

288741

WHEN RECORDED MAIL TO:

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

Project: Lusk-Highlander  
Tract No. 22061

RECEIVED FOR RECORD  
30 Min. Past 10 o'clock

OCT - 5 1988  
Recorded in Official Records  
of Riverside County, California  
William E. Smith  
RECORDER  
Fee \$

AVIGATION EASEMENT

WHEREAS, TRUST SERVICES OF AMERICA, INC., a California corporation, as Trustee, 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, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (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.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, the Grantor does hereby grant to the CITY OF RIVERSIDE, a municipal corporation of the State of California, hereinafter referred to as the "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 whom-

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soever owned and operated in the permissible airspace above the surface of the Grantor's property described hereinabove, together with the right to cause in such airspace, only at the levels permitted by state or federal law or regulation, such noise, vibrations, dust, smoke, fumes, and other related conditions that may be caused by the operation of aircraft. Said perpetual easement and right of flight over the Grantor's property shall not be construed so as to permit flights over the Grantor's property below the minimum flight altitudes for aircraft as established by the appropriate governmental agency's rules, regulations and/or policies. "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 and which is registered and/or licensed for such flight or navigation with the appropriate governmental agency.

The Grantor hereby acknowledges that the March Air Force Base is, as it exists as of the date of the execution of this Easement, 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, except as set forth hereinbelow, the Grantor hereby waives, remises and releases any right or cause of action which the Grantor may now or in the future have against the Grantee, its 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 presently existing site of said March Air Force Base. Notwithstanding the above, the Grantor does not waive, remise or release any right or cause of action it may now or in the future have against the Grantee, its successors and assigns, due to noise, vibrations, dust, smoke, fumes or other related conditions which exceed the maximum levels permitted by local, state or federal law and/or regulation relating to the operation of the aircraft.

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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 the Grantor.

Dated: July 29, 1988

TRUST SERVICES OF AMERICA, INC.,  
a California corporation, Grantor

By: [Signature] - V. Pres

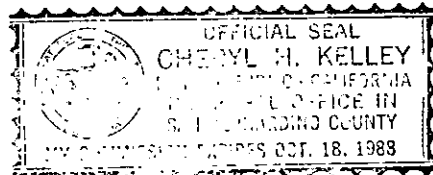
By: [Signature] - Asst Sec.

STATE OF CALIFORNIA )  
COUNTY OF San Bernardino ) SS.

On July 29, 1988 before me, the undersigned, a Notary Public in and for said State, personally appeared [Signature] and [Signature], personally known to me or proved to me on the basis of satisfactory evidence to be the persons who executed the within instrument as the Pres President, and Assistant Secretary of TRUST SERVICES OF AMERICA, a California corporation, the corporation that executed the within instrument and acknowledged to me that such corporation executed the within instrument pursuant to its bylaws or a resolution of its board of directors.

WITNESS my hand and official seal.

[Signature]  
Signature  
CHERYL H. KELLEY



## HIGHLANDER

## LEGAL DESCRIPTION

## TRACT MAP 22061

A portion of the Northeast quarter of Section 4, Township 3 South, Range 4 West, and a portion of the South one-half of Section 33, Township 2 South, Range 4 West, San Bernardino Base and Meridian described as follows:

Commencing at the Southeast corner of said Section 33, said point also being the Northeast corner of said Section 4 as shown on a Record of Survey on file in Book 77 of Records of Survey, Pages 59 through 63 inclusive, records of Riverside County California;

Thence North  $89^{\circ}29'10''$  West along the North line of said Section 4 a distance of 1,935.13 feet to a point on curve, said point being the TRUE POINT OF BEGINNING;

Thence Southwesterly along a curve left whose center bears South  $60^{\circ}29'40''$  East, having a central angle of  $6^{\circ}25'05''$ , a radius of 1,150.00 feet, a distance of 128.82 feet as measured along the arc to a point of reverse curve;

Thence Southwesterly along a curve right, having a central angle of  $20^{\circ}31'11''$ , a radius of 150.00 feet, a distance of 53.72 feet as measured along the arc to a point of reverse curve;

Thence Southwesterly along a curve left, having a central angle of  $21^{\circ}04'18''$ , a radius 150.00 feet, a distance of 55.17 feet as measured along the arc to a point of tangent;

Thence South  $22^{\circ}32'08''$  West a distance of 40.62 feet;

Thence North  $67^{\circ}27'52''$  West a distance of 65.00 feet;

Thence North  $22^{\circ}32'08''$  East a distance of 80.68 feet;

Thence North  $17^{\circ}15'13''$  West a distance of 27.32 feet;

