

Return to:
City Clerk
City of Aurora Colorado
15151 E Alameda Pkwy Suite 1400
Aurora Colorado 80012

AVIGATION EASEMENT

1. The undersigned (the "Grantor") is the owner 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, for itself, its successors and assigns, hereby grants and conveys 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 hereby covenants with City as follows:
 - a. Grantor 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 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 City 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 and its 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 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 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.

[End of text; signatures on following page]

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Avigation Easement for Buckley Air Force Base
EXECUTED this 21 day of December, 2020.

GRANTOR:

MURPHY CREEK LLC.
a Wyoming limited liability company

By:


Harvey B. Alpert, Manager

STATE OF Colorado)

) ss.

COUNTY OF Denver

The foregoing instrument was acknowledged before me this 21st day of December, 2020, by Harvey B. Alpert, as Manager of Murphy Creek LLC, a Wyoming limited liability company.

Witness my hand and official seal.



My Commission Expires:

9/20/21

EXHIBIT A

Legal Description of the Property

A TRACT OF LAND IN THE NORTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE SOUTHWEST CORNER OF SAID SECTION 19 BY A PIPE WITH A 3" BRASS CAP STAMPED "LS 16419" IN A MONUMENTED BOX AND AT THE SOUTH ONE-QUARTER CORNER OF SAID

SECTION 19 BY A 1/2" PIN, 0.8 FEET BELOW SURFACE WITH A LINE BETWEEN ASSUMED TO BEAR SOUTH 89 DEGREES 36 MINUTES 25 SECONDS WEST.

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER OF SECTION 24; THENCE SOUTH 89 DEGREES 36 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 36 MINUTES 30 SECONDS WEST ALONG SAID SOUTH LINE OF THE NORTHEAST ONE-QUARTER, A DISTANCE OF 123.30 FEET TO A POINT ON THE EASTERLY LINE OF STATE HIGHWAY NO. 30; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING TWO (2) COURSES:

1. ALONG THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS SOUTH 71 DEGREES 05 MINUTES 47 SECONDS WEST THROUGH A DELTA OF 17 DEGREES 14 MINUTES 57 SECONDS, A RADIUS OF 3,870.00 FEET AND AN ARC LENGTH OF 1,165.09 FEET ;
2. NORTH 36 DEGREES 12 MINUTES 26 SECONDS WEST, A DISTANCE OF 1,948.12 FEET TO A POINT 30.00 FEET SOUTHERLY OF THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 24, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF MISSISSIPPI AVENUE ;

THENCE NORTH 89 DEGREES 34 MINUTES 34 SECONDS EAST ALONG SAID SOUTHERLY LINE OF MISSISSIPPI AVENUE AND ALONG A LINE 30.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF THE NORTHEAST ONE-QUARTER, A DISTANCE OF 1,799.68 FEET TO A POINT 30.00 FEET WEST OF THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 24; THENCE SOUTH 00 DEGREES 14 MINUTES 19 SECONDS EAST ALONG A LINE 30.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF THE NORTHEAST ONE-QUARTER, A DISTANCE OF 2,613.69 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

A TRACT OF LAND LOCATED IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE SOUTHWEST CORNER OF SAID SECTION 19 BY A PIPE WITH A 3" BRASS CAP STAMPED "LS 16419" IN A MONUMENTED BOX AND AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 19 BY A 1/2" PIN, 0.8 FEET BELOW SURFACE WITH A LINE BETWEEN ASSUMED TO BEAR SOUTH 89 DEGREES 36 MINUTES 25 SECONDS WEST. COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 19; THENCE NORTH 89 DEGREES 49 MINUTES 14 SECONDS EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING. THENCE NORTH 00 DEGREES 14 MINUTES 19 SECONDS WEST ALONG A LINE 30.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 2,613.63 FEET TO A POINT 30.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF MISSISSIPPI AVENUE; THENCE NORTH 89 DEGREES 57 MINUTES 14 SECONDS EAST ALONG SAID SOUTHERLY LINE OF MISSISSIPPI AVENUE AND ALONG A LINE 30.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF THE NORTHWEST ONE-QUARTER, A DISTANCE OF 2,633.56 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 13 SECONDS EAST ALONG SAID SOUTHERLY LINE OF MISSISSIPPI AVENUE AND ALONG A LINE 30.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 2,431.95 FEET TO A POINT 210.00 FEET WEST OF THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 19; THENCE SOUTH 00 DEGREES 07 MINUTES 21

SECONDS WEST ALONG A LINE 210.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF THE NORTHEAST ONE-QUARTER, A DISTANCE OF 2,597.94 FEET; THENCE SOUTH 00 DEGREES 06 MINUTES 46 SECONDS WEST ALONG A LINE 210.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 2,597.95 FEET TO A POINT 30.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST ONE-QUARTER, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF EAST JEWELL AVENUE; THENCE SOUTH 89 DEGREES 36 MINUTES 38 SECONDS WEST ALONG SAID NORTHERLY LINE OF EAST JEWELL AVENUE AND ALONG A LINE 30.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHEAST ONE-QUARTER, A DISTANCE OF 2,421.83 FEET; THENCE SOUTH 89 DEGREES 36 MINUTES 25 SECONDS WEST ALONG A LINE 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 2,067.35 FEET; THENCE THE FOLLOWING TWO (2) COURSES:

1. NORTH 00 DEGREES 14 MINUTES 55 SECONDS WEST, A DISTANCE OF 208.72 FEET;

2. SOUTH 89 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 523.55 FEET TO A POINT 50.00 FEET EAST OF THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, SAID POINT ALSO BEING ON THE EASTERLY LINE OF STATE HIGHWAY NO. 30;

THENCE NORTH 00 DEGREES 14 MINUTES 55 SECONDS WEST ALONG SAID EASTERLY LINE OF STATE HIGHWAY NO. 30 AND ALONG A LINE 50.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 1,167.91 FEET; THENCE ALONG SAID EASTERLY LINE OF STATE HIGHWAY NO. 30 ALONG THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS SOUTH 89 DEGREES 46 18 SECONDS WEST THROUGH A DELTA OF 05 DEGREES 50 MINUTES 52 SECONDS, A RADIUS OF 3,870.00 FEET AND AN ARC LENGTH OF 394.98 FEET TO A POINT 30.00 FEET EAST OF SAID WEST LINE OF THE SOUTHWEST ONE-QUARTER; THENCE NORTH 00 DEGREES 14 MINUTES 55 SECONDS WEST ALONG A LINE 30.00 FEET EAST OF SAID WEST LINE OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 845.54 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AURORA IN DEEDS RECORDED JUNE 16, 2000 UNDER RECEPTION NO. B0072747 AND AUGUST 4, 2003 UNDER RECEPTION NO. B3167939

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Aviation Easement for Buckley Air Force Base