

256053

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: PM-23424

RECEIVED FOR RECORD  
AT 12:00 O'CLOCK P.M.

JUL 10 1992

Recorded in Official Records  
of Riverside County, California  
*William E. Blum* Recorder  
Fees \$

AVIGATION EASEMENT

WHEREAS GLORIA A. FROST, as TRUSTEE of GLORIA A. FROST TRUST, dated February 26, 1991, 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 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 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 May 26, 1992

Gloria A. Frost  
GLORIA A. FROST, TRUSTEE

X

CONSENT TO RECORDATION

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. 14883 of said City Council adopted January 25, 1983, and the grantee consents to recordation thereof by its duly authorized officer.

Dated July 10, 1992

[Signature]  
Real Property Services Manager  
of the City of Riverside

FROST.AE/b

[Signature]  
APPROVED AS TO FORM  
CHIEF ASSISTANT CITY ATTORNEY



**J. F. Davidson Associates, Inc.**  
ENGINEERING PLANNING SURVEYING LANDSCAPE ARCHITECTURE

March 3, 1992

Project No. 9112583

**EXHIBIT "A"**

**AVIGATION EASEMENT  
FROST**

That portion of Lot 9A and Lot "A" of Osborne Heights as shown by Map on file in Book 12 of maps at Pages 39 through 41 thereof, Records of Riverside County, California, more particularly described as all of Parcel 2 of Record of Survey, as shown by map on file in Book 46 of Records of Survey, at Page 94 thereof, Records of Riverside County, California.

EXCEPTING THEREFROM that certain parcel conveyed to Christopher L. Carpenter by Deed recorded April 3, 1990 as instrument No. 120537, Official Records of Riverside County, California.

TOGETHER WITH that certain parcel conveyed to Gloria A. Frost by quitclaim deed recorded November 27, 1985 as instrument No. 268955, Official Records of Riverside County, California.

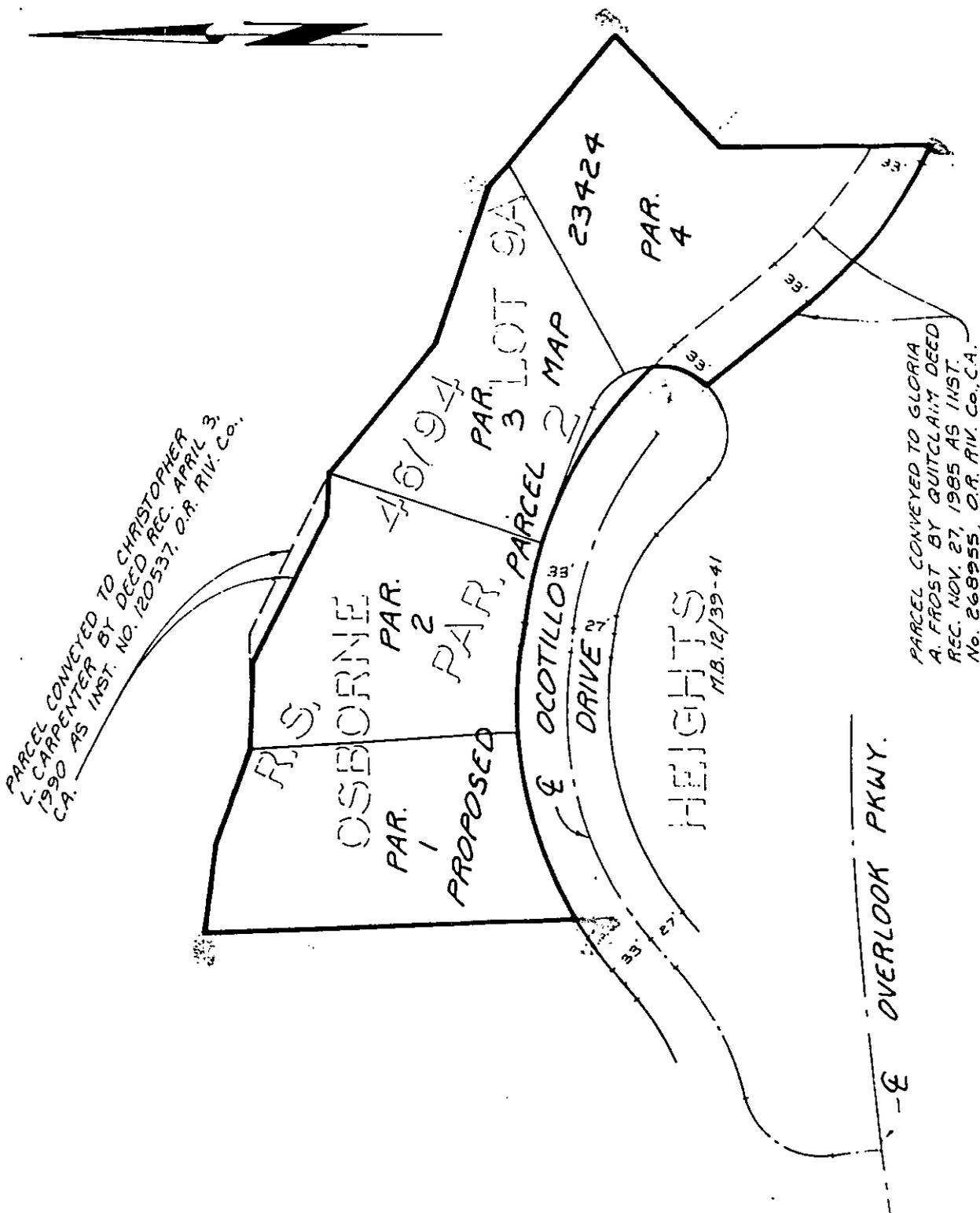


DESCRIPTION PREPARED UNDER THE SUPERVISION OF:

*Stephen M. O'Malley* 3-5-92  
\_\_\_\_\_  
Stephen M. O'Malley Date  
J.F. Davidson Associates, Inc.

MDM:MWC:kat  
leg:aa8

DESCRIPTION APPROVAL 5/4/92  
*George P. Hutchinson* by *F.*  
\_\_\_\_\_  
SURVEYOR, CITY OF RIVERSIDE



• CITY OF RIVERSIDE, CALIFORNIA •

SA-70-

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

91-12583(P)

SCALE: 1" = 100'

DRAWN BY MDM DATE 1/10/92

SUBJECT: AVIGATION ESMT. - P.M. 23424

13316