

EASEMENT

06/07/2018 03:17 PM

RF: \$48.00 DF: \$0.00

Arapahoe County Clerk, CO

Page: 1 of 8

Matt Crane, Clerk & Recorder

Electronically Recorded

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Return to:

Janice Napper, City Clerk and Recorder

City of Aurora Colorado

15151 East Alameda Parkway

Aurora Colorado 80012

AVIGATION EASEMENT

1. The undersigned (the "Grantor(s)") (is)(are) the owner(s) of that certain parcel of real property more particularly identified and described in the legal description attached to and made a part of this instrument as Exhibit A (the "Property").

2. Grantor(s), for (itself)(themselves), (its)(their) successors and assigns, hereby grant(s) and convey(s) to THE CITY OF AURORA, COLORADO, its successors and assigns (the "City"), and Centennial Airport, its successors and assigns (the "Airport")(collectively, the "Grantees"), a perpetual and assignable easement in and over the Property and a right-of-way for the free and unrestricted passage and flight of all aircraft in the navigable airspace above the surface of the Property as defined by the Federal Aviation Act of 1958, 49 U.S.C. § 40101, et seq., and the regulations adopted pursuant thereto, as the same are from time to time amended (the "Airspace").

3. Said easement and right-of-way shall include, but is not limited to:

a. For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons of any and all aircraft now known or hereafter invented, used, or designated for navigation of or flight in the air, in, through, across or about any portion of the Airspace;

b. The right to cause or create, or permit or allow to be caused or created in the Airspace, such noise, dust, turbulence, vibration, illumination, air currents, fumes, exhaust, smoke, and all other effects as may be inherent in the proper operation of aircraft;

c. The right to clear and keep clear the Airspace of any portions of buildings, structures, or improvements of any and all kinds, and of trees, vegetation, or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees or any other objects which extend into the Airspace and the right to cut to the ground level and remove any trees which extend into the Airspace;

d. The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects now upon, or that in the future may be upon, the Property, and which extend into the Airspace; and

e. The right of ingress to, passage within, and egress from the Property, solely for the above stated purposes.

4. Grantor(s) hereby covenant(s) with Grantees as follows:

a. Grantor(s) will not construct, install, permit or allow any building, structure, improvement, tree, or other object on the Property to extend into the Airspace, constitute an obstruction to air navigation, or obstruct or interfere with the use of the easement and right-of-way herein granted; and

b. Grantor(s) will not use or permit the use of the Property in such a manner as to create electrical or electronic interference with radio communication or radar operation between any installation upon the Airport and any aircraft.

5. The easement and right-of-way granted herein shall be deemed in gross, being conveyed to Grantees for their benefit and the benefit of any and all member of the general public who may use

said easement or right-of-way operating aircraft in or about, or in otherwise flying through, the Airspace.

6. The covenants and agreements made herein shall run with the land and shall be binding upon Grantor(s) and (its)(their) successors and assigns.

7. The City is hereby designated as agent for all purposes regarding the enforcement or removal of the easement and right-of-way granted herein.

8. It is understood and agreed that Grantor(s) shall have no right or cause of action, either in law or in equity, for damages or injury to any person or property arising out of or resulting directly or indirectly, from the overflight of aircraft, or for damages or injury to any person or property resulting from any noise or nuisance of any kind or description resulting, directly or indirectly, from aircraft overflights; provided, however, that nothing herein shall divest Grantor(s) of any right or cause of action for damages to any person or property resulting from the negligent operation of aircraft overflights over the described premises at any altitude above ground level.

9. Nothing herein shall be construed to be a waiver of the governmental immunity afforded to the City or any other governmental agency or department by virtue of the Colorado Governmental Immunity Act, Section 24-10-101, et seq, C.R.S., as amended.

EXECUTED this 10th day of May, 2018.

GRANTOR(S)

By: Kingspoint, LLC

By: John A Fox, Attorney in Fact

ATTEST:

By: Bruce Stokes

STATE OF COLORADO)
COUNTY OF Denver) ss.

