

When recorded mail to:

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

DOC # 2011-0325842

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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)

Project: P09-0396  
8402 Colorado Avenue  
A.P.N. 193-122-025

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AVIGATION EASEMENT  
(RIVERSIDE MUNICIPAL AIRPORT)

WHEREAS SNOWBERRY SENIOR APARTMENTS, L.P., a California limited partnership, 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 California charter city and municipal corporation, 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

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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 7-7-2011

**SNOWBERRY SENIOR APARTMENTS,  
L.P., a California limited partnership**

**By: Riverside Charitable Corporation, a  
California nonprofit public benefit  
corporation  
Its Managing General Partner**

By Stewart G. Hall

STEWART G. HALL  
(print name)

Title SECRETARY

By Ken Robertson

Ken Robertson  
(print name)

Title President

Concurs with:

M. A. R.  
Airport Director



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State of California

County of Orange } ss

On 7-7-2011, before me, Recinda Kay Shafer, Notary Public,

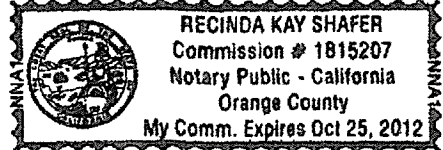
notary public, personally appeared, Stewart G. Hall and Kenneth S.

Robertson

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Recinda Kay Shafer  
Notary 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, a California charter city and 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 06, 2005 and the grantee consents to recordation thereof by its duly authorized officer.

Dated 7/21/11

CITY OF RIVERSIDE

By [Signature]  
Real Property Services Manager

APPROVED AS TO FORM  
[Signature]  
SUPERVISING DEPUTY CITY ATTORNEY

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EXHIBIT "A"

PO9-0396 Lot Line Adjustment

PARCEL 1

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

That portion of Lots 2, 7 and 10 in Block 7 of the Lands of the Riverside Land and Irrigating Company, as shown by map on file in Book 1, Page 72 of Maps, records of San Bernardino County, California, described as follows:

BEGINNING at the most northerly corner of said Lot 2;

THENCE South 34°00'30" East, along the northeasterly line of said Lot 2, a distance of 661.46 feet to the most easterly corner of said Lot 2; said corner also being in the northwesterly line of Lot "G" of Tract No. 8660, as shown by map on file in Book 94, Pages 46 and 47 of Maps, records of Riverside County, California;

THENCE South 55°59'30" West, along the southeasterly line of said Lot 2 and along said northwesterly line of Lot "G", a distance of 331.88 feet to the most westerly corner of said Tract No. 8660;

THENCE South 33°59'03" East, along said southwesterly boundary of said Tract No. 8660, a distance of 661.56 feet to the northwesterly line of said Lot 10;

THENCE South 56°00'10" West, along said northwesterly line of Lot 10, a distance of 7.77 feet to the westerly line of Lot "F" (Snowberry Street) of Riverside Ranchos Unit No. 2, as shown by map on file in Book 39, Pages 65 and 66 of Maps, records of Riverside County, California;

THENCE South 16°23'50" East, along said westerly line of Lot "F", a distance of 64.36 feet to the northerly line of Lot "A" (Raintree Avenue) of said Riverside Ranchos Unit No. 2;

THENCE South 73°36'10" West, along said northerly line of Lot "A", a distance of 200.00 feet to the most westerly corner of said Lot "A";

THENCE North 16°23'50" West, along the easterly line of Lot "C" (Shelby Drive) of said Riverside Ranchos Unit No. 2, a distance of 12.00 feet to the northerly line of said Lot "C";

THENCE South 73°36'10" West, along said northerly line of Lot "C", a distance of 66.00 feet to the most westerly corner of said Lot "C";

THENCE South 16°23'50" East, along said westerly line of Lot "C", a distance of 15.00 feet to the most northerly corner of Lot "E" (Raintree Avenue) of said Riverside Ranchos Unit No. 2;



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THENCE South 73°36'10" West, along the northerly line of said Lot "E", a distance of 49.67 feet to the southwesterly line of said Lot 7;

THENCE North 34°00'15" West, along said southwesterly line of Lot 7, a distance of 630.26 feet to the most westerly corner of said Lot 7;

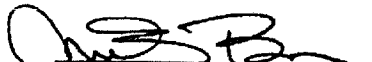
THENCE North 55°59'30" East, along the northwesterly line of said Lot 7, a distance of 197.88 feet to most easterly corner of Lot 18 of Tract No. 2748, as shown by map on file in Book 49, Pages 9 and 10 of Maps, records of Riverside County, California;

THENCE North 16°27'04" West, along the easterly line of said Tract No. 2748, a distance of 524.65 feet to an angle point in the easterly line of Lot 10 of said Tract No. 2748;

THENCE North 34°00'30" West, continuing along said easterly line of Tract No. 2748, a distance of 161.25 feet to the northwesterly line of said Lot 2;

THENCE North 55°59'30" East, along said northwesterly line of Lot 2, a distance of 305.00 feet to the POINT OF BEGINNING.

