

City of Moreno Valley Avigation Easement

When recorded mail to:

Authority Secretary's Office  
March Inland Port Airport Authority  
P.O. Box 4780  
Moreno Valley, Ca 92552

FREE RECORDING

This instrument is for the benefit of the  
County of Riverside and the March Inland  
Port Airport Authority and is entitled  
to be recorded without fee  
(Government Code Section 27383)

---

FOR RECORDER'S OFFICE USE ONLY

**Project:**

**A.P.N.:**

**Avigation Easement and Release**  
**(March Air Reserve Base and March Inland Port)**

WHEREAS \_\_\_\_\_, 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 Moreno Valley,  
State of California , hereinafter called "Grantor's Property" and

WHEREAS Grantor's property is located within the Air Installation Compatible Use Zone (AICUZ)  
for March Air Reserve Base and the Airport Land Use Plan for March Inland Port, ("March Airfield"),  
in the City of Moreno Valley , State of California that is operated as a joint use airport facility for  
both military operations and civilian uses (passenger and cargo air traffic), and within the flight path  
of aircraft operating from said March Airfield; and

WHEREAS the Grantor has sought approval from the City of Moreno Valley for the development of  
Grantor's property by the project above-referenced; and

WHEREAS the City of Moreno Valley has conditioned the approval of such project by requiring the  
granting of an avigation easement over the property of the Grantor; and

WHEREAS, Section 21652 of the Public Utilities Code authorizes the City of Moreno Valley and  
the March Inland Port Airport Authority to acquire an avigation easement in such airspace above  
the surface of property where necessary to permit imposition upon such property of excessive

## City of Moreno Valley Avigation Easement

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;

NOW, THEREFORE FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Grantor does hereby grant to the CITY OF MORENO VALLEY, a California municipal corporation and the MARCH INLAND PORT AIRPORT AUTHORITY, a California Airport Authority, their successors, assigns, lessees, sub lessees, licensees and invitees, (herein after referred to as "Grantees"), for the use and benefit of the public, including, but not limited to the United States Air Force, a perpetual easement and right of flight for the passage of aircraft, military and civilian, 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, light, odors, fumes, thermal waves, fuel particles, air quality changes, and other related condition that may be inherent in the operation of aircraft, (hereinafter called "aircraft operation effects"). "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 joint use airport facility subject to increases in the intensity of use and operation, including present and future aircraft operation effects, and Grantor hereby fully waives, remises and releases any right or cause of action which Grantor may now or in the future have against Grantees, their successors, assigns, lessees, sub lessees, licensees and invitees, due to such aircraft operation effects that may be caused by the operation of aircraft landing at or taking off from, or operating at or near the site of said March Airfield. 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 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 rights herein granted or that creates interference with communication between any installation at March Airfield and aircraft, or to cause difficulty for pilots to distinguish between airport lights and other lights or 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.

Grantor agrees that Grantees shall have the right to mark and light as obstructions to air navigation any such building, structure, tree or other object now upon, or that in the future may be placed upon Grantor's property, together with the right of ingress to, egress from and passage over and within Grantor's Property for the purpose of accomplishing such marking and lighting.

The foregoing grant of easement shall not be considered as otherwise prohibiting the use of Grantor's property 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 restriction are adhered to.

City of Moreno Valley Avigation Easement

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, administrative, executors, successors, and assigns of Grantor.

Date \_\_\_\_\_

---

---

---

---

Moreno Valley Avigation Easement

GENERAL ACKNOWLEDGEMENT

State of California

County of \_\_\_\_\_)ss
On, \_\_\_\_\_ before me
(date)

\_\_\_\_\_
(name)

a Notary Public in and for said State,
personally appeared

\_\_\_\_\_
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.

\_\_\_\_\_
Signature

OPTIONAL SECTION

CAPACITY CLAIMED BY
SIGNER

- ( ) Attorney-in-fact
( ) Corporate Officer(s)

