

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"), 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 Grantee 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 Grantee for their benefit and the benefit of any and all members 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.

(Page intentionally left blank.)

EXECUTED this ____ day of _____, _____.

GRANTOR(S)

By: _____

By: _____

ATTEST:

By: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____ (and _____)(Grantor(s)).

Witness my hand and official seal.

My Commission Expires: _____

LEGAL DESCRIPTION – BUCKLEY AVIGATION EASEMENT

AN AVIGATION EASEMENT BEING A PART OF THE NORTH HALF OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16, AND CONSIDERING THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16, BEING MONUMENTED AS SHOWN ON THE ATTACHED EXHIBIT, TO BEAR SOUTH $00^{\circ}26'26''$ EAST, A DISTANCE OF 2630.45 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE NORTH $89^{\circ}25'58''$ EAST, ALONG SAID NORTH LINE, A DISTANCE OF 889.65 FEET TO A POINT, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTH $89^{\circ}25'58''$ EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1758.52 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 16;

THENCE NORTH $89^{\circ}26'11''$ EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 16, A DISTANCE OF 2575.91 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MONAGHAN ROAD AS DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER B7016831 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER;

THENCE SOUTH $00^{\circ}33'02''$ EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2627.08 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTH $89^{\circ}24'10''$ WEST ALONG SAID SOUTH LINE, A DISTANCE OF 2578.86 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 16;

THENCE SOUTH $89^{\circ}23'35''$ WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16, A DISTANCE OF 2506.27 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF POWHATON ROAD AS DESCRIBED IN DEED RECORDED AT RECEPTION NO. B7066149 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER;

THENCE NORTH $00^{\circ}26'26''$ WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1372.13 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT PARCEL OF LAND AS DESCRIBED IN DEED RECORDED AT RECEPTION NUMBER B7066150 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER, SAID POINT ALSO BEING A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARCEL OF LAND THE FOLLOWING SIX (6) COURSES:

1. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF $90^{\circ}07'29''$, AN ARC LENGTH OF 39.32 FEET, THE CHORD OF WHICH BEARS SOUTH $45^{\circ}30'11''$ EAST, 35.39 FEET;

2. NORTH 89°26'05" EAST, A DISTANCE OF 10.90 FEET;
3. SOUTH 83°01'31" EAST, A DISTANCE OF 75.63 FEET TO A POINT OF NON TANGENT CURVATURE;
4. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 868.00 FEET, A CENTRAL ANGLE OF 24°30'28", AN ARC LENGTH OF 371.28 FEET, THE CHORD OF WHICH BEARS NORTH 76°25'26" EAST, A DISTANCE OF 368.46 FEET;
5. NORTH 64°10'12" EAST, A DISTANCE OF 307.97 FEET;
6. NORTH 00°33'55" WEST, A DISTANCE OF 1078.82 FEET TO THE **POINT OF BEGINNING**,

SAID AVIGATION EASEMENT CONTAINING A CALCULATED AREA OF 12,446,546 SQUARE FEET OR 285.733 ACRES, MORE OR LESS.

THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

I, WILLIAM F. HESSELBACH JR., A SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.


