

MS

473480

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: 9185 Magnolia Avenue
Building Permit
A.P.N. 191-232-014

RECEIVED FOR RECORD
AT 1:00 O'CLOCK

DEC 11 1992

Recorded in Official Records
of Riverside County, California

Recorder
Fees \$

12438

SC

AVIGATION EASEMENT

WHEREAS McMAHAN FURNITURE Co.-RIVERSIDE, a partnership, 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 as follows:

Parcel 1

That portion of Lots 33 and 35 in Block 12 of the Village of
Arlington, as shown by map on file in Book 1, Page 62 of Maps,
records of San Bernardino County, California, described as
follows:

COMMENCING at the most southerly corner of Parcel 1 of Parcel
Map 12438, as shown by map on file in Book 76, Pages 4 and 5
of Parcel Maps, records of Riverside County, California;

THENCE North 33° 59' 35" West, along the southwesterly line of
said Parcel 1, a distance of 11.00 feet to a line parallel
with and distant 11.00 feet northwesterly, as measured at
right angles, from the southeasterly line of said Lots 33 and
35 and the POINT OF BEGINNING of the parcel of land being
described;

THENCE South 56° 01' 00" West, along said parallel line, a
distance of 328.38 feet to the beginning of a non-tangent

13434

curve concaving northerly having a radius of 20.00 feet and to which the radial line bears South 29° 16' 23" West;

THENCE northwesterly to the right along said curve through a central angle of 26° 44' 07" an arc length of 9.33 feet to the northeasterly line of Donald Avenue as shown by map of the Kruse Tract, on file in Book 28, Page 2 of Maps, records of said Riverside County;

THENCE North 33° 59' 30" West, along said northeasterly line, a distance of 280.00 feet to the most southerly corner of Lot 28 of Donald Avenue Extension Tract, as shown by map on file in Book 25, Pages 98 and 99 of Maps, records of said Riverside County;

THENCE North 56° 01' 00" East, along the southeasterly line of said Lot 28, a distance of 132.00 feet to the most easterly corner of said Lot 28;

THENCE North 33° 59' 30" West, along the northeasterly line of said Lot 28, a distance of 57.00 feet to angle point in the northwesterly boundary of that certain parcel of land described in deed to McMahan Furniture Co.-Riverside by document recorded April 28, 1972, as Instrument No. 55040 of Official Records of said Riverside County;

THENCE North 56° 01' 00" East, along said northwesterly boundary, and parallel with said southeasterly line of Lots 33 and 35, a distance of 168.51 feet;

THENCE North 33° 59' 35" West, continuing along said northwesterly boundary, a distance of 10.00 feet to a point in the southeasterly line of Lafayette Street (Lot A) of said Kruse Tract; said point also being a point in the northwesterly line of Parcel 1 of that certain parcel of land described in deed to Safeway Stores, Incorporated, by document recorded January 20, 1955, in Book 1683, Page 10 of Official Records of said Riverside County;

THENCE North 56° 01' 00" East, along said last mentioned southeasterly line, a distance of 30.00 feet to said southwesterly line of Parcel 1 of Parcel Map 12438;

THENCE South 33° 59' 35" East, along said southwesterly line, a distance of 356.00 feet to the POINT OF BEGINNING.

DESCRIPTION APPROVAL 10/27/92
George P. Hutchinson by *Kap*
 SURVEYOR, CITY OF RIVERSIDE

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 described hereinabove, 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.

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 24 November, 1992

McMAHAN FURNITURE CO.-RIVERSIDE,
a partnership
~~McMAHAN VALLEY STORES~~
By [Signature]
Agent, Attorney-in-Fact