Title\_\_\_\_\_
Title\_\_\_\_\_

- ( )
Guardian/Conservator
( ) Individuals(s)
( ) Trustee(s)
( ) Other

- ( ) Partner(s)
( ) General
( ) Limited

The party(ies)
executing this
document is/are
representing:\_\_\_\_\_



**LARRY W. WARD  
COUNTY OF RIVERSIDE  
ASSESSOR-COUNTY CLERK-RECORDER**

**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

<http://riverside.asrclrec.com>

**NOTARY CLARITY**

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

Name of Notary: \_\_\_\_\_

Commission #: \_\_\_\_\_

Place of Execution: \_\_\_\_\_

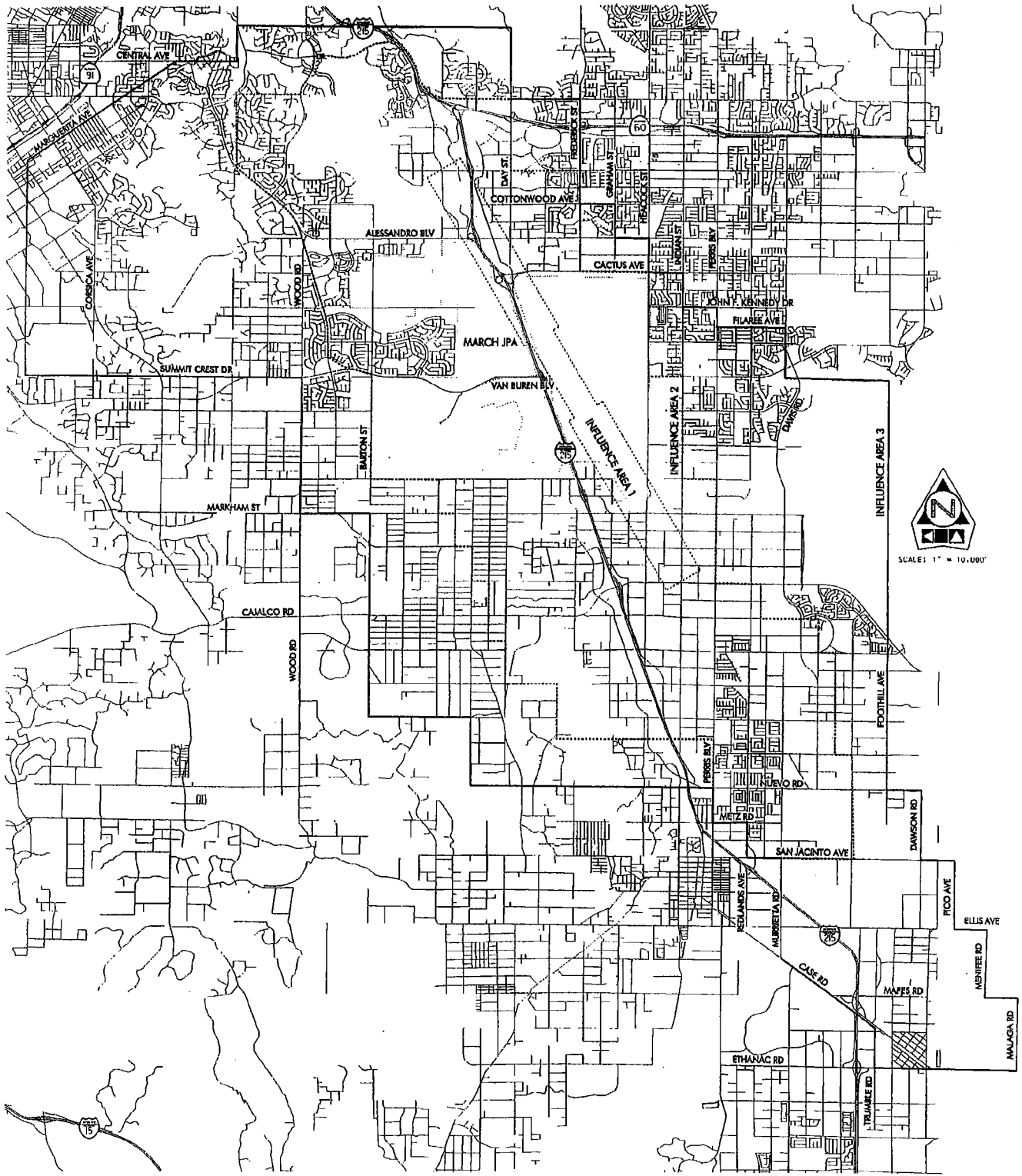
Date Commission Expires: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Exhibit "B"



# 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 Moreno Valley, 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. MIPAA-01-01 of said City Council adopted May 16, 2001, and the grantee consents to recordation thereof by its duly authorized officer.

**CITY OF MORENO VALLEY**

Dated \_\_\_\_\_

\_\_\_\_\_  
City Manager, City of Moreno Valley

City of Moreno Valley Avigation Easement

# 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 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. MIP-01-01 adopted May 16, 2001 and the grantee consents to recordation thereof by its duly authorized officer.

**MARCH INLAND PORT AIRPORT AUTHORITY**

\_\_\_\_\_  
Executive Director

Dated \_\_\_\_\_