

044771

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: PM 26355

RECEIVED FOR RECORD  
Min. Post 10'clock P.M.

FEB - 7 1992

Recorded in Official Records  
of Riverside County, California

Recorder  
Fees \$

1992

AVIGATION EASEMENT

WHEREAS AIRPORT ONE, a California Limited 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 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.

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 Feb 3, 1992

AIRPORT ONE, a California Limited Partnership

By James L. Kitalan

Title General Partner

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, 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 February 7, 1992

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

Airport1.AE/b

[Signature]  
CHIEF ATTORNEY

## EXHIBIT "A"

LEGAL DESCRIPTION FOR  
AVIGATION EASEMENTPARCEL 1

THAT PORTION OF LOT 39, OF THE MC CLASKEY TRACT, AS SHOWN BY MAP ON FILE IN BOOK 10, PAGE 37 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT;

THENCE NORTH 89°43'10" EAST, A DISTANCE OF 1076.06 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1952.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°00'55" AN ARC DISTANCE OF 477.48 FEET;

THENCE SOUTH 89°43'10" WEST, A DISTANCE OF 705.00 FEET TO THE NORTHEASTERLY LINE OF ARLINGTON PEDLEY ROAD, 80.00 FEET WIDE;

THENCE ALONG LAST MENTIONED LINE NORTH 53°47'17" WEST, A DISTANCE OF 141.56 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1392.69 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°32'21" AN ARC DISTANCE OF 523.55 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING EASTERLY OF THE WESTERLY LINE AND ITS NORTHERLY AND SOUTHERLY PROLONGATIONS OF TRACT NO. 13300-1, AS SHOWN BY MAP ON FILE IN BOOK 114, PAGES 74 AND 75 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF RIVERSIDE, A MUNICIPAL CORPORATION, BY DEED RECORDED MARCH 30, 1979 AS INSTRUMENT NO. 64374 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL 2

THAT PORTION OF LOT 39, OF THE MC CLASKEY TRACT, AS SHOWN BY MAP ON FILE IN BOOK 10, PAGE 37 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT;

THENCE NORTH 89°43'10" EAST, A DISTANCE OF 1076.06 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1952.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°00'55" AN ARC DISTANCE OF 477.48 FEET;

THENCE SOUTH 89°43'10" WEST, A DISTANCE OF 705.00 FEET TO THE NORTHEASTERLY LINE OF ARLINGTON PEDLEY ROAD, 80.00 FEET WIDE;

THENCE ALONG LAST MENTIONED LINE NORTH 53°47'17" WEST, A DISTANCE OF 141.56 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1392.69 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°32'21" AN ARC DISTANCE OF 523.55 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF MORRIS STREET ADJOINING SAID LOT 39 ON THE NORTH, AS VACATED AND CLOSED TO PUBLIC USE BY RESOLUTION RECORDED MARCH 17, 1959 AS INSTRUMENT NO. 22323 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPTING THEREFROM THAT PORTION LYING WESTERLY OF THE EASTERLY LINE AND ITS NORTHERLY AND SOUTHERLY PROLONGATIONS OF TRACT NO. 13300-1 AS SHOWN BY MAP ON FILE IN BOOK 114, PAGES 74 AND 75 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

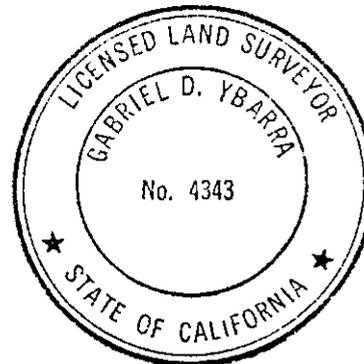
ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF RIVERSIDE, A MUNICIPAL CORPORATION, BY DEED RECORDED MARCH 30, 1979 AS INSTRUMENT NO. 64374 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED IN DEED TO THE CITY OF RIVERSIDE, RECORDED SEPTEMBER 26, 1986 AS INSTRUMENT NO. 237379 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

