

Return to:  
City Clerk  
City of Aurora Colorado  
15151 E Alameda Pkwy Suite 1400  
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:
  - 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 Grantees 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 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 29th day of July, 2024.

GRANTOR(S)

By: H. Rickey Wells, DIBC 56th & E470, LLC a Colorado limited liability company managed by L C Fulenwider, Inc.

By: [Signature]

ATTEST:

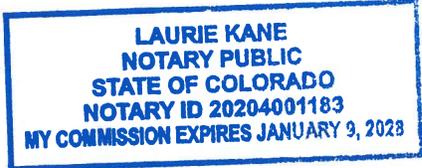
By: [Signature]

STATE OF COLORADO )  
 ) ss.  
COUNTY OF DENVER )

The foregoing instrument was acknowledged before me this 29th day of July, 2024, by H. Rickey Wells (and \_\_\_\_\_), Grantor(s).

Witness my hand and official seal.

My Commission Expires: Jan 9, 2028



AVIGATION EASEMENT

1 OF 2

LAND DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, 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 SOUTH QUARTER CORNER OF SAID SECTION 12, THENCE ALONG THE WESTERLY SECTION LINE OF SAID QUARTER SECTION, N00°20'21"W A DISTANCE OF 110.00 TO THE POINT OF BEGINNING:

THENCE ALONG SAID WESTERLY LINE, N00°20'21"W A DISTANCE OF 1921.18

THENCE S89°24'52"E A DISTANCE OF 996.01 FEET;

THENCE N00°20'21"W A DISTANCE OF 585.01 FEET TO A POINT ON THE NORTHERLY LINE OF SAID QUARTER SECTION 12;

THENCE ALONG SAID NORTHERLY LINE, S89°24'52"E A DISTANCE OF 1139.18 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY E-470 RECORDED AT BOOK 4580 AT PAGE 817;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING NINE (9) CONSECUTIVE COURSES:

- 1) S18°19'15"E A DISTANCE OF 136.11 FEET;
- 2) THENCE 479.81 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 4546.24 FEET, A CENTRAL ANGLE OF 06°02'49", AND A CHORD WHICH BEARS S06°26'23"E A DISTANCE OF 479.58 FEET;
- 3) THENCE S03°24'58"E A DISTANCE OF 234.50 FEET;
- 4) THENCE 319.34 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1608.96 FEET, A CENTRAL ANGLE OF 11°22'18", AND A CHORD WHICH BEARS S02°16'11"W A DISTANCE OF 318.81 FEET;
- 5) THENCE S07°57'20"W A DISTANCE OF 844.17 FEET;
- 6) THENCE 288.37 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1999.86 FEET, A CENTRAL ANGLE OF 08°15'42", AND A CHORD WHICH BEARS S03°49'29"W A DISTANCE OF 288.12 FEET;
- 7) THENCE S00°18'22"E A DISTANCE OF 89.02 FEET;
- 8) THENCE S52°51'23"W A DISTANCE OF 98.58 FEET;
- 9) THENCE S86°52'57"W A DISTANCE OF 878.36 FEET TO A POINT ON THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF EAST 56TH AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, S89°41'27"W A DISTANCE OF 1126.96 FEET TO THE POINT OF BEGINNING ;

SAID PARCEL CONTAINS 110.270 ACRES OR 4,803,366 SQUARE FEET MORE OR LESS.

ALL LINEAL DIMENSIONS ARE IN U.S. SURVEY FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS, STATE OF COLORADO ASSUMED TO BEAR S89°34'38"E AND BEING MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP PLS NO. 38621 AT THE NORTH QUARTER CORNER AND A FOUND 2" ALUMINUM CAP IN RANGE BOX PLS NO. 28649 AT THE NORTHEAST CORNER.

PREPARED BY: DOMINIC BEJARANO

PREPARED BY SCOTT A. AREHART, PLS

FOR AND ON BEHALF OF

MARTIN/MARTIN, INC.

