

WHEN RECORDED MAIL TO:

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

Project: Zoning Case R-103-856
Tract Map 21685
Parcel Map 22079

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RECEIVED FOR RECORD
11:00 AM

NOV - 3 1987
Recorded in Official Records
of Riverside County, California
W. E. Smith
RECORDER
Fee \$

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AVIGATION EASEMENT

WHEREAS SUMMIT POINTE ASSOCIATES, a California general partnership, 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:

That portion of the East half of Section 7, Township 3 South, Range 4 West, San Bernardino Base and Meridian, according to the Official Plat thereof, lying Northeasterly of the center line of that certain portion described in deed to the County of Riverside, recorded in Book 507, Page 490 and by deed recorded in Book 511, Page 159, both Official Records;

EXCEPTING THEREFROM that portion lying Westerly of a line described as follows:

Beginning at the North quarter corner of said Section; thence North 89° 31' East, 600.00 feet on the North line of said Section; thence South 00° 08' East, 2,340.72 feet parallel with the West line of the East three-fourths of said Section to a point on the center line at that certain parcel described in deed to the County of Riverside, recorded in Book 507, Page 490 and in Book 511, Page 159, both Official Records; thence South 50° 28' East, 699.08 feet on said center line; thence continuing Southeasterly, 23.27 feet on said center line being a curve, concave Southwesterly, having a radius of 4,000.00 feet through a central angle of 00° 20', to the most Southerly corner of that certain parcel described in deed to Claude Productions, Inc., recorded February 24, 1967 as Instrument No. 15837, Official Records, for the point of beginning of said line; thence North 39° 52' East, radial to said curve, 280.00 feet on the Easterly line of said parcel to the beginning of a tangent curve, concave Westerly, having a radius of 800.00 feet; thence Northerly, 781.91 feet through a central angle of 56° 00', on said Easterly line; thence North 16° 08' West, 940.00 feet on said Easterly line to the beginning of a tangent

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curve, concave to the East, having a radius of 1,000.00 feet; thence Northeasterly, 408.12 feet on the arc of said curve, through a central angle of 23° 23', on said Easterly line; thence North 07° 15' East, 415.00 feet on said Easterly line to the beginning of a tangent curve, concave to the West, having a radius of 1,000.00 feet; thence Northerly, 123.63 feet on the arc of said curve, through a central angle of 07° 05', on said Easterly line; thence North 00° 10' East, 14.13 feet, more or less, to an intersection with the North line of said Section, being the end of said line, and the Northeast corner of said parcel;

ALSO EXCEPTING THEREFROM that portion described as follows:

Beginning at a point on the East line of said Section 7, from which the Southeast corner bears South 00° 01' 40" West (recorded as South 00° 02' 03" West), a distance of 50 feet; thence North 48° 14' West, along the Easterly line of Old Elsinore Road, a distance of 82.72 feet; thence North 16° 55' 30" West, along said Easterly line, a distance of 528.51 feet; thence Northwesterly along said Easterly line of Old Elsinore Road, on the arc of a 4,040 foot radius curve, tangent to the last described course and concave to the Southwest, through an angle of 10° 16', for an arc distance of 723.92 feet; thence South 27° 11' East, a distance of 425.59 feet; thence Southeasterly on the arc of a 1560 foot radius curve, tangent to the last described course and concave to the Northwest, through an angle of 18° 12' 02", for an arc distance of 495.55 feet to a point on the East line of said Section 7, from which the Southeast corner bears South 00° 01' 40" East, a distance of 504.19 feet; thence South 00° 01' 40" East, along said Section line, a distance of 454.19 feet to the point of beginning,

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 projects above-referenced; and

WHEREAS the City of Riverside has conditioned the approval of such projects by requiring the granting of an avigation easement over the Grantor's property;

DESCRIPTION APPROVAL 10/17/87
George P. Hutchinson
SURVEYOR, CITY OF RIVERSIDE

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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.

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: 10-19-87

SUMMIT POINTE ASSOCIATES,
a California general partnership

By: WOODCREST DEVELOPMENT OF
RIVERSIDE, INC., a California
corporation, its managing partner

Diane G. Jacobi
Signature

DIANE G. JACOBI
Print Name

ASST. CORP. SEC.
Title

Jeffrey R. Moore
Signature

JEFFREY R. MOORE
Print Name

PRESIDENT
Title

APPROVED AS TO FORM

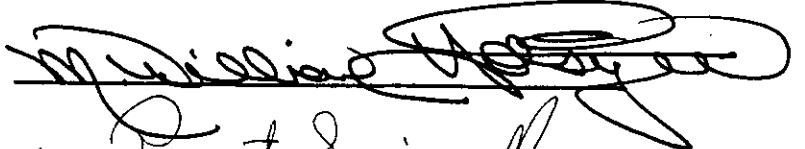
Clarence J. Joney
ASST. CITY ATTORNEY

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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: 10/20/82


Title Property Services Manager

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