

Recording Requested By:
First American Title Company
Homebuilder Services Division

DOC # 2021-0278103

05/04/2021 04:51 PM Fees: \$0.00

Page 1 of 7

Recorded in Official Records

County of Riverside

Peter Aldana

Assessor-County Clerk-Recorder

When recorded mail to:

Mail Tax Statement to:

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

**This document was electronically submitted
to the County of Riverside for recording**
Received by: MARIA #309

FREE RECORDING

This instrument is for the benefit
of the City of Riverside and is
entitled to be recorded without
fee (Government Code §6103)



DTT: -0- the conveyance is to a governmental entity _____
or political subdivision R & T 11922.

Project: PW17-0318, P12-0799 & P12-0800
Tract Map No. 36516
Location: Palm Avenue between Beechwood and Highland

D- 17622

5428789
APN: 217-224-015*
TRA 009-000

AVIGATION EASEMENT
(FLABOB AIRPORT)

WHEREAS APPLE 7, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY,
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 FLABOB AIRPORT and within the flight path of aircraft operating from and FLABOB
AIRPORT; 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

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Project: PW17-0318, P12-0799 & P12-0800
Tract Map No. 36516
Location: Palm Avenue between Beechwood and Highland

D-

5428789

*APN: 217-22A-015**

TRA 009-000

AVIGATION EASEMENT
(FLABOB AIRPORT)

WHEREAS **APPLE 7, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY**, 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 **FLABOB AIRPORT** and within the flight path of aircraft operating from and **FLABOB AIRPORT**; 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 California charter city and municipal corporation, hereinafter referred to as "Grantee", its successors and assigns, for the use and benefit of the public, including but not limited to , FLABOB AIRPORT, a perpetual easement and right of flight appurtenant to FLABOB 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 FLABOB 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 FLABOB 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 FLABOB 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 FLABOB 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 FLABOB AIRPORT, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said FLABOB 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 4/15/21

Apple 7, LLC

By  signature

Othaniel Jara
print name

Title: member

By  signature

Sabes Awas
print name

Title: Managing member

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

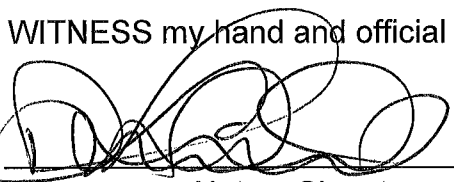
State of California

County of Riverside } ss

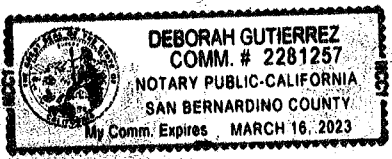
On 4/15/2021, before me, Deborah Gutierrez,
notary public, personally appeared, Othomiel Sara & Saber
Awad

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



ILLEGIBLE NOTARY SEAL DECLARATION

Government Code Section 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement attached reads as follows:

Name of Notary: DEBORAH GUTIERREZ

Date Commission Expires: March 16, 2023

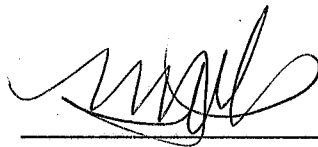
Notary Commission No: 2281257

County Where Bond Filed: San Bernardino

Manufacturer/Vendor Identification No: MCC1

Place of Execution of the Declaration: Corona, CA

Date: 05-04-2021



First American Title Company
By: Michele Hills

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

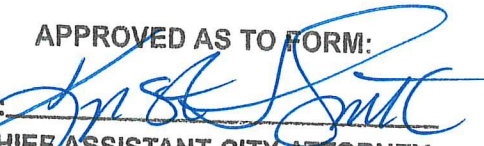
THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the City of Riverside, a California charter city and municipal corporation, is hereby accepted by the undersigned officer on behalf of the City Council of said City pursuant to authority conferred by Resolution No. 23439 of said City Council adopted May 14th, 2019, and the grantee consents to recordation thereof by its duly authorized officer.

