

DOC # 2001-367118

08/03/2001 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

CITY CLERK'S
OFFICE
CITY OF RIVERSIDE
CITY HALL, 3900 MAIN
STREET
RIVERSIDE CA 92522

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SPACE ABOVE FOR RECORDER'S USE ONLY

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Avigation Easement and Release

Title of Document

THIS AREA FOR
RECORDER'S
USE ONLY

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)

When recorded mail to:

When recorded mail to:

City Clerk's Office
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

and March Inland Port Airport Authority
P.O. Box 7480
Moreno Valley, CA 92552

FREE RECORDING

This instrument is for the benefit of the March Air Reserve Base/ March Inland Port and is entitled to be recorded without fee (Government Code 6103)

FOR RECORDER'S OFFICE USE ONLY

Project: 1 1190 RAUSON ROAD
A.P.N. 252320017-G

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AVIGATION EASEMENT AND RELEASE
(MARCH AIR RESERVE BASE AND MARCH INLAND PORT)

WHEREAS DAVID CASTY, hereinafter called the "Grantor", is/are the owner(s) of a leasehold estate in that certain real property 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 property interest of the Grantor"; and

WHEREAS the property interest of the Grantor is located within the Air Installation Compatible Use Zone (AICUZ) AND airport land Use Plan for March Reserve Base and March Inland Port ("March Airfield") in the County of Riverside, State of California that is operated as a joint use facility for both military and civilian uses (passenger and cargo air traffic) and within flight path of aircraft operating from said March Airfield: and

WHEREAS the Grantor has sought approval from the City of Riverside for the development of the property interest of the Grantor



14747

When recorded mail to:

Page 2 of 5

by the project above-referenced; and

WHEREAS the Airport Land Use Commission for the County of Riverside (ALUC) found the project consistent with the County Land Use Plan for March Air Reserve Base, subject to granting of an avigation easement to March Air Reserve Base/ March Inland Port; and

WHEREAS the City of Riverside has conditioned the approval of such project by requiring the grating of an avigation easement over the property of Grantor; and

WHEREAS, Section 21652 of the Public Utilities Code authorizes the City of Riverside to acquire an avigation easement in such airspace above the surface of property where necessary to permit imposition upon such property of excessive noise, vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value, due to the operation of aircraft to and from the March Airfield;

WHEREAS the Grantor now desires to grant an avigation easement over the property interest of Grantor to March Air Reserve Base/ March Inland Port for the purpose of complying with the condition imposed by ALUC and the City of Riverside;

NOW, THEREFORE FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GRANTOR does hereby grant to the, hereinafter referred to March Air Reserve Base/ March Inland Port as "Grantee", its successors and assigns, for the use and benefit of the public, including, but not limited to, the United States Air Force and the March Inland Port Airport Authority, 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 property of the Grantor 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 Airfield 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,

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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 Reserve Base or other airport or air facility which is or may be located at or near the site of said March Reserve 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 Reserve 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 Airfield, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said March Airfield

The foregoing grant of easement shall not be considered as otherwise prohibiting the use of the property of the Grantor 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 7-20-01


DAVID ALAN CARTY

2001-367118
03/03/2001 08:00H
4 of 6



GENERAL ACKNOWLEDGEMENT

State of California
County of RIVERSIDE Ass

On 7-20-01, before me MARIA G. ESPARZA
(date) (name)

a Notary Public in and for said State, personally appeared

DAVID A. CHARTY
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.

Maria G. Esparza
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: _____



14747

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**CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)**

THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the March Air Reserve Base/ March Inland Port is hereby accepted by the undersigned officer on behalf of the March Inland Port Airport Authority, a government entity, pursuant to authority conferred by Resolution No. 01-01 adopted May 16, 2001 and the grantee consents to recordation thereof by its duly authorized officer.

Dated 7/30/01 ^{klp}

MARCH INLAND PORT
AIRPORT AUTHORITY
By [Signature]
Executive Director

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2001-367118
08/03/2001 08:00A
6 of 6

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