



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 "Grantee"), 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"), as it pertains to operations by Buckley Space Force Base ("BSFB").
3. Said easement and right-of-way granted to Grantee 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; and
 - 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; and
 - c. The right to clear and keep clear the Airspace of any buildings, structures, or improvements of any kind, trees, vegetation, or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees or any other facilities that extend into the Airspace and the right to remove or demolish any portions of such obstructions that extend into the Airspace which has not previously approved by Grantee; and
 - 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 facilities now upon, or that in the future may be upon, the Property, and that 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, erect, or grow upon the Property any structure, building, tree, or other facilities that extend into the Airspace, without prior written approval of Grantee, which approval shall not be unreasonably withheld; 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 BSFB and any aircraft.
 5. The easement and right-of-way granted herein shall be deemed in gross and is 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 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 Grantee 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 Property at any altitude above ground level.
 9. Nothing herein shall be construed to be a waiver of the governmental immunity afforded to the Grantee or any other governmental entity by virtue of the Colorado Governmental Immunity Act, Section 24-10-101, *et seq*, C.R.S., as amended.

EXECUTED this 21 day of March, 2023.

To be recorded in Edmonton County

GRANTOR(S)

By: Naomi Stefura

By: RSalik

ATTEST:

By: Megan Harris

STATE OF ~~COLORADO~~ Alberta)
) ss.
COUNTY OF Edmonton)

The foregoing instrument was acknowledged before me this 21 day of March, 2023 by Naomi Stefura (and Robin Salik) (Grantor(s)).

Witness my hand and official seal.

MH
Notary Public

Megan B. Harris
Barrister & Solicitor

My Commission Expires: never, lawyer



**LEGAL DESCRIPTION
HARMONY SUBDIVISION FILING NO. 15
AVIGATION EASEMENT**

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST QUARTER 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 CENTER QUARTER CORNER OF SAID SECTION 16, BEING MONUMENTED BY A FOUND 2-1/2 INCH DIAMETER ALUMINUM PIPE WITH A 3-1/4 INCH ALUMINUM CAP STAMPED "T4S R65W C1/4 S16 2008 PLS 35593" FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 16, BEING MONUMENTED BY A FOUND NO. 6 REBAR WITH A 3-1/4 INCH DIAMETER ALUMINUM CAP STAMPED "T4S R65W 1/4 S16/S21 2017 PLS 24657", BEARS SOUTH 00°29'32" EAST, A DISTANCE OF 2627.72 FEET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

THENCE SOUTH 00°29'32" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, A DISTANCE OF 222.65 FEET, TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST LINE THE FOLLOWING TWO (2) COURSES;

1. SOUTH 00°29'32" EAST, A DISTANCE OF 1200.00 FEET;
2. CONTINUING SOUTH 00°29'32" EAST, A DISTANCE OF 1148.08 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF EAST MISSISSIPPI AVENUE, AS RECORDED IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER AT RECEPTION NUMBER B8075583;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

1. SOUTH 89°20'37" WEST, A DISTANCE OF 1000.00 FEET;
2. CONTINUING SOUTH 89°20'37" WEST, A DISTANCE OF 987.10 FEET;

THENCE NORTH 00°33'55" WEST, A DISTANCE OF 867.47 FEET;

THENCE SOUTH 89°26'05" WEST, A DISTANCE OF 494.69 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89°52'26", AN ARC LENGTH OF 39.21 FEET, THE CHORD OF WHICH BEARS SOUTH 44°29'52" WEST, 35.32 FEET TO A POINT OF CUSP, SAID POINT BEING A POINT ON THE EASTERLY RIGHT OF WAY LINE OF POWHATON ROAD, AS RECORDED IN THE RECORDS OF SAID CLERK AND RECORDER AT RECEPTION NUMBER B7066149;

THENCE NORTH 00°26'22" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 862.54 FEET;

THENCE NORTH 89°23'35" EAST, A DISTANCE OF 499.00 FEET;

THENCE NORTH 00°26'22" WEST, A DISTANCE OF 827.00 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF HARMONY SUBDIVISION FILING NO. 14, RECORDED AT RECEPTION NO. E2110371, IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER;

THENCE ALONG SAID SOUTHERLY BOUNDARY THE FOLLOWING TWELVE (12) COURSES:

1. NORTH 89°23'35" EAST, A DISTANCE OF 906.39 FEET;
2. NORTH 89°23'35" EAST, A DISTANCE OF 914.61 FEET;
3. SOUTH 78°05'44" EAST, A DISTANCE OF 16.16 FEET;
4. NORTH 89°23'35" EAST, A DISTANCE OF 68.95 FEET TO A POINT OF CURVATURE;
5. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 42°24'03", AN ARC LENGTH OF 29.60 FEET, THE CHORD OF WHICH BEARS SOUTH 69°24'24" EAST, 28.93 FEET TO A POINT OF COMPOUND CURVATURE;
6. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 54.50 FEET, A CENTRAL ANGLE OF 23°31'52", AN ARC LENGTH OF 22.38 FEET, THE CHORD OF WHICH BEARS OF SOUTH 36°26'26" EAST, 22.23 FEET TO A POINT OF COMPOUND CURVATURE;
7. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 204.50 FEET, A CENTRAL ANGLE OF 19°00'37", AN ARC LENGTH OF 67.85 FEET, THE CHORD OF WHICH BEARS SOUTH 15°10'12" EAST, 67.54 FEET TO A POINT OF TANGENCY;
8. SOUTH 05°49'38" EAST, A DISTANCE OF 9.98 FEET;
9. SOUTH 00°29'32" EAST, A DISTANCE OF 40.15 FEET;
10. SOUTH 15°15'19" EAST, A DISTANCE OF 15.70 FEET;
11. SOUTH 00°29'32" EAST, A DISTANCE OF 21.76 FEET;
12. NORTH 86°52'48" EAST, A DISTANCE OF 39.54 FEET, TO THE POINT OF BEGINNING,

SAID PARCEL CONTAINING A CALCULATED AREA OF 5,474,403 SQUARE FEET OR 125.675 ACRES, MORE OR LESS, BEING SUBJECT TO ANY EXISTING EASEMENTS AND/OR RIGHTS OF WAY OF WHATSOEVER NATURE.

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

I, PATRICK M. STEENBURG, 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.

PATRICK M. STEENBURG, PLS 38004
FOR AND ON BEHALF OF
WESTWOOD PROFESSIONAL SERVICES, INC.
10333 E. DRY CREEK ROAD, SUITE 400
ENGLEWOOD, CO 80112

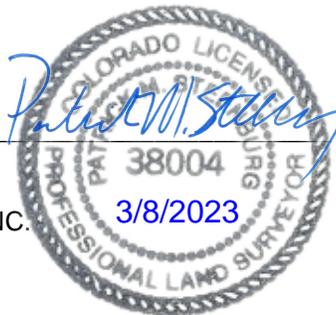
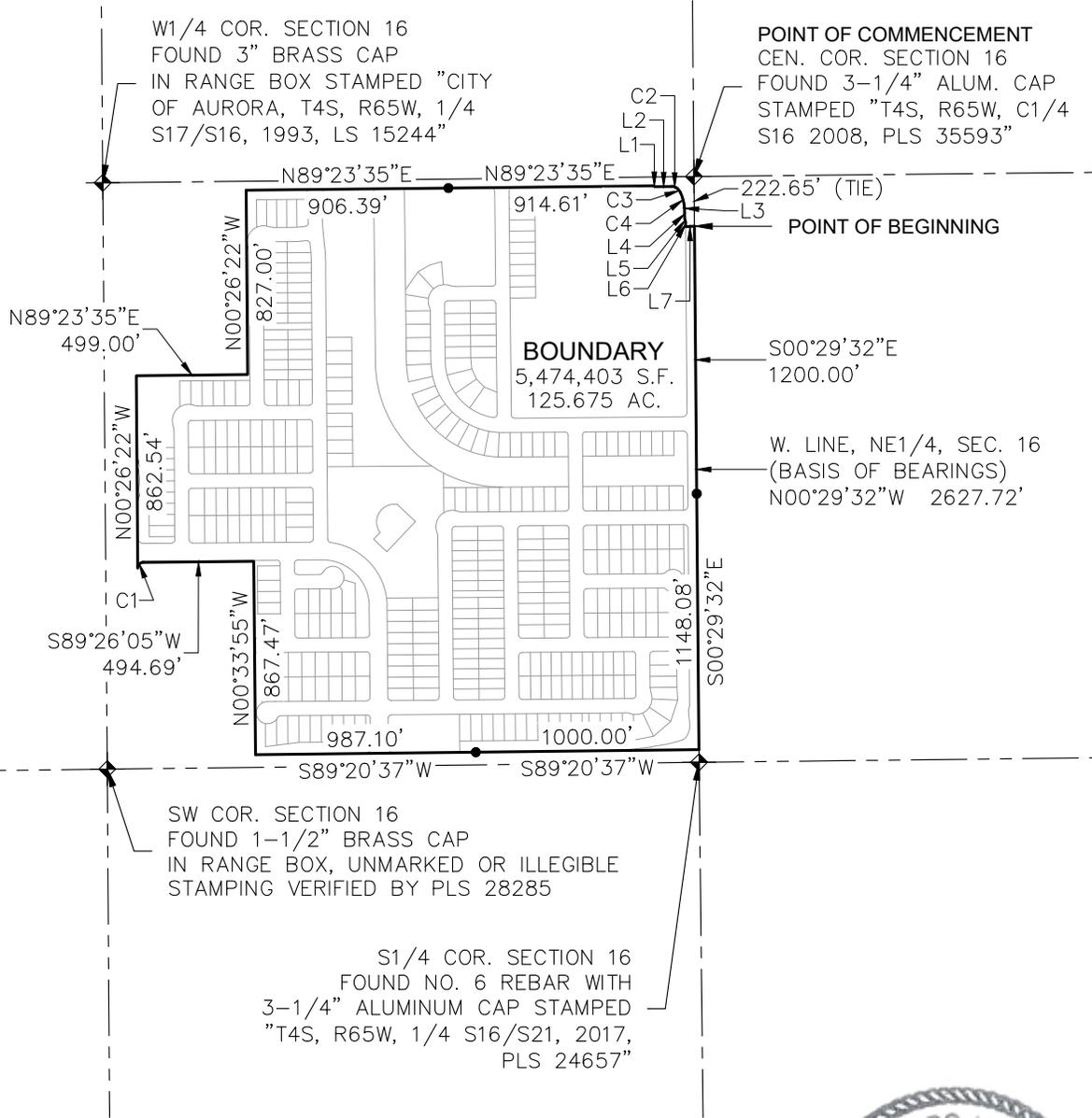


