

When recorded mail to:

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

DOC # 2012-0481727

10/09/2012 03:46P Fee:NC

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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)

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Project: P11-0107 Lot Line Consolidation/Adjustment  
A.P.N. 189-240-013, 015, 016,  
024, 031, 032, 033, & 037

**D-16832**



AVIGATION EASEMENT  
(RIVERSIDE MUNICIPAL AIRPORT)

WHEREAS **HARVEST CHRISTIAN FELLOWSHIP**, a California non-profit 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 California



charter city and municipal corporation, 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 9/24/12

**HARVEST CHRISTIAN FELLOWSHIP, a  
California non-profit corporation**

By Robert Lawless

By John Collins

ROBERT LAWLESS  
(print name)

JOHN COLLINS  
(print name)

Title Sr. Business Administrator

Title ASSISTANT TREASURER

Concurs with:

M. A. R.  
Airport Director



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State of California

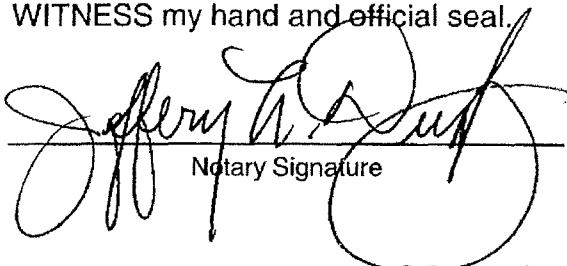
County of Riverside } ss

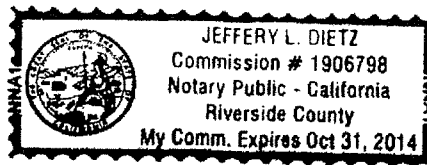
On Sept. 24, 2012, before me, Jeffery L. Dietz, Notary Public,  
notary public, personally appeared, Robert Lowless and John Collins

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.

  
Notary Signature

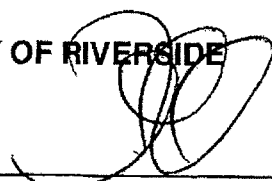


**CERTIFICATE OF ACCEPTANCE  
(Government Code Section §27281)**

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 10/5/12

**CITY OF RIVERSIDE**

By   
David Welch  
Real Property Services Manager

**APPROVED AS TO FORM**  
  
SUPERVISING DEPUTY CITY ATTORNEY

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EXHIBIT "A"

POR. APN'S: 189-240-013, 015, 016, 024, 031, 032, 033 & 037  
AVIGATION EASEMENT

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

That portion of the easterly 10.00 feet of Lot 43, together with that portion of Lots 39, 41, 44, 45 and 46, all of Gafford Gardens, as shown by map on file in Book 12, Page 97 of Maps, records of Riverside County, California, and Parcels 1 through 3 of Record of Survey filed in Book 28, Page 24 of Record of Surveys, records of Riverside County, California, described as follows:

BEGINNING at the southeasterly corner of Parcel 4 of said Record of Survey; said corner being in a line that is parallel with and distant 33.00 feet westerly, as measured at right angles, from the centerline of Neil Street as shown by said map of Gafford Gardens;

THENCE South, along the easterly line of Parcels 1 through 3 of said Record of Survey and along said line that is parallel with the centerline of Neil Street, a distance of 428.96 feet to an intersection with a line that is parallel with and distant 78.00 feet northerly, as measured at right angles, from the centerline of Arlington Avenue as shown by said map of Gafford Gardens;

THENCE South 41°00'33" West, a distance of 30.48 feet to a point in a line that is parallel with and distant 55.00 feet northerly, as measured at right angles, from said centerline of Arlington Avenue;

THENCE West, along said last described parallel line, a distance of 132.00 feet to the westerly line of the easterly 10.00 feet of said Lot 43;

THENCE North, along said westerly line of the easterly 10.00 feet of Lot 43, a distance of 250.00 feet to the northerly line of said Lot 43;

THENCE West, along said northerly line of Lot 43 and along the northerly line of Lot 42 of said map of Gafford Gardens, a distance of 290.00 feet to the northeasterly corner of said Lot 41;

THENCE South, along the easterly line of said Lot 41, a distance of 250.00 feet to said line that is parallel with and distant 55.00 feet northerly, as measured at right angles, from the centerline of Arlington Avenue;

THENCE West, along said last described parallel line, a distance of 122.00 feet to an intersection with a line that is parallel with and distant 53.00 feet easterly, as measured at right angles, from the centerline of Weaver Street as shown by said map of Gafford Gardens;



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THENCE North 41°00'33" West, a distance of 30.48 feet to a point in a line that is parallel with and distant 33.00 feet easterly, as measured at right angles, from said centerline of Weaver Street;

THENCE North, along said last described parallel line, a distance of 495.36 feet to the northerly line of said Lot 39;

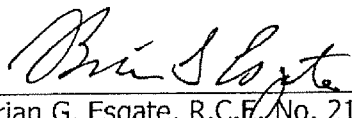
THENCE South 89°51'45" East, along the northerly line of said Lots 39 and 46, and along the northerly line of said Parcel 3 of said Record of Survey, a distance of 459.00 feet to the northwesterly corner of said Parcel 4 of said Record of Survey;

THENCE South, along the westerly line of said Parcel 4, a distance of 65.00 feet to the southwest corner of said Parcel 4;

THENCE South 89°51'45" East, along the southerly line of said Parcel 4, a distance of 125.00 feet to the POINT OF BEGINNING.

