

DOC # 2003-928357

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Recorded in Official Records
County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



When recorded mail to:

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

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: **Building Permit- P03-0485**
6100 Van Buren Blvd.
APN 151-151-002 & 006



D - 15255

AVIGATION EASEMENT
(RIVERSIDE MUNICIPAL AIRPORT)

WHEREAS **MAXXAM ENTERPRISES, LLC**, a California Limited Liability Company, as to an undivided 25% interest, and **CHOICE CAPITAL, LLC**, a California Limited Liability Company, as to an undivided 75% interest, as tenants in common, 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 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 10-14-03

**Maxxam Enterprises, a California Limited,
Liability Company**

By: [Signature]

Title: Manager

By: _____

Title: _____

**Choice Capital LLC, a California Limited
Liability Company**

By: [Signature]

Title: GEORGIE DANESHGAN 10/14/03
MANAGER

By: [Signature]

Title: MANAGER

Concurs with:

[Signature]

John Sabatello
Airport Director



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GENERAL ACKNOWLEDGEMENT

OPTIONAL SECTION

State of California

}ss

County of Los Angeles

On October 14th, 2003, before me, a Notary Public in and for said State, personally appeared

George Daneshgar
Name(s) of Signer(s)

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- () Corporate Officer(s)

Title _____

Title _____

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.

- () Guardian/Conservator
- () Individual(s)
- () Trustee(s)
- () Other



- () Partner(s)
- () General
- () Limited

WITNESS my hand and official seal.

Susanna Medina
Signature

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. 18233 of said City Council adopted May 11, 1993, and the grantee consents to recordation thereof by its duly authorized officer.

Dated 11-7-03

CITY OF RIVERSIDE

me [Signature]

Administration Services Manager General Svcs



GENERAL ACKNOWLEDGEMENT

State of California

}ss

County of Los Angeles

On October 21, 2003, before me, a Notary Public in and for said State, personally appeared

Mehdi Serondi
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

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- () Corporate Officer(s)

Title _____

Title _____

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Dated 11-7-03

CITY OF RIVERSIDE

[Signature]

Administration Services Manager, General Svcs.

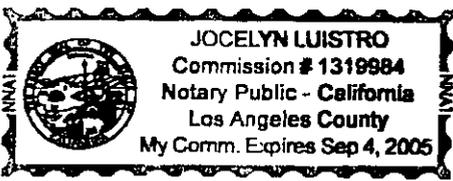


GENERAL ACKNOWLEDGEMENT

State of California }
County of Los Angeles }ss

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Behruz Serondi
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

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Dated 11-7-03

CITY OF RIVERSIDE
[Signature]

Administration Services Manager, General SVCS.



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**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 11-7-03

CITY OF RIVERSIDE

By *Neil Gutierrez*

Administration Services Manager
General Services

APPROVED FOR RECORD
CITY ATTORNEYS OFFICE

BY *Just Smith*
Secretary City Attorney



EXHIBIT "A"

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THOSE PORTIONS OF LOTS 277, 277A, 277B, 278, 278A, 278B, LOT "M" (VACATED) AND LOT "N" (VACATED) OF CAMP ANZA SUBDIVISION NO. 1, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 22, PAGES 81 AND 82 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF VAN BUREN STREET AND CYPRESS AVENUE, AS SHOWN ON SAID MAP OF CAMP ANZA SUBDIVISION NO. 1;

THENCE NORTH 89° 29' 30" WEST, 70.19 FEET ON THE CENTERLINE OF CYPRESS AVENUE;

THENCE NORTH 00° 30' 30" EAST, 33.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH LINE OF SAID CYPRESS AVENUE;

THENCE NORTH 89° 29' 30" WEST, 367.35 FEET ON THE NORTH LINE OF CYPRESS AVENUE, TO THE BEGINNING OF A CURVE;

THENCE CURVING TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 00' 00", A DISTANCE OF 31.42 FEET TO THE END OF CURVE;

THENCE NORTH 00° 30' 30" EAST, 173.00 FEET TO THE BEGINNING OF A CURVE;

THENCE CURVING TO THE LEFT WITH A RADIUS OF 230.00 FEET THROUGH A CENTRAL ANGLE OF 60° 00' 04", A DISTANCE OF 240.86 FEET TO A POINT OF REVERSE CURVE;

THENCE CURVING TO THE RIGHT WITH A RADIUS OF 170.00 FEET THROUGH A CENTRAL ANGLE OF 60° 00' 04", A DISTANCE OF 178.03 FEET TO THE END OF A CURVE;

