

When recorded mail to:

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

**DOC # 2004-0178928**

03/15/2004 08:00A Fee:NC

Page 1 of 8

Recorded in Official Records

County of Riverside

Gary L. Orso

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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| A | R | L |      |      | COPY | LONG | REFUND | NCHG | EXAM  |

Project: P03-1378 (LLA)

A.P.N. 189-043-026, 027 & 028

**D - 15295**



**AVIGATION EASEMENT  
(RIVERSIDE MUNICIPAL AIRPORT)**

WHEREAS MICHAEL A. BROWN and ELAINE L. BROWN, Trustees of the BROWN FAMILY TRUST, dated September 25, 2002, as to an undivided one-half interest, and MARK COATE, an unmarried man, as to an undivided one-half interest, 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 2/26/04

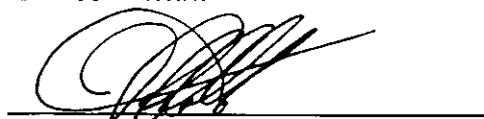
**MICHAEL A. BROWN and ELAINE L. BROWN, Trustees of the BROWN FAMILY TRUST, dated September 25, 2002**

  
MICHAEL A. BROWN, Trustee

  
ELAINE L. BROWN, Trustee

  
MARK COATE

Concurs with:

  
John Sabatello  
Airport Director

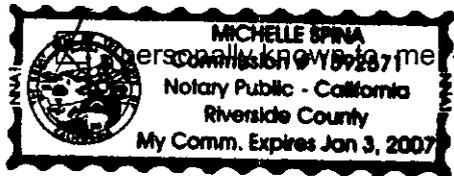
GENERAL ACKNOWLEDGEMENT

State of California

County of Riverside } ss

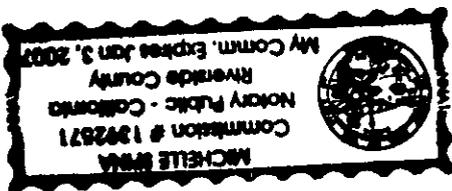
On 2.26.04, before me Michelle Spina

a Notary Public in and for said State, personally appeared Michael A Brown, Elaine L. Brown & Mark Coate



OR - [ ] proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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

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:

Blank lines for representation details.

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 3/3/04

CITY OF RIVERSIDE

By [Signature] Administrative Services Manager

APPROVED AS TO FORM CITY ATTORNEY'S OFFICE

[Signature] Deputy City Attorney

**PARCEL MERGER NO. P03-1378**  
**EXHIBIT "A"**

**PARCEL 1**

Lot 19, together with Lots 20 and 21 all in Block 18, Tract No. 3 in Riverview Addition, as shown by map on file in Book 7 of Maps at Page 5 thereof, records of Riverside County, California.

**EXCEPTING THEREFROM** those portions of said Lots 19, 20 and 21 described as follows:

**BEGINNING** at the Southwesterly corner of Lot 19, as shown on said Tract No. 3, Riverview Addition;

**THENCE** North 00°07'06" East along the Westerly line of said Lot 19 and the Easterly right of way line of Jasmine Street (25.00 feet in half width), a distance of 156.36 feet to the Northwesterly corner of said Lot 19, said point being on a curve, concave Southeasterly, having a radius of 1402.69 feet, to which point a radial line bears North 18°58'47" West;

**THENCE** Northeasterly along the Northerly line of said Lots 19, 20 and 21 said line also being the Southeasterly right of way of Columbus Avenue (30.00 feet in half width), through a central angle of 06°22'26", an arc distance of 156.04 feet to the Northeast corner of said Lot 21, to which point a radial line bears North 12°36'21" West;

**THENCE** South 00°07'06" West along said East line of Lot 21, a distance of 3.08 feet to a point on a line lying 3.00 feet Southeasterly of and parallel with said Southeasterly right of way line of Columbus Avenue, said point also being the beginning of a non-tangent curve, concave to the Southeast, having a radius of 1399.69 feet, to which point a radial line bears North 12°38'01" West;

**THENCE** Southwesterly along said curve and parallel with the Southeasterly right of way line of Columbus Avenue, through a central angle of 05°34'08", an arc distance of 136.04 feet, to which point a radial line bears North 18°12'09" West;

**THENCE** South 35°56'47" West, a distance of 18.74 feet to a point lying 8.00 feet Easterly of and parallel with the Westerly line of said Lot 19;

**THENCE** South 00°07'06" West and parallel with the Westerly line of said Lot 19, a distance of 144.43 feet to a point on the Southerly line of said Lot 19;

**THENCE** North 89°52'54" West along said Southerly line of Lot 19, a distance of 8.00 feet to the **POINT OF BEGINNING**.

