

When recorded mail to:

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

**DOC # 2000-467403**

11/22/2000 08:00A Fee:NC

Page 1 of 7

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: Goldware Senior Housing  
Streeter & Sierra

A.P.N. 226-130-014 (POR)

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14623



AVIGATION EASEMENT  
(RIVERSIDE MUNICIPAL AIRPORT)

WHEREAS The **REDEVELOPMENT AGENCY OF THE CITY OF RIVERSIDE, CALIFORNIA**, a public body, corporate and politic, 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.

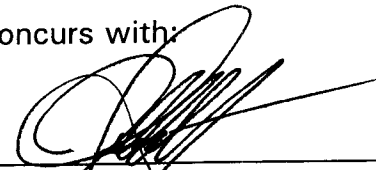
IT IS UNDERSTOOD AND AGREED that this easement and the rights and restrictions herein created shall run with the land and shall be binding upon the Grantor and the heirs, administrators, executors, successors and assigns of Grantor.

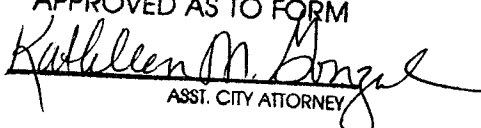
Dated 11/9/00

REDEVELOPMENT AGENCY OF THE  
CITY OF RIVERSIDE, CALIFORNIA, a  
public body, corporate and politic

  
Robert C. Wales,  
Executive Director  
Attest:   
Agency Secretary

Concurs with:

  
John Sabatello  
Airport Director

APPROVED AS TO FORM  
  
ASST. CITY ATTORNEY



**GENERAL ACKNOWLEDGEMENT**

State of California  
County of RIVERSIDE } ss

On November 9, 2000, before me JANIS LOWRY  
(date) (name)

a Notary Public in and for said State, personally appeared  
ROBERT C. WALLS and CACERAS J. NICOL  
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.

- 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:



WITNESS my hand and official seal.

Janis Lowry  
Signature

**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 11/20/00

**CITY OF RIVERSIDE**

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



EXHIBIT "A"

That certain real property located in the City of Riverside, County of Riverside, State of California, described as follows:

That portion of the Northwest Quarter of the Southwest Quarter of Section 33, Township 2 South, Range 5 West, San Bernardino Meridian, as shown by United States Government Survey, described as follows:

COMMENCING at the intersection of the centerline of Sierra Street with the centerline of Streeter Avenue as shown by said Record of Survey on file in Book 43, Page 99 of Record of Surveys;

THENCE North  $0^{\circ}00'09''$  West, along said centerline of Streeter Avenue, a distance of 315.01 feet to a line which is parallel with and distant 315.00 feet northerly, as measured at right angles, from said centerline of Sierra Street;

THENCE North  $89^{\circ}26'30''$  East, along said parallel line, a distance of 44.00 feet to a line which is parallel with and distant 44.00 feet easterly, as measured at right angles, from said centerline of Streeter Avenue, and the POINT OF BEGINNING of the parcel of land being described;

THENCE North  $89^{\circ}26'30''$  East, continuing along said parallel line, a distance of 248.00 feet;

THENCE North  $59^{\circ}26'30''$  East, a distance of 62.00 feet;

THENCE South  $30^{\circ}33'30''$  East, at right angle to the previous course, a distance of 70.44 feet to a line which is parallel with and distant 285.00 feet northerly, as measured at right angles, from said centerline of Sierra Street;

THENCE North  $89^{\circ}26'30''$  East, along said last mentioned parallel line, a distance of 384.79 feet to the northerly prolongation of the westerly line of said South 228.00 feet of the East 66.00 feet of the West One-Half of the West One-Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 33;

THENCE South  $0^{\circ}01'19''$  West, along said northerly prolongation of said westerly line, a distance of 57.00 feet to the North line of said South 228.00 feet of the East 66.00 feet of the West One-Half of the One-West Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 33;

THENCE North  $89^{\circ}26'30''$  East, along said last mentioned North line, a distance of 66.00 feet to the westerly line of Hardman Tract No. 2, as shown by map on file in Book 23, Page 24 of Maps, records of said Riverside County;

THENCE North  $0^{\circ}01'19''$  East, along said westerly line and along the westerly line of Parcels 1, 2 and 3 of Record of Survey on file in Book 23, Page 41 of Record of Surveys,



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records of said Riverside County, a distance of 435.81 feet to the northwest corner of said Parcel 3;

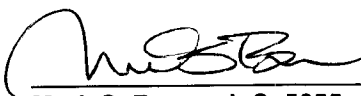
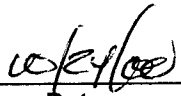


THENCE South 89°30'23" West, along the easterly prolongation of the northerly line of Parcel 1 of said Record of Survey on file in Book 43, Page 99 of Record of Surveys, a distance of 629.12 feet to the northeast corner of said Parcel 1;

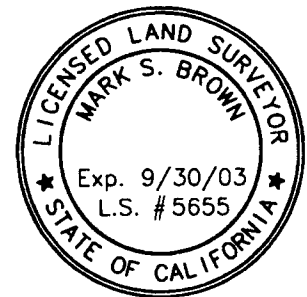
THENCE South 0°01'41" West, along the east line of said Parcel 1, a distance of 85.97 feet to the southeast corner of said Parcel 1;

THENCE South 89°29'18" West, along the south line of said Parcel 1, a distance of 158.98 feet to said line which is parallel with and distant 44.00 feet easterly, as measured at right angles, from the centerline of Streeter Avenue;

THENCE South 0°00'09" East, along said last mentioned parallel line, a distance of 263.67 feet to the POINT OF BEGINNING; the preceding eleven courses being along the boundary of that certain parcel of land described in deed to the Redevelopment Agency of the City of Riverside, by document recorded March 13, 2000, per Document No. 2000-090788 of Official Records of said Riverside County.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

  Prep.   
Mark S. Brown, L.S. 5655      Date      Prep.   
License Expires 9/30/03



2000-467403  
11/22/2000 08:00A  
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CENTRAL

AVENUE

AVENUE

STREETER

SIERRA

STREET

S89°30'23"W

629.12'

PAR. 1

158.98'

R/S 43/99

NW 1/4 SW 1/4 SECTION 33  
T. 2 S., R. 5 W., S.B.M.

REDEVELOPMENT AGENCY  
MARCH 13, 2000  
#2000-090788 O.R.

PAR. 3

PAR. 2

R/S 23/41

PAR. 1

LOT 7

HARDMAN TRACT  
NO. 2  
M.B. 23/24



1,329.63'

263.71'  
10/18/71 #18453

263.67'

44'

438.81'

44'

175.14'

44'

315.01'

53'

72.9'

R=19.5'  
L=40.37'  
S31°26'09"W (R)

S89°59'51"W

S00°33'30"E  
315'

N89°26'30"E  
248'

N59°26'30"E  
62'

S00°33'30"E  
204.4'

N89°26'30"E  
384.79'

57'

N89°26'30"E  
66'

252.01'

195.01'

S00°01'19"W

285'

S00°33'30"E

33'

W 1/2 W 1/2 SEC. 33

NW 1/4 SW 1/4 SEC. 33

228'

N00°33'30"W

25'

RES. 14782 9/22/82 #163981

S89°26'30"W  
693.99'

N89°26'30"E  
1000.85'

• CITY OF RIVERSIDE, CALIFORNIA •

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: N.T.S.

DRAWN BY: Kgs DATE: 10/23/00

SUBJECT: GOLDWARE HOUSING - AVIGATION EASEMENT