

419735

WHEN RECORDED MAIL TO:

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

FREE RECORDING
This instrument is for the benefit
of the City of Riverside and is
entitled to be recorded without fee.
(Government Code Section 6103)

Project: Lusk-Highlander
Tract No. 22408-1

RECEIVED FOR RECORD
AT 8:30 O'CLOCK A.M.

NOV 16 1990

Recorded in Official Records
of Riverside County, California

W. J. [Signature]
Recorder
Fees \$

AVIGATION EASEMENT

12814

8

WHEREAS, FIRST AMERICAN TRUST COMPANY, 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 whomsoever 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, sound or shock waves, vibrations, dust, smoke, fumes, fuel particles and other related conditions that may be inherent in 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, sound or shock waves, vibrations, dust, smoke, odors, fumes, fuel particles 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, 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 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. 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.

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, sound or shock waves, vibrations, dust, smoke, odors, fumes, fuel particles 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.

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 Force Base 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 Force Base, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at 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 the Grantor.

(As V.P. and T.O.)

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

On October 31, 1990, before me, the undersigned, a Notary Public in and for said State personally appeared Wayne A. Conduct, Vice President and Joan Henderson, Trust Officer, known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument as Vice President and Trust Officer for First American Trust Company the corporation therein named, and acknowledged to me that said corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

WITNESS my hand and official seal.

Elise Roberts
(signature)

(Seal)



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

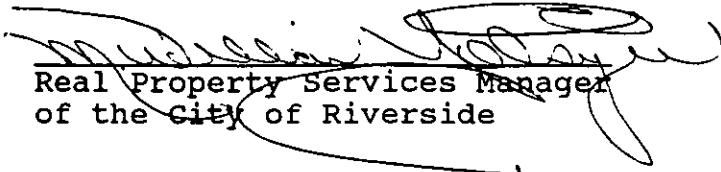
Nov. 7, 1990
Real Property Services Manager
of the City of Riverside

EXHIBIT "A"

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 4 WEST AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 3, SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF BOX SPRINGS BOULEVARD AND FISCHER ROAD AS SHOWN BY RECORD OF SURVEY FILED IN BOOK 77 OF RECORD OF SURVEYS, AT PAGES 59 THROUGH 63, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, SAID BEGINNING POINT BEING ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 400.00 FEET, A RADIAL BEARING TO SAID BEGINNING POINT BEARS SOUTH 44° 51' 06" WEST;

THENCE SOUTH 45° 22' 01" WEST, A DISTANCE OF 31.37 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1,200.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01° 20' 38", AN ARC LENGTH OF 28.15 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF BOX SPRINGS BOULEVARD AS SHOWN BY SAID RECORD OF SURVEY, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 450.00 FEET, A RADIAL BEARING TO SAID BEGINNING OF NON-TANGENT CURVE BEARS SOUTH 44° 55' 22" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE AND ALONG SAID RIGHT-OF-WAY THROUGH A CENTRAL ANGLE OF 06° 22' 30", AN ARC LENGTH OF 50.07 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1,150.00 FEET, A RADIAL BEARING TO SAID BEGINNING OF NON-TANGENT CURVE BEARS NORTH 45° 52' 38" WEST;

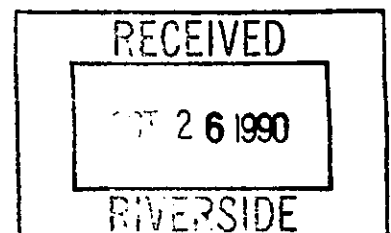
THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 02' 07", AN ARC LENGTH OF 422.21 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 150.00 FEET;

THENCE SOUTHERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 20° 31' 11", AN ARC LENGTH OF 53.72 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 150.00 FEET;

THENCE SOUTHERLY ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 21° 04' 18", AN ARC LENGTH OF 55.17 FEET;

THENCE SOUTH 22° 32' 08" WEST, A DISTANCE OF 40.62 FEET, TO THE TRUE POINT OF BEGINNING;

