

AK

067372

When Recorded Mail To:

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

City Clerk
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

MAR - 3 1995

FREE RECORDING

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

Recorded in Official Records of Riverside County, California

Recorder
Fees \$

FOR RECORDER'S OFFICE USE ONLY

U

Project: CU-4-934
Alessandro @ I-215
A.P.N. 263-100-008, 014, 015

AVIGATION EASEMENT

WHEREAS DJA PARTNERSHIP, a California general partnership, 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 City of Riverside, County of Riverside, State of 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;

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 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 Force Base 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 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. 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 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 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 2-21-95

DJA PARTNERSHIP, a California general partnership

By *Allie T. Mallard*

By _____

APPROVED AS TO FORM
[Signature]
ASST. CITY ATTORNEY

GENERAL ACKNOWLEDGEMENT

State of California }
County of Riverside }ss

On 2/21/95, before me Sherry Harb
(date) (name)

a Notary Public in and for said State, personally appeared

Allie T. Mallad
Name(s) of Signer(s)

personally known to me - OR - 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 the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Sherry Harb
Signature

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

- () Attorney-in-fact
- () Corporate Officer(s)

Title _____

Title _____

- () Guardian/Conservator
- () Individual(s)
- () Trustee(s)
- () Other

- () Partner(s)
- () General
- () Limited

The party(ies) executing this document is/are representing:

CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the City of Riverside, California, 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. 18233 of said City Council adopted May 11, 1993, and the grantee consents to recordation thereof by its duly authorized officer.

Dated 3/1/95 _____

CITY OF RIVERSIDE

[Signature]
Real Property Services Manager
of the City of Riverside

EXHIBIT "A"

PARCEL 1

That portion of the Southeast Quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Meridian, as shown by United States Government Survey, described as follows:

COMMENCING at the southwest corner of said Southeast Quarter;

THENCE North $89^{\circ}34'08''$ East, along the south line of said Southeast Quarter, a distance of 450.03 feet to an intersection with the southerly prolongation of the west line of that certain parcel of land conveyed to Edmund G. Akrey and Lillian E. Akrey by deed recorded May 19, 1987, as Instrument No 140306 of Official Records of Riverside County, California;

THENCE North $0^{\circ}00'43''$ West, along said southerly prolongation, a distance of 50.00 feet to the southwest corner of said parcel so conveyed for the TRUE POINT OF BEGINNING;

THENCE North $0^{\circ}00'43''$ West, along the west line of said parcel, a distance of 280.45 feet to the northwest corner thereof;

THENCE North $89^{\circ}43'08''$ East, along the north line of said parcel, a distance of 149.97 feet to the northeast corner thereof; said corner being in the west line of that certain parcel of land conveyed the Edmund G. Akrey and Lillian E. Akrey by deed recorded May 19, 1987, as Instrument No. 140303 of Official Records of Riverside County, California;

THENCE North $0^{\circ}00'43''$ West, along said west line of said parcel conveyed as Instrument No. 140303, a distance of 29.55 feet to the northwest corner thereof;

THENCE North $89^{\circ}34'08''$ East, along the north line of said parcel so conveyed as Instrument No 140303, a distance of 126.89 feet to a point therein;

THENCE South $0^{\circ}35'31''$ East, a distance of 309.39 feet;

THENCE South $89^{\circ}24'29''$ West, a distance of 213.49 feet to a point in the south line of said parcel so conveyed as Instrument No. 140306;

THENCE South $89^{\circ}34'08''$ West, along said south line, a distance of 66.51 feet to the TRUE POINT OF BEGINNING.

PARCEL 2

That portion of the Southeast Quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Meridian, as shown by United States Government Survey,

described as follows:

COMMENCING at the southwest corner of said Southeast Quarter;

THENCE North $89^{\circ}34'08''$ East, along the south line of the said Southeast Quarter, a distance of 450.03 feet to an intersection with the southerly prolongation of the west line of that certain parcel of land conveyed to Edmund G. Akrey and Lillian E. Akrey by deed recorded May 19, 1987, as Instrument No. 140306 of Official Records of Riverside County, California;

THENCE North $0^{\circ}00'43''$ West, along said southerly prolongation and along said west line, a distance of 330.45 feet to the northwest corner thereof;

THENCE North $89^{\circ}43'08''$ East, along the north line of said parcel, a distance of 149.97 feet to the northeast corner thereof; said corner being in the west line of that certain parcel of land conveyed to Edmund G. Akrey and Lillian E. Akrey by deed recorded May 19, 1987, as Instrument No. 140303 of Official Records of said Riverside County;

THENCE North $0^{\circ}00'43''$ West, along said west line of said parcel conveyed as Instrument No. 140303, a distance of 29.55 feet to the northwest corner thereof;

THENCE North $89^{\circ}34'08''$ East, along the north line of said parcel conveyed as Instrument No. 140303, a distance of 126.89 feet to a point therein for the TRUE POINT OF BEGINNING;

THENCE South $0^{\circ}35'31''$ East, a distance of 309.39 feet;

THENCE North $89^{\circ}24'29''$ East, a distance of 282.10 feet to a point in the easterly line of said parcel conveyed as Instrument No. 140303;

THENCE North $19^{\circ}56'07''$ West, along said easterly line, a distance of 327.39 feet to the northeast corner thereof;

THENCE South $89^{\circ}34'08''$ West, along the north line of said parcel, a distance of 173.66 feet to the TRUE POINT OF BEGINNING.

