

When Recorded Mail To:
CITY OF MESA
Real Estates Services
P O Box 1466
Mesa, AZ 85211-1466

Unofficial Document

Cl.
**AVIGATION EASEMENT AND RELEASE
FOR WILLIAMS GATEWAY AIRPORT**

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, **PRICESMART, INC.**, a Delaware Corporation, hereinafter called "Owner" (whether one or more) is the owner of that certain parcel of land, known as "**RIVERSTONE AT SUPERSTITION SPRINGS**", situated in the City of Mesa, Maricopa County, Arizona, being more particularly described in Exhibit "A" attached hereto and incorporated by reference herein, which parcel is hereinafter referred to as "the land", and which the Owner desires to subdivide and develop for residential purposes; and

WHEREAS, the Owner is aware that the land lies under the aircraft overflight area for aircraft utilizing the former Williams Air Force Base now known as "Williams Gateway Airport", and is willing to develop such property for residential purposes subject to the right of flight over the land and all effects flowing therefrom.

NOW THEREFORE, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby fully acknowledged and confessed, Owner does hereby give and grant to the City of Mesa, a municipal corporation, hereinafter called "City", an easement for avigation purposes over and across the land in connection with flights from 525 feet

above the surface to an infinite height above the same, which easement shall include, but not be limited to, the right of flight of aircraft over the land, together with its attendant noise, vibrations, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on Williams Gateway Airport; and the Owner does further release and discharge the City and the Williams Gateway Airport Authority, for the use and benefit of the public and other agencies, of and from any liability for any and all claims for damages of any kind to persons or property that may arise at any time in the future over or in connection with the Owner's property above 525 feet, to an infinite height above same, whether such damage shall originate from noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on Williams Gateway Airport.

This instrument does not release the owners or operators of aircraft from liability for damage or injury to person or property caused by falling aircraft or falling physical objects from aircraft, except as stated herein with respect to noise, fumes, dust, fuel and lubricant particles.

This Avigation Easement and Release shall be binding upon said Owner and his heirs, assigns and successors in interest to the land described in Exhibit "A" attached hereto, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the office of the County Recorder of Maricopa County, Arizona.

EXHIBIT A

That portion of Lots 3 and 4 of Section 6, Township 1 South, Range 7 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

COMMENCING at the Northwest corner of said Section 6, said corner bears South 01 degrees 24 minutes 43 seconds East, 3.50 feet from a brass cap in a handhole, the closing corner;

thence North 89 degrees 19 minutes 21 seconds East, (record) North 89 degrees 19 minutes 09 seconds East (Measured) along the North line of the Northwest quarter of said Section 6, 915.29 feet (record) 915.12 feet (measured) to the Southeast corner of Section 36, Township 1 North, Range 6 East and the Southwest corner of Section 31, Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

thence North 89 degrees 36 minutes 55 seconds East, along the North line of the Northwest quarter of said Section 6, 269.07 feet (record) 268.95 feet (measured) to the Northeast corner of V.F. Factory Outlet, a subdivision according to Book 299 of Maps, page 9, records of Maricopa County, Arizona;

thence South 00 degrees 53 minutes 26 seconds East (record) South 00 degrees 54 minutes 17 seconds East 297.43 (measured) feet to the TRUE POINT OF BEGINNING

thence North 89 degrees 36 minutes 55 seconds East, 613.27 feet;

Unofficial Document

thence South 00 degrees 23 minutes 53 seconds East, 118.59 feet;

thence North 89 degrees 36 minutes 07 seconds East, 309.96 feet to a point on the Westerly right-of-way line of Superstition Springs Boulevard, according to Map of Dedication filed in Book 329 of Maps, page 42, records of Maricopa County, Arizona; thence South 00 degrees 23 minutes 05 seconds East, (record) South 00 degrees 24 minutes 11 seconds East, (measured) along said Westerly right-of-way line, 56.13 feet (record) 56.10 feet (measured); to the beginning of a tangent curve; concave Northeasterly and having a radius of 855.00 feet;

thence Southeasterly along the said westerly right-of-way line and along the arc of said curve, through a central angle of 36 degrees 41 minutes 09 seconds, 547.45 feet, to a point on the Northerly line of Superstition Springs Parcel 27 according to Book 373 of Maps, page 47, records of Maricopa County, Arizona;

thence South 45 degrees 52 minutes 32 seconds West, (record) South 45 degrees 51 minutes 44 seconds West, (measured) along said Northerly line, 43.05 feet; thence South 89 degrees 36 minutes 55 seconds West, along said Northerly line parallel with the North line of the Northwest quarter of Section 6, 1055.28 feet, (record) 1055.21 feet (measured) to the East line of said V.F. Factory Outlet;

thence North 00 degrees 53 minutes 26 seconds West, (record) North 00 degrees 54 minutes 17 seconds West, (measured) along said East line, 715.17 feet to the TRUE POINT OF BEGINNING.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of San Diego
On January 23, 1998 before me, Patricia A. Sweeney, Notary Public
personally appeared Gilbert A. Partida
Name and Title of Officer (e.g., "Jane Doe, Notary Public")
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.
Patricia A. Sweeney
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

