

132335

132335

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 fees.  
(Government Code § 6103)

Project: CU-009-023  
Cal Baptist College

RECEIVED FOR RECORD  
AT 12:00 O'CLOCK

APR - 8 1993

Recorded in Official Records  
of Riverside County, California

W. J. [Signature] Recorder  
Fees \$

13492

DB

**AVIGATION EASEMENT**

WHEREAS Smart SMR of California, Inc. a Delaware corporation, hereinafter called the "Grantor", is the lessee of that certain real property situated in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of Lot 10 in Block 23 of the Lands of the Riverside Land and Irrigating Company, as shown by Map on file in Book 1 of Maps at Page 70 thereof, Records of San Bernardino County, California, described as follows:

Commencing at the northeast corner of Parcel 1 as shown on Record of Survey on file in Book 39 of Records of Survey, at Page 50 thereof, records of Riverside County, California; Thence South 34°00'00" East along the east line of said Parcel 1, 201.68 feet to the POINT OF BEGINNING; Thence South 56°00'00" West, 20 feet; Thence South 34°00'00" East, 35 feet; Thence North 56°00'00" East, 20 feet to the east line of said Parcel 1; Thence North 34°00'00" West along said east line, 35 feet to the POINT OF BEGINNING.

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

7013

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 herein above, 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, aside from its one hundred foot (100') monopole and appurtenant radio equipment, 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

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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.

SMART SMR OF CALIFORNIA, INC.  
a Delaware Corporation

By: Mark B. Nelson  
Officer and Senior Vice President of  
Engineering Operations and  
Title: Product Development

Date: March 31, 1993

**General Acknowledgement**

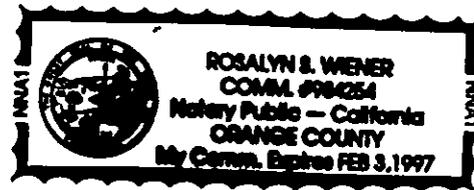
State of California  
County of Orange

On March 31, 1993 before me Rosalyn S. Wiener a Notary Public in  
and for said State, personally appeared  
Mark B. Nelson

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 capacit(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.

By: Rosalyn S. Wiener  
My commission expires: Feb. 3, 1997



**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: 4/2/93

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

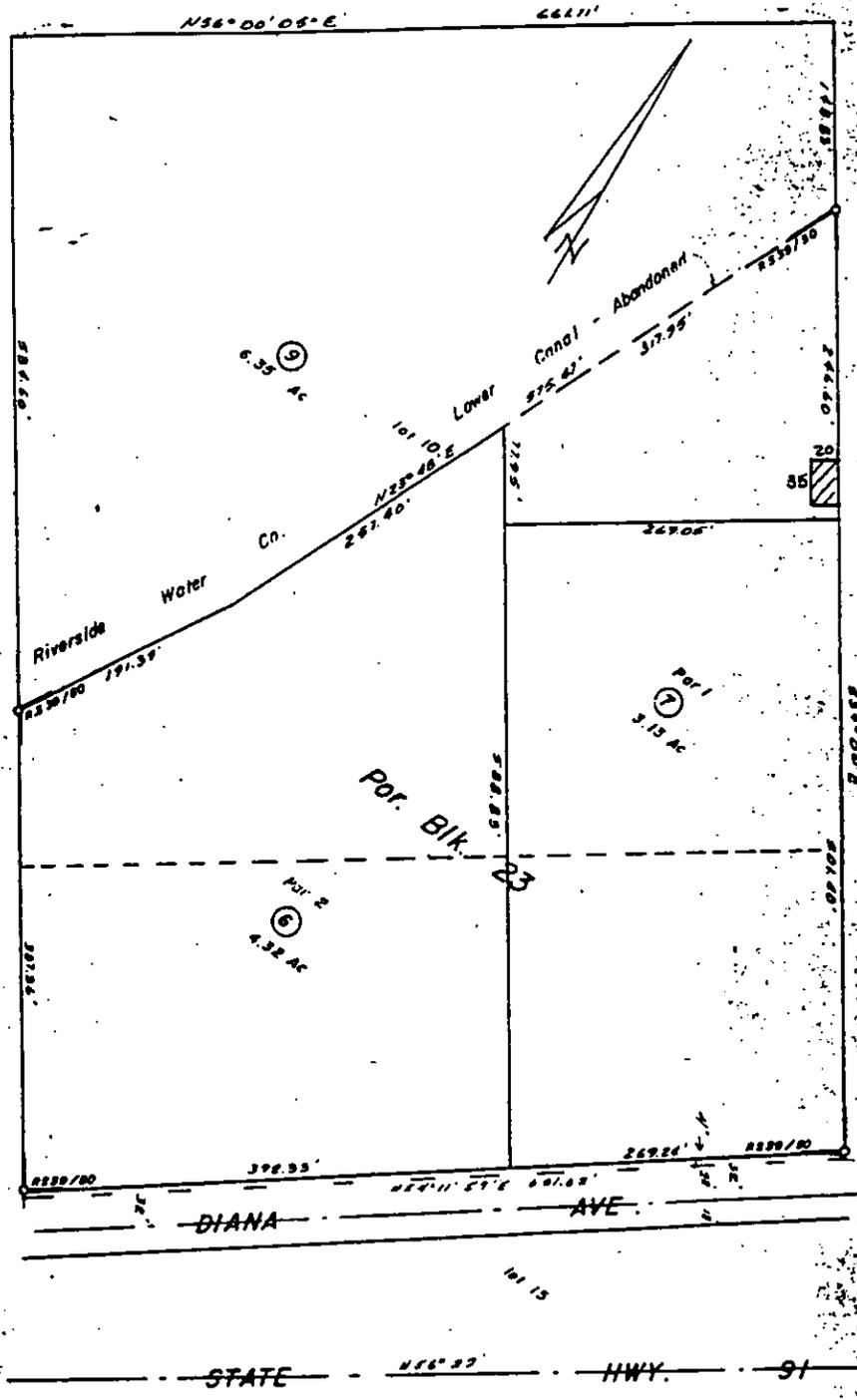
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M.B. 1/70 S.B.  
R.S. 39/50



• CITY OF RIVERSIDE, CALIFORNIA •

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|---|---|---|-------------------|
| 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 <u>1</u> OF <u>1</u>                    | CB 5/27<br>5/27-1 |
| SCALE: 1" = NTS   | DRAWN BY <u>GPH</u> DATE <u>3/23/92</u> | SUBJECT <u>CU-009-923 Col Engineer Valenc</u> |                   |

1/27-1