

OPD01KNW

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: **EASEMENT (AVIGATION)**

PURPOSE: PUBLIC RIGHT OF FREE AND UNOBSTRUCTED FLIGHT FOR AIRCRAFT

NAME OF PROPERTY OWNER OR GRANTOR: O. P. DEVELOPMENT COMPANY, LLC

STREET ADDRESS/PARCEL NAME/SUBDIVISION (LOT AND BLOCK): THE KNOLLS
SUBDIVISION, FILING #5

PARCEL NO.: 2945-011-45-001, 2945-011-99-001, 2945-014-01-001

FILE NO.: FPP 2000-215

CITY DEPARTMENT: COMMUNITY DEVELOPMENT

YEAR: 2001

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

2 PAGE DOCUMENT

1983119 02/08/01 0236PM
MONIKA TODD CLK&REC MESA COUNTY CO
REC FEE \$10.00
DOCUMENTARY FEE \$EXEMPT

AVIGATION EASEMENT

THIS EASEMENT is made and entered into by and between the WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY, a body corporate and politic and constituting a political subdivision of the State of Colorado, hereinafter called GRANTEE, and O.P. Development Company, LLC hereinafter, GRANTOR.

WHEREAS, Grantee is the owner and operator of Walker Field Airport situated in the County of Mesa, State of Colorado and in close proximity to the land of Grantor, and Grantee desires to obtain and preserve for the use and benefit of the Public a right of free and unobstructed flight for aircraft landing upon, taking off from, or maneuvering about said airport; and

Whereas, Grantor is the owner in fee simple of that certain parcel of land situated in the County of Mesa, State of Colorado, to wit:

The Knolls Subdivision, Filing #5

NOW, THEREFORE, in Consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, executors, successors and assigns, does hereby grant, bargain, sell, and convey unto the Grantee, its successors and assigns, for the use and benefit of the Public, an easement and right-of-way appurtenant to Walker Field Airport, for the passage of all aircraft ("aircraft" being defined for the purposes of this instrument as any device known or hereafter invented, used or designed for navigation or flight in the air) by whomsoever owned and operated, in the navigable airspace above the surface of Grantor's property, together with the right to cause in said airspace such noise and vibrations, smoke, fumes, glare, dust, fuel particles and all other effects that may be caused by the normal operation of aircraft landing at or taking off from or operating at or on said Walker Field Airport, and Grantor hereby waives, remiss and releases any right or cause of action which Grantor now has or which Grantor may have in the future against Grantee, its successors and assigns, due to such noise, vibrations, smoke, fumes, glare, dust, fuel particles and all other effects caused by the normal operation of such aircraft.

Further, Grantor hereby covenants, for and during the life of this easement, that Grantor:

- a) shall not hereafter construct, permit or suffer to maintain upon said land any obstruction that extends into navigable air space required for use of said airport runway surfaces; (Navigable airspace is defined for the purpose of this instrument as airspace at and above the minimum flight altitudes, including take off and landing, as prescribed in Federal Aviation Administration Federal Air Regulations Par 91, and as such regulations are amended.)
- b) shall not hereafter use of permit or suffer use of said land in such a manner as to create electrical or electronic interference with radio communication or

