

When recorded mail to:

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

DOC # 2002-595161

10/23/2002 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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Project: Plot Plan no. 15189R1 and E.A. No. 38587  
A.P.N. 317-170-031

15000



**AVIGATION EASEMENT**

(MARCH AIR RESERVE BASE/ MARCH INLAND PORT)

*McNALLY FAMILY FARMS*

WHEREAS *McNally Family Farms* 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 10-4-02

Carlton R. Lofgren - Pres.  
By: Carlton R. Lofgren Pres.  
McNally Family Farms  
MCNALLY FAMILY FARMS

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**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of Riverside } ss.

On 10-4-2002 before me, Theressia Hollis, Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared Carlton R Hofgren  
Name(s) of Signer(s)

personally known to me  
 proved to me on the basis of satisfactory 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 or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.  
Theressia Hollis  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

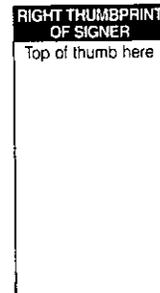
Title or Type of Document: AVIGATION EASEMENT  
Document Date: 10-4-2002 Number of Pages: 6 (including this page)  
Signer(s) Other Than Named Above: N/A

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is 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 10/17/02

March Joint Powers Authority



Philip A. Rizzo  
Executive Director

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EXHIBIT "A"

Description of Land

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, DISTANT 7 CHAINS NORTH FROM THE SOUTHWEST CORNER OF SAID QUARTER SECTION;  
THENCE EAST ON THE NORTH LINE OF THE TRACT OF LAND DESCRIBED BY DEED TO CHARLES B. BULLOCK AND WIFE TO JOHN B. CONRAD AND GEORGE C. KENNARD, AS SHOWN BY MAP ON FILE IN BOOK 4 PAGE(S) 104 OF DEEDS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, 1,807.06 FEET TO THE CENTERLINE OF THE CALIFORNIA SOUTHERN RAILWAY RIGHT OF WAY;  
THENCE NORTHWESTERLY ON THE CENTERLINE OF SAID RIGHT OF WAY TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 12;  
THENCE WEST ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 12 TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER;  
THENCE SOUTH ON THE WEST LINE OF SAID SOUTHEAST QUARTER TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION LYING NORTHERLY OR THE SOUTHERLY LINE OF THE PARCEL DESCRIBED BY DEED TO METROPOLITAN WATER DISTRICT EXECUTED BY ANNA FIRCH, A WIDOW, UNDER DATE OF JUNE 1, 1933 AND RECORDED JUNE 15, 1933 IN BOOK 125 PAGE 487 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPT THAT PORTION OF RAILROAD RIGHT OF WAY;

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF AS CONVEYED TO THE COUNTY OF RIVERSIDE BY DEED RECORDED AUGUST 4, 1992 AS INSTRUMENT NO. 287672 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF AS CONVEYED TO THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, A PUBLIC CORP., BY DEED RECORDED MAY 2, 1994 AS INSTRUMENT NO. 181561 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.



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