

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 though, 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 ____ day of _____, _____.

GRANTOR(S)

By: _____

EASEMENT WILL BE EXECUTED AT TIME OF PLAT

By: _____

ATTEST:

By: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____ (and _____), Grantor(s).

Witness my hand and official seal.

My Commission Expires: _____

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 34 AND THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN AND THE NORTHWEST QUARTER OF SECTION 2 AND THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF AURORA, COUNTY OF ADAMS AND ARAPAHOE, STATE OF COLORADO.

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34, MONUMENTED BY A 2.5" ALUMINIUM CAP MARKED "PLS 28285 2013", FROM WHICH THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 34, BEARS SOUTH 00°10'48" EAST, TO THE EAST QUARTER CORNER OF SAID SECTION 34, MONUMENTED BY A 2.5" ALUMINUM CAP MARKED "PLS 28285 2013", WITH ALL BEARINGS HEREIN RELATIVE THERETO; THENCE SOUTH 00°10'48" EAST, ALONG SAID EAST LINE, A DISTANCE OF 30.00 FEET TO THE SOUTHERLY RIGHT OF WAY OF EAST 26TH AVENUE, AS RECORDED IN BOOK 5 AT PAGE 504 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER;

THENCE SOUTH 89°55'08" WEST, ALONG SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 662.77 FEET TO THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED MARCH 21, 1978 IN BOOK 2222 AT PAGE 990 OF SAID RECORDS AND POINT OF BEGINNING;

THENCE SOUTH 00°12'49" EAST, ALONG SAID WEST LINE AND THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER, A DISTANCE OF 2,599.93 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34;

THENCE NORTH 89°42'54" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 661.25 FEET TO SAID EAST QUARTER CORNER OF SECTION 34;

THENCE NORTH 89°54'04" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 2645.84 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 00°13'43" EAST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1921.71 FEET TO THE NORTHERLY RIGHT OF WAY OF THE UNION PACIFIC RAILROAD;

THENCE SOUTH 53°03'48" WEST, ALONG SAID NORTHERLY RIGHT OF WAY, A DISTANCE OF 568.69 FEET TO A TANGENT CURVE TO THE RIGHT;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY AND CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 51°33'20", A RADIUS OF 2664.02 FEET, AN ARC LENGTH OF 2,397.13 FEET AND A CHORD THAT BEARS SOUTH 78°50'28" WEST, A DISTANCE OF 2,317.07 FEET TO A POINT OF TANGENCY;

THENCE NORTH 75°22'52" WEST, CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY, A DISTANCE OF 2,521.05 FEET TO THE SOUTHEASTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN SPECIAL WARRANTY DEED RECORDED MAY 6, 2019 AT RECEPTION NO. 20190000033370 OF SAID RECORDS, AND A LINE 120.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34;

THENCE NORTH 00°18'44" WEST, ALONG SAID PARALLEL LINE, A DISTANCE FO 2,058.48 FEET TO THE NORTHEASTERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN SPECIAL WARRANTY DEED, AND TO A LINE 120.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34;

THENCE NORTH 00°18'49" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 2,606.58 FEET TO SAID SOUTHERLY RIGHT OF WAY OF EAST 26TH AVENUE;

THENCE NORTH 89°55'08" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 1,868.31 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.