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DOC # 1999-344505

08/02/1999 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder

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)

M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC.
A	R	L				COPY	LONG	REFUND	NCHG EXAM

FOR RECORDER'S OFFICE USE ONLY

Project: CU-13-689 & AL-1-934
5475 Arlington Avenue
A.P.N. 190-340-049 & 062

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AVIGATION EASEMENT

WHEREAS ARLINGTON AVENUE CHURCH OF THE NAZARENE, a California non-profit 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

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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



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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 Grantor's property 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 July 15, 1999

ARLINGTON AVENUE CHURCH OF THE NAZARENE, a California non-profit corporation

By Raymond Wright

Title District Superintendent/President

By _____

Title _____



GENERAL ACKNOWLEDGEMENT

State of California
County of Riverside ss

On July 15, 1999, before me Janet M. Parks
(date) (name)

a Notary Public in and for said State, personally appeared

Harry V. Wright
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.

Janet M. Parks
Signature

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- (x) Corporate Officer(s)

Title District Superintendent
President
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 7/22/99

CITY OF RIVERSIDE

Debra Head

Real Property Services Manager
of the City of Riverside

APPROVED AS TO FORM
Carolyn Confer
CAROLYN CONFER
ASSISTANT CITY ATTORNEY

C13689.AVG



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EXHIBIT "A"

PARCEL 1

PARCEL 1 OF PARCEL MAP ON FILE IN PARCEL MAP BOOK 9 PAGE 96 RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

TOGETHER WITH THAT PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION, SAID POINT BEING AT THE INTERSECTION OF SAID SOUTHERLY LINE WITH THE PROLONGATION OF THE EASTERLY LINE OF PARCEL 1 AS SHOWN ON RECORD OF SURVEY BOOK 49 PAGE 99, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE NORTH ALONG SAID EASTERLY LINE, A DISTANCE OF 660 FEET TO THE NORTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION;

THENCE EASTERLY ALONG SAID NORTHERLY LINE, A DISTANCE OF 528 FEET TO A POINT THAT IS 66 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION;

THENCE SOUTHERLY AND PARALLEL WITH THE EASTERLY LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION, A DISTANCE OF 350 FEET ;

THENCE WESTERLY AND PARALLEL WITH THE NORTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 66 FEET;

THENCE NORTHERLY AND PARALLEL WITH THE EASTERLY LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE 20 FEET TO A POINT THAT IS 330 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION;

THENCE WESTERLY AND PARALLEL WITH SAID SOUTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 132 FEET;

THENCE SOUTHERLY ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION TO A POINT THAT IS 377 FEET SOUTHERLY OF SAID NORTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION;

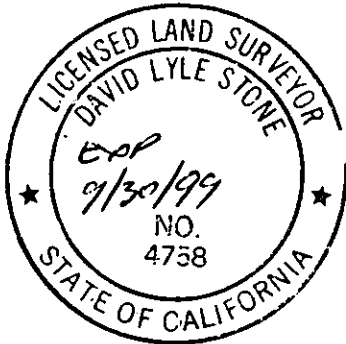
THENCE WESTERLY AND PARALLEL WITH THE NORTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 198 FEET;

THENCE SOUTHERLY AND PARALLEL WITH SAID EASTERLY LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 287 FEET TO THE SOUTHERLY LINE OF THE SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION;

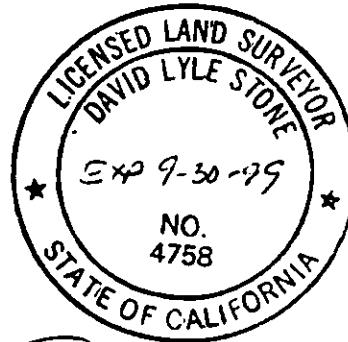


THENCE WESTERLY ALONG SAID SOUTHERLY LINE, A DISTANCE OF 132 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE SOUTHERLY 62 FEET OF THE WESTERLY 132 FEET OF THE EASTERLY 594 FEET OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION LYING WITHIN ARLINGTON AVENUE.