The foregoing instrument was acknowledged before me this 10th day of May, 2018 by John A Fox, Attorney in Fact (and _____), Grantor(s).

Witness my hand and official seal. Kelly Beach

My Commission Expires: 3-7-20

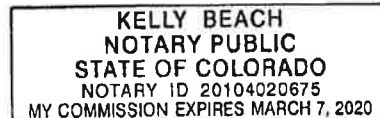


EXHIBIT
AVIGATION EASEMENT
SHEET 1 OF 2

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTH HALF OF SECTION 33, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33;
THENCE N89°34'42"E ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 2631.52 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 33;

THENCE S00°16'34"W ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 2639.47 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 33;

THENCE S89°35'36"W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 2636.79 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33;

THENCE S89°35'33"W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33 A DISTANCE OF 465.26 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 83;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1. THENCE N28°10'15"W A DISTANCE OF 1163.29 FEET;
2. THENCE N31°58'54"W A DISTANCE OF 150.16 FEET;
3. THENCE N28°04'39"W A DISTANCE OF 181.76 FEET TO THE SOUTHWEST CORNER OF KRAGELUND ACRES, A SUBDIVISION RECORDED IN PLAT BOOK 11 AT PAGE 41 OF THE ARAPAHOE COUNTY RECORDS;

THENCE ALONG THE BOUNDARY OF SAID KRAGELUND ACRES THE FOLLOWING TWO (2) COURSES:

1. THENCE N89°31'11"E A DISTANCE OF 1188.66 FEET;
2. THENCE N00°23'11"E A DISTANCE OF 1318.92 FEET TO THE POINT OF BEGINNING,

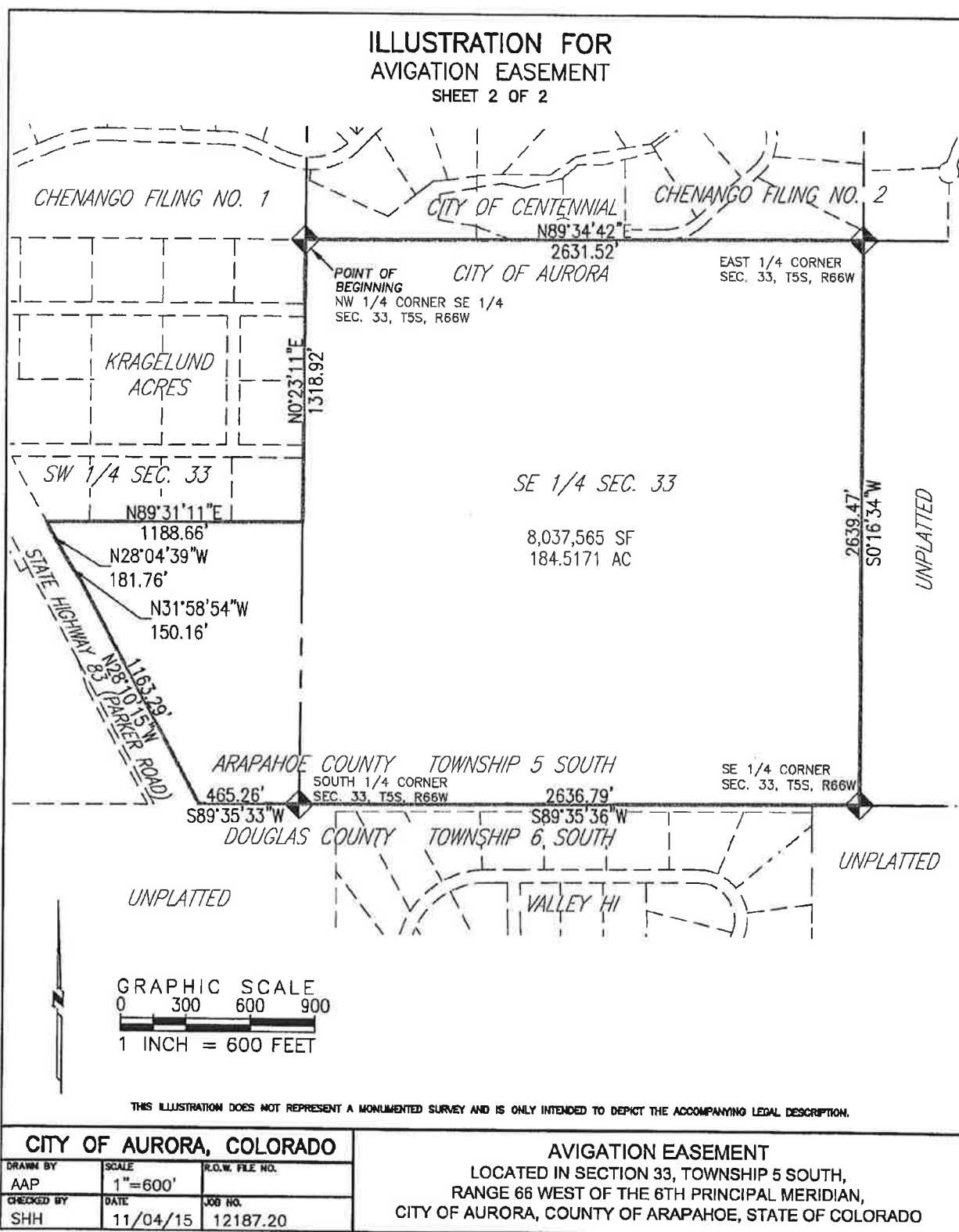
CONTAINING 184.5171 ACRES (8,037,565 SQUARE FEET) MORE OR LESS.