12499 WEST COLFAX AVENUE

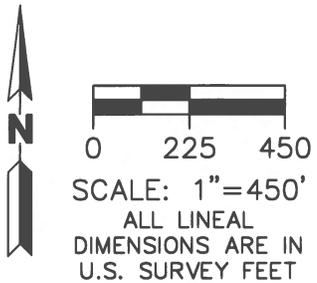
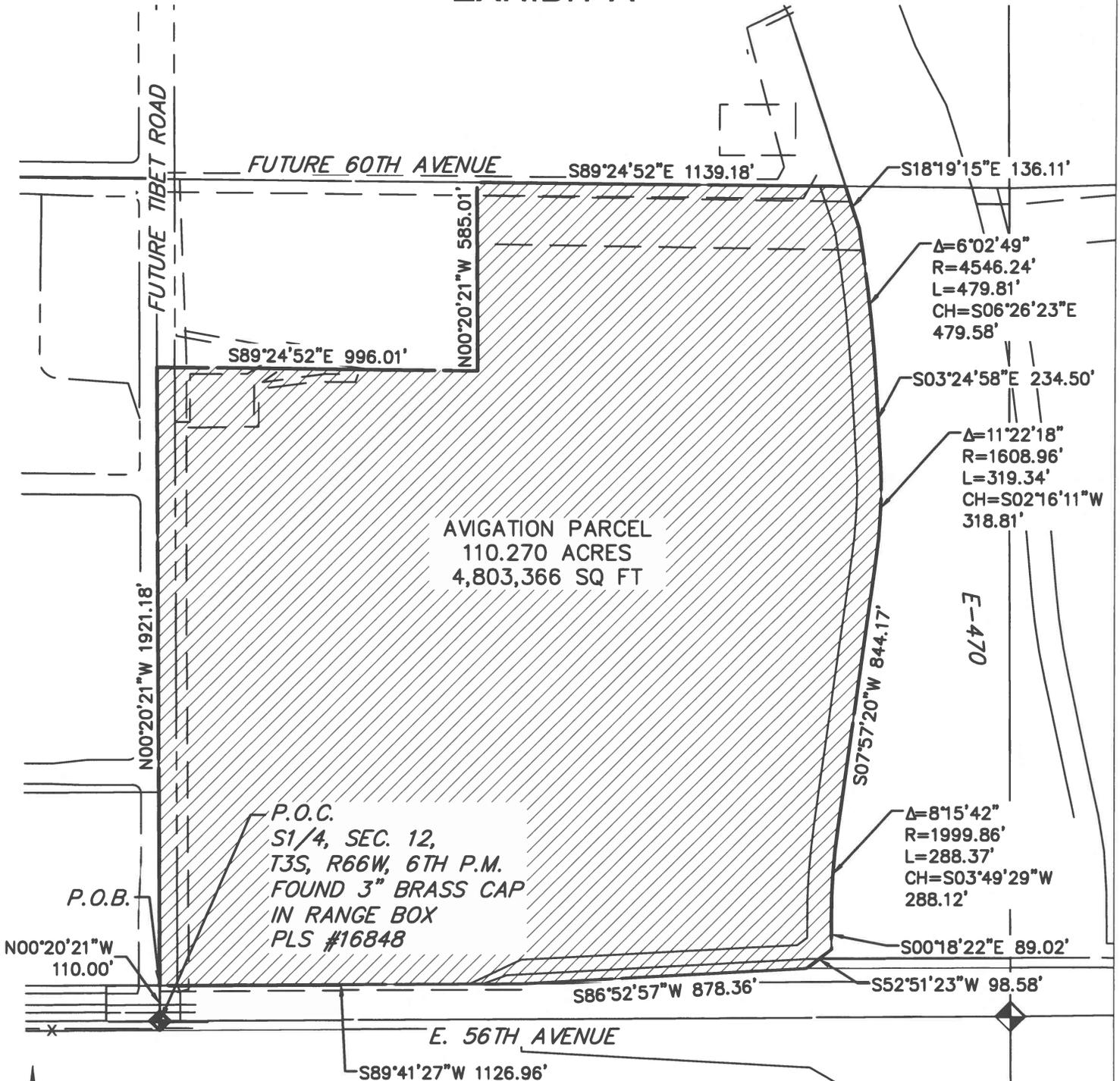
LAKEWOOD, COLORADO 80215