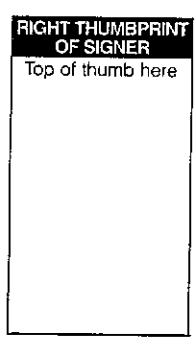
Description of Attached Document

Unofficial Document
Title or Type of Document: City of Escondido Mesa Avigation Easement & Release
for Williams Gateway Airport
Document Date: _____ Number of Pages: 3

Signer(s) Other Than Named Above: _____

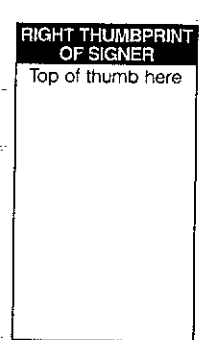
Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Individual
 Corporate Officer
Title(s): President & CEO
 Partner — Limited General
 Attorney-in-Fact
 Trustee
 Guardian or Conservator
 Other: _____



Signer Is Representing:
Pricer Smart, Inc.

Signer's Name: _____
 Individual
 Corporate Officer
Title(s): _____
 Partner — Limited General
 Attorney-in-Fact
 Trustee
 Guardian or Conservator
 Other: _____



Signer Is Representing:

DEDICATION

STATE OF ARIZONA
COUNTY OF MARICOPA

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the undersigned hereby dedicates to the public use of the City of Mesa, Arizona, the following described property...

- TRACT A: PUBLIC UTILITIES, DRAINAGE, TRAIL, UTILITY AND FOOTPATH EASEMENT
TRACT B: OPEN SPACE
TRACT C: OPEN SPACE, PARKING AND RETENTION / RECREATION AREA
TRACT D: OPEN SPACE, PARKING
TRACT E: OPEN SPACE, PARKING, TRAIL, UTILITY AND FOOTPATH EASEMENT
TRACT F: OPEN SPACE, PARKING
TRACT G: OPEN SPACE, PARKING
TRACT H: OPEN SPACE, PARKING AND RETENTION
TRACT I: OPEN SPACE

ACKNOWLEDGMENT
I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Maricopa, Arizona.

FINAL PLAT FOR RIVERSTONE AT SUPERSTITION SPRINGS

SUBDIVISION OVER A PORTION OF SECTION 8, TOWNSHIP 35N, RANGE 14E, AND PART OF THE OLD MARICOPA COUNTY, ARIZONA

NOTES

- 1. THE SUBDIVISION IS LOCATED WITHIN THE CITY OF MESA, ARIZONA.
2. THE SUBDIVISION IS BOUND BY THE CITY OF MESA TO THE NORTH, WEST AND SOUTH.
3. THE SUBDIVISION IS BOUND BY THE CITY OF MESA TO THE EAST.

CERTIFICATION

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Maricopa, Arizona.



APPROVAL

APPROVED BY THE COUNCIL OF THE CITY OF MESA, ARIZONA, THIS 15th DAY OF MAY 1997.
CITY CLERK

Unofficial Document

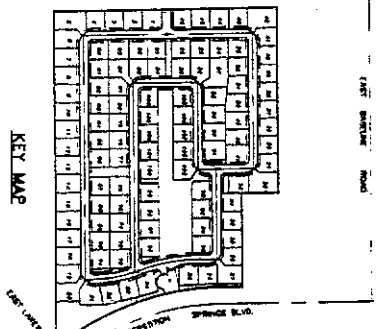
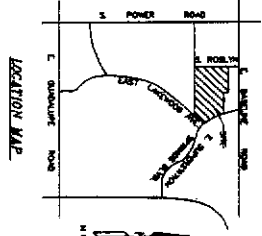
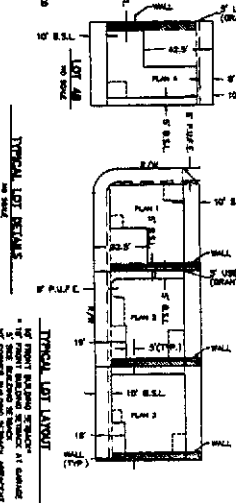


Table with 2 columns: LOT AREA and LOT NUMBER. Lists lot numbers and their corresponding areas.

