

WHEN RECORDED MAIL TO:

CITY CLERK
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: CU-037-978
7590 Cypress Avenue

DOC # 1999-414886

09/16/1999 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



M	S	U	PAGE	SIZE	DA	PCOR	HOCOR	SMF	MISC.
	1		6						
					3			✓	LC
A	R	L			COPY	LONG	REFUND	NCHG	EXAM

FOR RECORDER'S USE ONLY

C
LC

AVIGATION EASEMENT

WHEREAS, RODNEY C. PERRY AND DENISE M. PERRY, TRUSTEES OF THE RODNEY PERRY AND DENISE PERRY LIVING TRUST DATED SEPTEMBER 27, 1997, ("Grantors"), are the owners 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, ("the Grantors' property"); and

WHEREAS the Grantors' property is located within the Airport Influence Area for the Riverside Municipal Airport operated by the City of Riverside; and

WHEREAS the Grantors have sought approval from the City of Riverside for the development of the Grantors' 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 Grantors' property;

NOW, THEREFORE FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GRANTORS do hereby grant to the CITY OF RIVERSIDE, a municipal corporation of the State of California, ("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 Grantors' property described hereinabove, 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.

Grantors hereby acknowledge 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

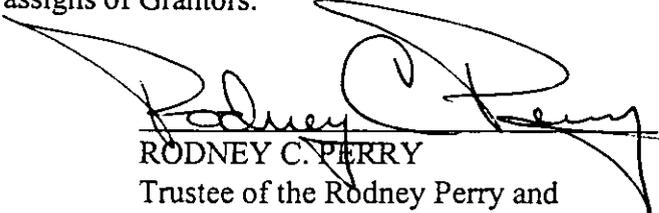
Grantors hereby fully waive, remises and releases any right or cause of action which Grantors may now or in the future have against Grantee, its successors and assigns, due to such noise, sound or shock waves, vibrations, dust, smoke, odors, fumes, fuel particles and other related conditions that may 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.

Grantors, on the behalf of Grantors and the successors and assigns of Grantors, agree 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.

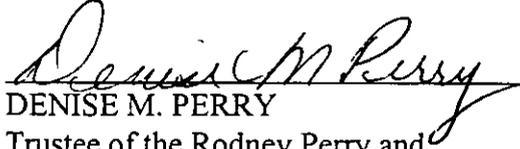
The foregoing grant of easement shall not be considered as otherwise prohibiting the use of the Grantors' property for any lawful purpose below the minimum flight altitudes for aircraft presently authorized or hereafter authorized by the appropriate federal or state authority, provided all applicable 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 Grantors and the heirs, administrators, executors, successors and assigns of Grantors.

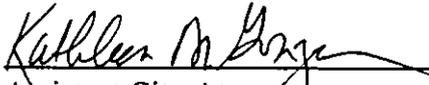
Dated: 7-8-99


RODNEY C. PERRY
Trustee of the Rodney Perry and
Denise Perry Living Trust dated
September 27, 1997.

Dated: 7-8-99


DENISE M. PERRY
Trustee of the Rodney Perry and
Denise Perry Living Trust dated
September 27, 1997.

APPROVED AS TO FORM:


Assistant City Attorney

COV/99054602.KG



1999-414886
09/16/1999 08:00A
2 of 6

EXHIBIT "A"
AVIGATION EASEMENT

CU-037-978

PARCEL NO. 1:

LOT 270, EXCEPT THE WEST 5 FEET THEREOF, OF CAMP ANZA SUBDIVISION NO. 1, AS SHOWN BY MAP ON FILE IN BOOK 22, PAGES 81 AND 82 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO, ALL THAT PORTION OF LOT 276 OF CAMP ANZA SUBDIVISION NO. 1, AS SHOWN ON SAID MAP PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 270, HEREINABOVE DESCRIBED;
THENCE SOUTH 89° 29' 30" EAST, 156.60 FEET TO A POINT ON THE EASTERLY LINE OF LOT 278 OF SAID CAMP ANZA SUBDIVISION NO. 1, EXTENDED SOUTHERLY;
THENCE SOUTH 00° 30' 30" WEST, ALONG THE SAID SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 278, 177 FEET;
THENCE NORTH 89° 29' 30" WEST, 156.60 FEET TO THE SOUTHEAST CORNER OF SAID LOT 270;
THENCE NORTH ALONG THE EASTERLY LINE OF SAID LOT 270, 177 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2:

PORTION OF LOT 276 OF CAMP ANZA SUBDIVISION #1, AS SHOWN BY MAP ON FILE IN BOOK 22, PAGES 81 AND 82 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 276 AS SHOWN ON SAID MAP;
THENCE SOUTH 89° 29' 30" EAST, 156.60 FEET TO A POINT ON THE EASTERLY LINE OF LOT 278 OF SAID CAMP ANZA SUBDIVISION #1 EXTENDED SOUTHERLY;
THENCE SOUTH 00° 30' 30" WEST ALONG THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 278, 177.00 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED;
THENCE CONTINUING THENCE SOUTH 00° 30' 30" WEST, 165 FEET;
THENCE NORTH 89° 29' 30" WEST TO THE SOUTHEAST CORNER OF LOT 271 AS SHOWN ON SAID MAP;
THENCE NORTH 00° 30' 30" EAST AND ALONG THE EASTERLY LINE OF LOT 271, 165 FEET TO THE NORTHEAST CORNER OF SAID LOT 271;
THENCE SOUTH 89° 29' 30" EAST, 156.60 FEET TO THE TRUE POINT OF BEGINNING.



