

When recorded mail to:

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

**DOC # 2004-0487138**

06/24/2004 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: P03-0826  
A.P.N. 145-050-011 & 145-050-012  
Address: 4750 Challen Ave

**D- 15348**

*D*

**AVIGATION EASEMENT**  
**(RIVERSIDE MUNICIPAL AIRPORT)**



WHEREAS **FAITH COMMUNITY CHURCH OF RIVERSIDE** 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 6-2-2004

**FAITH COMMUNITY CHURCH OF RIVERSIDE**

By Donald L. Collier

Title: President

By Robert J. Stotts

Title: Secretary

Concurs with:

  
Airport Director



### GENERAL ACKNOWLEDGEMENT

State of California  
County of RIVERSIDE } ss

On June 2, 2004, before me KATHLEEN A. TEGELER  
(date) (name)

a Notary Public in and for said State, personally appeared

DONALD LESLIE COLLIER & ROBERT FRANK STOTTS  
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.

Kathleen A. Tegeler



### 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 6/22/04

CITY OF RIVERSIDE  
By: Mel Healey

APPROVED BY  
CITY ATTORNEYS OFFICE  
[Signature]  
Deputy City Attorney

Administrative Services Manager

### 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXHIBIT "A"**  
**ADJUSTED LOT MERGER P03-0088**

That portion of Lot Merger P03-0088, in the City of Riverside, Recorded on December 11, 2003, as Instrument No. 969433 of Official Records, in the Office of the Recorder of the County of Riverside, State of California, more particularly described as follows:

**BEGINNING** at the Northeasterly corner of said Lot Merger, said corner being on the Southwesterly 40.00 foot half width sideline of Challen Avenue, as shown on Tract 7948, as filed in Book 93, Pages 94 through 97, inclusive, of Maps, Records of said County;

THENCE, along said sideline, South 27°31'45" East, a distance of 472.79 feet to the beginning of a tangent 390.11 foot radius curve, concave Easterly;

THENCE, continuing, Southerly, along said sideline and the arc of said curve through a central angle of 4°47'08", a distance of 32.58 feet to an intersection with a line that is parallel with, Northerly of and distant 40.00 feet, from the South line of said Lot Merger, said Southerly line also being the Northerly boundary of Tract 7925, as filed in Book 94, Pages 29 through 34, inclusive, of Maps, Records of said County;

THENCE, along said parallel line, South 69°13'33" West, a distance of 144.91 feet;

THENCE, South 49°23'05" East, a distance of 45.56 feet to said Southerly line and said Northerly boundary;

THENCE, along said Southerly line and said Northerly boundary, South 69°13'33" West, a distance of 420.10 feet to the Southwesterly line of said Lot Merger, said Southwesterly line also being the Northeasterly Boundary of said Tract 7925;

THENCE, along said Southwesterly line and said Northeasterly boundary, North 50°07'58" West, a distance of 450.15 feet to the Northwesterly line of said Lot Merger and the Southeasterly Boundary of said Tract 7948;

THENCE, along said Northwesterly line, North 20°25'55" East, a distance of 333.85 feet to the most Southerly corner of Lot 6, of said Tract 7948;

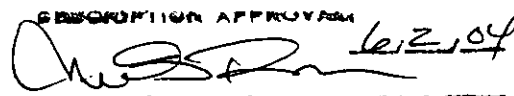
THENCE, leaving said Northwesterly line, North 87°26'01" East, a distance of 33.18 feet to the most Southerly corner of Lot 5, as shown on said Tract 7948, said corner being the beginning of a non-tangent 1890.08 foot radius curve, concave Southerly, a radial line bears North 16°19'38" West;