[Handwritten signature]
7/19/99



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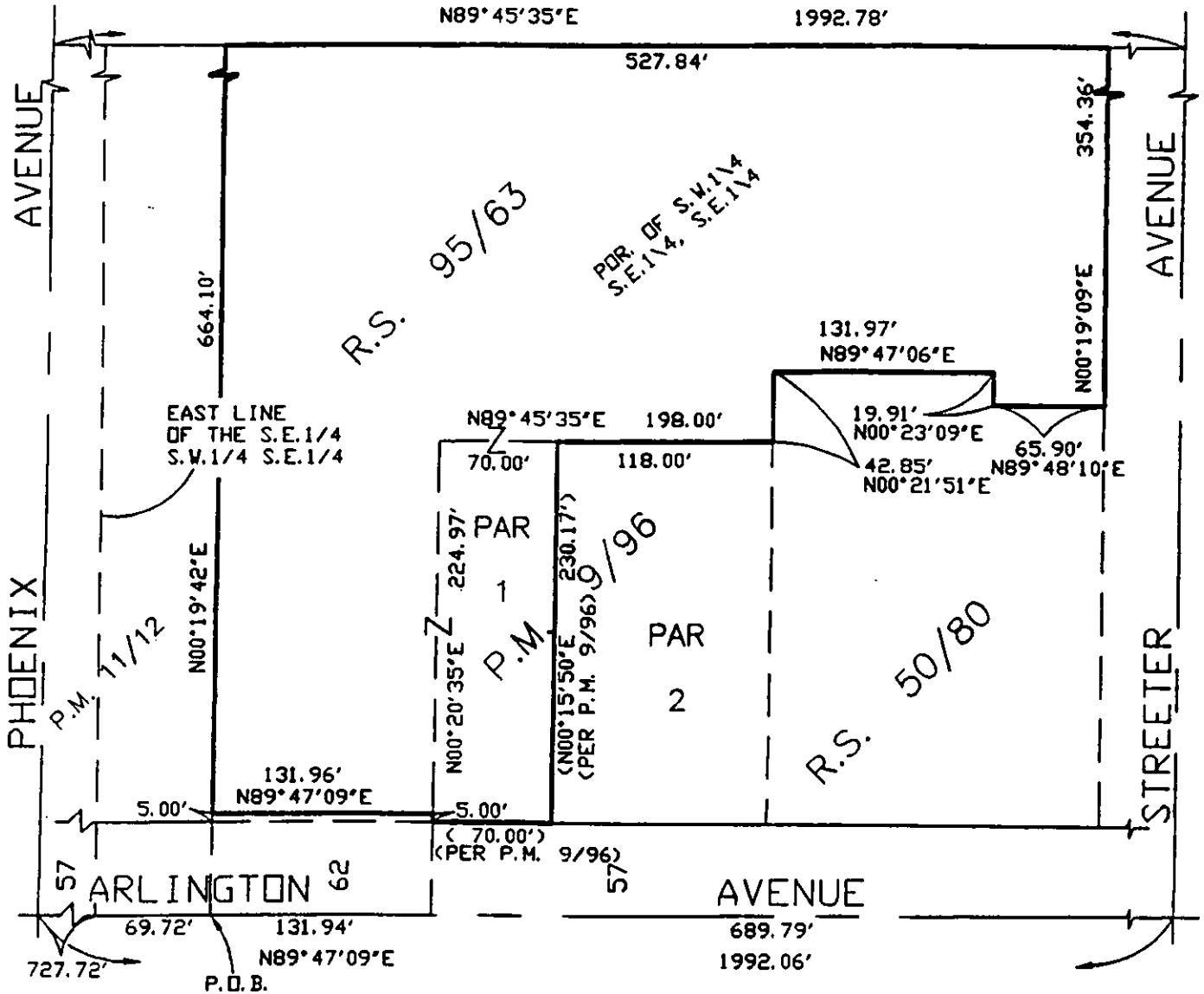
DESCRIPTION APPROVAL 12/20/95
[Signature] by [Signature]
SURVEYOR, CITY OF RIVERSIDE



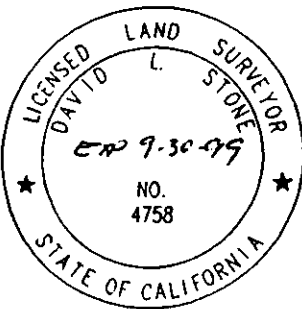
NOTES

ALL DATA IS RECORD PER RECORD OF SURVEY BOOK 95 PAGE 63 UNLESS OTHERWISE NOTED

SCALE
1" = 100'



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D.L. STONE AND ASSOCIATES 9474 PARAMOUNT RD. PHELAN, CA. 92371 P.O. BOX 293865 PHELAN, CA. 92329-3865	
PROJECT: 5475 ARLINGTON AVE. RIV. 92504	CHURCH OF THE NAZARENE
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.	A.P.N. 190-340-062
	PREPARED BY: D.L.S.
APPROVED BY: <i>[Signature]</i>	SUBJECT: PARCEL MAP WAMER CU-013-689 REV.
DATE: 12-12-95 7/19/99	DATE: 9-25-95
	SHEET 1 OF 1 52/3+5

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