

352330

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: Tract Map 25390

RECEIVED FOR RECORD
Min: Past // o'clock A M.

OCT 10 1991

Recorded in Official Records of Riverside County, California

Recorder
Fees \$

13084

AVIGATION EASEMENT

WHEREAS PACIFIC ALESSANDRO HEIGHTS, 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 47, inclusive, of Tract No. 25390 as shown by map on file in Book 234 of Maps, at pages 97 through 103 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

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 9/28/91
Walter R. Ayre
SURVEYOR, CITY OF RIVERSIDE

13084

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 in the airspace above the surface of the Grantor's property described hereinabove, however, not below the minimum levels permitted by State or Federal laws or regulations, together with the right to cause in said airspace, such noise, sound waves, dust, smoke, fumes and other related conditions that may be inherent in the operation of aircraft. Said perpetual easement and right of flight over Grantor's property shall not permit any such flights below the minimum flight altitudes for aircraft as established by the appropriate governmental agencies. "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 and which is registered and/or licensed for such flight or navigation with the appropriate governmental agency.

Grantor hereby acknowledges that March Air Force Base is, as of the date of execution of this Easement, an operating airport

subject to increases in its use and operation, including present and future noise, sound waves, dust, smoke, fumes and related conditions, and, except as set forth hereinbelow, Grantor hereby fully waives, remises and releases any right or cause of action which Grantor may now or in the future have against Grantee due to such noise, sound waves, smoke, and other related conditions that may be caused by 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 presently existing March Air Force Base. Said waiver and release shall include claims known or unknown for damages for discomfort, inconvenience, enjoyment of property, diminution of property values, nuisance or inverse condemnation.

Grantor agrees not to install, construct or grow, or permit the installation, 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 that otherwise causes difficulty while landing, take-off, or maneuvering of aircraft on or at March Air Force Base.

The foregoing grant of easement shall not otherwise inhibit the use and enjoyment of Grantor's property for any lawful purpose, whatsoever.

IT IS UNDERSTOOD AND AGREED THAT this Easement and the rights and restrictions herein created shall run with the land, and

352330

shall be binding upon the Grantor and the heirs, administrators, executors, successors and assigns of Grantor.

PACIFIC ALESSANDRO HEIGHTS, a
California Limited Partnership

By: PACIFIC SCENE, INC., a California
corporation, its general partner

By: *Pat McClure*
Executive Vice President

By: *Thomas J. Sheer*
Senior Vice President

APPROVED AS TO FORM

Barbara J. Evans
ASST. CITY ATTORNEY

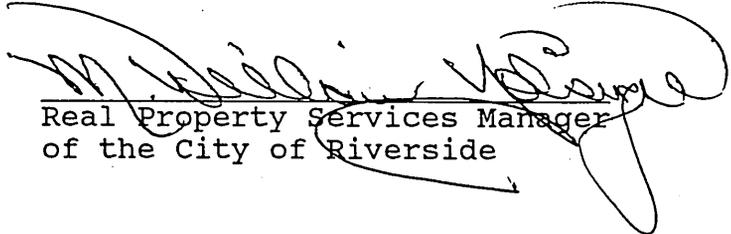
13084

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:

June 10, 1991


Real Property Services Manager
of the City of Riverside

STATE OF CALIFORNIA)
)
COUNTY OF SAN DIEGO) SS.

On May 13, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Pat McCardle, personally known to me or proved to me on the basis of satisfactory evidence to be the Executive Vice President of Pacific Scene, Inc., a California corporation, and Thomas L. Green, personally known to me or proved to me on the basis of satisfactory evidence to be the Senior Vice President of Pacific Scene, Inc., which corporation is Managing General Partner of Pacific Alessandro Heights, a California Limited Partnership, and acknowledged to me that they, being authorized to do so, executed the within instrument and acknowledged that such partnership executed the same.

WITNESS my hand and official seal.

(SEAL)

Heather Anne Carrington
Notary Public, in and for said
County and State