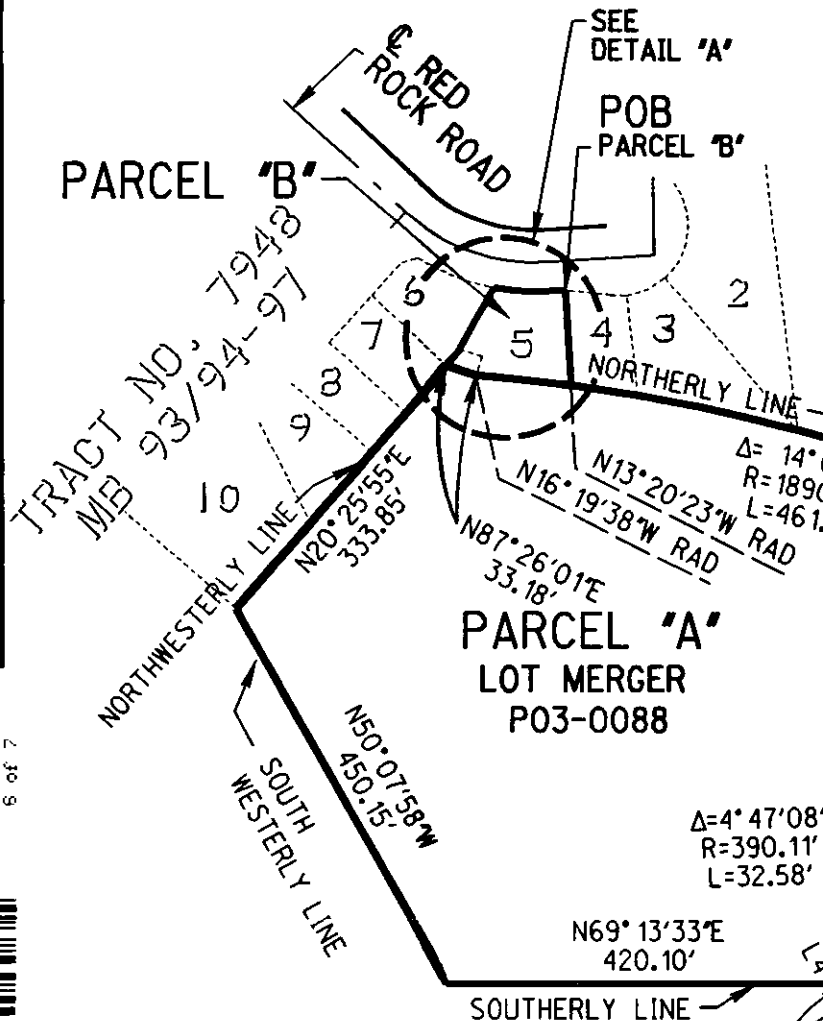
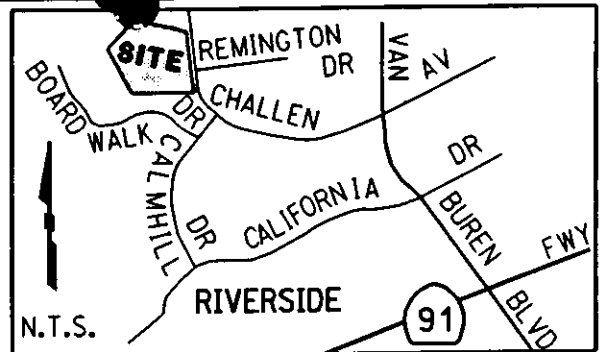
THENCE, Easterly, along the Northerly line of said Lot Merger, said Northerly line also being the Southerly boundary of said Tract 7948 and the arc of said curve, through a central angle of 14°00'16", a distance of 461.98 feet to the **POINT OF BEGINNING**.

The above-described parcel contains 8.548 acres, more or less.

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DESCRIPTION APPROVAL  
  
RECYCLER, CITY OF RIVERSIDE

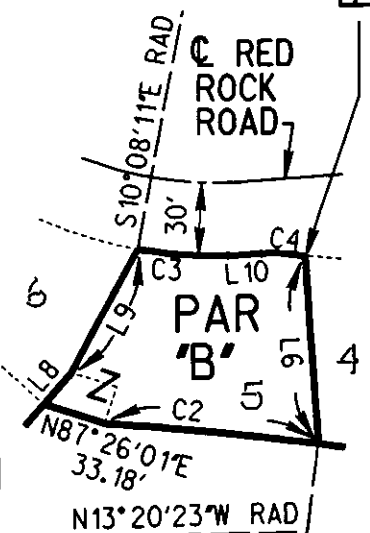


TRACT NO. 7948  
MB 93/94-97

TRACT NO. 7925  
MB 94/29-34

No.	DIRECTION	DISTANCE
L1	N 42°39'49" E	115.00'
L2	N 41°21'34" W	115.29'
L3	N 69°13'33" E	13.00'
L4	N 49°23'05" W	45.56'
L5	N 69°13'33" E	144.91'
L6	N 24°25'52" W	97.98'
L8	N 20°25'55" E	21.60'
L9	N 7°49'20" E	72.94'
L10	N 65°33'47" E	6.09'

No.	DELTA	RADIUS	LENGTH
C1	15°02'11"	390.11'	102.38'
C2	2°59'15"	1890.08'	98.55'
C3	14°18'02"	230.00'	57.41'
C4	7°06'25"	88.00'	10.92'



**RICK ENGINEERING COMPANY**

San Diego      Riverside      Orange      Phoenix      Tucson

1223 University Ave., Ste. 240 • Riverside, CA 92507-3418 • (909)782-0707 • FAX (909)782-0723 • www.rickeng.com

**EXHIBIT "B"** 65-1  
65-3

**LOT MERGER**

**FAITH COMMUNITY**

SCALE: 1"=200'      DATE: JAN. 8, 2003

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15348

FAITH COMMUNITY CHURCH  
4750 CHALLEN AVENUE  
RIVERSIDE, CA. 92503

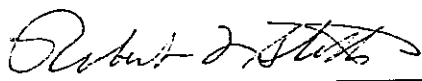
Corporate Resolutions

At a board of directors meeting held on February 10<sup>th</sup>, 2003 the following were authorized to sign legal documents on behalf of Faith Community Church of Riverside.

Those authorized are:

  
\_\_\_\_\_

Donald L. Collier, Pastor

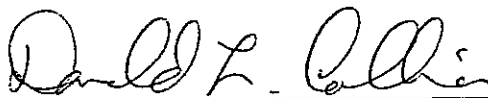
  
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Robert F. Stotts, Deacon, Secretary

Respectfully,

02/10/2003

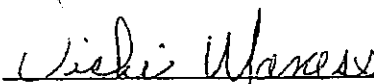
Date

  
\_\_\_\_\_

Donald L. Collier, President

02/10/2003

Date

  
\_\_\_\_\_

Vicki Maness, Secretary

02/10/2003

Date

  
\_\_\_\_\_

Larry Johnson, Treasurer

