

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

MAY 12 1995

Recorded in Official Records  
of Riverside County, California

Recorder  
Fees \$ 6

FREE RECORDING

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

FOR RECORDER'S OFFICE USE ONLY

Project: **6696 Via Vista**  
**Building Permit**

AVIGATION EASEMENT

WHEREAS HENRY R. BOUCHER and VIRGINIA C. BOUCHER, Trustees of the 1992  
BOUCHER FAMILY TRUST, dated November 12, 1992, hereinafter called the "Grantors", are  
the owners 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 Northwest Quarter of Section 7, Township 3 South, Range  
4 West, San Bernardino Meridian, according to the official Plat thereof,  
described as follows;

**COMMENCING** at the northwest corner of said Northwest Quarter of Section 7;

**THENCE** easterly 339.29 feet on the northerly line of said Northwest Quarter  
to the most westerly corner of Parcel 32 as per map recorded in Book 48, Page  
39 of Record of Surveys, records of Riverside County, California;

**THENCE** southeasterly on the southwesterly line of said Parcel 32, a distance  
of 157.37 feet to the intersection of the east line of the land conveyed to the  
Unitarian Universalist Association, a Massachusetts corporation, in deed  
recorded June 6, 1962, as Instrument No. 52144, Official Records of said  
Riverside County;

**THENCE** southerly, along last said East line, South 00°07'10" West, 328.79 feet to the **TRUE POINT OF BEGINNING** of the land to be described herein;

**THENCE** West, parallel with the north line of said Section 7, a distance of 460.52 feet to a point in the west line of said Northwest Quarter of Section 7;

**THENCE** Southerly, along the west line of said Northwest Quarter, South 00°08'30" West, 284 feet to the southwest corner of the land conveyed to the deed last above mentioned;

**THENCE** Easterly, along the south line of said land, North 89°42'30" East, 460.52 feet to the southeast corner thereof;

**THENCE** Northerly, along the east line of said land conveyed in the deed last above mentioned, North 00°07'10" East, 284 feet to said **TRUE POINT OF BEGINNING**.

**EXCEPTING** therefrom that portion conveyed to the City of Riverside, a municipal corporation, by deed recorded June 17, 1983, as Instrument No. 121270 of Official Records of said Riverside County.

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

Mark S. Brown 5/5/95 Prep. WF  
 Mark S. Brown, L.S. 5655 Date  
 License Expires 9/30/95



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 Grantors have 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, GRANTORS do 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, 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.

Grantors hereby acknowledge 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 Grantors hereby fully waive, remise and release any right or cause of action which Grantors 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.

Grantors, on the behalf of Grantors and the successors and assigns of Grantors, agree 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 Grantors and the heirs, administrators, executors, successors and assigns of Grantors.

Dated 5/8/95

*Henry R. Boucher*  
 HENRY R. BOUCHER, Trustee

*Virginia C. Boucher*  
 VIRGINIA C. BOUCHER, Trustee

**GENERAL ACKNOWLEDGEMENT**

State of California }  
County of Riverside }<sup>ss</sup>

On 5/8/95, before me Susan L. Justus,  
(date) (name)

a Notary Public in and for said State, personally appeared

Henry R. Boucher and Virginia C. Boucher\*\*\*  
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.

*Susan L. Justus*  
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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPROVED AS TO FORM**

*[Signature]*

State Notary Public, City Attorney

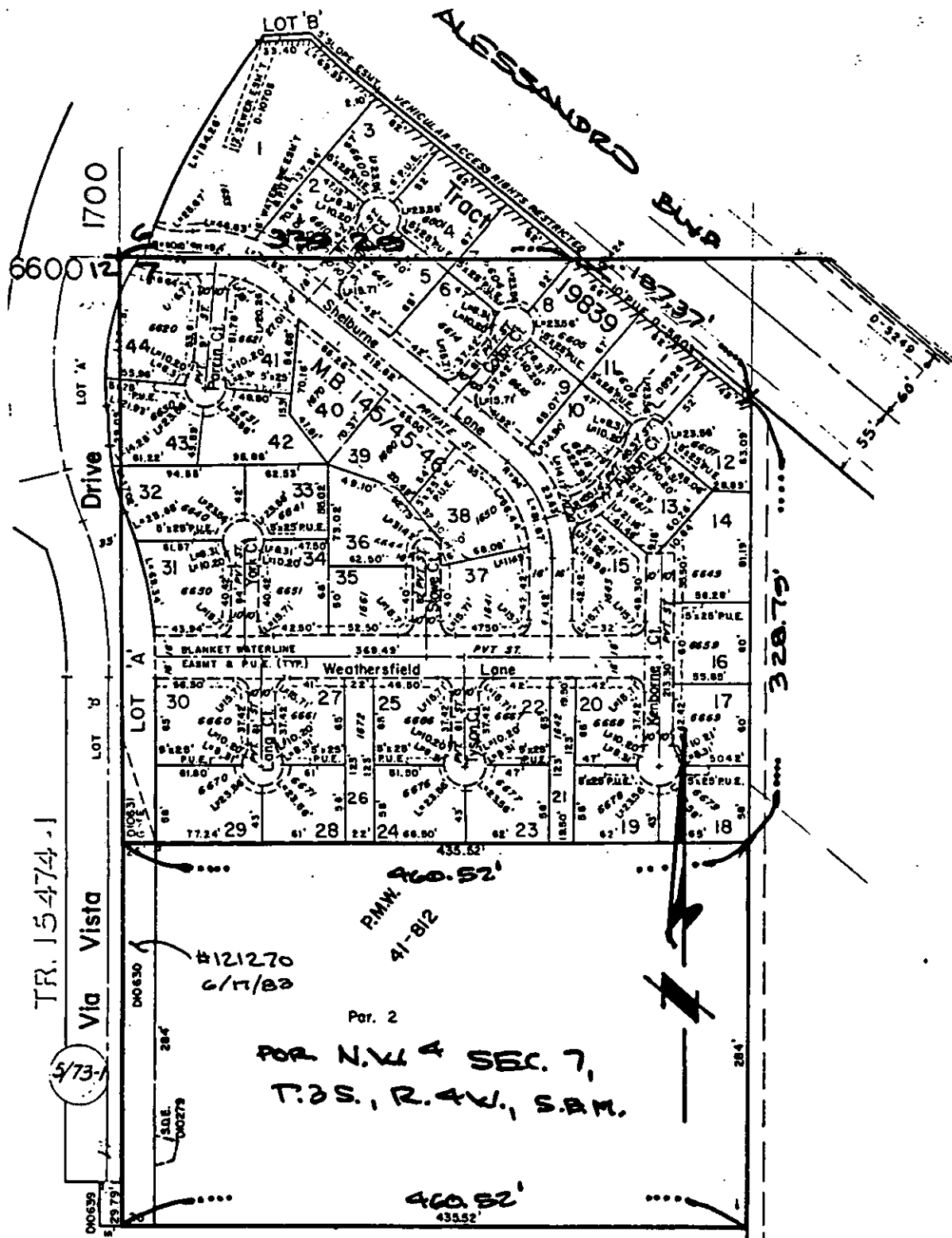
CONSENT TO RECORDATION  
(Government Code Section 27281)

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 5/12/95

  
Real Property Services Manager  
of the City of Riverside

6696vivs.bld



CITY OF RIVERSIDE, CALIFORNIA

71-3

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

11/29/81

SCALE: 1" = 100

DRAWN BY WF DATE 5 9 85

SUBJECT 6600 VIA VISTA