

172881

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: 3865 Jackson St.
Bldg. Permit

RECEIVED FOR RECORD
Min. Past Book M.

MAY 23 1991

Recorded in Official Records of Riverside County, California
Wick [Signature] Recorder
Fees \$

12977

AVIGATION EASEMENT

WHEREAS ARLINGTON COMMUNITY HOSPITAL 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, 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.

X

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 5-20-91

ARLINGTON COMMUNITY HOSPITAL CORPORATION

By [Signature]

Title President

By _____

Title _____

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 23, 1991

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

1625u/b

APPROVED AS TO FORM
[Signature]
ASSP. CITY ATTORNEY

EXHIBIT A

DESCRIPTION
Page 1

DESCRIPTION

PARCEL 1:

Those portions of Lots 12 and 13 in Block 13 of the Lands of the Riverside Land and Irrigating Company, as shown by Map on file in Book 1, page 70 of Maps, San Bernardino County Records, described as follows:

Commencing at the most Southerly corner of the Northwesterly 1/2 of said Lot 13, said point also being the most Southerly corner of that certain parcel of land conveyed to the City of Riverside, as Parcel 2, by Deed recorded December 30, 1957 as Instrument No. 91783, Official Records; thence North 56° 00' 00" East, along the Southeasterly boundary line of said Parcel 2, a distance of 4.00 feet to the most Easterly corner thereof; thence North 34° 00' 00" West, along the Northeasterly boundary line of said Parcel 2, a distance of 43.00 feet to the true point of beginning; said point being the most Northerly corner of that certain parcel of land conveyed to the City of Riverside, by Deed recorded March 1, 1963 as Instrument No. 21140, Official Records; thence course (1) continuing North 34° 00' 00" West, along said Northeasterly boundary line of the parcel conveyed to the City of Riverside, as Parcel 2, by said deed recorded December 30, 1957 as Instrument No. 91783, Official Records, a distance of 153.85 feet to a point therein; thence course (2) at a right angle, North 56° 00' 00" East, a distance of 236.24 feet; thence course (3) at a right angle, North 34° 00' 00" West, a distance of 125.00 feet; thence course (4) at a right angle, North 56° 00' 00" East, a distance of 120.00 feet; thence course (5) at a right angle, North 34° 00' 00" West, a distance of 100.00 feet to a point in the Northwesterly line of the Southeasterly 91.53 feet of said Lot 12; thence course (6) at a right angle, South 56° 00' 00" West, along said Northwesterly line, a distance of 68.06 feet to the most Easterly corner of that certain parcel of land conveyed to Dale A. Curtis, et ux, by Deed recorded June 3, 1964 as Instrument No. 67587, Official Records and to Leland J. Hansen, et ux, by Deed recorded June 3, 1964 as Instrument No. 67586, Official Records; thence course (7) at a right angle, North 34° 00' 00" West, along the Northeasterly line of the parcel conveyed to Curtis and Hansen, as aforesaid, a distance of 286.12 feet to a point in the Southeasterly boundary line of Parcel 2, as shown by map on file in Book 36, page 18 of Record of Surveys, Riverside County Records; thence course (8) North 56° 00' 00" East, along the Southeasterly boundary line of said Parcel 2, and along the Southeasterly line of Parcel 3, of said Record of Survey, a distance of 335.06 feet to the most Easterly corner of said Parcel 3; said point being the Southwesterly boundary line of that certain parcel of land conveyed to the City of Riverside, as Parcel 3, by said Deed recorded December 30, 1957 as Instrument No. 91783, Official Records; thence course (9) South 34° 00' 00" East, along the Southwesterly boundary line of Parcel 3, so conveyed to the City of Riverside, a distance of 674.97 feet to an angle point therein; thence course (10) at a right angle, South 56° 00' 00" West, along the Northwesterly boundary line of said Parcel 3, conveyed to the City of Riverside, as aforesaid, and along the Southeasterly boundary line of that certain parcel of land vacated by Resolution No. 8343 of the City Council of the City of Riverside, State of California, recorded August 28, 1958 as Instrument No. 62399, Official Records, and along the Northwesterly boundary

DESCRIPTION

Page 2

line of that certain parcel of land conveyed to the City of Riverside, by deed recorded July 24, 1958 as Instrument No. 53276, Official Records, a distance of 613.24 feet to the most Easterly corner of said parcel conveyed to the City of Riverside, by Deed recorded March 1, 1963 as Instrument No. 21140, Official Records; thence course (11) North 79° 00' 00" West, along the Northerly boundary line of said last mentioned parcel conveyed to the City of Riverside, a distance of 14.14 feet to the true point of beginning.