The above described parcel of land does not include any portion of Lot 40 of said Gafford Gardens, as said Lot 40 is subject to an existing Avigation Easement in favor of the City of Riverside, by document recorded August 29, 2003, per Document No. 2003-668242 of Official Records of said Riverside County.

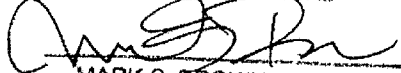
This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

  
\_\_\_\_\_  
Brian G. Esgate, R.C.E. No. 21884  
License Expires 9-30-2013

9/12/2012  
Date



DESCRIPTION APPROVAL

  
\_\_\_\_\_  
MARK S. BROWN  
CITY SURVEYOR

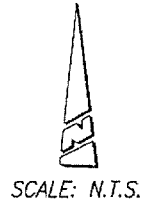
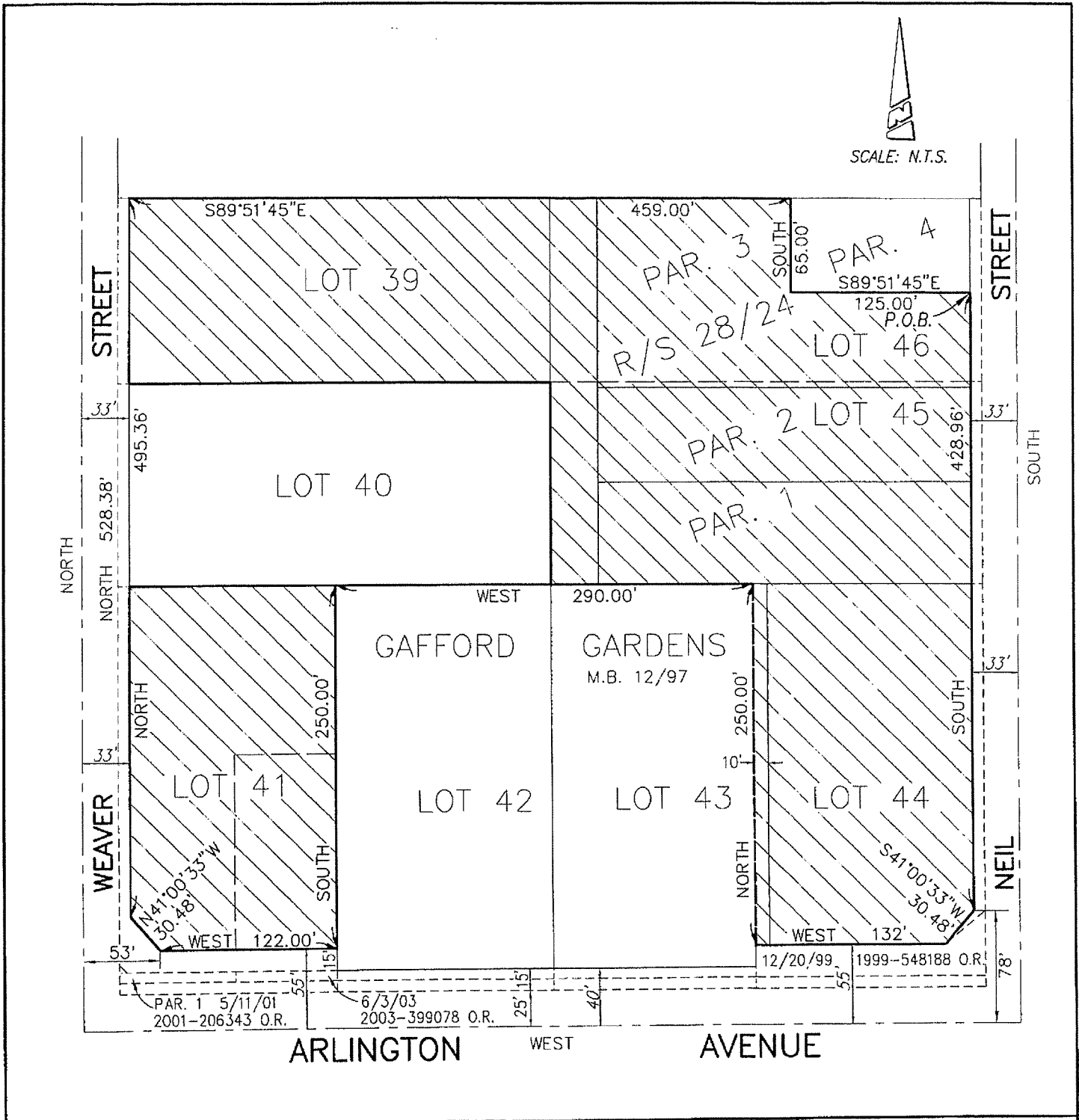
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**ESQATE ENGINEERING**  
 3351 PACHAPPA HILL  
 RIVERSIDE, CALIFORNIA  
 92506  
 (951) 313-2058

PREPARED BY: *Brian Esqate* R.C.E. NO. 21884  
 DATE 9/10/2012

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT PART OF THE WRITTEN DESCRIPTION.

LOT LINE CONSOLIDATION P11-0107

16832