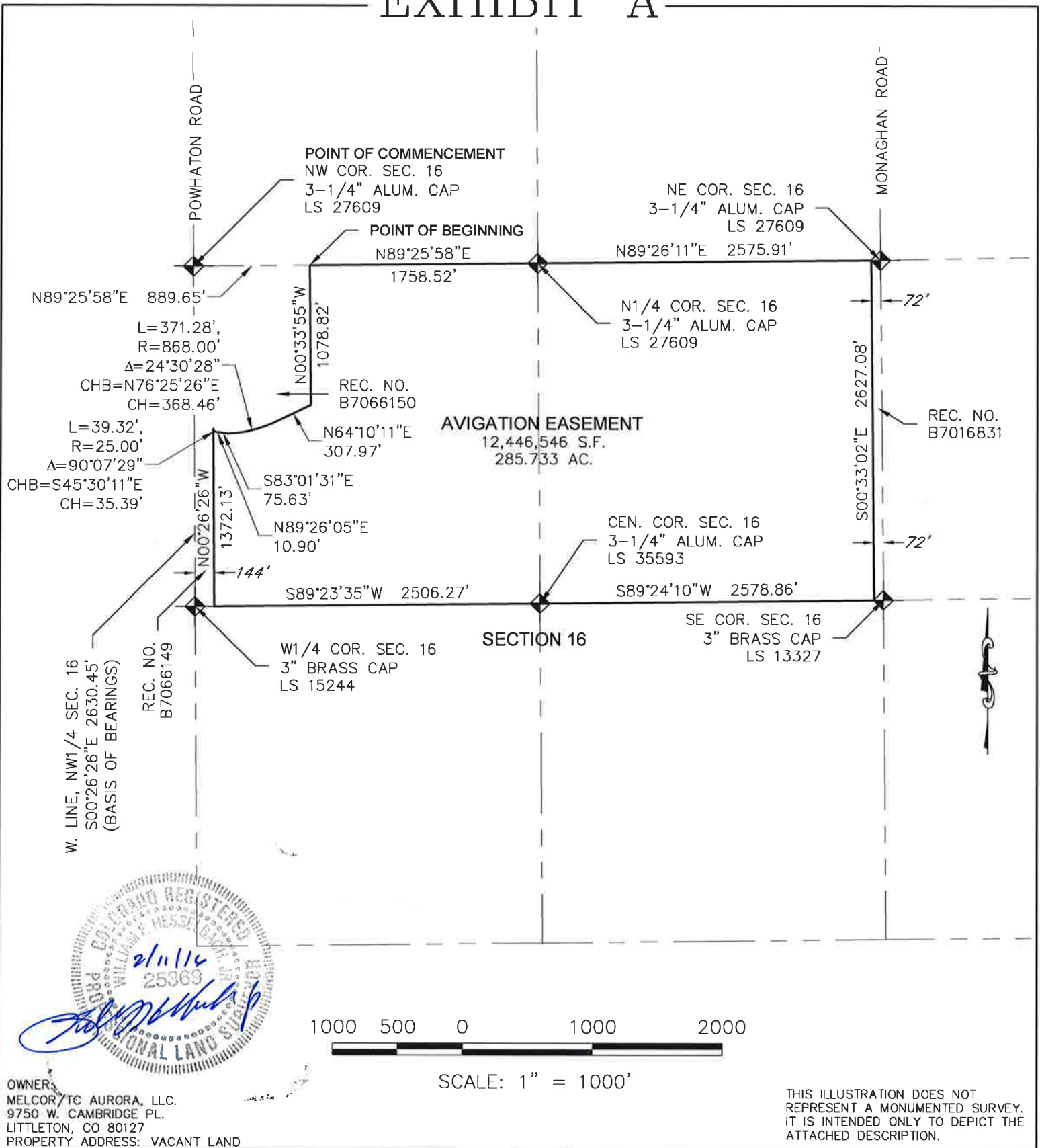

WILLIAM F. HESSELBACH JR., P.L.S. 25369
FOR AND ON BEHALF OF
CVL CONSULTANTS OF COLORADO, INC.



EXHIBIT A



THIS ILLUSTRATION DOES NOT
REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE
ATTACHED DESCRIPTION.

CITY OF AURORA, COLORADO

AN AVIGATION EASEMENT FOR BUCKLEY AIR
FORCE BASE SITUATED IN THE NORTH HALF OF
SECTION 16, T4S, R65W, 6TH P.M. ARAPAHOE
COUNTY COLORADO.

BY: MJP	SCALE: 1" = 1000'	R.O.W.
CK'D: WFH	DATE: 02/10/2016	JOB NO. 30175604