JULY 24, 2024

303-431-6100

PROJECT NO. 24.0659

ILLUSTRATION FOR  
**EXHIBIT A**



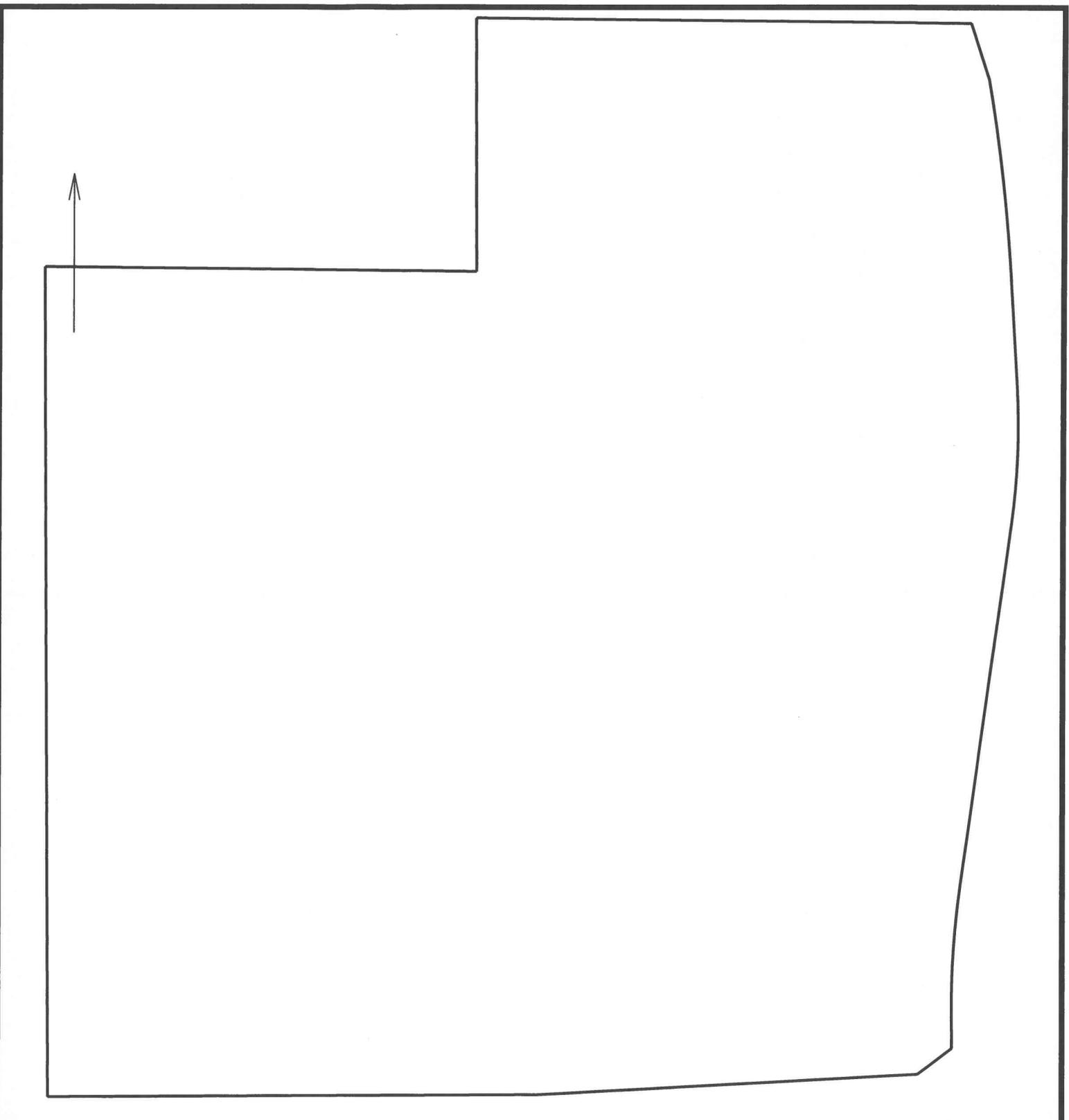
P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING

JULY 24, 20224



12499 West Colfax Avenue Lakewood, Colorado 80215  
survey@martinmartin.com | 303.431.6100 | martinmartin.com

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



7/24/2024

Scale: 1 inch= 306 feet

File:

Tract 1: 110.2701 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=9137 ft.

- |  |                      |
|--|----------------------|
| 01 n00.2021w 1921.18                                     | 11 s00.1822e 89.02   |
| 02 s89.2452e 996.01                                      | 12 s52.5123w 98.58   |
| 03 n00.2021w 585.01                                      | 13 s86.5257w 878.36  |
| 04 s89.2452e 1139.18                                     | 14 s89.4127w 1126.96 |
| 05 s18.1915e 136.11                                      |                      |
| 06 Rt, r=4546.24, delta=006.0249, chord=s06.2623e 479.58 |                      |
| 07 s03.2458e 234.5                                       |                      |
| 08 Rt, r=1608.96, delta=011.2218, chord=s02.1611w 318.81 |                      |
| 09 s07.5720w 844.17                                      |                      |
| 10 Lt, r=1999.86, delta=008.1542, chord=s03.4929w 288.12 |                      |