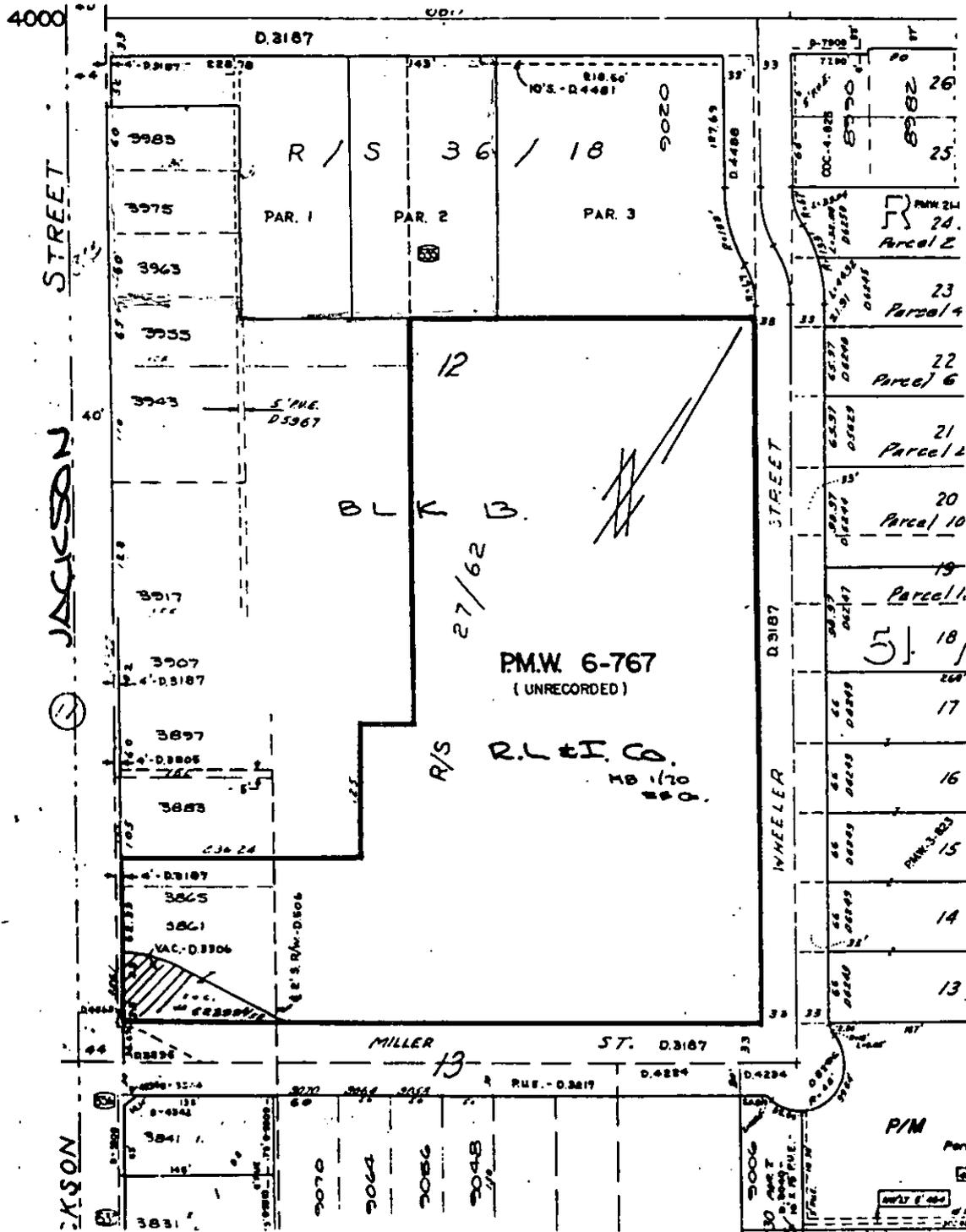
EXCEPT therefrom those portions, if any, included within the lines of the land described as Parcels 3, 4 and 5 in Exhibit B of the deed to Arlington Community Hospital Services Corporation, a California non-profit corporation, recorded December 31, 1990 as Instrument No. 245681, and the land described in the deed to Henry S. Henschel, et al, recorded December 7, 1962 as Instrument No. 113085, both of Official Records of the County of Riverside.

PARCEL 2:

Those portions of Lots 12 and 13 in Block 13 of the Lands of the Riverside Land and Irrigating Company, as shown by map on file in Book 1, page 70 of Maps, San Bernardino County Records, described as follows:

Commencing at the most Southerly corner of the Northwesterly 1/2 of said Lot 13, said point also being the most Southerly corner of that certain parcel of land conveyed to the City of Riverside, as Parcel 2, by Deed recorded December 30, 1957 as Instrument No. 91783, Official Records; thence North 56° 00' 00" East, along the Southeasterly boundary line of said Parcel 2, a distance of 4.00 feet to the most Easterly corner thereof; thence North 34° 00' 00" West, along the Northeasterly boundary line of said Parcel 2, a distance of 43.00 feet to the most Northerly corner of that certain parcel of land conveyed to the City of Riverside, by Deed recorded March 1, 1963 as Instrument No. 21140, Official Records; thence continuing North 34° 00' 00" West, along said Northeasterly boundary line of the parcel conveyed to the City of Riverside, as Parcel 2, by said Deed recorded December 30, 1957 as Instrument No. 91783, Official Records, a distance of 153.85 feet to a point therein; thence at a right angle, North 56° 00' 00" East, a distance of 236.24 feet; thence at a right angle, North 34° 00' 00" West, a distance of 125.00 feet; thence at a right angle, North 56° 00' 00" East, a distance of 120.00 feet; to the true point of beginning; thence at a right angle, North 34° 00' 00" West, a distance of 100.00 feet to a point in the Northwesterly line of the Southeasterly 91.53 feet of said Lot 12; thence at a right angle, South 56° 00' 00" West, along said Northwesterly line, a distance of 68.06 feet to the most Easterly corner of that certain parcel of land conveyed to Dale A. Curtis, et ux, by Deed recorded June 3, 1964 as Instrument No. 67587, Official Records and to Leland J. Hansen, et ux, by Deed recorded June 3, 1964 as Instrument No. 67586, Official Records; thence at a right angle, South 34° 00' 00" East, a distance of 100 feet; thence at a right angle, North 56° 00' 00" East, a distance of 68.06 feet to the true point of beginning.

DESCRIPTION APPROVAL 5/20/91
George P. White
 SURVEYOR, CITY OF RIVERSIDE



CITY OF RIVERSIDE, CALIFORNIA

S/16

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

SCALE: 1" = N/A

DRAWN BY JE DATE 5/20/91

SUBJECT 3868 JACKSON ST. AVIG. ESMINT