

When recorded mail to:

City Clerk's Office
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

DOC # 2002-548886

10/02/2002 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



FREE RECORDING

This instrument is for the benefit of the March Air Reserve Base/ March Inland Port and is entitled to be recorded without fee (Government Code _6103)

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FOR RECORDER'S OFFICE USE ONLY

Project:
A.P.N.

14985



AVIGATION EASEMENT

(MARCH AIR RESERVE BASE/ MARCH INLAND PORT)

Canyon Crest

WHEREAS Towne Centre, LLC, 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 County of Riverside, State of California, hereinafter called "Grantor's Property"; and

WHEREAS the property interest of the Grantor is located within the Air Installation Compatible Use Zone (AICUZ) for March Air Reserve Base/ March Inland Port, operated by the Department of Defense of the United States of America and the March Joint Powers Authority, and within the flight path of aircraft operating from said Air Reserve Base; and

WHEREAS the Grantor has sought approval from the City of Riverside for the development of the property interest of the Grantor by the project above-referenced; and

WHEREAS the Airport Land Use Commission for the County of Riverside (ALUC) found the project consistent with the County Land Use Plan for March Air Reserve Base, subject to granting of an avigation easement to March Air Reserve Base/ March Inland Port; and

WHEREAS the Grantor now desires to grant an avigation easement over the property interest of Grantor to March Air Reserve Base/ March Inland Port for the purpose of complying with the condition imposed by ALUC;

NOW, THEREFORE FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GRANTOR does hereby grant to the, hereinafter referred to March Air Reserve Base/ March Inland Port 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 property of the Grantor 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 Reserve Base/ March Inland Port 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 Reserve Base/ March Inland Port or other airport or air facility which is or may be located at or near the site of said Air Reserve 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 Reserve Base/ March Inland Port 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 Reserve Base/ March Inland Port, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said Air Reserve Base.

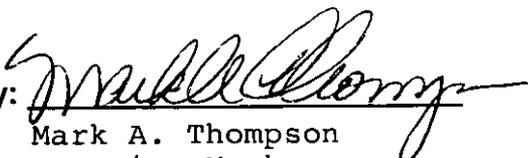
The foregoing grant of easement shall not be considered as otherwise prohibiting the use of the property of the Grantor for any lawful purpose below minimum flight altitudes for aircraft presently authorized or hereafter authorized by the appropriate federal or state authority, provided all applicable federal, state and local regulations pertaining to height restrictions are adhered to.



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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 September 30, 2002

By: 
Mark A. Thompson
Managing Member
Canyon Crest Towne Centre, LLC



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GENERAL ACKNOWLEDGEMENT

State of California
County of RIVERSIDE ss

On September 30, 2002
me ZINA M. ANDERSON, NOTARY PUBLIC
(name)

before

a Notary Public in and for said State, personally appeared
MARK A. THOMPSON PERSONALLY KNOWN TO ME

Name(s) of Signer(s)

OR - proved to me on the basis of

ifactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Zina M Anderson
Signature



OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

- Attorney-in-fact
 - Corporate Officer(s)
Title _____
Title _____
 - Guardian/Conservator
 - Individual(s)
 - Trustee(s)
 - Other
-
- Partner(s)
 - General
 - Limited

The party(ies) executing this document is/are representing



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CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the March Air Reserve Base/ March Inland Port is hereby accepted by the undersigned officer on behalf of the March Joint Powers Authority, a government entity, pursuant to authority conferred by Resolution No. MIPAA-01-01 adopted May 16, 2001, and the grantee consents to recordation thereof by its duly authorized officer.

Date 10/1/02

March Joint Powers Authority



Philip A. Rizzo
Executive Director



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EXHIBIT A

METES AND BOUNDS DESCRIPTION

DATA FOR METES AND BOUNDS DESCRIPTION OBTAINED FROM
- PARCEL MAP 11,510, RECORDED IN BOOK 68 OF PARCEL MAPS,
PAGES 59, 60 AND 61, RIVERSIDE COUNTY OFFICIAL RECORDS

PARCEL 7, INCLUSIVE, OF PARCEL MAP 11,510, RECORDED AUGUST 10,
1979 IN BOOK 68, PAGES 59, 60 AND 61, OF PARCEL MAPS,
RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 7 AS SHOWN ON
SAID PARCEL MAP NO 11,510, SAID POINT BEING ON THE WESTERLY
LINE OF CANYON CREST DRIVE AND ALSO BEING THE NORTHEAST
CORNER OF PARCEL 1 AS SHOW ON PARCEL MAP FILED IN BOOK 4
OF PARCEL MAPS, PAGE 81, RIVERSIDE COUNTY OFFICIAL RECORDS;
THENCE ALONG THE NORTH LINE OF SAID PARCEL 1, S 86°13'25" W, A
DISTANCE OF 175.00 FEET TO THE NORTHWEST CORNER OF SAID
PARCEL 1; THENCE, N 46°54'45" W, A DISTANCE OF 58.78 FEET TO THE
BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST,
HAVING A RADIAL BEARING OF N 46°54'45" W AND A RADIUS OF
140.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL
ANGLE OF 14°35'15", AN ARC DISTANCE OF 35.64 FEET TO THE END
THEREOF; THENCE, N 28°30'00" E, A DISTANCE OF 46.96 FEET;
THENCE, N 86°13'25" E, A DISTANCE OF 157.88 FEET TO A POINT ON THE
SAID WESTERLY LINE OF CANYON CREST DRIVE; THENCE, ALONG
SAID WESTERLY LINE S 8°45'20" E, A DISTANCE OF 110.42 FEET TO THE
POINT OF BEGINNING.

BENCH MARK

BENCH MARK No HT-03

P.K. NAIL AND CITY ENGINEER TAG IN THE SOUTHWEST CORNER OF A
CATCH BASIN ALONG THE WESTERLY CURB OF CANYON CREST DRIVE
17.5 FEET SOUTHERLY OF THE ECR OF THE SOUTHWEST CURB RETURN AT
CENTRAL AVENUE AND CANYON CREST DRIVE.

ELEV = 1103.111

BASIS OF BEARINGS

BEARING SHOWN HERE ON ARE IDENTICAL TO THOSE SHOWN ON RI
AND WERE OBTAINED FROM FIELD TIES TO FOUND MONUMENTS IN
FIELD



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