

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 *Denver International* 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:
- 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;
 - 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;
 - 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;
 - 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
 - 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:
- 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
 - 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 20 day of NOVEMBER, 2017.

GRANTOR(S)

By: 64th Holdings, LLC

By: [Signature]
Managers

ATTEST:

By: _____

STATE OF COLORADO)
COUNTY OF ARAPAHOE) ss.

The foregoing instrument was acknowledged before me this 20th day of NOVEMBER, 2017, by ROD WEIMER (and 64th HOLDINGS LLC), Grantor(s).

Witness my hand and official seal.

My Commission Expires: 4 DEC 2017
[Signature]
Notary Public

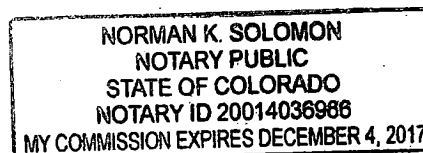


Exhibit A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE EAST HALF OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 11, AND CONSIDERING THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, BEING MONUMENTED AT THE EAST QUARTER CORNER BY A 3-1/2" ALUMINUM SURVEY CAP STAMPED - "CITY OF AURORA, LS 38003, IN A RANGE BOX AND AT THE SOUTHEAST CORNER OF SAID SECTION 11 BY A 3-1/4" BRASS CAP STAMPED - DWD, LS 16398 IN A RANGE BOX, TO BEAR SOUTH 00°13'50" EAST, A DISTANCE OF 2658.63 FEET WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE SOUTH 89°33'24" WEST A DISTANCE OF 72.00 FEET TO A POINT BEING 72.00 FEET, BY PERPENDICULAR MEASUREMENT, WESTERLY FROM THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE SOUTH 00°13'50" EAST PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 1117.42 FEET;

THENCE SOUTH 89°46'10" WEST, A DISTANCE OF 558.48 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 425.00 FEET, A CENTRAL ANGLE OF 03°21'15", AN ARC LENGTH OF 24.88 FEET, THE CHORD OF WHICH BEARS NORTH 05°12'20" EAST, 24.88 FEET;

THENCE NORTH 86°28'17" WEST, A DISTANCE OF 110.31 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 469.00 FEET, A CENTRAL ANGLE OF 31°55'02", AN ARC LENGTH OF 261.26 FEET, THE CHORD OF WHICH BEARS SOUTH 26°13'33" WEST, 257.90 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 83°56'02", AN ARC LENGTH OF 29.30 FEET, THE CHORD OF WHICH BEARS SOUTH 00°13'02" WEST, 26.75 FEET;

THENCE SOUTH 48°52'00" WEST, A DISTANCE OF 70.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 83°08'59", AN ARC LENGTH OF 29.02 FEET, THE CHORD OF WHICH BEARS NORTH 83°19'28" WEST, 26.54 FEET;

THENCE NORTH 34°53'58" WEST, A DISTANCE OF 49.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 420.00 FEET, A CENTRAL ANGLE OF 28°26'49", AN ARC LENGTH OF 208.53 FEET, THE CHORD OF WHICH BEARS SOUTH 69°19'27" WEST, 206.39 FEET;

THENCE SOUTH 83°32'51" WEST, A DISTANCE OF 86.95 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF 22°38'35", AN ARC LENGTH OF 474.24 FEET, THE CHORD OF WHICH BEARS NORTH 85°07'51" WEST, 471.16 FEET;

THENCE NORTH 73°48'33" WEST, A DISTANCE OF 207.15 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 73°48'19", AN ARC LENGTH OF 19.32 FEET, THE CHORD OF WHICH BEARS NORTH 36°54'24" WEST, 18.01 FEET;

THENCE NORTH 00°00'14" WEST, A DISTANCE OF 381.23 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 875.00 FEET, A CENTRAL ANGLE OF 18°27'03", AN ARC LENGTH OF 281.77 FEET, THE CHORD OF WHICH BEARS NORTH 09°13'46" WEST, 280.56 FEET;

