

298752

When recorded mail to:

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

Project: Tract 22061

RECEIVED FOR RECORD
AT 2:00 O'CLOCK P.M.

OCT 14 1988

Recorded in Official Records
of Riverside County, California

William S. Borah
Recorder

Fees \$

AVIGATION EASEMENT

WHEREAS TRUST SERVICES OF AMERICA, INC., which acquired title as TITLE INSURANCE AND TRUST COMPANY, as Trustee, 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:

SEE EXHIBIT "A", ATTACHED.

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 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 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.

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Dated October 7, 1988

TRUST SERVICES OF AMERICA, INC.

By [Signature]

Title Vice President

By [Signature]

Title Asst. 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 10/13/88

[Signature]
Title Property Services Manager

0024u/b - 0181u/a

STATE OF CALIFORNIA

COUNTY OF San Bernardino } ss.

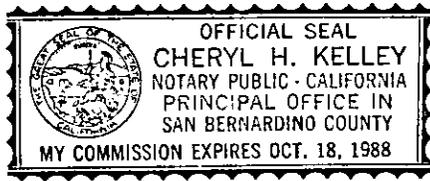
On this 7th day of October, in the year 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared

[Signature] and [Signature], personally known to me

(or proved to me on the basis of satisfactory evidence) to be the persons who executed the within instrument as Vice President and Asst. Secretary, respectively, of the Corporation therein named, and acknowledged to me that the Corporation executed it pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal

[Signature]
Notary Public in and for said State.



ACKNOWLEDGMENT—Corp.—Pres. & Sec.—Wolcotts Form 222CA—Rev. 11-83
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HIGHLANDER

LEGAL DESCRIPTION

TRACT MAP 22061

A portion of the Northeast quarter of Section 4, Township 3 South, Range 4 West, and a portion of the South one-half of Section 33, Township 2 South, Range 4 West, San Bernardino Base and Meridian described as follows:

Commencing at the Southeast corner of said Section 33, said point also being the Northeast corner of said Section 4 as shown on a Record of Survey on file in Book 77 of Records of Survey, Pages 59 through 63 inclusive, records of Riverside County California;

Thence North $89^{\circ}29'10''$ West along the North line of said Section 4 a distance of 1,935.13 feet to a point on curve, said point being the TRUE POINT OF BEGINNING;

Thence Southwesterly along a curve left whose center bears South $60^{\circ}29'40''$ East, having a central angle of $6^{\circ}25'05''$, a radius of 1,150.00 feet, a distance of 128.82 feet as measured along the arc to a point of reverse curve;

Thence Southwesterly along a curve right, having a central angle of $20^{\circ}31'11''$, a radius of 150.00 feet, a distance of 53.72 feet as measured along the arc to a point of reverse curve;

Thence Southwesterly along a curve left, having a central angle of $21^{\circ}04'18''$, a radius 150.00 feet, a distance of 55.17 feet as measured along the arc to a point of tangent;

Thence South $22^{\circ}32'08''$ West a distance of 40.62 feet;

Thence North $67^{\circ}27'52''$ West a distance of 65.00 feet;

Thence North $22^{\circ}32'08''$ East a distance of 80.68 feet;

Thence North $17^{\circ}15'13''$ West a distance of 27.32 feet;

Thence North $66^{\circ}03'29''$ West a distance of 119.03 feet to the beginning of a curve;

Thence Northwesterly along a curve right, having a central angle of $21^{\circ}07'20''$, a radius of 752.00 feet a distance of 277.23 feet as measured along the arc to a point on curve;

Thence North $82^{\circ}33'39''$ West a distance of 31.48 feet;

Thence North $40^{\circ}51'21''$ West a distance of 60.00 feet;

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Thence North $00^{\circ}50'58''$ East a distance of 31.48 feet to a point on curve;

Thence Northwesterly along a curve right whose center bears North $53^{\circ}13'28''$ East, having a central angle of $8^{\circ}13'08''$, a radius of 752.00 feet, a distance of 107.87 feet as measured along the arc to a point of tangent;

Thence North $28^{\circ}33'24''$ West a distance of 435.00 feet;

Thence North $68^{\circ}35'13''$ West a distance of 32.65 feet;

Thence North $28^{\circ}33'24''$ West a distance of 60.00 feet;

Thence North $11^{\circ}28'25''$ East a distance of 32.65 feet;

Thence North $28^{\circ}33'24''$ West a distance of 74.73 feet;

Thence North $27^{\circ}36'16''$ West a distance of 151.76 feet;

Thence North $61^{\circ}26'36''$ East a distance of 93.93 feet;

Thence South $30^{\circ}39'04''$ East a distance of 91.27 feet;

Thence North $58^{\circ}21'07''$ East a distance of 163.22 feet;

Thence North $60^{\circ}10'13''$ East a distance of 164.45 feet;

Thence North $61^{\circ}04'01''$ East a distance of 176.22 feet;

Thence North $59^{\circ}06'03''$ East a distance of 162.90 feet;

Thence North $79^{\circ}41'33''$ East a distance of 120.66 feet to a point on curve on the westerly right-of-way line of Box Springs Boulevard as shown on a Record of Survey on file in Book 77 of Records of Survey, Pages 59 through 63, Records of Riverside County California;

Thence Southeasterly along said westerly right-of-way line the following 3 courses:

1. Southeasterly along a curve left whose center bears North $77^{\circ}34'00''$ East, having a central angle of $2^{\circ}01'07''$, a radius of 10,058.00 feet, a distance of 354.36 feet as measured along the arc to a point of tangent:

2. South $14^{\circ}27'07''$ East a distance of 457.19 feet to the beginning of a curve;

3. Southeasterly along a curve left, having a central angle of $37^{\circ}00'01''$, a radius of 450.00 feet, a

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distance of 290.60 feet as measured along the arc to a point on curve;

Thence Southwesterly along a curve left whose center bears South 45°52'38" East, having a central angle of 14°37'02", a radius of 1,150.00 feet, a distance of 293.39 feet as measured along the arc to the point of beginning.