ILLUSTRATION FOR EXHIBIT A



W1/4 COR. SECTION 16
 FOUND 3" BRASS CAP
 IN RANGE BOX STAMPED "CITY
 OF AURORA, T4S, R65W, 1/4
 S17/S16, 1993, LS 15244"

POINT OF COMMENCEMENT
 CEN. COR. SECTION 16
 FOUND 3-1/4" ALUM. CAP
 STAMPED "T4S, R65W, C1/4
 S16 2008, PLS 35593"

BOUNDARY
 5,474,403 S.F.
 125.675 AC.

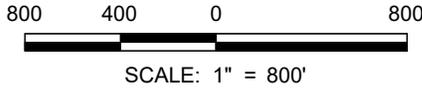
POINT OF BEGINNING

S00°29'32"E
 1200.00'

W. LINE, NE1/4, SEC. 16
 (BASIS OF BEARINGS)
 N00°29'32"W 2627.72'

SW COR. SECTION 16
 FOUND 1-1/2" BRASS CAP
 IN RANGE BOX, UNMARKED OR ILLEGIBLE
 STAMPING VERIFIED BY PLS 28285

S1/4 COR. SECTION 16
 FOUND NO. 6 REBAR WITH
 3-1/4" ALUMINUM CAP STAMPED
 "T4S, R65W, 1/4 S16/S21, 2017,
 PLS 24657"



N:\PROJECTS\303775804 SAND CREEK\CAO SURVEY\LEGAL\AVIGATION EASEMENT\IF\HARMONY FILINGS\IF\AVIGATION EASEMENT.DWG, CRYSTERS, 2/21/23

OWNER:
 MELCOR/TC AURORA LLC
 9750 W CAMBRIDGE PLACE
 LITTLETON, CO 80127-5906

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

CITY OF AURORA, COLORADO			AN AVIGATION EASEMENT SITUATED IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH P.M., CITY OF AURORA, ARAPAHOE COUNTY, COLORADO
DRAWN BY: CWB	SCALE: 1" = 800'	R.O.W. FILE NUMBER ---	
CHECKED BY: PMS	DATE: 2/21/2023	JOB NUMBER: ---	

ILLUSTRATION FOR EXHIBIT A

CURVE TABLE					
CURVE NO.	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	25.00'	89°52'26"	39.21'	S44°29'52"W	35.32'
C2	40.00'	42°24'03"	29.60'	S69°24'24"E	28.93'
C3	54.50'	23°31'52"	22.38'	S36°26'26"E	22.23'
C4	204.50'	19°00'37"	67.85'	S15°10'12"E	67.54'

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S78°05'44"E	16.16'
L2	N89°23'35"E	68.95'
L3	S05°49'38"E	9.98'
L4	S00°29'32"E	40.15'
L5	S15°15'19"E	15.70'
L6	S00°29'32"E	21.76'
L7	N86°52'48"E	39.54'



N:\PROJECTS\30775804 SAND CREEK\CA\SURVEY\LEGAL\SAVIGATION EASEMENT\SF\HARMONY\PLANS\AVIGATION EASEMENT\DWG\CWB\ERS_2/21/23

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