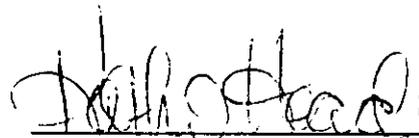
1999-414886
89/16/1999 08:08A
3 of 6

DESCRIPTION: AVIGATION EASEMENT
8179
[Signature]

CERTIFICATE OF ACCEPTANCE
(Government Code §27281)

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

Dated: 8/9/99



Real Property Services Manager
of the City of Riverside



1999-414886
09/16/1999 08:00A
4 of 6

CERTIFICATE OF TRUSTEE

THE UNDERSIGNED HEREBY CERTIFY THAT:

The persons named below ("Trustees") have been duly appointed as Trustees of the trust (the "Trust") created pursuant to the following described trust agreement: RODNEY PERRY AND DENISE PERRY LIVING TRUST, dated: Sept. 27, 1997

This Certification of Trust is given by each of the Trustees voluntarily pursuant to Section 18100.5 of the California Probate Code and under penalty of perjury, intending that the facts set forth herein be relied upon by the City of Riverside ("City") as true and correct.

- (1) The Trust is in existence as of this date and evidenced by a Trust instrument executed on Sept. 27, 1997
- (2) The names of the currently acting Trustees are: RODNEY PERRY, DENISE PERRY
- (3) The powers of the Trustees include the power to do, or perform, all of the acts and things on behalf of the Trust set forth in the (i.e. Lease Agreement) AVIGATION EASEMENT
- (4) The Trust is revocable: YES NO . If yes, the names of the persons holding any power to revoke the Trust are: RODNEY PERRY, DENISE PERRY
- (5) Execution: (fill in the applicable execution requirement):
 - a) The following Trustee, acting alone, can sign or act to bind the Trust: _____
 - b) The following Trustees must sign or act together to bind the Trust: RODNEY PERRY, DENISE PERRY
- (6) Title to Trust assets is to be taken in the name of RODNEY PERRY AND DENISE PERRY LIVING TRUST

(7) Trustees hereby certify that the Trust has not been revoked, modified or amended in any manner which would cause the representations contained in this Certification of Trust to be incorrect and this Certification of Trust is being signed by all of the currently acting Trustees of the Trust or a Trustee authorized to act alone. Trustees acknowledge and agree that the City may require Trustees to provide copies of excerpts from the trust instrument and amendments which designate the Trustees the power to act in these transactions, and that the City may require such further identification or legal opinion supporting the Trustees' authority and power as the City shall deem necessary and prudent. The City shall have no responsibility to know or interpret the terms of the Trust instrument and to confirm the appointment of the successor trustees.

TRUSTEES FURTHER CERTIFY THAT the persons named above are duly authorized to act on behalf of the Trust in the manner described above; that I am familiar with the purpose of the (i.e. Lease Agreement) AVIGATION EASEMENT; that said transaction is to be used for a legitimate trust purpose and for the benefit of the Trust and its beneficiaries; and, that the certifications set forth herein shall remain in full force and effect until written notice of their revocation shall have been delivered to and received by the City. Any such notice shall not affect any of the Trust's agreements or commitments in effect at the time notice is given.

I/We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I/we have received a copy of this document.

Date: 7-8-99

Trustee: *Denise M Perry*
(Signature)
Denise M. Perry
(Print name)

Date: 7-8-99

Trustee: *Rod Perry*
(Signature)
Rod PERRY
(Print name)



GENERAL ACKNOWLEDGEMENT

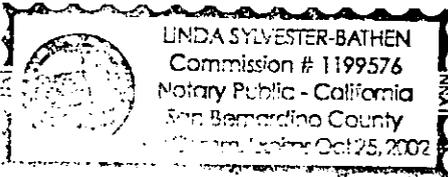
State of California }
County of San Bernardino }^{ss}

On Aug. 28, 1999, before me Linda Sylvester Bathen
(date) (name)

a Notary Public in and for said State, personally appeared

Rodney C. Perry and Denise M. Perry
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/hers/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.

Linda Sylvester Bathen
Signature

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:

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 _____

CITY OF RIVERSIDE

Real Property Services Manager
of the City of Riverside

cu037978.rw