CONTAINING A CALCULATED AREA OF 20.342 ACRES, MORE OR LESS.

I, JOHN M. GAYDOS, HEREBY STATE THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF CALIFORNIA. THIS LEGAL DESCRIPTION WAS PREPARED UNDER MY DIRECT SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



John M. Gaydos

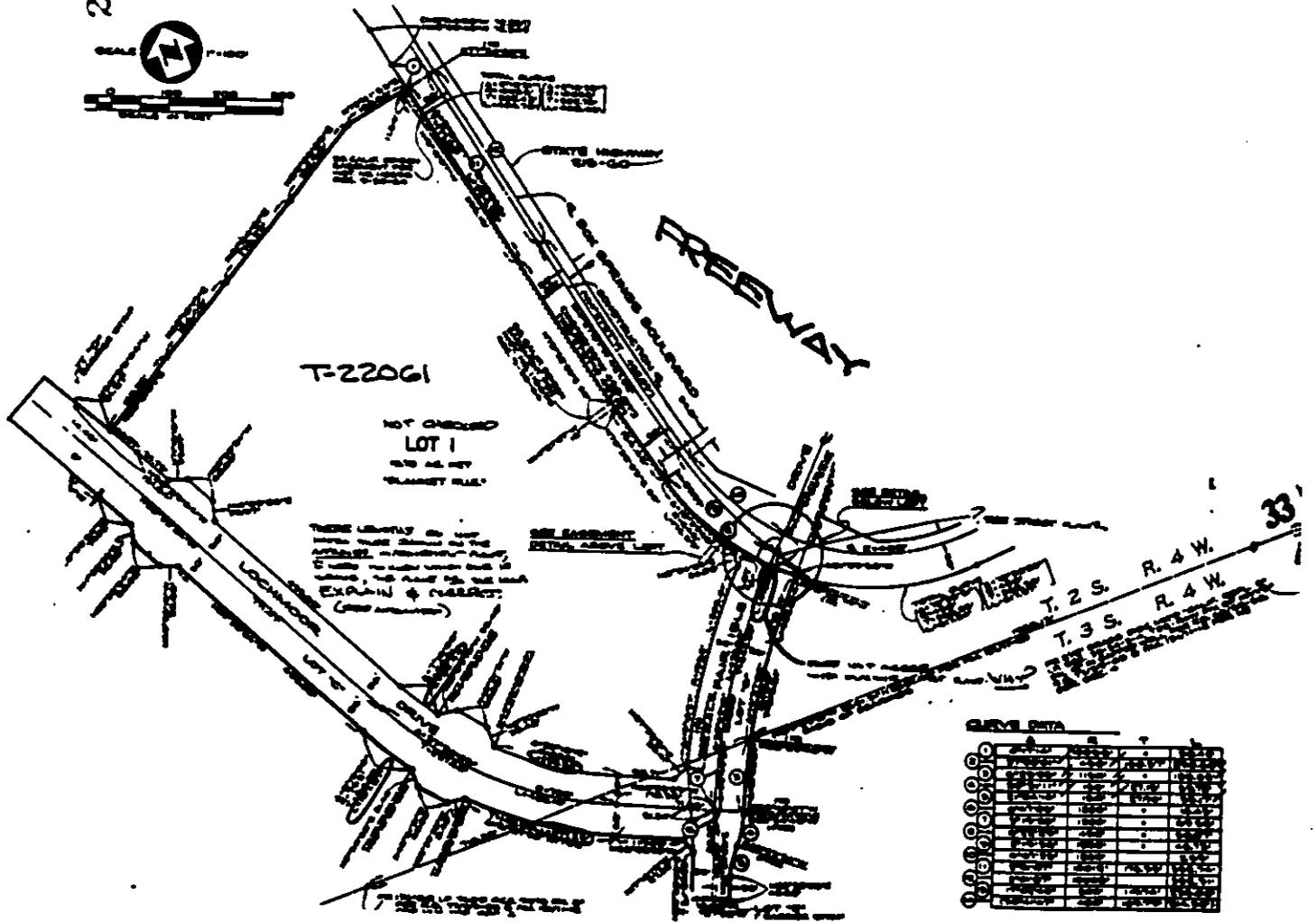
JOHN M. GAYDOS, R.L.S. #5826

FOR AND ON BEHALF OF
NBS/LOWRY

DESCRIPTION APPROVAL 9/27/88
Walter R. Ince

SURVEYOR, CITY OF RIVERSIDE

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• 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

12/24-3

SCALE: 1" = NA

DRAWN BY LF DATE 2/2/88

SUBJECT T-22061