

Return to:
Janice Napper, City Clerk and Recorder
City of Aurora Colorado
15151 East Alameda Parkway
Aurora, Colorado 80012

RECORDED AS RECEIVED

AVIGATION EASEMENT

That the undersigned owners of lot(s) or parcel(s) of ground situate and being in the County of Adams, State of Colorado, and more particularly described as follows:

Subdivision: SEE ATTACHED LEGAL DESCRIPTION

Description:

For themselves, their heirs, successors, administrators and assigns, agree with THE CITY OF AURORA, COLORADO, or any other governmental agency or department of any of the aforesated political entities or political subdivisions, that the owners or occupants of the lands herein described 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, that nothing contained in the foregoing easement shall divest the owners or occupants, their heirs, successors administrators or assigns, 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; provided, however, that nothing herein shall be construed to be a waiver of the governmental immunity afforded to THE CITY OF AURORA, COLORADO, and 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.

The undersigned for themselves, their heirs, administrators, executors, successors and assigns, hereby further grant, bargain, sell, and convey unto THE CITY OF AURORA, COLORADO (Grantee), its successors and assigns, for the use and benefit of the public, an easement and right-of-way, for the passage of all aircraft ("aircraft" being defined for the purposes of this instrument as any device now know or hereafter invented, used, or designated for navigation of or flight in the air) by whomsoever owned and operated, in the airspace above the surface of Grantor's Property to an

523

D

infinite height above said Grantor's property, together with the right to cause in said airspace such noise, vibration, and all other effects that may be caused by the operation of aircraft, and Grantor hereby waives, remises, and releases any right or cause of action which he now has nor which he may have in the future against Grantee, its successors and assigns, due to such noise, vibration, and other effects that may be caused by such operation of aircraft.

These easements shall run with the land and shall be binding upon each and every property owner owning any of the lands herein described. THE CITY OF AURORA, COLORADO, is hereby nominated as agent for all purposes regarding the enforcement or removal of the within easement.

IN WITNESS WHEREOF, the undersigned owners have hereunto placed their hands and seals this 27th day of June, A.D. 2013.



Vice President

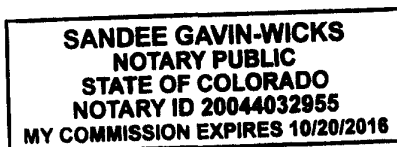
ATTEST:
STATE OF COLORADO)
) ss.
COUNTY OF Denver)

The foregoing easement was subscribed and sworn to before me this 27th day of

June, A.D. 2013, by
Tom Marko and
Prologis Park 70 Land Venture, LLC OWNERS.

Business Address: 4545 Airport Way
Denver, CO 80239

My Commission Expires: 10/20/2016
Sandee Gavin-Wicks



LEGAL DESCRIPTION
EASTGATE- EXHIBIT B

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36; THENCE N89°23'23"E ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 36 A DISTANCE OF 1,357.50 FEET TO THE POINT OF BEGINNING; THENCE N02°44'45"E A DISTANCE OF 833.68 FEET TO A POINT OF CURVATURE; THENCE 37.63 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 86°14'26" AND A CHORD WHICH BEARS N40°22'28"W A DISTANCE OF 34.18 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SMITH ROAD AND A POINT OF CUSP; THENCE S83°29'41"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 3,516.92 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY E-470; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) CONSECUTIVE COURSES: 1) THENCE S27°07'51"W A DISTANCE OF 58.91 FEET; 2) THENCE S10°18'27"W A DISTANCE OF 701.50 FEET; 3) THENCE S15°00'01"W A DISTANCE OF 633.19 FEET TO A POINT OF CURVATURE; 4) THENCE 220.22 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 908.12 FEET, A CENTRAL ANGLE OF 13°53'40" AND A CHORD WHICH BEARS S21°56'51"W A DISTANCE OF 219.68 FEET TO A POINT OF TANGENCY; 5) THENCE S28°53'40"W A DISTANCE OF 520.94 FEET TO A POINT OF CURVATURE; 6) THENCE 1,147.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1,116.59 FEET, A CENTRAL ANGLE OF 58°53'32" AND A CHORD WHICH BEARS S58°20'26" W A DISTANCE OF 1,097.84 FEET TO A POINT OF TANGENCY; 7) THENCE S87°47'13"W A DISTANCE OF 1,874.84 FEET; 8) THENCE S88°56'18"W A DISTANCE OF 379.94 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 70; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES: 1) THENCE N76°37'51"W A DISTANCE OF 367.65 FEET; 2) THENCE N75°09'21"W A DISTANCE OF 290.29 FEET; 3) THENCE 397.85 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,786.96 FEET, A CENTRAL ANGLE OF 12°45'22" AND A CHORD WHICH BEARS N65°45'05" W A DISTANCE OF 397.02 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF PICADILLY ROAD; THENCE N00°02'27"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 1,053.39 FEET TO A POINT ON THE SOUTHERLY LINE OF THE CENTURY 21 SUBDIVISION RECORDED IN FILE 13, MAP 6 AS DEFINED BY AN EXISTING GAS LINE; THENCE S87°15'15"E ALONG SAID SOUTHERLY LINE OF CENTURY 21 SUBDIVISION A DISTANCE OF 10.01 FEET; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PICADILLY ROAD AS DEFINED BY SAID CENTURY 21 SUBDIVISION N00°02'27"W A DISTANCE OF 270.16 FEET; THENCE 174.74 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 787.00 FEET, A CENTRAL ANGLE OF 12°43'18" AND A CHORD WHICH BEARS S45°29'41"E A DISTANCE OF 174.38 FEET TO A POINT OF REVERSE CURVATURE; THENCE 590.42 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 703.00 FEET, A CENTRAL ANGLE OF 48°07'13" AND A CHORD WHICH BEARS S63°11'38"E A DISTANCE OF 573.22 FEET TO A POINT OF TANGENCY; THENCE S87°15'15"E A DISTANCE OF 610.01 FEET TO A POINT OF CURVATURE; THENCE 39.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD WHICH BEARS N47°44'45"E A DISTANCE OF 35.36 FEET TO A POINT OF TANGENCY; THENCE N02°44'45"E A DISTANCE OF 951.20 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 239.6618 ACRES MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARING N00°16'46"E AND BEING MONUMENTED BY A FOUND 3" BRASS CAP IN RANGE BOX LS #13327 AT THE WEST QUARTER CORNER AND A FOUND 3" BRASS CAP IN RANGE BOX LS #13327 AT THE NORTH WEST CORNER.

PREPARED BY: MELYSSA C. LORENGER, E.I.T.
REVIEWED BY: WAYNE WRAY HARRIS, P.E., P.L.S.
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
PROJECT NO. 15337.C.14
DECEMBER 20, 2011
G:\JANSEN\115337C14-EASTGATE USF\ENG\LEGAL\EXHIBIT B LEGAL DESCRIPTION.DOC

