

WHEN RECORDED RETURN TO:
Chamberlain Associates
225 North 100 East
Richfield, UT 84701

DOC # 00375662

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AVIGATION EASEMENT

This Indenture made this 14 day of August, 2012, between A&D JENSEN CONTRACTORS, a Utah corporation, hereinafter referred to as GRANTOR, and the MUNICIPAL BUILDING AUTHORITY OF RICHFIELD CITY, a Utah non-profit corporation with principal place of business at 75 East Center Street, Richfield, Sevier County, State of Utah (84701), hereinafter referred to as GRANTEE,

WITNESSETH:

The Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good, valuable and adequate considerations, paid by Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate, said property being designated as Parcel 43-F of the Richfield Municipal Airport's Exhibit A Property Map dated May 16, 2006 and modified July 2010, and said property lying within the Westerly Transition Area, as hereinafter described, of the North-South Runway of the Richfield Municipal Airport and situated in the County of Sevier, State of Utah.

The land referred to in this commitment is situated in the County of Sevier, State of Utah, and is described as follows:

BEING PART OF TAX PARCEL NOS. 4-293-42 AND 1-10-41

PARCEL 43F: Beginning at a point South 758.34 feet and West 1353.00 feet and North 88°00'00" West 47.52 feet from the Northeast Corner of Section 2, Township 24 South, Range 3 West, Salt Lake Base and Meridian; thence South 18°28'13" West 691.95 feet; thence North 88°00'00" West 63.13 feet; thence North 663.96 feet; thence South 88°00'00" East 282.48 feet to the point of beginning. Containing 2.63 acres.

Beginning at a point South 1381.55 feet and East 929.68 feet from the North Quarter Corner of Section 2, Township 24 South, Range 3 West, Salt Lake Base and Meridian; thence North 27°00'04" East 142.17 feet; thence South 0°03'40" West 128.56 feet; thence North 88°19'25" West 64.44 feet to the point of beginning. Containing 0.10 of an acre.

(See attached Exhibit "A")

That portion of the above-described property on which the easement is granted is delineated by the shaded area shown on Exhibit A attached hereto and made a part hereof.

The Grantor agrees that they, their heirs, successors and assigns shall not hereafter erect, or permit the erection or growth of any structure, tree, or other object within the described easement to a height above the Runway 1/19 Transitional Surface being hereinafter described.

The Grantor further agrees that the easement and rights hereby granted to the Grantee are for the purpose of ensuring that said Runway 1/19 Transitional Surface area shall remain free and clear of any structure, tree, or other object which is or would constitute an obstruction or hazard to the flight of aircraft in landing and taking off at the said Richfield Municipal Airport; that these rights shall include, but not be limited to the following:

1. The continuing and perpetual right to cut or prune any portion of trees, bushes, shrubs, or any other perennial growth or undergrowth extending into, or which in the future could infringe upon or extend into or above, the Runway 1/19 Transition Surface, hereinafter described.

2. The right to remove, raze, or destroy those portions of buildings, other structures and land infringing upon or extending into said Runway 1/19 Transitional Surface, together with the right to prohibit the future erection of buildings or other structures which would infringe upon or extend into said surface.

3. The right to mark and light as obstructions to air navigation, any and all structures, trees or other objects that may at any time project or extend above said surface.

4. The right of ingress to and egress from, and passage over the land of the Grantor within the Runway 1/19 Transitional Surface, hereinafter described, for the above purposes.

5. For the use and benefit of the public, the right of flight for the passage of aircraft in the airspace above the Runway 1/19 Transitional Surface, hereinafter described, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in air, using said airspace or landing at, taking off from or operating on Richfield Municipal Airport.

6. None of the foregoing provisions shall include the right to remove, raze or destroy buildings and structures now standing or which may be constructed or portion thereof which do not extend into the transitional surface area, without adequate compensation to the Grantor.

The Runway 1/19 Transitional Surface is delineated and described as follows:

The Runway 1/19 Transitional Surface is an area that extends outward and upward at right angles to the Runway Protection Zone at a slope of 7 to 1 to an overall height of 35 feet above the runway centerline elevation. It begins at the edge of the Runway Protection Zone and extends to the 35' Building Restriction Line. The Runway Protection Zone is trapezoidal in shape and centered about the extended runway centerline. It begins 200 feet from the runway end and is 1,700

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feet long, 500 feet wide at the inner width and 1,010 feet wide at the outer width. Said 35' building restriction line being 495 feet from the runway centerline extended.

TO HAVE AND TO HOLD said easement and all rights appertaining thereto unto the Grantee, its successors and assigns, until said Richfield Municipal Airport shall be abandoned and shall cease to be used for public airport purposes.

IT IS UNDERSTOOD AND AGREED that these covenants and agreements shall run with the land and shall be binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and that the purpose of this instrument, that the property shown in Exhibit A and described herein which lies within the transition surface area shall be the servient tenement and said Richfield Municipal Airport shall be the dominant tenement.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 14 day of August, 2012.

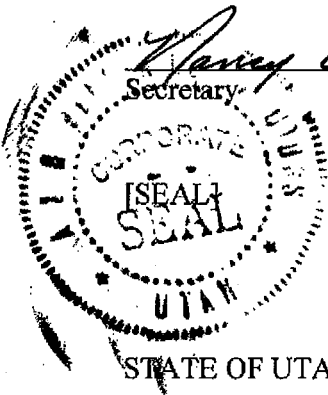
A&D JENSEN CONTRACTORS

By

President

ATTEST:

Secretary



STATE OF UTAH)

COUNTY OF SEVIER)

: ss.

