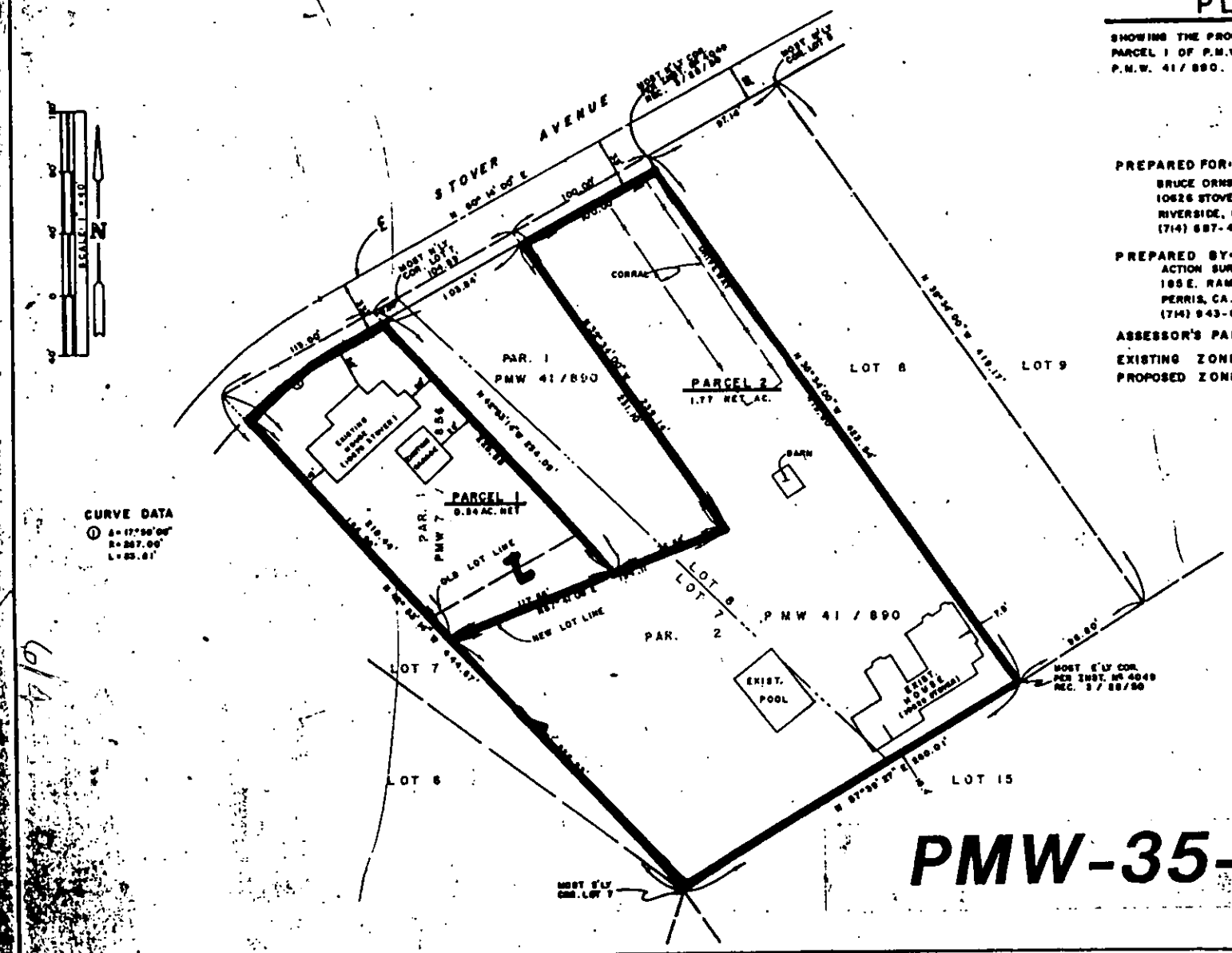
PLOT PLAN

SHOWING THE PROPOSED LOT LINE ADJUSTMENT OF PARCEL 1 OF P.M.W. 7 / 856 & PARCEL 2 OF P.M.W. 41 / 890.

PREPARED FOR:
BRUCE ORNSTEAD
10626 STOVER AVE.
RIVERSIDE, CA. 92505
(714) 687-4546

PREPARED BY:
ACTION SURVEYS
185 E. RAMONA EXPWY, SUITE 3
PERRIS, CA. 92370
(714) 943-0562

ASSESSOR'S PARCEL Nº 154-270-046, 047 & PORTION OF 048
EXISTING ZONING R.R.
PROPOSED ZONING R.R.



PMW-35-901

W.O. 89-11

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