Thence North  $66^{\circ}03'29''$  West a distance of 119.03 feet to the beginning of a curve;

Thence Northwesterly along a curve right, having a central angle of  $21^{\circ}07'20''$ , a radius of 752.00 feet a distance of 277.23 feet as measured along the arc to a point on curve;

Thence North  $82^{\circ}33'39''$  West a distance of 31.48 feet;

Thence North  $40^{\circ}51'21''$  West a distance of 60.00 feet;

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Thence North 00°50'58" East a distance of 31.48 feet to a point on curve;

Thence Northwesterly along a curve right whose center bears North 53°13'28" East, having a central angle of 8°13'08", a radius of 752.00 feet, a distance of 107.87 feet as measured along the arc to a point of tangent;

Thence North 28°33'24" West a distance of 435.00 feet;

Thence North 68°35'13" West a distance of 32.65 feet;

Thence North 28°33'24" West a distance of 60.00 feet;

Thence North 11°28'25" East a distance of 32.65 feet;

Thence North 28°33'24" West a distance of 74.73 feet;

Thence North 27°36'16" West a distance of 151.76 feet;

Thence North 61°26'36" East a distance of 93.93 feet;

Thence South 30°39'04" East a distance of 91.27 feet;

Thence North 58°21'07" East a distance of 163.22 feet;

Thence North 60°10'13" East a distance of 164.45 feet;

Thence North 61°04'01" East a distance of 176.22 feet;

Thence North 59°06'03" East a distance of 162.90 feet;

Thence North 79°41'33" East a distance of 120.66 feet to a point on curve on the westerly right-of-way line of Box Springs Boulevard as shown on a Record of Survey on file in Book 77 of Records of Survey, Pages 59 through 63, Records of Riverside County California;

Thence Southeasterly along said westerly right-of-way line the following 3 courses:

1. Southeasterly along a curve left whose center bears North 77°34'00" East, having a central angle of 2°01'07", a radius of 10,058.00 feet, a distance of 354.36 feet as measured along the arc to a point of tangent;

2. South 14°27'07" East a distance of 457.19 feet to the beginning of a curve;

3. Southeasterly along a curve left, having a central angle of 37°00'01", a radius of 450.00 feet, a

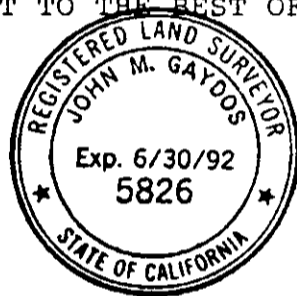
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distance of 290.60 feet as measured along the arc to a point on curve;

Thence Southwesterly along a curve left whose center bears South 45°52'38" East, having a central angle of 14°37'02", a radius of 1,150.00 feet, a distance of 293.39 feet as measured along the arc to the point of beginning.

CONTAINING A CALCULATED AREA OF 20.342 ACRES, MORE OR LESS.

I, JOHN M. GAYDOS, HEREBY STATE THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF CALIFORNIA. THIS LEGAL DESCRIPTION WAS PREPARED UNDER MY DIRECT SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



