

FIRST AMERICAN TITLE CO.

WHEN RECORDED MAIL TO:

CITY CLERK
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: Cottonwood/Canyon Crest, Ltd.
Tract 22480

316616

RECEIVED FOR RECORD
30 Min. Past 2 o'clock P.M.

NOV 31987

Recorded in Office of Recorder
of Riverside County, California

William E. Stoney
RECORDER
Fee \$ 13

11995

AVIGATION EASEMENT

WHEREAS COTTONWOOD/CANYON CREST, LTD., 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 61, inclusive, of Tract No. 22480 as shown by map on file in Book 175 of Maps at pages 56-59 inclusive 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 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;

DESCRIPTION APPROVAL: 10/6/87

George P. Hutchinson
CITY CLERK

11995

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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 described hereinabove, together with the right to cause in said airspace such noise, vibrations, dust, smoke, fumes, and other related conditions that may be caused by 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 the March Air Force Base is an operating airport subject to increases in the intensity of use and operation, including present and future noise, vibrations, dust, smoke, fumes 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 Grantees, their successors and assigns, due to such noise, vibrations, dust, smoke, fumes 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.

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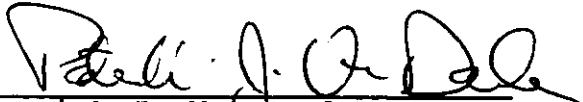
The foregoing grant of easement shall not be considered as otherwise prohibiting the use of the Grantor's property for any lawful purpose below the minimum flight altitudes for aircraft presently authorized or hereafter authorized by the appropriate federal or state authority; provided all applicable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

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.

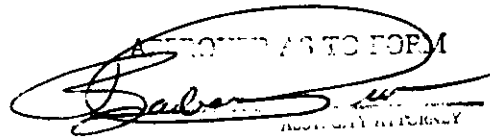
Dated: September 28, 1987

COTTONWOOD/CANYON CREST, LTD.,
a Limited Partnership

By: VAN DAELE DEVELOPMENT, a
corporation, as General
Partner



Patrick J. Van Daele
Vice President



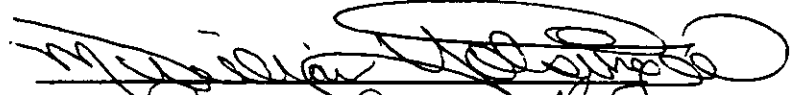
BP/1013A/jm
9/25/87

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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: 10/19/87


Title Property Services Manager

316616

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On September 28, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared Patrick J. Van Daele, personally known to me to be the person who executed the within instrument as Vice President and Secretary, on behalf of Van Daele Development Corporation, the corporation therein named, and acknowledged to me that said corporation executed the within instrument pursuant to its bylaws or a resolution of its Board of Directors, said corporation being known to me to be one of the partners of Cottonwood/Canyon Crest, Ltd., the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.

WITNESS my hand and official seal.

Andrea L. Annel

(SEAL)

