

When recorded mail to:

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

DOC # 2001-544503

11/02/2001 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



FREE RECORDING

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

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FOR RECORDER'S OFFICE USE ONLY

Project: 2150 Whistler Way

A.P.N. 241-470-005

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14794



Avigation Easement

(March Air Reserve Base)

WHEREAS FRED B. FRANK and TERESA A. FRANK, husband and wife as joint tenants , hereinafter called the "Grantor", is/are the owner(s) 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 property of the Grantor"; and

WHEREAS the property of the Grantor is located within the Air Installation Compatible Use Zone (AICUZ) for March Reserve Base, operated by the Department of Defense of the United States of America, and within the flight path of aircraft operating from said Reserve Base; and

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

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 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 Reserve 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 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,



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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 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 Reserve Base, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said March Reserve Base.

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 9/7/01


FRED B. FRANK


THERESA A. FRANK



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GENERAL ACKNOWLEDGEMENT

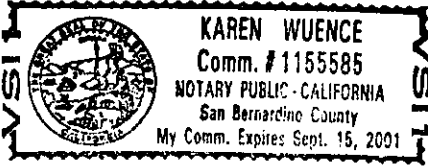
State of California

County of San Bernardino } ss

On, 9-7-01 before me Karen Wuence
(date) (name)

a Notary Public in and for said State, personally appeared
Fred B. Frank and Teresa A. Frank
Name(s) of Signer(s)

[X] 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.

[Signature]
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 10/18/01

APPROVED AS TO FORM
[Signature]
SUPERVISING DEPUTY CITY ATTORNEY

CITY OF RIVERSIDE
[Signature]
Real Property Services Manager
of the City of Riverside

11/82/2891 98:89F
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EXHIBIT A

Project: 2150 Whistler Way – Avigation Easement

In the City of Riverside, County of Riverside, State of California being described as follows:

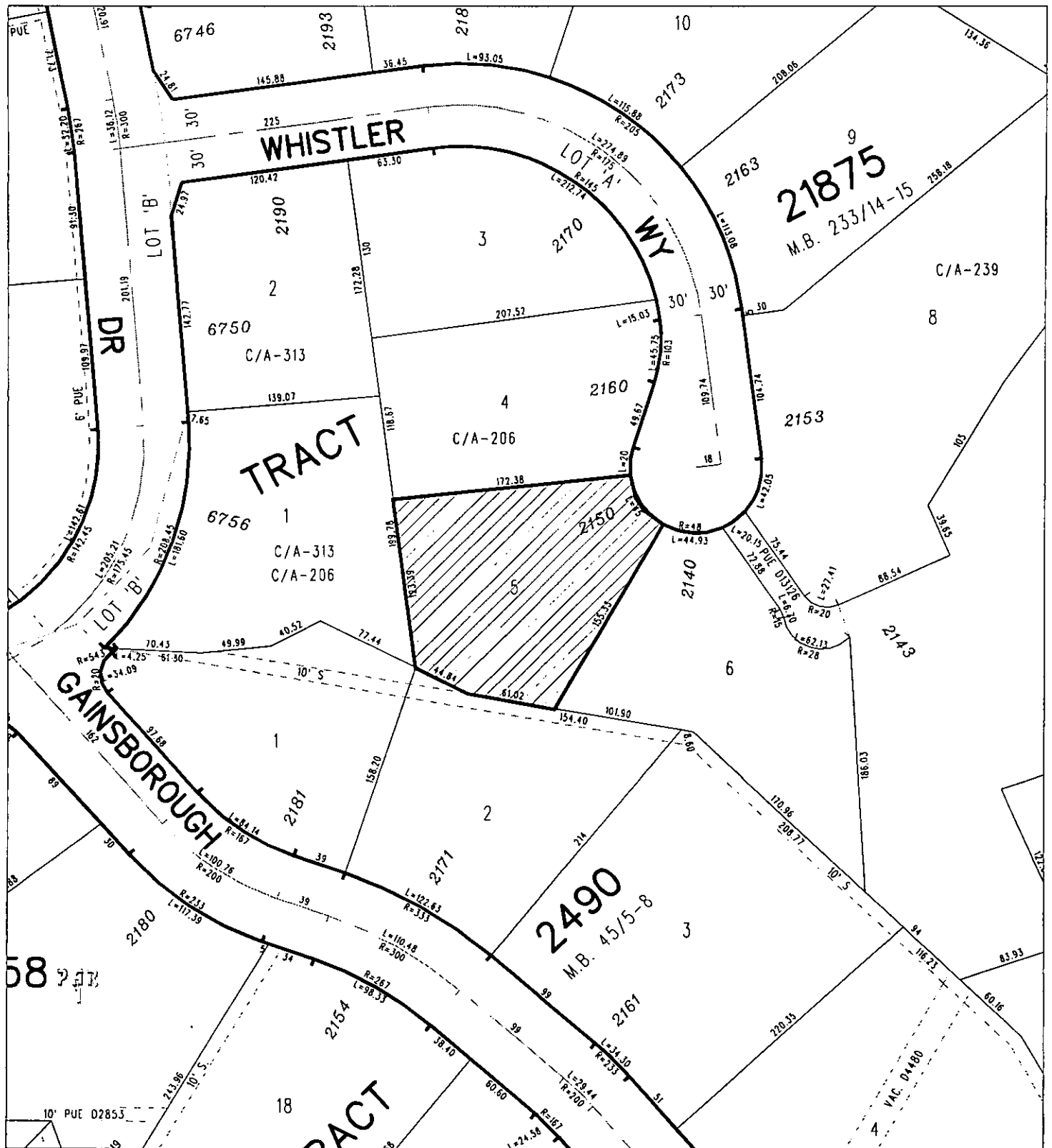
LOT 5 OF TRACT 21875 AS SHOWN BY MAP ON FILE IN MAP BOOK 233, PAGES 14 AND 15 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA

DESCRIPTION APPROVAL 5301

SURVEYOR, CITY OF RIVERSIDE



2881-544583
11/82/2881 88-88A
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◆ 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



Scale: 1" = 40'

Drawn by: bmark

Date: 05/03/01

Subject: Avigation Easement

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