LOT AREAS

Table with 2 columns: LOT NUMBER and LOT AREA. Lists lot numbers from 1 to 100 and their respective areas in square feet.



FINAL PLAT information including project name (RIVERSTONE @ SUPERSTITION SPRINGS), developer (GUY GROUP INC.), and contact details.

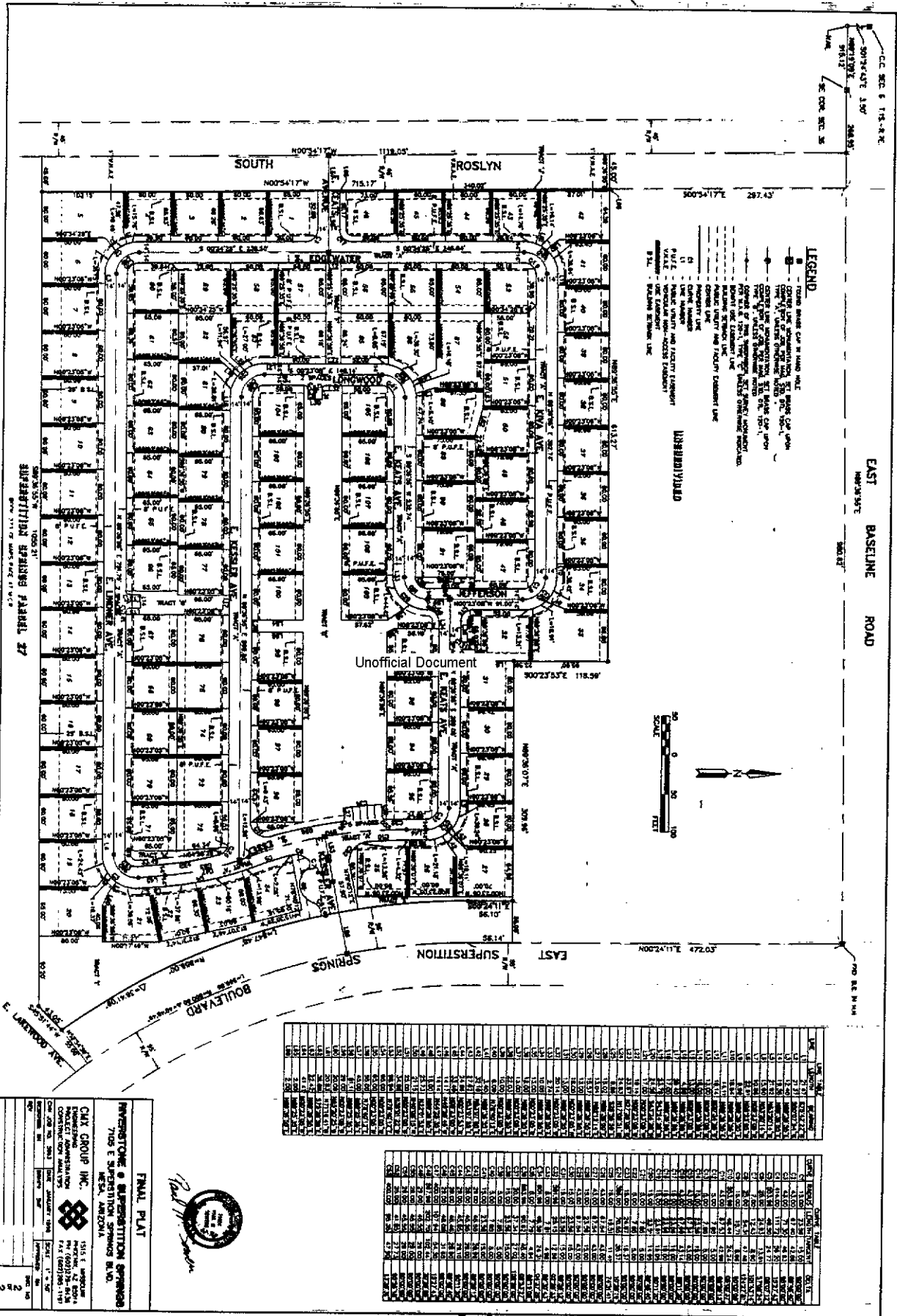


EXHIBIT 'A'