PARCEL 3

A portion of the Southeast Quarter of Section 10, Township 3 South, Range 4 West, San Bernardino Meridian, as shown by United States Government Survey, described as follows:

BEGINNING at the southwest corner of said Southeast Quarter of Section 10;

THENCE North $0^{\circ}10'$ West, on the west line of said Southeast Quarter, a distance of 967.99 feet to the southwest corner of that certain parcel conveyed to Isabel Bush by deed recorded March 9, 1948, as Instrument No. 1443 of Official Records of

Riverside County, California;

THENCE North $89^{\circ}23'$ East, on the southerly line of that parcel conveyed to Isabel Bush, a distance of 680.85 feet to a point on the southwesterly right of way line of the Atchison, Topeka and Santa Fe Railroad;

THENCE South $20^{\circ}07'$ East, on the southwesterly line of the right of way to the Atchison, Topeka and Santa Fe Railroad, a distance of 645.33 feet to the northeast corner of that certain parcel conveyed to Samuel W. Joel and Ruby F. Joel, his wife, by deed recorded August 4, 1947, as Instrument No 325 of Official Records of Riverside County, California;

THENCE South $89^{\circ}23'$ West on the north line of the parcel conveyed to Samuel W. Joel, et ux., a distance of 300.66 feet to the northwest corner thereof;

THENCE South $0^{\circ}10'$ East, on the west line of said parcel, a distance of 360.00 feet to the south line of said Southeast Quarter of Section 10;

THENCE South $89^{\circ}23'$ West, on said south line, a distance of 600.00 feet to the POINT OF BEGINNING;

EXCEPTING THEREFROM the southerly 330.00 feet thereof;

ALSO EXCEPTING THEREFROM that portion described as follows:

BEGINNING at the intersection of the southwesterly right of way line of the Atchison, Topeka and Santa Fe Railroad with the southerly line of that certain parcel conveyed the Isabel Bush by deed recorded March 9, 1948, as Instrument No 1443 of Official Records of Riverside County, California;

THENCE South $20^{\circ}07'$ East, on the southwesterly right of way line of the Atchison, Topeka and Santa Fe Railroad, a distance of 523.19 feet;

THENCE South $89^{\circ}23'$ West, parallel with the south line of said Southeast Quarter of Section 10, a distance of 292.94 feet;

THENCE North $0^{\circ}10'$ West, parallel with the west line of said Southeast Quarter of said Section 10, a distance of 118.00 feet;

THENCE North $89^{\circ}23'$ East, parallel with the south line of said Southeast Quarter of Section 10, a distance of 10.00 feet;

THENCE North $0^{\circ}10'$ West, parallel with the west line of said Southeast Quarter of Section 10, a distance of 375.25 feet to the south line of said parcel conveyed to Isabel Bush;

THENCE North $89^{\circ}23'$ East, along said south line to the POINT OF BEGINNING;

ALSO EXCEPTING THEREFROM that portion described as follows:

COMMENCING at the southwest corner of the Southeast Quarter of Section 10;

THENCE North $0^{\circ}10'$ West, on the west line of said Southeast Quarter 330 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North $0^{\circ}10'$ West, on said west line, 637.99 feet to the southwest corner of that certain parcel conveyed to Isabel Bush by deed recorded March 9, 1948, as Instrument No. 1443 of Official Records of Riverside County, California;

THENCE North $89^{\circ}23'$ East, on the southerly line of said Bush property, 575.85 feet to the northwest corner of that certain parcel conveyed as Parcel 2 to Elmer O. Olufson, et ux., by deed recorded February 7, 1966, as Instrument No. 13905 of Official Records of Riverside County, California;

THENCE South $0^{\circ}10'$ East, 375.25 feet to the southwest corner of the land conveyed to Olufson as Parcel 3 in deed above mentioned;

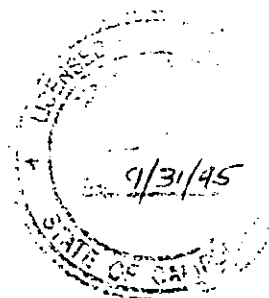
THENCE South $89^{\circ}23'$ East, parallel with the south line of said Southeast Quarter, 10 feet to the northwest corner of the land conveyed to Olufson as Parcel 4 in deed above mentioned;