9342-C726-018-01



THENCE SOUTH 22° 32' 08" WEST A DISTANCE OF 295.38 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 830.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22° 32' 42", AN ARC LENGTH OF 326.59 FEET TO THE BEGINNING OF A LINE NON-TANGENT TO SAID CURVE;

THENCE SOUTH 03° 43' 42" WEST A DISTANCE OF 30.39 FEET;

THENCE SOUTH 52° 22' 35" WEST A DISTANCE OF 30.00 FEET;

THENCE SOUTH 37° 37' 25" EAST A DISTANCE OF 6.94 FEET;

THENCE SOUTH 52° 22' 35" WEST A DISTANCE OF 30.00 FEET;

THENCE NORTH 82° 58' 35" WEST A DISTANCE OF 32.73 FEET;

THENCE SOUTH 51° 40' 14" WEST A DISTANCE OF 55.74 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 830.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26° 17' 08", AN ARC LENGTH OF 380.78 FEET;

THENCE SOUTH 77° 57' 22" WEST A DISTANCE OF 54.12 FEET;

THENCE SOUTH 30° 27' 22" WEST A DISTANCE OF 33.91 FEET;

THENCE SOUTH 72° 57' 22" WEST A DISTANCE OF 30.00 FEET;

THENCE NORTH 17° 02' 38" WEST A DISTANCE OF 9.27 FEET;

THENCE SOUTH 72° 57' 22" WEST A DISTANCE OF 30.00 FEET;

THENCE NORTH 59° 32' 38" WEST A DISTANCE OF 31.08 FEET;

THENCE SOUTH 77° 57' 22" WEST A DISTANCE OF 113.29 FEET;

THENCE SOUTH 33° 15' 04" WEST A DISTANCE OF 32.36 FEET;

THENCE SOUTH 78° 32' 46" WEST A DISTANCE OF 30.00 FEET;

THENCE SOUTH 11° 27' 14" EAST A DISTANCE OF 1.09 FEET;

THENCE SOUTH 78° 32' 46" WEST A DISTANCE OF 30.00 FEET;

THENCE NORTH 56° 44' 56" WEST A DISTANCE OF 32.69 FEET;

9342-C726-018-01

THENCE SOUTH 77° 57' 22" WEST A DISTANCE OF 12.80 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 630.00 FEET;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 26° 26' 42", AN ARC LENGTH OF 290.78 FEET TO THE BEGINNING OF A LINE NON-TANGENT TO SAID CURVE;

THENCE NORTH 14° 24' 04" EAST A DISTANCE OF 65.00 FEET;
THENCE NORTH 25° 06' 41" EAST A DISTANCE OF 233.80 FEET;
THENCE NORTH 21° 40' 48" EAST A DISTANCE OF 68.99 FEET;
THENCE NORTH 06° 37' 03" EAST A DISTANCE OF 70.42 FEET;
THENCE NORTH 06° 31' 55" WEST A DISTANCE OF 70.42 FEET;
THENCE NORTH 17° 04' 09" WEST A DISTANCE OF 117.34 FEET;
THENCE NORTH 08° 15' 43" EAST A DISTANCE OF 272.62 FEET;
THENCE NORTH 73° 49' 48" EAST A DISTANCE OF 56.19 FEET;
THENCE NORTH 85° 54' 12" EAST A DISTANCE OF 57.70 FEET;
THENCE NORTH 85° 54' 12" EAST A DISTANCE OF 57.70 FEET;
THENCE NORTH 86° 07' 14" EAST A DISTANCE OF 48.37 FEET;
THENCE NORTH 76° 41' 18" EAST A DISTANCE OF 55.19 FEET;
THENCE NORTH 72° 46' 52" EAST A DISTANCE OF 33.37 FEET;
THENCE NORTH 59° 16' 07" EAST A DISTANCE OF 72.58 FEET;
THENCE SOUTH 59° 41' 13" EAST A DISTANCE OF 53.89 FEET;
THENCE NORTH 04° 15' 11" EAST A DISTANCE OF 78.75 FEET;
THENCE NORTH 31° 51' 43" EAST A DISTANCE OF 73.33 FEET;
THENCE NORTH 18° 09' 11" EAST A DISTANCE OF 73.33 FEET;
THENCE NORTH 06° 28' 43" EAST A DISTANCE OF 63.03 FEET;
THENCE NORTH 04° 33' 24" EAST A DISTANCE OF 65.34 FEET;

