

When recorded mail to:

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

DOC # 2005-0370882

05/11/2005 08:00A Fee:NC

Page 1 of 7

Recorded in Official Records

County of Riverside

Larry W. Ward

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: P04-1533  
A.P.N. 227-251-033 & -036  
Address: 3985 & 3991 Madison Street

D- 15494



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

WHEREAS RIVERSIDE BRETHREN IN CHRIST CHURCH, a non-profit organization, 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 Riverside County Airport Land Use Commission 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

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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 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 4-4-05

RIVERSIDE BRETHERN IN CHRIST  
CHURCH, a non-profit organization

By Randall D. Pickering  
signature

Randall D. Pickering  
print name

Title: Trustee

Concurs with: M. Kearney  
Airport Director

By Jonathan S. West  
signature

Jonathan S. West  
print name

Title: Trustee

2005-937088E  
05/11/2005 08:16AM  
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**GENERAL ACKNOWLEDGEMENT**

State of California }  
County of San Bernardino } ss

On April 4, 2005, before me Andrea E Wells  
(date) (name)

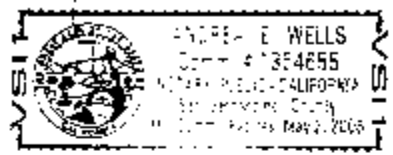
a Notary Public in and for said State, personally appeared  
Randall D. Pickering and Jonathan S. West  
Name(s) of Signer(s)

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.

[Signature]

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

Dated 5-11-05

APPROVED AS TO FORM  
CITY ATTORNEY'S OFFICE

[Signature]  
Deputy City Attorney

CITY OF RIVERSIDE

By: [Signature]

General Services Director

**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:

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

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00/11/2005 05:49:04  
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**EXHIBIT A**  
Project: P04-1533

THAT CERTAIN REAL PROPERTY IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

**PARCEL 1**

ALL THAT PORTION OF LOTS 5 AND 12 IN BLOCK 17 OF THE LANDS OF THE RIVERSIDE LAND & IRRIGATION CO., AS SHOWN BY MAP ON FILE IN BOOK 1, PAGE 70 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHEASTERLY LINE OF MADISON STREET DISTANT THEREON 69 FEET SOUTHEASTERLY FROM THE MOST WESTERLY CORNER OF SAID LOT 12;

THENCE NORTHEASTERLY PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT 12 A DISTANCE OF 170.5 FEET;

THENCE SOUTHEASTERLY PARALLEL WITH SAID NORTHEASTERLY LINE OF MADISON STREET A DISTANCE OF 65 FEET;

THENCE NORTHEASTERLY PARALLEL WITH SAID NORTHWESTERLY LINE OF LOT 12 A DISTANCE OF 160.00 FEET TO THE MOST EASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO CHARLES W. HESSLINK, ET AL., BY A DEED RECORDED OCTOBER 30, 1978 AS INSTRUMENT NO. 227612 OF OFFICIAL RECORDS OF SAID RIVERSIDE COUNTY;

THENCE NORTHWESTERLY PARALLEL WITH SAID NORTHEASTERLY LINE OF MADISON STREET 140 FEET TO THE MOST EASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO ROBERT V. KING, ET UX., BY A DEED RECORDED DECEMBER 16, 1953 IN BOOK 1536, PAGE 79 OF OFFICIAL RECORDS OF SAID RIVERSIDE COUNTY;

THENCE SOUTHWESTERLY PARALLEL WITH SAID NORTHWESTERLY LINE OF LOT 12 A DISTANCE OF 330.5 FEET TO SAID NORTHEASTERLY LINE OF MADISON STREET;

THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF MADISON STREET 75 FEET TO THE POINT OF BEGINNING.

**PARCEL 2**

ALL THAT PORTION OF LOT 12 IN BLOCK 17 OF THE LANDS OF THE RIVERSIDE LAND & IRRIGATION CO., AS SHOWN BY MAP ON FILE IN BOOK 1, PAGE 70 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHEASTERLY LINE OF MADISON STREET DISTANT THEREON 69 FEET SOUTHEASTERLY FROM THE MOST WESTERLY CORNER OF SAID LOT 12;




THENCE NORTHEASTERLY PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT 12 A DISTANCE OF 170.5 FEET;

THENCE SOUTHEASTERLY PARALLEL WITH SAID NORTHEASTERLY LINE OF MADISON STREET A DISTANCE OF 65 FEET;

THENCE SOUTHWESTERLY PARALLEL WITH SAID NORTHWESTERLY LINE OF LOT 12 A DISTANCE OF 170.5 FEET TO SAID NORTHEASTERLY LINE OF MADISON STREET;

THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF MADISON STREET A DISTANCE OF 65 FEET TO THE POINT OF BEGINNING.