DATED May 4, 2021

CITY OF RIVERSIDE

By: 

David Welch
Community & Economic
Development Director

APPROVED AS TO FORM:
BY: 

CHIEF ASSISTANT CITY ATTORNEY

EXHIBIT "A"

Project: PW17-0318, P12-0799 & P12-0800
Tract Map No. 36516
Location: Palm Avenue between Beechwood and Highland

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

Lot 1 through Lot 7, inclusive, of Tract Map No. 36516, as shown by map on file in Map Book 478, Pages 5 through 7 of Maps, records of Riverside County, California

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

Curtis C. Stephens 4/30/12 Prep.dbw
Curtis C. Stephens, L.S. 7519 Date





LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

Website: www.riversideacr.com

DOCUMENTARY TRANSFER TAX AFFIDAVIT

WARNING

ANY PERSON WHO MAKES ANY MATERIAL MISREPRESENTATION OF FACT FOR THE PURPOSE OF AVOIDING ALL OR ANY PART OF THE DOCUMENTARY TRANSFER TAX IS GUILTY OF A MISDEMEANOR UNDER SECTION 5 OF ORDINANCE 516 OF THE COUNTY OF RIVERSIDE AND IS SUBJECT TO PROSECUTION FOR SUCH OFFENSE.

ASSESSOR'S PARCEL NO. 217 --224 --015
Property Address: Vacant Land, Riverside County

I declare that the documentary transfer tax for this transaction is: \$ -0-

If this transaction is exempt from Documentary Transfer Tax, the reason must be identified below.

I CLAIM THAT THIS TRANSACTION IS EXEMPT FROM DOCUMENTARY TRANSFER TAX BECAUSE: (The Sections listed below are taken from the Revenue and Taxation Code with the exception of items 9 and 10 which are taken from Riverside County Ordinance 516). Please check one or explain in "Other".

- 1. Section 11911. The consideration or value of the property, exclusive of any liens and encumbrances is \$100.00 or less and there is no additional consideration received by the grantor.
2. Section 11911. The conveyance transfers to a revocable living trust by the grantor or from a revocable living trust to a beneficiary.
3. Section 11921. The conveyance was given to secure a debt.
4. X Section 11922. The conveyance is to a governmental entity or political subdivision.
5. Section 11925. The transfer is between individuals and a legal entity or partnership, or between legal entities and does not change the proportional interests held.
6. Section 11926. The conveyance is to a grantee who is the foreclosing beneficiary and the consideration paid by the foreclosing beneficiary does not exceed the unpaid debt.
7. Section 11927. The conveyance relates to a dissolution of marriage or legal separation. (A spouse must sign a written recital in order to claim this exemption. This form may be used for that purpose.)
8. Section 11930. The conveyance is an inter vivos gift* or a transfer by death. *Please be aware that information stated on this document may be given to and used by governmental agencies, including the Internal Revenue Service. Also, certain gifts in excess of the annual Federal gift tax exemption may trigger a Federal Gift Tax. In such cases, the Transferor (donor/grantor) may be required to file Form 709 (Federal Gift Tax Return) with the Internal Revenue Service.
9. Section 8. The easement is not perpetual, permanent, or for life.
10. Section 9. The document is a lease for a term of less than (35) years (including written options.)
11. Other (Include explanation and legal authority)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 4th day of May, 2021 at Corona California

Signature of Affiant

Michele Hills
Printed Name of Affiant

First American Title Co., Homebuilder
Name of Firm (if applicable)

1250 Corona Pointe Ct., #200, Corona, CA 92879
Address of Affiant (including City, State, and Zip Code)

951-256-5829
Telephone Number of Affiant (including area code)

This form is subject to the California Public Records Act (Government Code 6250 et. seq.)

For Recorder's Use:

Affix PCOR Label Here