*Gabriel D. Ybarra* 1-30-92

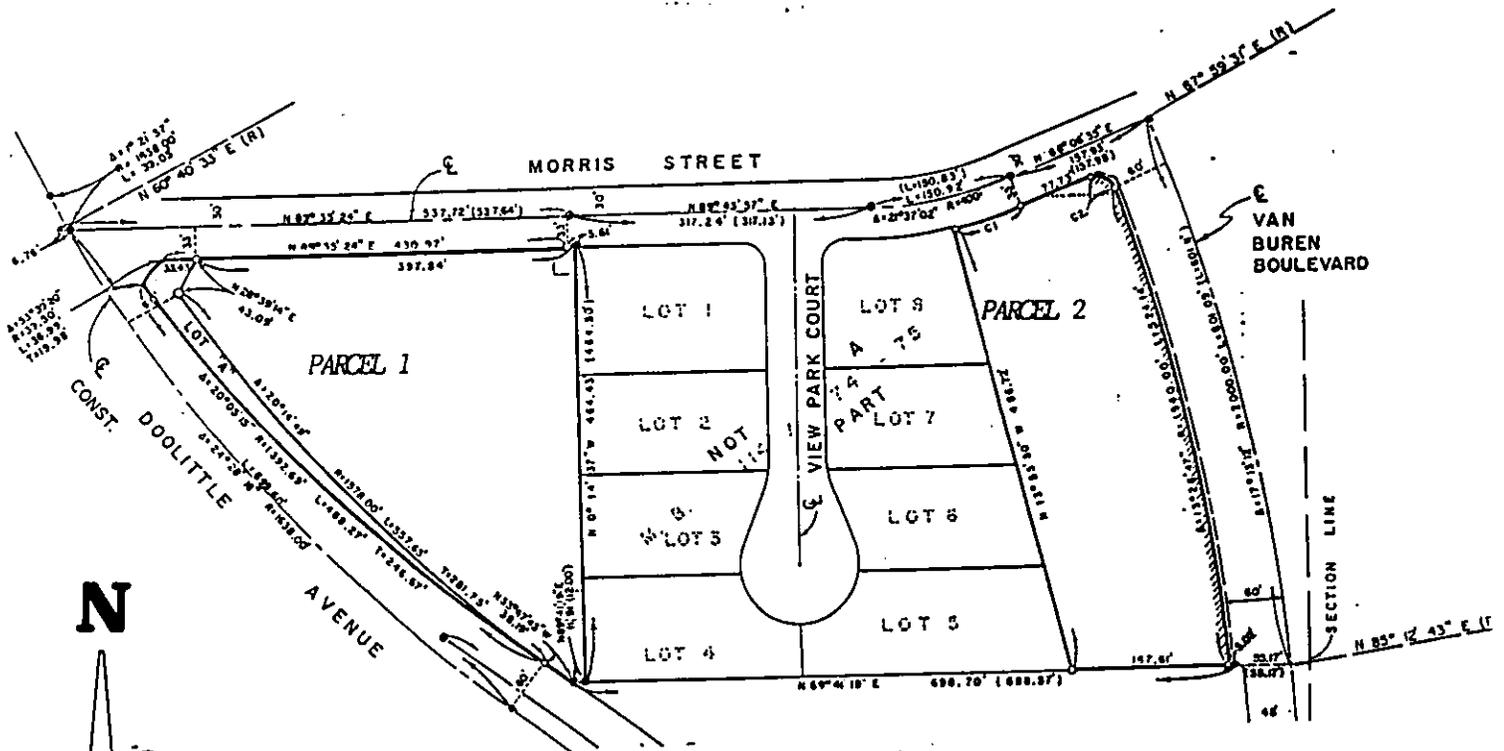
GABRIEL D. YBARRA  
L.S. 4343

REGISTRATION EXPIRES 6-30-92



DESCRIPTION APPROVAL 2/3/92  
*George P. Hutchinson* by WF  
SURVEYOR, CITY OF RIVERSIDE

PLAT FOR AVIGATION EASEMENT  
FOR PARCEL MAP 26355



N

SCALE: 1" = 200'



1-30-92

6/8-1  
13/84