

DOC # 2001-549210

11/06/2001 08:00A Fee:NC

Page 1 of 7

Recorded in Official Records
County of Riverside

Gary L. Orso
Assessor, County Clerk & Recorder



When recorded mail to:

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

FREE RECORDING

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

M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC.
A	R	L				COPY	LONG	REFUND	NCHG EXAM

C
DL

FOR RECORDER'S OFFICE USE ONLY

Project: 1
A.P.N. 291-420-009
Duffley

D - 14801

AVIGATION EASEMENT
(MARCH AIR RESERVE BASE)

WHEREAS Richard L. De Andero, a married man as his separate property, hereinafter called the "Grantor," is/are the owner(s) of a 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;" and

WHEREAS the Propertys 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

14801

WHEREAS the Grantor's lessee, Los Angeles SMSA Limited Partnership, d/b/a Verizon Wireless ("VZW"), has sought approval from the City of Riverside for the development of the property interest of VZW on Grantor's property; 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 Grantor now desires to grant an avigation easement over the Property to March Air Reserve Base/March Inland Port for the purpose of complying with the condition imposed by ALCU;

NOW, THEREFORE FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GRANTOR does hereby grant to the MARCH AIR RESERVE BASE/MARCH INLAND PORT, 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 hereafter 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 facilities which are 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 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 Air Reserve Base, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said March Air 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



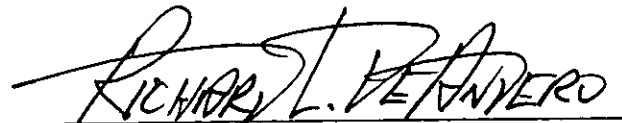
2001-549210
11/06/2001 08:00A
3 of 7

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.

GRANTOR:

Richard L. De Andero, a married man as his separate property

A handwritten signature in black ink that reads "RICHARD L. DE ANDERO". The signature is written in a cursive style with a horizontal line underneath the name.

Signature



2001-549210
11/06/2001 08:00A
4 of 7

14801

GENERAL ACKNOWLEDGEMENT

State of California

}ss

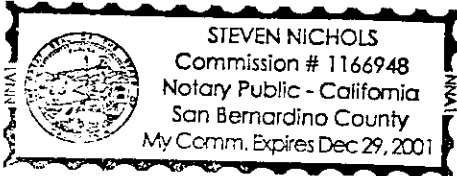
SIGNER

County of Riverside

On 10-31-01 before me Steven Nichols
(Date) (Name)

a Notary Public in and for said State, personally appeared
Richard Lee DeArango
(Name)

[] 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.



[Signature]

WITNESS my hand and official seal.

[Signature]
Signature

OPTIONAL SECTION

CAPACITY CLAIMED BY

- 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:



EXHIBIT "A"

That certain real property located in the City of Riverside, County of Riverside,
State of California, described as follows:

Lot 8 of Tract 4510, in the City of Riverside, County of Riverside, State of California, as
per map recorded in Book 81, page(s) 3 and 4, of Maps, in the office of the County
Recorder of said County.



2001-549210
11/06/2001 08:00A
6 of 7

14801

**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 Inland Port Airport Authority, a California public authority, is hereby accepted by the undersigned officer on behalf of the Joint Powers Commission of said Authority pursuant to authority conferred by Resolution No. MIP-01-01 of said Joint Powers Commission adopted May 16, 2001, and the grantee consents to recordation thereof by its duly authorized officer.

Dated 11/5/01

**MARCH INLAND PORT
AIRPORT AUTHORITY**



Executive Director



2001-549210
11/06/2001 08:09A
7 of 7