

266026

When recorded mail to:

City Clerk
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: Tract 20329-1

RECEIVED FOR RECORD
Min. Past 10 o'clock

SEP 14 1987

Recorded in Official Records
of Riverside County, California

William E. Smith
RECORDER
Page 3

AVIGATION EASEMENT

11952

WHEREAS BEREN, a California limited partnership, hereinafter called the "Grantor", is the owner in fee of that certain real property situated in the City of Riverside, County of Riverside, State of California, described as follows:

Lots 1 through 37, inclusive, of Tract 20329-1, as shown by map on file in Book 173 of Maps, at Pages 54 through 58 thereof, records of Riverside County, 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

DESCRIPTION APPROVAL 9/2/87
George P. Hutchinson by W.E.
SURVEYOR, CITY OF RIVERSIDE

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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 right of flight for the passage of aircraft by whomsoever owned and operated in the airspace above the surface of the Grantor's property described hereinabove, together with the right to cause in said airspace such noise, vibrations, dust, smoke, fumes, and other related conditions that may be caused by 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 the March Air Force Base is an operating airport subject to increases in the intensity of use and operation, including present and future noise, vibrations, dust, smoke, fumes 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 Grantees, their successors and assigns, due to such noise, vibrations, dust, smoke, fumes 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.

The foregoing grant of easement shall not be considered as otherwise prohibiting the use of the Grantor's property for any lawful purpose below the minimum flight altitudes for aircraft presently authorized or hereafter

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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 9/3/87

BEREN, a California limited partnership

By: BERGUM CONSTRUCTION COMPANY, a California Corporation, as the General Partner

By [Signature] President

By [Signature] Secretary

APPROVED AS TO FORM
[Signature]
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 9/9/87

[Signature]
Title Property Services Manager

311.24/b - SURVEY.118/c

11/23-7