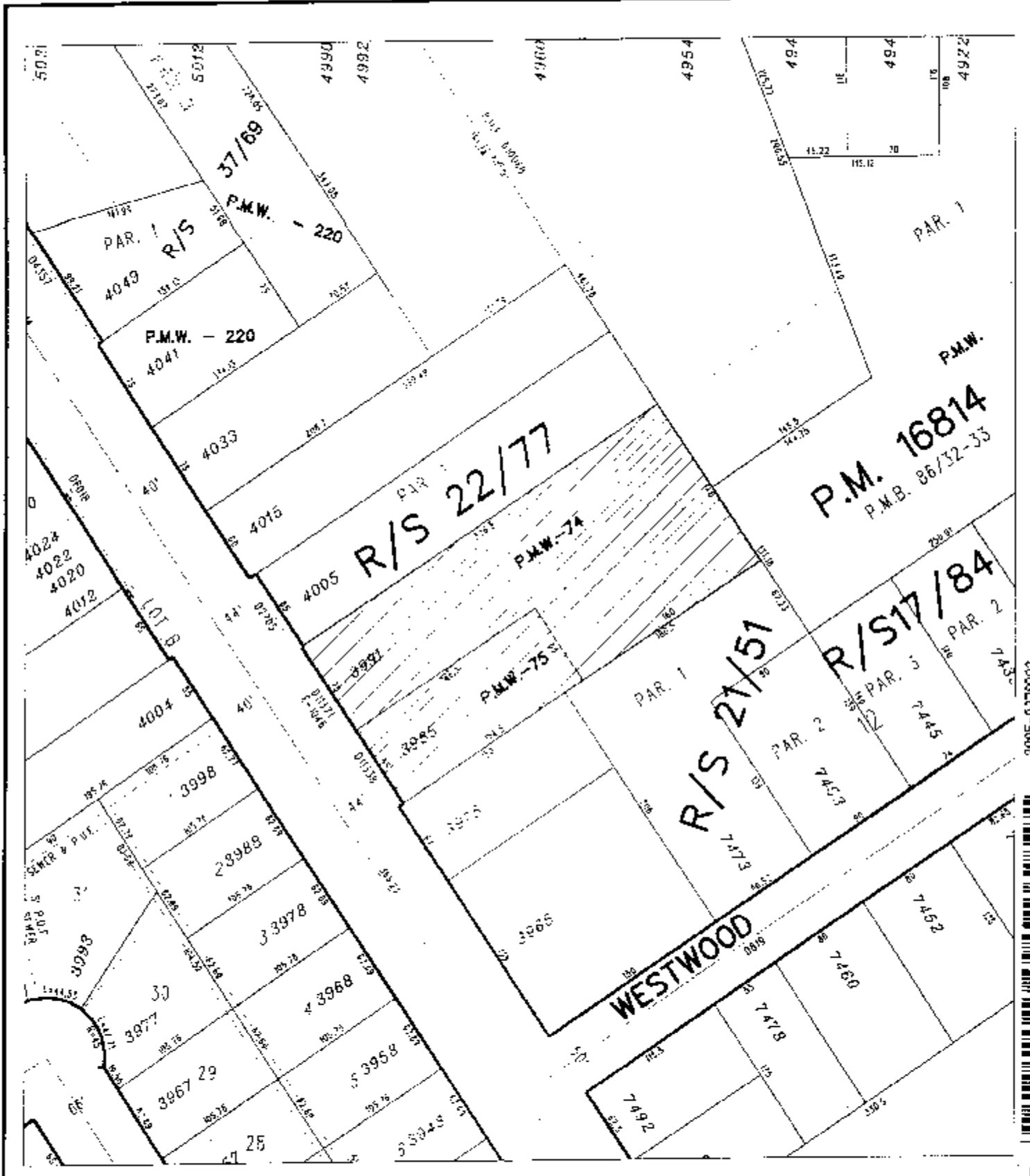
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act:

 3/21/05 Date \_\_\_\_\_ Prep. \_\_\_\_\_  
Mark S. Brown, L.S. 5655  
License Expires 9/30/05



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3/5/11/2005 5:31:06P  
S. C. 7





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06/11/2005 08:59



◆ CITY OF RIVERSIDE, CALIFORNIA ◆ 52.6

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCELS DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.

Sheet 1 of 1

Scale: 1" = 100' Drawn by: bmark Date: 03/22/05

Subject: P04-1533 Avig Esmt

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