

35650

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 23663
All phases

RECEIVED FOR RECORD
AT 12:00 O'CLOCK

JAN 28 1993

Recorded in Official Records
of Riverside County, California
W. J. [Signature] Recorder
Fees \$

12457

AVIGATION EASEMENT

WHEREAS LOUIS A. CARHART, a single man, as to an undivided one-half interest and JOHN H. FREESON, as Trustee under the John H. Freeson Trust dated July 25, 1984, as to an undivided one-half interest, hereinafter called the "Grantors", are the owners 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 Grantors' 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

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WHEREAS the Grantors have sought approval from the City of Riverside for the development of the Grantors' 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, GRANTORS do 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.

Grantors hereby acknowledge 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 Grantors hereby fully waive, remise and release any

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right or cause of action which Grantors 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.

Grantors, on the behalf of Grantors and the successors and assigns of Grantors, agree 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 Grantors and the heirs, administrators, executors, successors and assigns of Grantors.

Dated Jan 20, 1993

Louis A. Carhart
LOUIS A. CARHART

John H. Freeson
JOHN H. FREESON

by Louis A. Carhart
attorney in fact

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 1/28/93

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

CARHART.AE/a

APPROVED AS TO FORM

[Signature]
Stan T. [unclear], City Attorney

EXHIBIT "A"

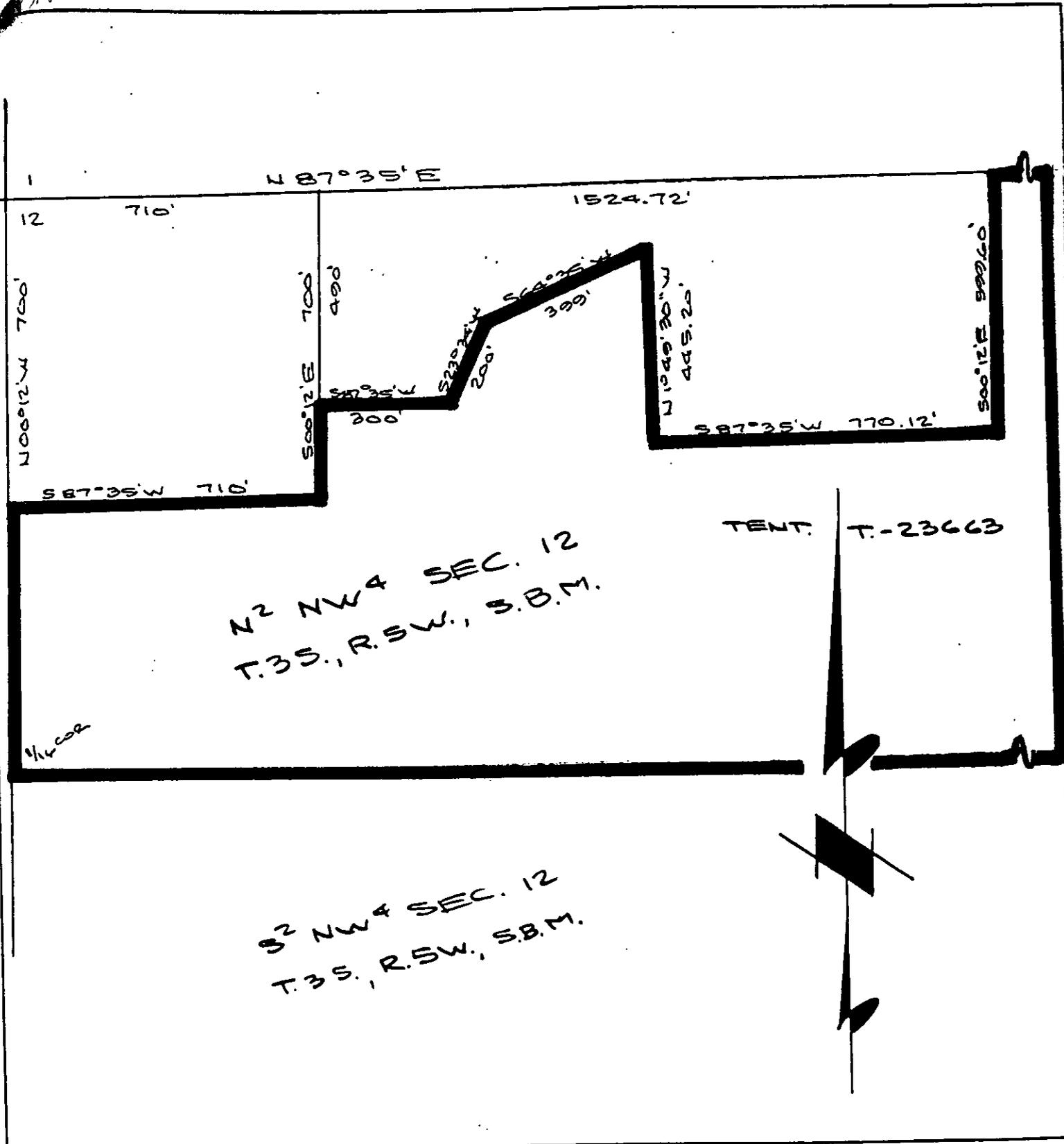
ALL OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, AS SHOWN
BY UNITED STATES GOVERNMENT SURVEY;

EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE NORTHWEST
CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE NORTH
87°35' EAST, 710 FEET; THENCE SOUTH 00°12' EAST, 700 FEET; THENCE
SOUTH 87°35' WEST, 710 FEET; THENCE NORTH 00°12' WEST, 700 FEET TO
THE POINT OF BEGINNING;

ALSO EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE
NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION;
THENCE NORTH 87°35' EAST, ALONG THE NORTH LINE OF SAID SECTION,
710 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH
87°35' EAST, 1524.72 FEET; THENCE SOUTH 00°12' EAST, 599.60 FEET;
THENCE SOUTH 87°35' WEST, 770.12 FEET; THENCE NORTH 01°49'30"
WEST, 445.20 FEET; THENCE SOUTH 64°35' WEST, 399 FEET; THENCE
SOUTH 23°34' WEST, 200 FEET; THENCE SOUTH 87°35' WEST, 300 FEET;
THENCE NORTH 00°12' WEST, 490 FEET TO THE POINT OF BEGINNING.

DESCRIPTION APPROVAL 11/16/92
George P. Hutchinson by WF
SURVEYOR, CITY OF RIVERSIDE

1397



N2 NW4 SEC. 12
T.3S., R.5W., S.B.M.

S2 NW4 SEC. 12
T.3S., R.5W., S.B.M.

TENT. T.-23663

• 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

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S/TS-1

SCALE: 1" = _____

DRAWN BY WF DATE 11/12/92

SUBJECT T-23663

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