THENCE South $0^{\circ}10''$ East and parallel with the west line of said Southeast Quarter along the westerly line of said Parcel 4 and its southerly extension of the north line of the southerly 330 feet of said Southeast Quarter;

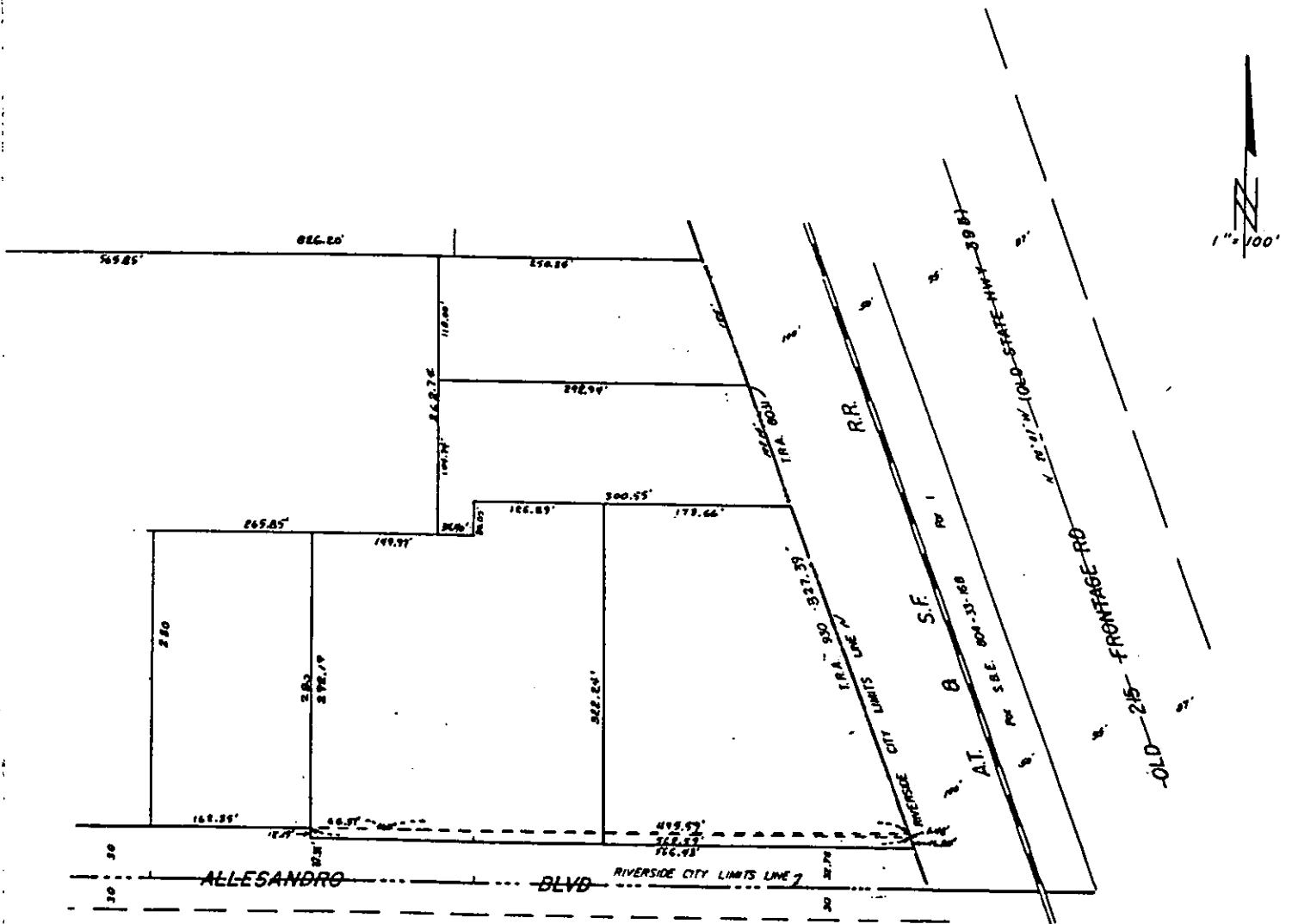
THENCE $89^{\circ}23'$ West, along said north line of said southerly 330 feet, 565 feet, more or less, to the POINT OF BEGINNING.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

Mark S. Brown 2/1/95 Date Prep. Kag
 Mark S. Brown, L.S. 5655
 License Expires 9/30/95



POR. W1/2 SE1/4 SEC. 10 T.3S.R.4W.



• 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

11/26-2

SCALE: 1" = NTS

DRAWN BY KQSDATE 2/21/95

SUBJECT C-4-934 AVIG EASE