THENCE NORTH 18°27'17" WEST, A DISTANCE OF 20.82 FEET;

THENCE SOUTH 71°32'43" WEST, A DISTANCE OF 54.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 23.56 FEET, THE CHORD OF WHICH BEARS NORTH 63°27'17" WEST, 21.21 FEET;

THENCE SOUTH 71°32'43" WEST, A DISTANCE OF 294.39 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1299.00 FEET, A CENTRAL ANGLE OF 13°43'41", AN ARC LENGTH OF 311.24 FEET, THE CHORD OF WHICH BEARS SOUTH 78°24'33" WEST, 310.50 FEET;

THENCE NORTH 04°43'36" WEST, A DISTANCE OF 49.00 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 92°01'45", AN ARC LENGTH OF 24.09 FEET, THE CHORD OF WHICH BEARS NORTH 39°15'32" EAST, 21.59 FEET;

THENCE NORTH 06°45'21" WEST, A DISTANCE OF 56.50 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 06°24'28", AN ARC LENGTH OF 59.27 FEET, THE CHORD OF WHICH BEARS NORTH 03°33'07" WEST, 59.24 FEET;

THENCE NORTH 00°20'53" WEST, A DISTANCE OF 540.59 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 31.42 FEET, THE CHORD OF WHICH BEARS NORTH 45°20'53" WEST, 28.28;

THENCE SOUTH 89°39'07" WEST, A DISTANCE OF 15.90 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 11;

THENCE NORTH 00°21'41" WEST ALONG SAID WEST LINE, A DISTANCE OF 96.00 FEET;

THENCE NORTH 89°39'07" EAST, A DISTANCE OF 33.92 FEET;

THENCE NORTH 00°20'53" WEST, A DISTANCE OF 270.43 FEET TO A POINT OF NON-TANGENT CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 71.00 FEET, A CENTRAL ANGLE OF 47°26'54", AN ARC LENGTH OF 58.80 FEET, THE CHORD OF WHICH BEARS NORTH 00°20'53" WEST, 57.13 FEET;

THENCE NORTH 00°20'53" WEST, A DISTANCE OF 664.43 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 31.42 FEET, THE CHORD OF WHICH BEARS NORTH 45°20'53" WEST, 28.28 FEET;

THENCE SOUTH 89°39'07" WEST, A DISTANCE OF 14.15 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 11;

THENCE NORTH 00°21'41" WEST ALONG SAID WEST LINE, A DISTANCE OF 66.00 FEET;

THENCE NORTH 89°39'07" EAST, A DISTANCE OF 1656.07 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 333.00 FEET, A CENTRAL ANGLE OF 31°40'30", AN ARC LENGTH OF 184.09 FEET, THE CHORD OF WHICH BEARS SOUTH 74°30'38" EAST, 181.76 FEET;

THENCE SOUTH 58°40'23" EAST, A DISTANCE OF 356.51 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 267.00 FEET, A CENTRAL ANGLE OF 31°58'58", AN ARC LENGTH OF 149.04 FEET, THE CHORD OF WHICH BEARS SOUTH 74°39'52" EAST, 147.11 FEET;

THENCE NORTH 89°20'39" EAST, A DISTANCE OF 282.03 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 90°00'00", AN ARC LENGTH OF 39.27 FEET, THE CHORD OF WHICH BEARS NORTH 44°20'39" EAST, 35.36 FEET TO A POINT BEING 72.00 FEET, BY PERPENDICULAR MEASUREMENT WESTERLY OF THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11;

THENCE SOUTH 00°39'21" EAST PARALLEL WITH SAID EAST LINE, A DISTANCE OF 876.21 FEET TO THE POINT OF BEGINNING,

SAID PARCEL CONTAINING A CALCULATED AREA OF 5,582,282 SQUARE FEET OR 128.152 ACRES, MORE OR LESS.

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