*John M. Gaydos*  
\_\_\_\_\_  
JOHN M. GAYDOS, R.L.S. #5826

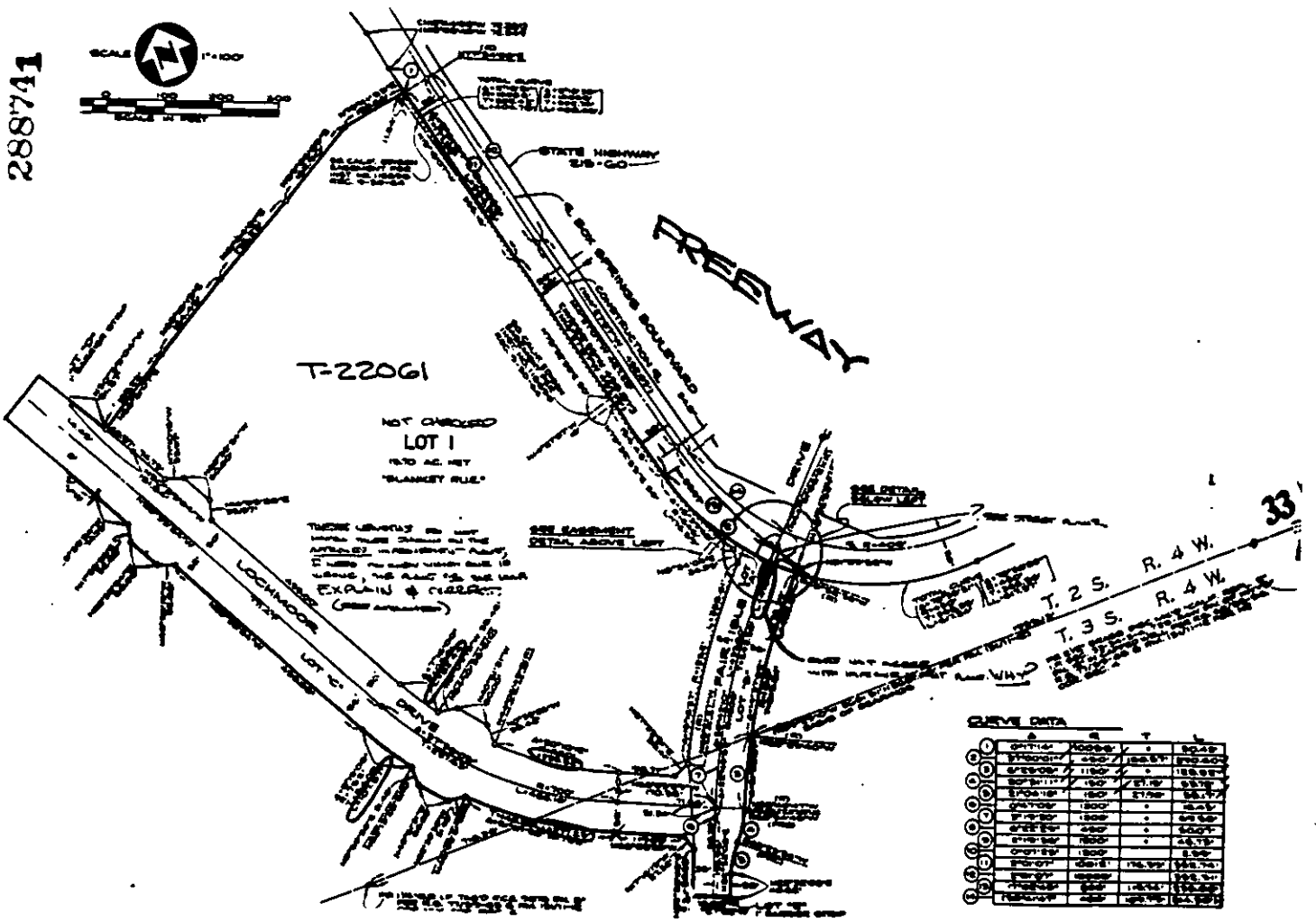
FOR AND ON BEHALF OF  
NBS/LOWRY

DESCRIPTION APPROVAL 9/27/88

*Walter B. Ince*  
\_\_\_\_\_  
SURVEYOR, CITY OF RIVERSIDE

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T-22061  
 NOT CHANGED  
 LOT 1  
 1370 AC NET  
 "BLANKET RULE"

THESE LOTS ARE TO BE  
 PART OF THE TRACT AS THE  
 APPLICANT HAS REQUESTED. ANY  
 CHANGES TO THE LOTS MUST BE  
 MADE TO THE PLAN BY THE USER  
 EXPLAIN & REASON  
 (SEE ATTACHED)

SEE EXHIBIT  
 DETAIL ABOVE LEFT

CURVE DATA

Station	PC	PT	PI	Curve Data
0+00	0+00	0+00	0+00	100' 100' 100'
0+50	0+50	0+50	0+50	100' 100' 100'
1+00	1+00	1+00	1+00	100' 100' 100'
1+50	1+50	1+50	1+50	100' 100' 100'
2+00	2+00	2+00	2+00	100' 100' 100'
2+50	2+50	2+50	2+50	100' 100' 100'
3+00	3+00	3+00	3+00	100' 100' 100'
3+50	3+50	3+50	3+50	100' 100' 100'
4+00	4+00	4+00	4+00	100' 100' 100'
4+50	4+50	4+50	4+50	100' 100' 100'
5+00	5+00	5+00	5+00	100' 100' 100'
5+50	5+50	5+50	5+50	100' 100' 100'
6+00	6+00	6+00	6+00	100' 100' 100'
6+50	6+50	6+50	6+50	100' 100' 100'
7+00	7+00	7+00	7+00	100' 100' 100'
7+50	7+50	7+50	7+50	100' 100' 100'
8+00	8+00	8+00	8+00	100' 100' 100'
8+50	8+50	8+50	8+50	100' 100' 100'
9+00	9+00	9+00	9+00	100' 100' 100'
9+50	9+50	9+50	9+50	100' 100' 100'
10+00	10+00	10+00	10+00	100' 100' 100'

• 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

12/22

SCALE: 1" = NA DRAWN BY WFC DATE 9/2/88 SUBJECT T-22061

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