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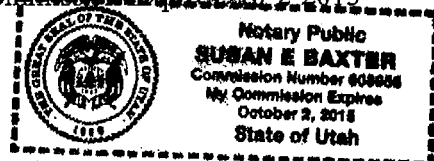
On this 14 day of August, 2012, before me, a notary public in and for the State of Utah, DAVID L. JENSEN and NANCY JENSEN, the President and Secretary of A&D JENSEN CONTRACTORS, who duly acknowledged to me that they executed the foregoing Avigation Easement freely and voluntarily and for the uses and purposes state herein, pursuant to a resolution of the governing body of said corporation.

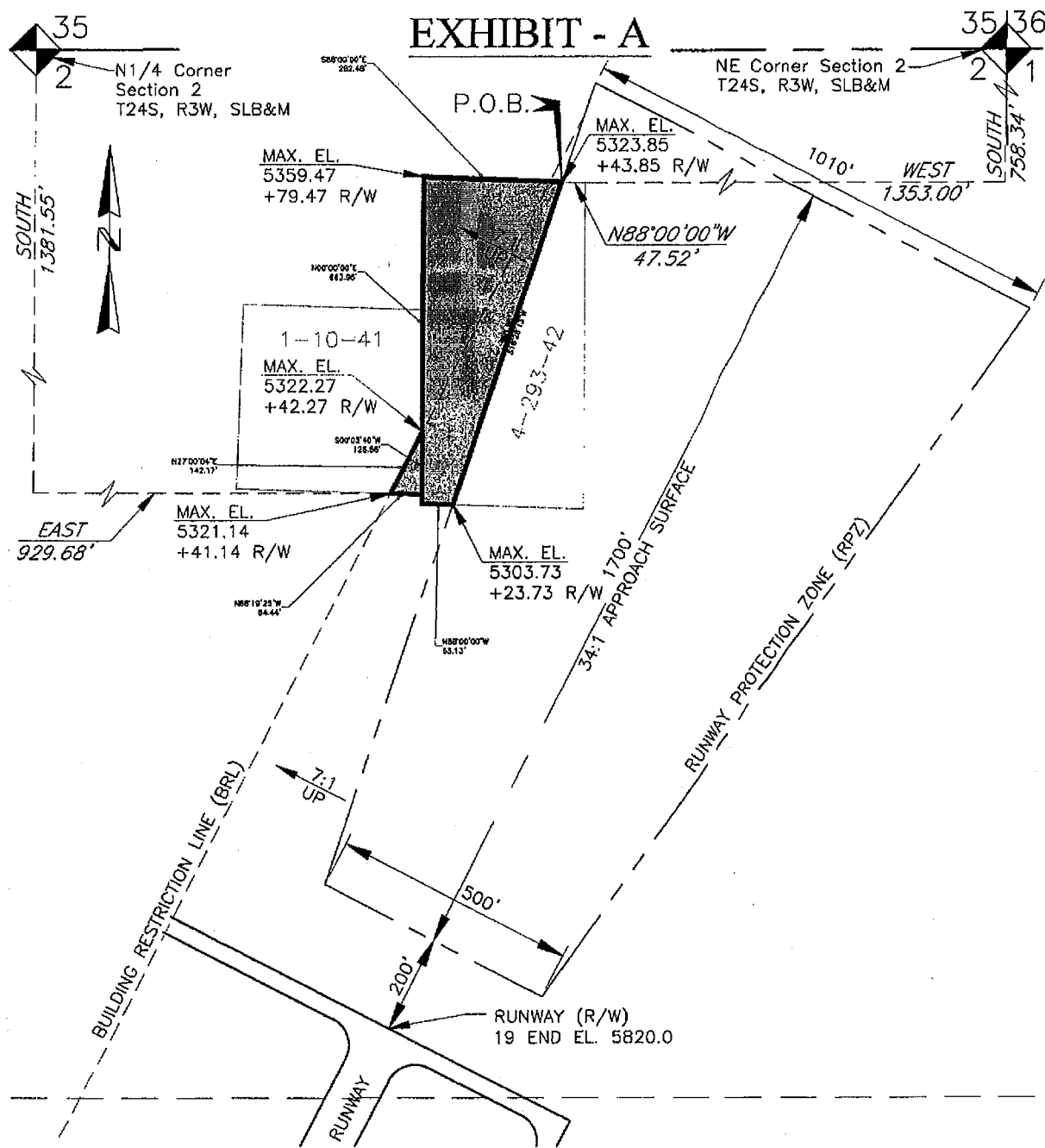
Susan E. Baxter

Notary Public

Residing at: Richfield, Utah

My Commission Expires: 10-2-2015





Easement Description

43F - A & D Jensen Contractors

Beginning at a point South, 758.34 feet and West, 1353.00 feet and N88°00'00"W, 47.52 feet from the NE Corner of Section 2, T24S, R3W, SLB&M; thence S18°28'13"W, 691.95 feet; thence N88°00'00"W, 63.13 feet; thence North, 663.96 feet; thence S88°00'00"E, 282.48 feet to the point of beginning. Containing 2.63 Acres.

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Beginning at a point South, 1381.55 feet and East, 929.68 feet from the North 1/4 Corner of Section 2, T24S, R3W, SLB&M; thence N27°00'04"E, 142.17 feet; thence S0°03'40"W, 128.56 feet; thence N88°19'25"W, 64.44 feet to the point of beginning. Containing 0.10 Acres.

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