

When recorded mail to:

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

DOC # 2004-0524672

07/07/2004 08:00A Fee:NC

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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)

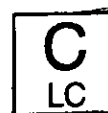
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FOR RECORDER'S OFFICE USE ONLY

Project: P04-0164 - Parcel B  
A.P.N. 230-110-006, 009, 010 & 011  
Address: Indiana Ave

D- 15342



**AVIGATION EASEMENT  
(RIVERSIDE MUNICIPAL AIRPORT)**

WHEREAS THE SMITH FAMILY TRUST, dated December 23, 1987 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



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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 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 5/25/04

THE SMITH FAMILY TRUST, dated December 23, 1987

*Malcolm A. Smith*  
signature

MALCOLM A. SMITH TRUSTEE  
print name

\_\_\_\_\_  
signature

\_\_\_\_\_  
print name

Concurs with: *[Signature]*



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**GENERAL ACKNOWLEDGEMENT**

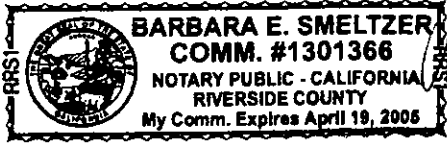
State of California  
County of Riverside } ss

On 5/25/04, before me Barbara E. Smeltz  
(date) (name)

a Notary Public in and for said State, personally appeared  
Malcolm A. Smith  
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.



Barbara E. Smeltz  
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. 20534 of said City Council adopted September 23, 2003 and the grantee consents to recordation thereof by its duly authorized officer.

Dated 6/28/04

**CITY OF RIVERSIDE**

APPROVED AS TO FORM  
CITY ATTORNEYS OFFICE

By: Malcolm A. Smith

Malcolm A. Smith Administrative Services Manager  
Deputy City Attorney



January 22, 2004

W.O. 1266-001

**EXHIBIT "A"**  
**AVIGATION EASEMENT**  
 ADMINISTRATIVE LOT LINE ADJUSTMENT No. P04-0164

**PARCEL "B"**

That portion of Lots 20, 22, 23, 25, 64, 65 and 66, and all of Lots 21 and 24 of Walnut Grove Tract as shown by map on file in Book 23 of Maps at Page 49 thereof, Records of Riverside County, California, and a portion of Cortez Street (Lot "B") of said Walnut Grove Tract, vacated by Resolution No. ~~010~~ recorded ~~0~~ ~~10~~, 2004 as inst. no. ~~0~~ ~~10~~, Official Records of Riverside County, California, and a portion of Lot 16, in Block 21 of Lands of Riverside Land and Irrigating Company as shown by map on file in Book 1 of Maps at Page 70 thereof, Records of San Bernardino County, California, described as follows:

Commencing at the intersection of the Southwesterly line of Lot 67 of said Walnut Grove Tract with the Northwesterly line of Indiana Avenue as conveyed to the City of Riverside by Deed recorded November 9, 1984 as inst. no. 243717, Official Records of Riverside County, California, said Northwesterly line being parallel with and 44.00 feet Northwesterly, measured at right angles from the centerline of Indiana Avenue as shown on said Walnut Grove Tract;

Thence N.56°22'29"E. along said parallel line, a distance of 247.54 feet to the Point of Beginning of the parcel of land to be described;

Thence N.33°37'31"W., a distance of 61.00 feet to the Northwesterly line of said Lot 66;

Thence S.56°22'29"W. along said Northwesterly line, a distance of 28.40 feet;

Thence N.33°37'31"W., a distance of 89.17 feet to the Southeasterly line of State Highway 91 as shown on Cal-Trans Right of Way Map No. 427025;

Thence the following three (3) courses along said Southeasterly line of State Highway 91:

N.54°57'52"E., a distance of 127.83 feet;

N.62°38'21"E., a distance of 301.87 feet;

N.61°21'22"E., a distance of 145.58 feet to the Northeasterly line of the

Southwesterly 2 acres of Lot 16 in Block 21 of said Lands of Riverside Land and Irrigating Company, said Southwesterly 2 acres being shown by Record of Survey on file in Book 19 at Page 42 thereof, Records of Riverside County, California;

Thence S.33°37'46"E. along the Northeasterly line of said Southwesterly 2 acres, a distance of 107.74 feet to the Northwesterly line of Indiana Avenue as conveyed to the City of Riverside by Deed recorded March 5, 1965 as inst. no. 25697, Official Records of Riverside County, California, said Northwesterly line being parallel with and 44.00

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feet Northwesterly, measured at right angles from the centerline of Indiana Avenue as shown on said Walnut Grove Tract;


Thence S.56°22'29"W. along said parallel line, a distance of 544.50 feet to the point of beginning.

The above described parcel of land contains 1.728 acres, more or less.