THENCE NORTH 00° 30' 30" EAST, 506.44 FEET TO THE BEGINNING OF A CURVE;

THENCE CURVING TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 47° 00' 40", A DISTANCE OF 16.41 FEET TO A POINT ON SAID 20.00 FOOT RADIUS CURVE FROM WHICH A RADIAL LINE OF SAID CURVE BEARS SOUTH 42° 28' 50" FEET EAST, SAID POINT BEING ALSO ON THE SOUTHERLY LINE OF ARLINGTON AVENUE, AS DEEDED TO THE COUNTY OF RIVERSIDE BY QUITCLAIM DEED RECORDED IN BOOK 2516, PAGE 35 OFFICIAL RECORDS;

THENCE SOUTH 81° 57' 30" EAST, 144.17 FEET (FORMERLY RECORDED AS 114.20 FEET) ON THE SOUTHERLY LINE OF SAID ARLINGTON AVENUE;

THENCE SOUTH 83° 10' 00" EAST, 99.01 FEET PARALLEL WITH AND 10.00 FEET DISTANT, SOUTHERLY FROM THE SOUTHERLY LINE OF ARLINGTON AVENUE AS SHOWN ON SAID MAP OF CAMP ANZA SUBDIVISION NO. 1, TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY;

THENCE CURVING TO THE LEFT WITH A RADIUS OF 5,064.00 FEET THROUGH A CENTRAL ANGLE OF 01' 46' 20", A DISTANCE OF 156.64 FEET (FORMERLY RECORDED AS 156.34 FEET) TO THE END OF CURVE;

THENCE SOUTH 84° 03' 00" EAST, 182.95 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY;

THENCE CURVING TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 84° 21' 00", 29.44 FEET TO THE END OF CURVE; SAID POINT ON THE WESTERLY LINE OF VAN BUREN STREET AS SHOWN ON SAID MAP OF CAMP ANZA SUBDIVISION NO. 1;

THENCE SOUTH 00° 12' 00" WEST, 958.25 FEET ON THE WESTERLY LINE OF SAID VAN BUREN STREET, TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY;

THENCE CURVING TO THE RIGHT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 90° 12' 30", 31.49 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT FROM SAID LOTS 277 AND 277A, THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF ARLINGTON AVENUE AND VAN BUREN STREET, SAID POINT BEING THE TOWNSHIP CORNER BETWEEN TOWNSHIPS 2 AND 3 SOUTH, RANGES 5 AND 6 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF;

THENCE SOUTH 00° 18' 00" WEST, 196.91 FEET ON THE CENTERLINE OF VAN BUREN STREET;

THENCE NORTH 89° 42' 00" WEST, 50.00 FEET TO THE TRUE POINT OF



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BEGINNING;

THENCE NORTH 89° 42' 00" WEST, 145.00 FEET;

THENCE NORTH 00° 18' 00" EAST, 161.61 FEET TO THE SOUTH LINE OF ARLINGTON AVENUE, AS SHOWN ON SAID MAP OF CAMP ANZA NO. 1;

THENCE SOUTH 83° 10' 00" EAST, 128.10 FEET ON THE SOUTH LINE OF SAID ARLINGTON AVENUE, TO THE BEGINNING OF A CURVE;

THENCE CURVING TO RIGHT, WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANGLE OF 83° 28' 00", 29.14 FEET TO THE END OF A CURVE, SAID POINT BEING ON THE WEST LINE OF VAN BUREN STREET;

THENCE SOUTH 00° 18' 00" WEST, 127.16 FEET ON THE WEST LINE OF SAID VAN BUREN STREET, TO THE TRUE POINT OF BEGGING;

ALSO EXCEPT PARCEL 1 OF PARCEL MAP 13804 AS PER MAP RECORDED IN BOOK 66, PAGE 13 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER.

ALSO EXCEPT THAT PORTION DESCRIBED IN THE DEED TO THE CITY OF RIVERSIDE RECORDED SEPTEMBER 4, 1981 AS INSTRUMENT NO. 169240 OF OFFICIAL RECORDS.

ALSO EXCEPT THAT PORTION DESCRIBED IN THE DEED TO THE CITY OF RIVERSIDE RECORDED OCTOBER 14, 1983 AS INSTRUMENT NO. 213737.

DESCRIPTION APPROVAL 0/15/03

for Walter R. Fryc by
SURVEYOR, CITY OF RIVERSIDE



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