By _____

CONSENT TO RECORDATION

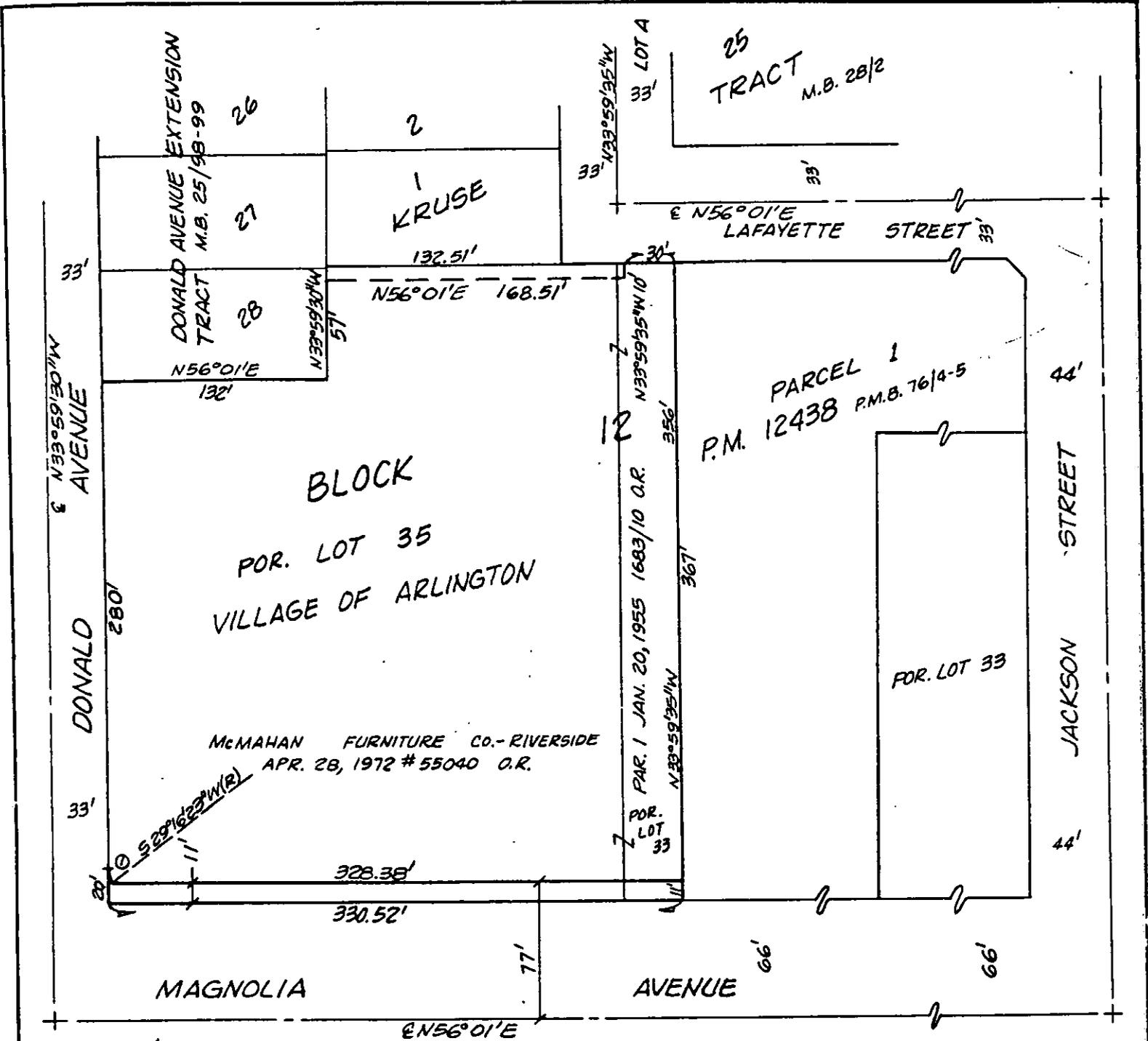
THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the City of Riverside, California, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City Council of said City pursuant to authority conferred by Resolution No. 14883 of said City Council adopted January 25, 1983, and the grantee consents to recordation thereof by its duly authorized officer.

Dated December 11, 1992

[Signature]
Real Property Services Manager
of the City of Riverside

McMahan.AE

APPROVED AS TO FORM
[Signature]
ASST. CITY ATTORNEY



BLOCK
 POR. LOT 35
 VILLAGE OF ARLINGTON

McMAHAN FURNITURE CO. - RIVERSIDE
 APR. 28, 1972 # 55040 O.R.

PARCEL 1
 P.M. 12438 P.M.B. 76/4-5

25
 TRACT
 M.B. 28/2

E N56°01'E

CURVE DATA	
NO.	DATA
1	20' 26°44'07" 9.33'

• 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

5/17

SCALE: 1" = 125' DRAWN BY K98 DATE 9/18/92 SUBJECT 9185 MAGNOLIA AVENUE