PREPARED BY:
STEPHEN H. HARDING, PLS
FOR AND ON BEHALF OF
EMK CONSULTANTS, INC.



Digitally signed by Stephen H. Harding
Contact Info: sharding@emkc.com
Date: 2015.11.04 16:18:04-07'00'

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN 3 YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.





EMK CONSULTANTS, INC. LAND DEVELOPMENT
ENGINEERING SURVEYING SERVICES AND SOLUTIONS
7006 S. Alton Way, Building F Centennial, Colorado 80112-2019 (303)694-1520 www.EMKC.com

KINGS POINT FILING 1
BOUNDARY MAP CHECK ANALYSIS
October 23, 2015

POINT OF BEGINNING: Northwest corner, southeast $\frac{1}{4}$, Section 33,
Township 5 South, Range 66 West of the 6th Principal Meridian

North: 172826.97' East: 202233.13'

Segment #1: Line

Course: N89°34'42"E Length: 2631.52'

North: 172846.34' East: 204864.58'

Segment #2: Line

Course: N89°35'50"E Length: 2661.35'

North: 172865.05' East: 207525.86'

Segment #3: Line

Course: N89°36'13"E Length: 2127.50'

North: 172879.77' East: 209653.31'

Segment #4: Line

Course: N88°25'33"E Length: 25.03'

North: 172880.45' East: 209678.33'

Segment #5: Line

Course: S04°19'21"E Length: 136.69'

North: 172744.15' East: 209688.63'

Segment #6: Line

Course: S49°19'21"E Length: 51.19'

North: 172710.79' East: 209727.46'

Segment #7: Line

Course: S80°34'31"E Length: 189.48'

North: 172679.76' East: 209914.38'

Segment #8: Line

Course: S09°25'29"W Length: 42.20'

North: 172638.13' East: 209907.47'

Segment #9: Curve

Length: 215.95' Radius: 482.00'

Delta: 025°40'12" Tangent: 109.82'

Chord: 214.15' Course: S03°24'38"E

Course In: S80°34'31"E Course Out: S73°45'16"W

RP North: 172559.20' East: 210382.96'

End North: 172424.36' East: 209920.21'

Segment #10: Line

Course: S16°14'44"E Length: 47.11'

North: 172379.13' East: 209933.39'

Segment #11: Line

Course: S21°49'40"W Length: 31.49'

North: 172349.90' East: 209921.68'

Segment #12: Curve

Length: 31.49' Radius: 537.00'

