

148448

WHEN RECORDED MAIL TO:

CITY CLERK
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)

Project: Parcel Map 21724

AVIGATION EASEMENT

RECEIVED FOR RECORD
AT 1:00 O'CLOCK

APR 22 1993

Recorded in Official Records
of Riverside County, California

Recorder
Fees \$
William E. [Signature]

13503

WHEREAS RAYMOND G. SPEHAR and ESTELLE K. SPEHAR, Trustees under Declaration of Trust, dated April 2, 1968, as to an undivided 75% interest, and MARCIA ANN HALLIGAN, a married woman, as her separate property, as to an undivided 25% interest, hereinafter called the "Grantor", is the owner in fee of that certain real property as described in Exhibit "A" attached hereto and incorporated herein by this reference, located in the City of Riverside, County of Riverside, State of California, hereinafter called "the Grantor's property"; and

WHEREAS the Grantor's property is located within the Air Installation Compatible Use Zone (AICUZ) for March Air Force Base, operated by the Department of Defense of the United States of America, and within the flight path of aircraft operating from said Air Force Base; and

WHEREAS the Grantor has sought approval from the City of Riverside for the development of the Grantor's property 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 Grantor's property;

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, including, but not limited to, the United States Armed Forces, a perpetual easement and

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right of flight for the passage of aircraft by whomsoever owned and operated in the airspace above the surface of the Grantor's property 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. "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 March Air Force Base 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 March Air Force Base or other airport or air facility which is or may be located at or near the site of said March Air Force Base. 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 March Air Force Base and aircraft, or to cause

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difficulty for pilots to distinguish between airport lights and other lights or to impair visibility in the vicinity of March Air Force Base, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said March Air Force Base.

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 12/6/91

Raymond G. Spehar, Trustee
RAYMOND G. SPEHAR, Trustee

Estelle K. Spehar, Trustee
ESTELLE K. SPEHAR, Trustee

Marcia Ann Halligan
MARCIA ANN HALLIGAN
by Raymond G. Spehar
(city in fact)

APPROVED AS TO FORM

Clarice Surney
ASST. CITY ATTORNEY

CONSENT TO RECORDATION

THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the City of Riverside, 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. 14883 of said City Council adopted January 25, 1983, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated 4/21/93

A. P. Tucker
Real Property Services Manager
of the City of Riverside

1885u/a

EXHIBIT "A"

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Avigation Easement

That portion of Parcel 3 as shown by Map on file in Book 14 of Parcel Maps at page 3 thereof, Records of Riverside County, California, described as follows:

Beginning at the southwest corner of said Parcel 3;

Thence North 00° 11' 35" West along the west line of said Parcel 3, a distance of 1764.95 to the northwest corner thereof;

Thence North 89° 34' 36" East along the north line of said Parcel 3, a distance of 1064.18 feet to the northwest corner of that certain parcel of land conveyed to the State of California by deed recorded March 29, 1990 as Instrument No. 112314 of Official Records of Riverside County, California, said corner being in a non-tangent curve, concave to the west, having a radius of 5950.42 feet, the radial line at said point bears North 81° 48' 02" East;

Thence southerly along the west line of said parcel so conveyed and along said curve, to the right, through a central angle of 07° 01' 18", an arc distance of 729.23 feet to the end thereof;

Thence South 01° 10' 40" East along said west line of the parcel so conveyed, a distance of 1038.09 feet to the southwest corner thereof, said corner being in the south line of said Parcel 3;

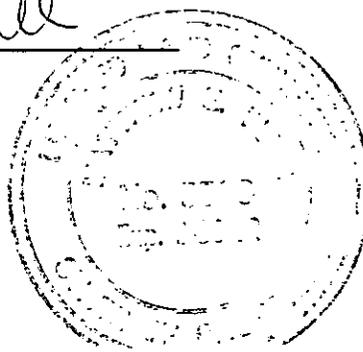
Thence South 89° 34' 03" West along said south line, a distance of 1139.15 feet to the point of beginning.

PREPARED UNDER MY SUPERVISION:

Matthew E. Webb
Matthew E. Webb, LS 5529

12/2/91
Date

Prepared by: [Signature]
Checked by: [Signature]



DESCRIPTION APPROVAL 12/4/91
George P. Hitchison by WF
SURVEYOR, CITY OF RIVERSIDE

SCALE: 1" = 300'

R.S. 53/22

N 00° 11' 35" W 1764.95

N 89° 34' 36" E 1064.18

PARCEL 3

PMB

14/3

P.O.B.

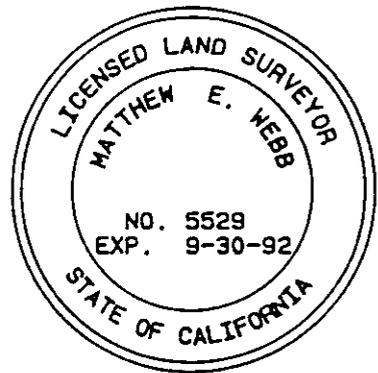
N 89° 34' 03" E 1139.15

COTTONWOOD AVENUE

N 01° 10' 40" W 1038.09
Δ 7° 01' 18" Δ 5950.42 L 729.23 L 365.07
100' 100'

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Parcel conveyed to the State of California by deed rec. 3/29/90 as 1/25 fr. No. 112314, O.R. Riv. Co. CA.
R.R. R/W
I-215



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

86-115
11/26-1

SCALE: 1" = 300'

DRAWN BY HLM DATE 11 21 91

SUBJECT: PARCEL MAP NO. 21724 *DIS 50*