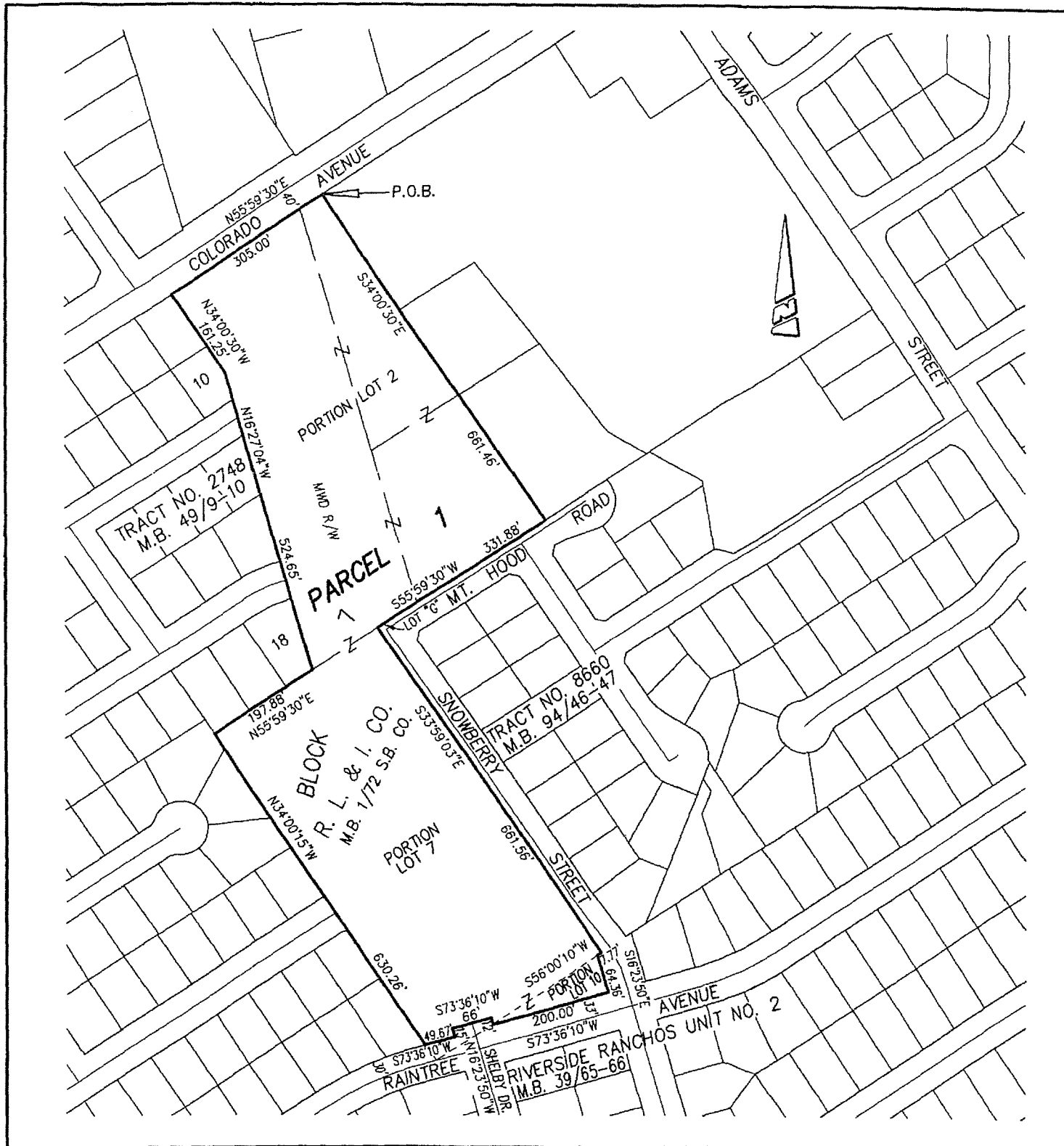
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 4/21/2010 Prep. \_\_\_\_\_  
Mark S. Brown, L.S. 5655 Date  
License Expires 9/30/11



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● 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: 6/18/10

VINTAGE AT SNOWBERRY SENIOR HOUSING



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