

104897

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: CU-003-923, RZ-002-923  
5200 Van Buren Boulevard

RECEIVED FOR RECORDING  
AT 1:00 O'CLOCK

MAR 22 1993

Recorded in Official Records  
of Riverside County, California  
Recorder  
Fees \$  
*W. B. [Signature]*

104897

AVIGATION EASEMENT

WHEREAS WAL-MART STORES, INC., a Delaware corporation, 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 in Exhibit "A", attached hereto and incorporated herein by this reference, 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,

D13471

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 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.

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 2-18-93

WAL-MART STORES, INC.,  
a Delaware Corporation  
By [Signature]

Title Asst. Vice President of Real Estate

By [Signature]

Title Asst. Secretary

APPROVED AS TO FORM  
[Signature]  
ASST. CITY ATTORNEY

713477

GENERAL ACKNOWLEDGEMENT

State of <sup>Arkansas</sup> ~~California~~ }  
County of Benton }<sup>ss</sup>

On 2-18-93, before me Lynnie S. Johnson  
(date) (name)

a Notary Public in and for said State, personally appeared

Michael R. Nelson ~~Asst. Vice President of Real Estate~~  
Carl Ownbey, ~~Asst. Secretary~~  
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.

Lynnie S. Johnson  
Signature

My Commission Expires 12-30-2002

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 3/19/93

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

WALMART.AE/m

DIR 11

## EXHIBIT "A"

## Parcel 1

All that portion of the east half of the northeast quarter of the southeast quarter of Section 1, Township 3 South, Range 6 West, of the Rancho La Sierra, as shown by map on file in Book 6, Page 70 of Maps, records of Riverside County, California, described as follows:

COMMENCING at the east one-quarter corner of said Section 1, as shown by Record of Survey on file in Book 80, Page 14 of Record of Surveys, records of said Riverside County; said corner also being on the centerline of Van Buren Boulevard, as shown by said Record of Survey;

THENCE South  $0^{\circ} 17' 40''$  West, along said centerline, a distance of 202.71 feet;

THENCE North  $89^{\circ} 42' 20''$  West, a distance of 60.00 feet to a point on a line which is parallel with and distant 60.00 feet westerly, as measured at right angles, from said centerline; said point also being the POINT OF BEGINNING;

THENCE South  $0^{\circ} 17' 40''$  West, along said parallel line, a distance of 137.23 feet;

THENCE South  $4^{\circ} 06' 31''$  West, a distance of 135.30 feet to a line which is parallel with and distant 69.00 feet westerly, as measured at right angles, from said centerline;

THENCE South  $0^{\circ} 17' 40''$  West, along said parallel line, a distance of 190.02 feet;

THENCE South  $89^{\circ} 42' 20''$  East, a distance of 9.00 feet to said parallel line lying 60.00 feet westerly of said centerline;

THENCE South  $0^{\circ} 17' 40''$  West, along said parallel line, a distance of 326.66 feet to a point hereinafter referred to as Point "A";

THENCE North  $89^{\circ} 42' 20''$  West, a distance of 200.00 feet;

THENCE South  $45^{\circ} 17' 20''$  West, a distance of 12.71 feet;

THENCE South  $0^{\circ} 17' 40''$  West, a distance of 196.20 feet to the southerly line of that certain parcel of land described in deed recorded September 8, 1950, in Book 1203, Page 115 of Deeds, Official Records of said Riverside County;

THENCE South  $89^{\circ} 39' 39''$  West, along said southerly line, a distance of 42.00 feet to the southwesterly corner of said parcel of land;

THENCE South  $0^{\circ} 17' 40''$  West, a distance of 135.00 feet to the most southerly line of that certain parcel of land described in deed recorded

March 26, 1946, in Book 737, Page 218, et seq., of Deeds, Official Records of said Riverside County;

THENCE South  $89^{\circ} 39' 39''$  West, along said southerly line, a distance of 349.76 feet to the easterly boundary of Sierra Foothills No. 11, as shown by map on file in Book 39, Pages 15 through 17, inclusive, of Maps, records of said Riverside County;

THENCE North  $0^{\circ} 18' 15''$  East, along said easterly boundary, a distance of 753.69 feet;

THENCE North  $0^{\circ} 17' 19''$  East, continuing along said easterly boundary, a distance of 373.50 feet to the northerly line of that certain parcel of land shown by said Record of Survey;

THENCE North  $89^{\circ} 41' 54''$  East, along said northerly line, a distance of 600.67 feet to the POINT OF BEGINNING.

Parcel 2

All that portion of the east half of the northeast quarter of the southeast quarter of Section 1, Township 3 South, Range 6 West, of the Rancho La Sierra, as shown by map on file in Book 6, Page 70 of Maps, records of Riverside County, California, described as follows:

BEGINNING at the point described hereinabove as Point "A";

THENCE North  $89^{\circ} 42' 20''$  West, a distance of 200.00 feet;

THENCE South  $45^{\circ} 17' 20''$  West, a distance of 12.71 feet;

THENCE South  $0^{\circ} 17' 40''$  West, a distance of 196.20 feet to the southerly line of that certain parcel of land described in deed recorded September 8, 1950, in Book 1203, Page 115 of Deeds, Official Records of said Riverside County;

THENCE North  $89^{\circ} 39' 39''$  East, along said southerly line, a distance of 209.00 feet to a line which is parallel with and distant 60.00 feet westerly, as measured at right angles, from the centerline of Van Buren Boulevard, as shown by Record of Survey on file in Book 80, Page 14 of Record of Surveys, records of said Riverside County;

THENCE North  $0^{\circ} 17' 40''$  East, along said parallel line, a distance of 202.88 feet to the POINT OF BEGINNING.

RANCHOLS. EXA  
10/14/92

DESCRIPTION APPROVAL 2/10/93  
George P. Hutchinson  
SURVEYOR CITY OF RIVERSIDE



Sierra Foothills No. 11  
MB 39/15-17

E'LY  
BDY. →

N0°17'19"E  
373.59'

N0°18'15"E  
753.69'

N89°41'54"E  
600.67'

R/S 80/14

E 1/2 NE 1/4 SE 1/4  
SEC 1, T3S, R6W

Rancho La Sierra  
MB 6/70

PAR 1

S45°17'20"W  
12.71'

N89°42'20"W  
200'

PAR 2

9/8/50  
BK 1203 PG 115  
209' O.R.

3/26/46  
BK 737 PG. 218  
O.R.

S0°17'40"W  
135'  
42'  
S0°17'40"W  
196.20'

S89°39'39"W

349.76'

S89°39'39"W

135.30'  
S4°06'31"W  
137.23'  
788.92'  
190.02'

326.66'

60.00'

6'

69'

991.79' 9'

6'

202.88'

47'

47'

55'

202.71'

TO PHILBIN AVE

TO VAN BUREN BLVD. S0°17'40"W

TO WELLS AVE.

• 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

6/16-1

SCALE: 1" = N.T.S.

DRAWN BY MM DATE 11/17/92

SUBJECT R-2-923, C-3-923

DEPT