

When recorded mail to:

City Clerk's Office
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

DOC # 2001-119652

03/23/2001 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



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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Project: 5791 Fremont Street
A.P.N. 189-021-006 & 008

D - 14673



AVIGATION EASEMENT
(RIVERSIDE MUNICIPAL AIRPORT)

WHEREAS RIVERSIDE HUMANE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, a not for profit corporation, 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 City of Riverside 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 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 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



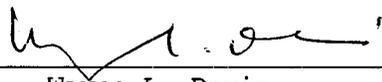
Riverside Municipal Airport and aircraft, or to cause difficulty for pilots to distinguish between airport lights and other lights or to impair visibility in the vicinity of the Riverside Municipal Airport, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said Riverside 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 February 28, 2001

**RIVERSIDE HUMANE SOCIETY FOR
THE PREVENTION OF CRUELTY TO
ANIMALS, a not for profit corporation**

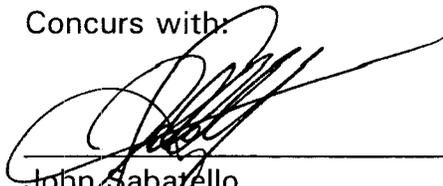
By 
Wayne L. Davis

Title Vice President

By 
Joe Tavaglione

Title Secretary

Concurs with:


John Sabatello
Airport Director



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GENERAL ACKNOWLEDGEMENT

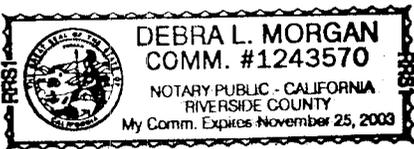
State of California
County of Riverside } ss

On 02-28-01, before me Debra L. Morgan
(date) (name)

a Notary Public in and for said State, personally appeared
Wayne L. Davis and Joe Tavaglione

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.

Debra L. Morgan
Signature

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

() Attorney-in-fact
(X) Corporate Officer(s)
Title Vice President
Title Secretary

() Guardian/Conservator
() Individual(s)
() Trustee(s)
() Other

() Partner(s)
() General
() Limited

The party(ies) executing this document is/are representing:
Riverside Humane Society
for the Prevention of Cruelty
to Animals, a not for profit
corporation

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, 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. 18233 of said City Council adopted May 11, 1993, and the grantee consents to recordation thereof by its duly authorized officer.

Dated 3/13/01

APPROVED AS TO FORM
Green M. ... 3-16-01
SUPERVISING DEPUTY CITY ATTORNEY

CITY OF RIVERSIDE
[Signature]
Real Property Services Manager
of the City of Riverside

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EXHIBIT "A"

LOTS 1 THROUGH 7, INCLUSIVE THEREOF, IN BLOCK 5 AND LETTERED LOT "D" ALL OF TRACT NO. 3 OF THE RIVERVIEW ADDITION TO THE CITY OF RIVERSIDE, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 5 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, *TOGETHER WITH* THOSE PORTIONS OF RIVERVIEW DRIVE (VACATED) AND FREMONT STREET (VACATED) ADJOINING SAID LOTS 1 THROUGH 7 AND LETTERED LOT "D" *AND* THE EAST HALF OF GRIFFITH STREET (VACATED) ADJOINING SAID LOT 7; SAID PORTION OF FREMONT STREET LIES WESTERLY OF THE CENTERLINE OF FREMONT STREET AS SHOWN BY RESOLUTION NO. 14605 OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, A CERTIFIED COPY OF SAID RESOLUTION 14605 VACATING FREMONT STREET RECORDED SEPTEMBER 22, 1982, AS INSTRUMENT NO. 163982 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

SAID RIVERVIEW DRIVE BEING VACATED BY RESOLUTION NO. 6437 OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, A CERTIFIED COPY OF WHICH RECORDED NOVEMBER 26, 1954, AS INSTRUMENT NO. 62206 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, AND BY ORDINANCE NO. 3058 OF SAID CITY COUNCIL, A CERTIFIED COPY OF SAID ORDINANCE WAS RECORDED OCTOBER 1, 1962, AS INSTRUMENT NO. 91411 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

SAID EAST HALF OF GRIFFITH STREET BEING VACATED BY SAID ORDINANCE NO. 3058.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 3.18± ACRES.

DESCRIPTION APPROVAL 2/15/01
K. Stout
for SURVEYOR, CITY OF RIVERSIDE by _____



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