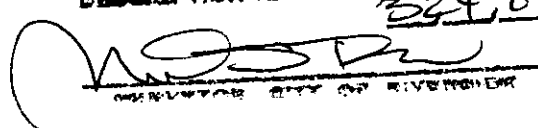


**CANTY ENGINEERING GROUP, INC.**

Prepared under the supervision of:

  
John W. Canty R.C.E. 17550

5/13/04  
Date

DESCRIPTION APPROVED 221.07  
  
SURVEYOR CITY OF RIVERSIDE



IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, CALIFORNIA

# AVIGATION EASEMENT -- LLA-P04-0164

A PORTION OF LOT 16 IN BLOCK 21 OF LANDS OF RIVERSIDE LAND AND IRRIGATING COMPANY PER M.B. 1/70, RECORDS OF SAN BERNARDINO COUNTY, CA. AND ALL OF LOTS 21, 24, 65 & 68, AND A PORTION OF LOTS 20, 22, 23, 25, 64, 66, 67 & 69, LOT "B" (CORTEZ ST.) AND LOT "C" (VERDE ST.) OF WALNUT GROVE TRACT PER M.B. 22/49, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

JANUARY 2004

SCALE: 1" = 80'

## LEGEND

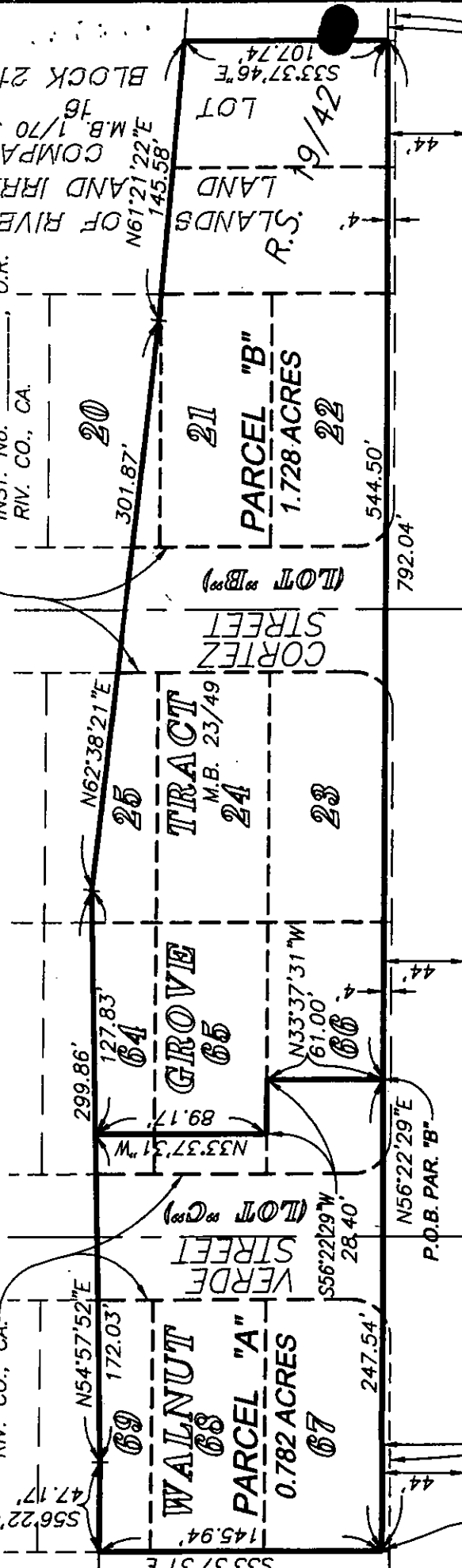
- INDICATES DELETED LINE
- INDICATES ADJUSTED LINE

## STATE HIGHWAY 91 (RIVERSIDE FREEWAY)

CAL-TRANS RIGHT OF WAY MAP  
NO. 426535 & 427025

VACATED BY RESOLUTION  
No. \_\_\_\_\_ REC. \_\_\_\_\_ O.R. \_\_\_\_\_  
INST. No. \_\_\_\_\_  
RIV. CO., CA.

VACATED BY RESOLUTION  
No. \_\_\_\_\_ REC. \_\_\_\_\_ O.R. \_\_\_\_\_  
INST. No. \_\_\_\_\_  
RIV. CO., CA.



## INDIANA AVENUE

PARCEL CONVEYED TO THE CITY OF RIVERSIDE REC. 11/9/84 #243717, O.R. RIV. CO., CA.

PARCEL CONVEYED TO THE CITY OF RIVERSIDE REC. 3/5/65 #25697, O.R. RIV. CO., CA.

A.P.N. 230-110-005 & 018  
OWNER: (Parcel "A")  
Patrick Weisenberger  
7701 Indiana Avenue  
Riverside, CA 92504

A.P.N. 230-110-004, 006-011  
OWNER: (Parcel "B")  
Smith Family Trust  
7563 Indiana Avenue  
Riverside, CA 92504

PREPARED BY:  
CANTY ENGINEERING GROUP, INC.  
2020 IOWA AVENUE, SUITE 102  
RIVERSIDE, CA 92507

