

When recorded mail to:

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

DOC # 2003-079386

02/03/2003 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 March Air Reserve Base/ March Inland Port and is entitled to be recorded without fee (Government Code ,6103)

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| A | R | L | | | | COPY | LONG | REFUND | NCHG | EXAM |

Project: CUP for 2,024 sq. ft. Restaurant at 6247 Day Street
A.P.N. 291-600-011



15062

AVIGATION EASEMENT

(MARCH AIR RESERVE BASE/ MARCH INLAND PORT)

WHEREAS CRAIG MERRIHEW
CLAUDE MERRIHEW
JULIA MERRIHEW, 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 County of Riverside, State of California, hereinafter called "Grantor's Property"; and

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

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

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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 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 Air Reserve Base/ March Inland Port 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 Reserve Base/ March Inland Port or other airport or air facility which is or may be located at or near the site of said Air 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/ March Inland Port 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/ March Inland Port, or to otherwise endanger the landing, take-off, or maneuvering of aircraft on or at said 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 federal or state authority, provided all applicable federal, state and local regulations pertaining to height restrictions are adhered to.



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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 1/15/03

By: [Signature]
CRAIG R. MERRIHEW ^{AM}
Virginia M. Merrihew, Trustee
VIRGINIA J. MERRIHEW ^{AM}
Claude F. Merrihew, Trustee
CLAUDE F. MERRIHEW ^{AM}

GENERAL ACKNOWLEDGEMENT

State of California

County of RIVERSIDE ^{Nss}

On JANUARY 15, 2003, before me MAURICE EDWARD DAVY JR.
(name)

a Notary Public in and for said State, personally appeared

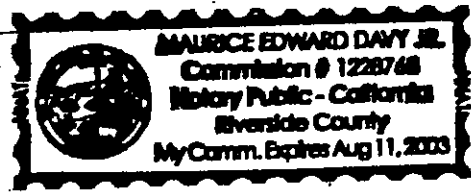
CRAIG R. MERRIHEW
Name(s) of Signer(s)

proved to me on the basis of PERSONAL KNOWLEDGE

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 SIG

- 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 representin



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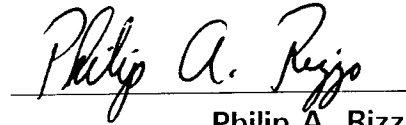
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CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)

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 Joint Powers Authority, a government entity, pursuant to authority conferred by Resolution No. MIPAA-01-1 adopted May 16, 2001, and the grantee consents to recordation thereof by its duly authorized officer.

Date 1/30/03

March Joint Powers Authority



Philip A. Rizzo
Executive Director



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ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of RIVERSIDE

SS.

On JANUARY 24th 2003 before me,
(DATE)
personally appeared CLAUDE F AND VIRGINIA J. MERRINOW

MAURICE EDWARD DAVY JR
(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.

[Handwritten Signature]
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- INDIVIDUAL
- CORPORATE OFFICER

- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

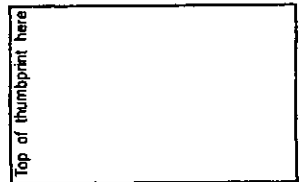
AVIGATION EASEMENT
TITLE OR TYPE OF DOCUMENT

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NUMBER OF PAGES

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DATE OF DOCUMENT

OTHER

RIGHT THUMBPRINT
OF
SIGNER



Attached for clarity

Craig R. Mess. Hew
Claude F. Mess. Hew
Virginia J. Mess. Hew



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Under the provisions of Government Code 27361.7, I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: Maurice Edward Darr, Jr.

Commission #: # 1228768

County Where Bond is Filed: Riverside Co.

State Where Bond is Filed: Calif.

Date Commission Expires: Aug. 11, 2003

Date: 2/3/03

Signature: Alex Mucino

Alex Mucino