THENCE NORTH 08° 53' 59" WEST A DISTANCE OF 69.18 FEET;
THENCE NORTH 23° 26' 31" WEST A DISTANCE OF 69.67 FEET;
THENCE NORTH 28° 54' 38" WEST A DISTANCE OF 550.00 FEET;
THENCE NORTH 28° 52' 23" WEST A DISTANCE OF 55.00 FEET;
THENCE NORTH 28° 54' 38" WEST A DISTANCE OF 56.02 FEET;
THENCE NORTH 22° 48' 35" WEST A DISTANCE OF 53.53 FEET;
THENCE NORTH 11° 51' 34" WEST A DISTANCE OF 54.78 FEET;
THENCE NORTH 13° 16' 32" WEST A DISTANCE OF 59.96 FEET;
THENCE NORTH 59° 52' 05" EAST A DISTANCE OF 44.65 FEET;
THENCE NORTH 51° 14' 15" EAST A DISTANCE OF 91.02 FEET;
THENCE NORTH 21° 43' 20" EAST A DISTANCE OF 121.24 FEET TO THE
BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF
453.00 FEET;
THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
20° 59' 09", AN ARC LENGTH OF 165.92 FEET TO THE BEGINNING OF A
LINE NON-TANGENT TO SAID CURVE;
THENCE SOUTH 27° 36' 16" EAST A DISTANCE OF 149.07 FEET;
THENCE NORTH 61° 26' 36" EAST A DISTANCE OF 93.93 FEET;
THENCE SOUTH 30° 39' 04" EAST A DISTANCE OF 151.84 FEET;
THENCE SOUTH 28° 33' 24" EAST A DISTANCE OF 80.72 FEET;
THENCE SOUTH 73° 33' 24" EAST A DISTANCE OF 16.97 FEET;
THENCE SOUTH 28° 33' 24" EAST A DISTANCE OF 74.02 FEET;
THENCE SOUTH 16° 26' 36" WEST A DISTANCE OF 16.97 FEET;
THENCE SOUTH 28° 33' 24" EAST A DISTANCE OF 440.99 FEET TO THE
BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF
650.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07° 51' 47", AN ARC LENGTH OF 89.20 FEET TO THE BEGINNING OF A LINE NON-TANGENT TO SAID CURVE;

THENCE SOUTH 83° 20' 22" EAST A DISTANCE OF 16.57 FEET;

THENCE SOUTH 40° 51' 21" EAST A DISTANCE OF 76.11 FEET;

THENCE SOUTH 01° 37' 41" WEST A DISTANCE OF 16.57 FEET TO THE BEGINNING OF NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 650.00 FEET, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS SOUTH 44° 42' 30" WEST;

THENCE SOUTHEASTERLY ALONG SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 20° 45' 59", AN ARC LENGTH OF 235.59 FEET;

THENCE SOUTH 66° 03' 29" EAST A DISTANCE OF 98.71 FEET;

THENCE NORTH 67° 33' 51" EAST A DISTANCE OF 30.41 FEET;

THENCE SOUTH 17° 06' 11" WEST A DISTANCE OF 145.60 FEET;

THENCE SOUTH 22° 32' 08" WEST A DISTANCE OF 80.68 FEET;

THENCE SOUTH 67° 27' 52" EAST A DISTANCE OF 65.00 FEET TO THE TRUE POINT OF BEGINNING.

DESCRIPTION APPROVAL 11/9/90

for Walter R. Joyce by [Signature]
SURVEYOR, CITY OF RIVERSIDE