**ALSO EXCEPTING THEREFROM** that portion of said Lot 21, described as follows:

**BEGINNING** at the most Southeasterly corner of said Lot 21, said point also being on the Northwesterly line of the 15.00 foot alley, as shown on said Tract No. 3, Riverview Addition;

**THENCE** North 89°52'54" West along the South line of said Lot 21, a distance of 2.50 feet;

THENCE North 00°07'06" East and parallel with the Easterly line of said Lot 21, a distance of 15.00 feet to the beginning of a curve, concave Southeasterly, having a radius of 52.50 feet;

THENCE Northerly and Northeasterly along said curve, through a central angle of 35°55'36", an arc distance of 32.92 feet to a point on the Easterly line of said Lot 21, to which point a radial line bears North 53°57'18" West;

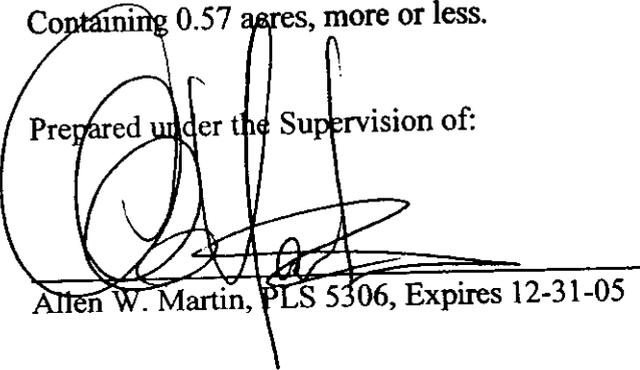
THENCE South 00°07'06" West along said East line, a distance of 4.49 feet to a point on a curve, concave Southeasterly, having a radius of 50.00 feet, to which point a radial line bears North 58°07'17" West;

THENCE Southwesterly along said curve being the Easterly line of said Lot 21 and the Northwesterly line of the alley as shown on said map, through a central angle of 31°45'37", an arc distance of 27.72 feet;

THENCE South 00°07'06" West continuing along the Easterly line of said Lot 21 and the Northwesterly line of said alley, a distance of 15.00 feet to the **POINT OF BEGINNING**.

Containing 0.57 acres, more or less.

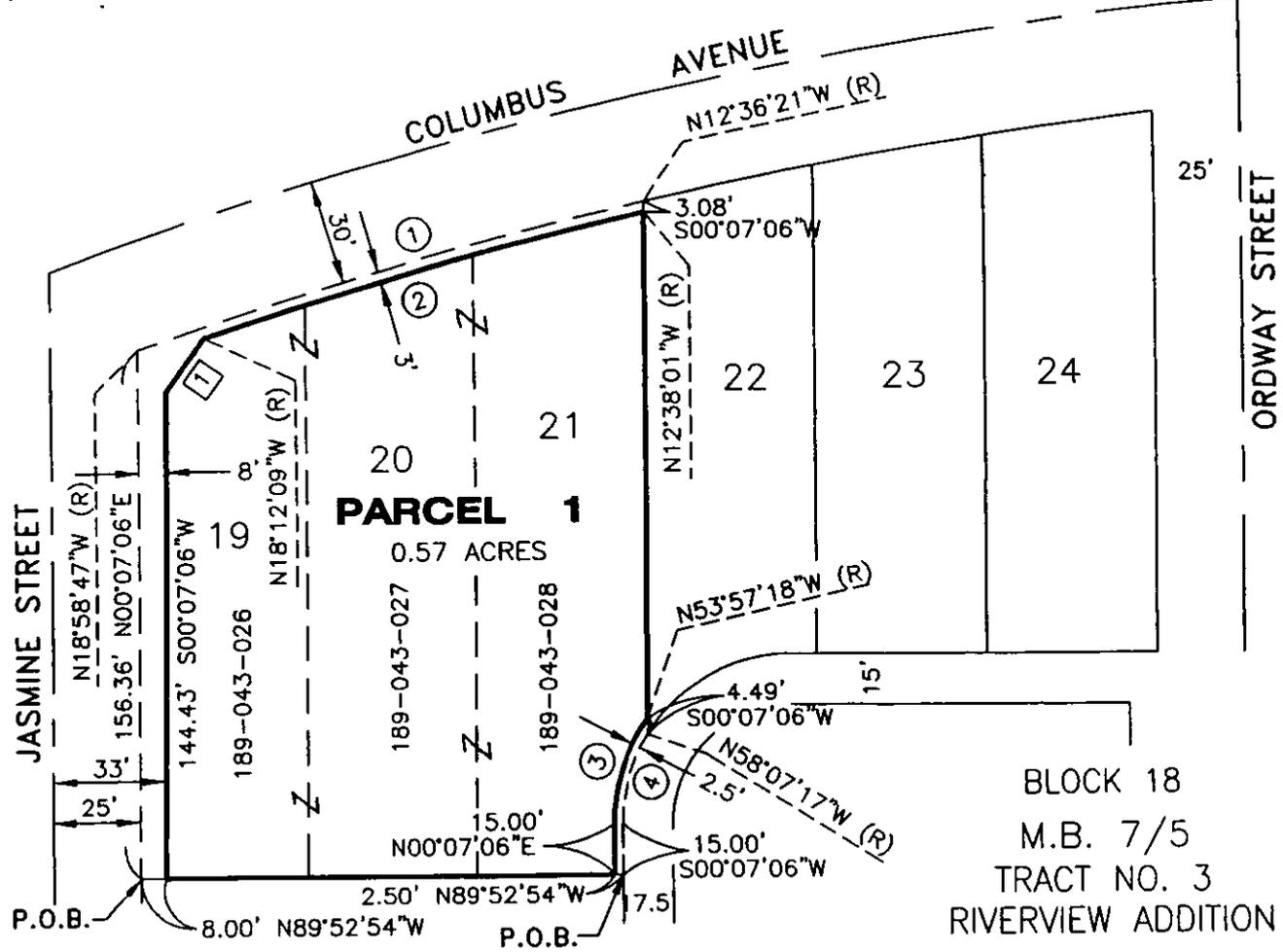
Prepared under the Supervision of:



Allen W. Martin, PLS 5306, Expires 12-31-05



DESCRIPTION APPROVAL 2/12/04  
for K. Strauts by —  
SURVEYOR, CITY OF RIVERSIDE



**PARCEL 1**  
0.57 ACRES

BLOCK 18  
M.B. 7/5  
TRACT NO. 3  
RIVERVIEW ADDITION

**LINE DATA:**

① 18.74' S35°56'47"W

**CURVE DATA:**

- ①  $\Delta = 06^{\circ}22'26''$  R=1402.69' L=156.04'
- ②  $\Delta = 05^{\circ}34'08''$  R=1399.69' L=136.04'
- ③  $\Delta = 35^{\circ}55'36''$  R=52.50' L=32.92'
- ④  $\Delta = 31^{\circ}45'37''$  R=50.00' L=27.72'

**OWNER:**

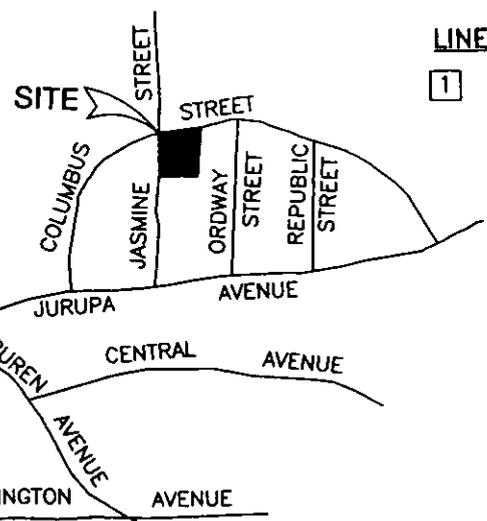
MIKE & ELAINE BROWN & MARK COATE  
5225 CANYON CREST DR. #71-332  
RIVERSIDE, CA. 92507  
(909) 731-3750

**MAP PREPARED BY:**

SOUTHLAND ENGINEERING  
2200 BUSINESS WAY, SUITE 100  
RIVERSIDE, CA 92501  
(909) 788-8488

**APN(S):**

189-043-026, 027 & 028



**VICINITY MAP**  
NOT TO SCALE

|                     |
|---------------------|
| Sheet: 1 OF 1       |
| Date: NOVEMBER 2003 |
|                     |
| W.O. 21183          |

**PARCEL MERGER NO. P03-1378**

Southland Engineering  
2200 BUSINESS WAY, Ste. 100  
RIVERSIDE, CA. 92501  
(909) 788-8488

36-5



GARY L. ORSO  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER

Recorder  
P.O. Box 751  
Riverside, CA 92502-0751  
(909) 486-7000

<http://riverside.asrclkrec.com>

### NOTARY CLARITY

Under the provisions of Government Code 27361.7, I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: Michelle SPINA

Commission #: 1392571

Place of Execution: RIVERSIDE COUNTY

Date Commission Expires: 1-3-07

Date: 3/15/04

Signature: M. J. Daly

Print Name: M. J. Daly