Delta: 003°21'35" Tangent: 15.75'

Chord: 31.49' Course: S57°09'25"W

Course In: S31°09'48"E Course Out: N34°31'23"W

RP North: 171890.39' East: 210199.57'

End North: 172332.82' East: 209895.22'

Segment #13: Line

Course: S55°28'37"W Length: 101.25'

North: 172275.44' East: 209811.80'

Segment #14: Curve

Length: 87.79' Radius: 463.00'

Delta: 010°51'49" Tangent: 44.03'

Chord: 87.66' Course: S60°54'32"W

Course In: N34°31'23"W Course Out: S23°39'34"E

RP North: 172656.90' East: 209549.40'

End North: 172232.82' East: 209735.20'

Segment #15: Line

Course: S66°20'26"W Length: 42.09'

North: 172215.92' East: 209696.65'

Segment #16: Line

Course: S23°46'59"E Length: 86.01'

North: 172137.22' East: 209731.34'

Segment #17: Line

Course: S59°17'39"E Length: 24.00'

North: 172124.96' East: 209751.97'

Segment #18: Line

Course: N74°28'49"E Length: 40.00'

North: 172135.67' East: 209790.51'

Segment #19: Line

Course: S16°19'10"E Length: 61.00'

North: 172077.12' East: 209807.65'

Segment #20: Line

Course: N72°31'43"E Length: 173.23'

North: 172129.13' East: 209972.89'

Segment #21: Line
Course: S58°56'08"E Length: 41.89'
North: 172107.52' East: 210008.77'

Segment #22: Line
Course: N80°40'12"E Length: 11.76'
North: 172109.42' East: 210020.38'

Segment #23: Line
Course: S62°06'45"E Length: 170.48'
North: 172029.68' East: 210171.06'

Segment #24: Line
Course: S00°04'38"W Length: 238.75'
North: 171790.93' East: 210170.74'

Segment #25: Curve
Length: 433.74' Radius: 2141.83'
Delta: 011°36'10" Tangent: 217.61'
Chord: 433.00' Course: S64°27'00"W
Course In: N31°21'05"W Course Out: S19°44'55"E
RP North: 173620.04' East: 209056.38'
End North: 171604.18' East: 209780.08'

Segment #26: Line
Course: S70°15'05"W Length: 95.13'
North: 171572.04' East: 209690.55'

Segment #27: Line
Course: S74°00'05"W Length: 1352.59'
North: 171199.25' East: 208390.34'

Segment #28: Line
Course: S71°45'05"W Length: 102.96'
North: 171167.00' East: 208292.56'

Segment #29: Curve
Length: 1832.46' Radius: 3969.72'
Delta: 026°26'54" Tangent: 932.85'
Chord: 1816.23' Course: S58°31'38"W
Course In: S18°14'55"E Course Out: N44°41'49"W
RP North: 167396.93' East: 209535.64'
End North: 170218.76' East: 206743.52'

Segment #30: Line
Course: S89°38'25"W Length: 1891.72'
North: 170206.89' East: 204851.84'

Segment #31: Line
Course: S89°35'36"W Length: 2636.79'
North: 170188.17' East: 202215.11'

Segment #32: Line

Course: S89°35'33"W Length: 465.26'

North: 170184.86' East: 201749.87'

Segment #33: Line

Course: N28°10'15"W Length: 1163.29'

North: 171210.35' East: 201200.67'

Segment #34: Line

Course: N31°58'54"W Length: 150.16'

North: 171337.72' East: 201121.14'

Segment #35: Line

Course: N28°04'39"W Length: 181.76'

North: 171498.09' East: 201035.59'

Segment #36: Line

Course: N89°31'11"E Length: 1188.66'

North: 171508.05' East: 202224.21'

Segment #37: Line

Course: N00°23'11"E Length: 1318.92'

North: 172826.94' East: 202233.11'

Perimeter: 22082.70' Area: 18655795 Sq. Ft.

Error Closure: 0.04 Course: S39°19'40"W

Error North: -0.027 East: -0.022

Precision 1: 551,595