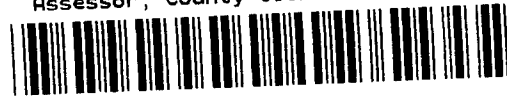


When recorded mail to:

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

DOC # 2005-1065115  
12/27/2005 08:00A Fee:NC  
Page 1 of 9  
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: P04-0853

A.P.N. 151-162-007, 010, 038, 047 & 048

D - 15616

AVIGATION EASEMENT  
(RIVERSIDE MUNICIPAL AIRPORT)

WHEREAS RIVERSIDE HOUSING DEVELOPMENT CORPORATION, A NON PROFIT CALIFORNIA CORPORATION, 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

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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 10/31/05

**RIVERSIDE HOUSING DEVELOPMENT CORPORATION, A NON PROFIT CALIFORNIA CORPORATION**

By Bruce Kulpa

By \_\_\_\_\_

BRUCE KULPA  
(print name)

\_\_\_\_\_  
(print name)

Title Executive Director

Title \_\_\_\_\_

Concurs with:

Barbara McSwain  
for Airport Director



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**GENERAL ACKNOWLEDGEMENT**

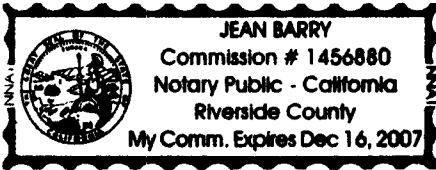
State of California

County of Riverside } ss

On 10-31-05, before me Jean Barry  
(date) (name)

a Notary Public in and for said State, personally appeared  
Bruce Kulpa  
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.

Jean Barry  
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. 21027 of said City Council adopted September 6, 2005, and the grantee consents to recordation thereof by its duly authorized officer.

Dated 12-19-05

**CITY OF RIVERSIDE**

By Amelia M. Valdez

APPROVED TO BE  
CITY ATTORNEY

BY [Signature]  
Deputy City Attorney

EXHIBIT "A"

**PARCEL 1**

A.P.N. 151-162-038

All that certain real property situated in the County of Riverside, State of California, described as follows:

That portion of Lot 238 of Camp Anza Subdivision No, 1, in the City of Riverside, County of Riverside, State of California, as per map recorded in Book 22, page(s) 81 and 82, of Maps, in the office of the County Recorder of said County, described as follows:

Commencing at a point on the North line of said Lot 238, 100 feet West of the Northeast corner thereof;

Thence Southerly parallel with the Easterly line of said Lot, 182.7 feet to the True Point of Beginning;

Thence Easterly parallel to the Northerly line said lot, 100 feet to a point on the Easterly line thereof;

The last 2 courses and distances following along the boundary line of that certain agreement of sales, in favor of Homer B. Pard, filed for record May 12, 1952 as Instrument No. 21490, Official Records;

Thence South along the East line of said Lot, 420 feet to the Southeast corner of said Lot;

Thence West along the South line of said Lot, 300 feet to the Southwest corner thereof;

Thence North along the West line of said Lot, 420 feet to a point 182,7 feet South of the Northwest corner thereof;

Thence East and parallel with the North line of said Lot, 200 feet to the True Point of Beginning.

Excepting therefrom all metals, minerals, petroleum, natural gas and other hydrocarbon substances existing and lying beneath and below 500 feet of the surface of said real property; without, however, any right of entry upon or across the surface of said real property nor within, nor closer to said surface than 500 feet underneath thereof for the purposes of exploring, for drilling, developing or removing or otherwise any of said metals, minerals, petroleum, natural gas and other hydrocarbon substances, as reserved by Anza Realty Company in deed recorded May 3, 1957 in Book 2084, page(s) 284, Official Records.

All that certain real property situated in the County of Riverside, State of California, described as follows:

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**PARCEL 2**

A.P.N. 151-162-007

Lot 237 and all that portion of Lot 238 of Camp Anza Subdivision No, 1, in the City of Riverside, County of Riverside, State of California, as per map recorded in Book 22, page(s) 81 and.82, of Maps, in the office of the County Recorder of Riverside County, California, particularly described as follows:

BEGINNING at the Northeasterly corner of said Lot 238;

Thence Westerly along the Northerly line of said Lot 238, a distance of 25 feet;

Thence Southerly and parallel with the Easterly line of said Lot 238, a distance of 182.7 feet;

Thence Easterly and parallel with the Northerly line of said Lot 238, a distance of 25 feet to a point on the Easterly line thereof;

Thence Northerly along the Easterly line of said Lot 238 a distance of 182.7 feet to the POINT OF BEGINNING;

EXCEPTING THEREFROM said Lot 237 the Easterly rectangular 2 feet thereof.

EXCEPT therefrom all oil, gas, minerals, and other hydrocarbon substances lying below the surface of said land, but with no right of surface entry, as provided in deeds of record.

