

REQUESTED BY
Stewart Title of Douglas County
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

2004 DEC 21 AM 11:20

WERNER CHRISTEN
RECORDER

\$ 16 PAID *KJ* DEPUTY

Record and when recorded return to
Douglas County District Attorney
P.O. Box 218
Minden, NV 89423
APN 1320-08-001-010

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Declaration of Avigation Easement

This Declaration of Avigation Easement is made by Douglas County, a political subdivision in the State of Nevada, Declarant.

The Declarant has purchased a parcel of real property situated in Douglas County, Nevada, hereinafter described, from Grace Community Church, for the purpose of establishing a runway protection zone for the Minden Tahoe Airport, an agency of Douglas County, Nevada. The purpose of this Declaration of Avigation Easement is to encumber the property with a perpetual easement as set forth herein. The property subject to this easement is more particularly described as 3A-2 on the Parcel Map for Grace Community Church, recorded December 13, 2004 in the official records of Douglas County, Nevada, File No. 631676, Book 1204, Page 5279. In consideration of the funding for the purchase thereof, and in order to create a permanent condition, covenant and restriction of record, and, for other good and valuable consideration, Declarant, for itself, its successors, lessees and assigns, hereby establishes and encumbers upon the described property a perpetual avigation easement as follows:

This easement applies to the Airspace above an imaginary plane over the real property and the Runway Protection Zone on the ground. The plane is described as an imaginary plane above the described real property, as defined by Part 77 of the Federal Aviation Regulations, and consists of a plane, the elevation of which is based upon the Minden-Tahoe Airport official runway end elevation of 4718 feet Above Mean Sea Level (AMSL).

This easement is for, but is not limited to, the following:

- (1) The use and benefit of the public for the free flight and passage of any aircraft, of any and all kinds now or in the future known, in, through, across, or about any portion of the described Airspace.
- (2) The right to cause or create, or permit within all space above the existing surface of the described real property and any and all Airspace laterally adjacent to the real property, such noise (which could exceed levels of DNL 65dB or greater), vibration, fumes, odors, currents and other effects of air, interference with television, radio, or telephone signals, illumination, and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or in the future known or used, for navigation of or flight in air.

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(3) The Declarant agrees not to interfere with radar, radio or other systems for tracking, communicating with monitoring or controlling aircraft; construct or maintain lighting that interfere with the ability of the aircraft pilot to distinguish between the airport lights and Declarant's lights; or create or maintain a wildlife hazard, as defined by the CFR title 14, part 139 as amended.

(4) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures, or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of the buildings, structures, improvements, trees, or other things which extend into or above the Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace.

(5) 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 which extend into or above the Airspace.

(6) The right of ingress to, passage within, and egress from the real property, for the purposes described in subparagraphs (4) and (5) above at reasonable times and after reasonable notice.

On behalf of itself, its successors, lessees and assigns, the Declarant covenants for the direct benefit of the Minden-Tahoe Airport, that neither the Declarant, nor its successors in interest, lessees or assigns will construct, install, erect, place or grow in or upon the real property, nor will they permit to allow, any building structure, improvement, tree or other object which extends into or above the Airspace, or which constitutes an obstruction to air navigation, or which obstructs or interferes with the use of the easement created by this instrument.

The easement granted is both appurtenant to and for the direct benefit of that real property which constitutes the Minden-Tahoe Airport, in Douglas County, State of Nevada; and is deemed in gross, being reserved to the Declarant for the benefit of the Declarant and for any and all members of the general public who may use the easement, in landing at, taking off from or operating an aircraft in or about Minden-Tahoe Airport, or in flying through the Airspace.

These covenants and agreements run with the land and are binding upon the successors, lessees and assigns of the Declarant, and, for the purpose of this instrument, the real property described above is the servient tenement and Minden-Tahoe Airport is the dominant tenement.

Dated: 12/20/04