**PARCEL 3**

A.P.N. 151-162-048

All that portion of Lot 238 of Camp Anza Subdivision No. 1, in the City of Riverside, County of Riverside, State of California, as shown by map on file in Book 22, page(s) 81 and 82 of Maps, Riverside County records, described as follows:

BEGINNING at the Northwesterly corner of Lot 237 of said Camp Anza Subdivision No. 1;

Thence Westerly along the Northerly line of said Lot 238, a distance of 25 feet to the TRUE POINT OF BEGINNING;

Thence continuing Westerly along the Northerly line of said lot 238, a distance of 75 feet;

Thence Southerly and parallel with the Easterly line of said Lot 238, a distance of 182.7 feet;



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Thence Easterly and parallel with the Northerly line of said Lot 238, a distance of 75 feet;

Thence Northerly and parallel with the Easterly line of said Lot 238, a distance of 182.7 feet to the TRUE POINT OF BEGINNING;

EXCEPTING THEREFROM the Northerly 11 feet as conveyed to the City of Riverside by Grant Deed recorded June 3, 1988, as Instrument No. 150979, of Official Records.

ALSO EXCEPTING THEREFROM all oil, gas, minerals, and other hydrocarbon substances lying below the surface of said land, but with no right of surface entry, as provided in deeds of record.

**PARCEL 4**

A.P.N. 151-162-047

That portion of Lot 238 of Camp Anza No. 1 as shown by map on file in Book 22, page(s) 81 and 82 of Maps, records of Riverside County, California described as follows:

BEGINNING at a point on the North line of said Lot 100 feet West of the Northeast corner thereof;

Thence Southerly parallel with the Easterly line of said Lot 182.7 feet;

Thence Westerly parallel with the Northerly line of said Lot 50 feet;

Thence Northerly parallel with the Easterly line of said Lot, 182.7 feet to the Northerly line of said Lot;

Thence Easterly along the Northerly line of said Lot, 50 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM all oil, gas, minerals, and other hydrocarbon substances lying below the surface of said land, but with no right of surface entry, as provided in deeds of record.

**PARCEL 5**

A.P.N. 151-162-010

That portion of Lot 238 of Camp Anza Subdivision No. 1, in the County of Riverside, State of California, as per map recorded in Book 22, page(s) 81 and 82, of Maps, in the office of the County Recorder of Riverside County, California, described as follows:

BEGINNING at a point on the North line of said Lot, 150 feet West of the Northeast corner thereof;

Thence Southerly and parallel with the Easterly line of said Lot, 182.7 feet;



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Thence Westerly and parallel with the Northerly line of said Lot, 50 feet, to the Southeast corner of that certain parcel of land conveyed to Paul C, Anderson and Elois M. Anderson by Deed recorded May 2, 1953 as Instrument No. 23233 in the Office of the County Recorder of Riverside County, California;

Thence Northerly and parallel with the Westerly line of said Lot and along the Easterly line of said Parcel so conveyed to Paul C. Anderson and Elois M. Anderson, 182.7 feet to a point on the Northerly line of said Lot;

Thence Easterly along the Northerly line of said lot 50 feet to the POINT OF BEGINNING.

EXCEPT therefrom all oil, gas, minerals, and other hydrocarbon substances lying below the surface of said land, but with no right of surface entry, as provided in deeds of record.

DESCRIPTION APPROVAL:

BY: K. Stout 10.28.05  
DATE

FOR: MARK S. BROWN  
CITY SURVEYOR



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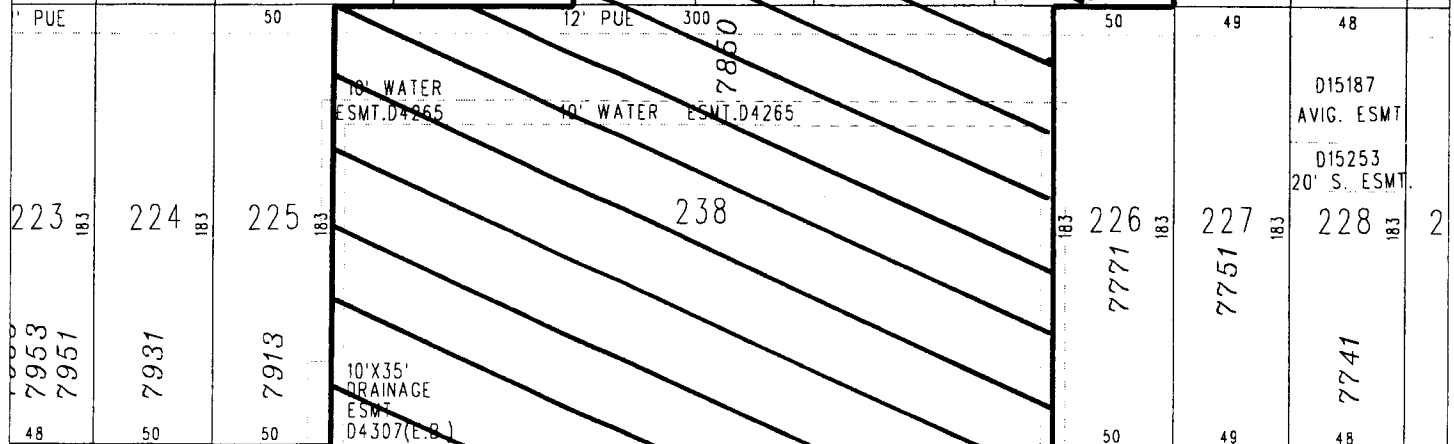
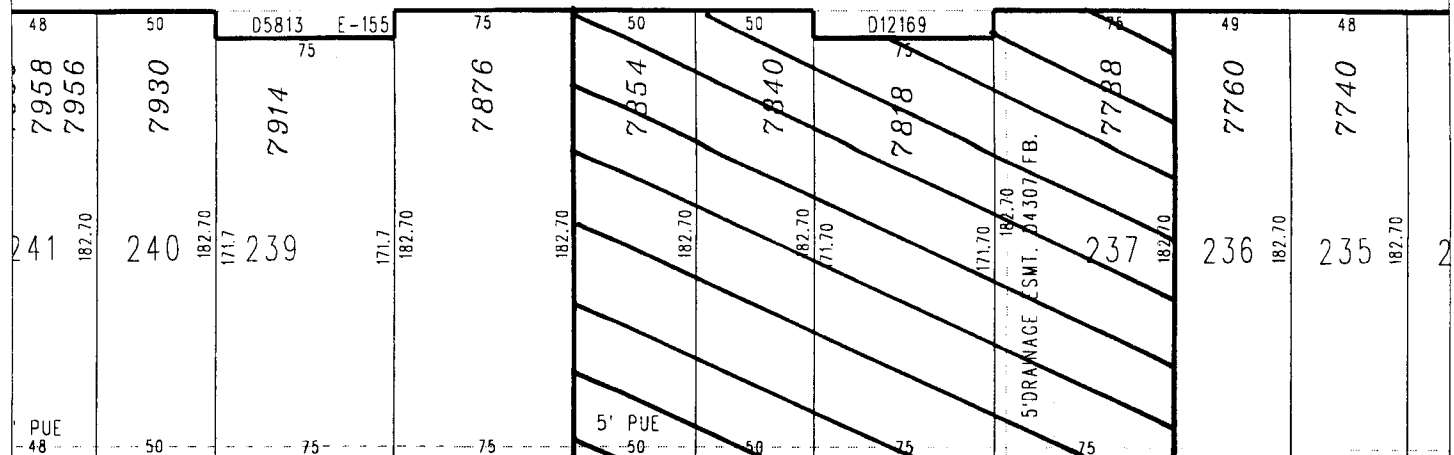
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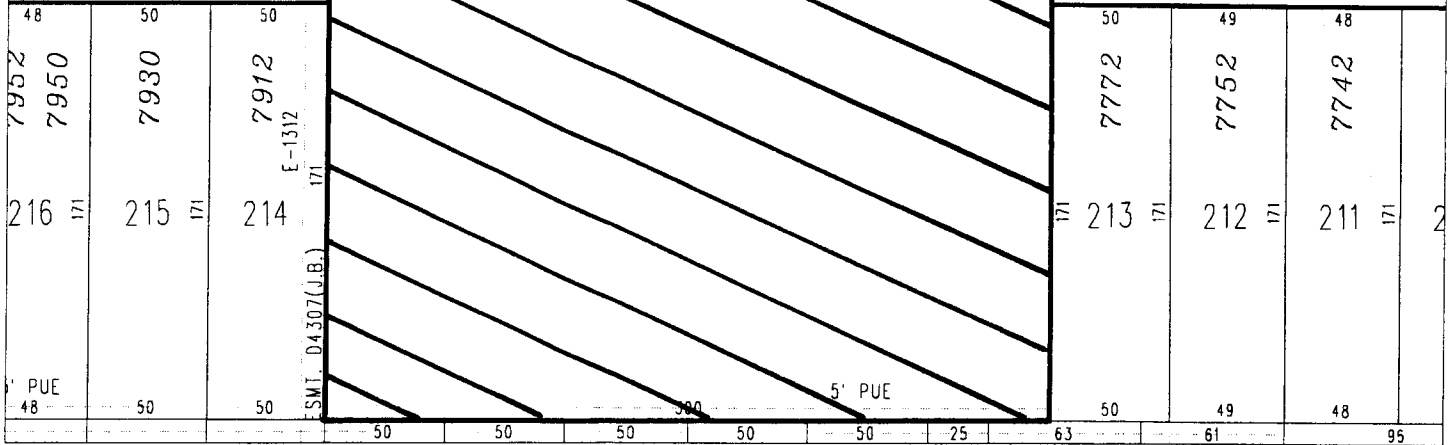


AV LOT 'X'

LOT 'Y' JANET

## JANET

## AVE.



# ◆ CITY OF RIVERSIDE, CALIFORNIA ◆ 50/5+6

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: 1" = 80'

Drawn by: skn

Date: 10/28/05

Subject: RHDC -AVIGATION ESMT - P04-0853

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